

First Quarterly Report on the Situation of Freedom of Expression in Egypt

January – March 2019

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Contents

- Report Methodology	4
- Introduction	4
- Section I. Review of situation of freedom of expression	6
Chapter I:	6
Constitutional amendments involve 12 articles and 8 additional ones	6
Allowing current president to remain in power	7
Encroachment on judiciary authority	7
Armed forces supervise democracy	10
Several violations accompanied the process of constitutional amendment	11
Chapter II:	13
Penalty list of the High Media Council... all the roads lead to fines	13
- Section II. Presentation and analysis of patterns of violations of freedom of expression	16
Press and media freedom	17
Digital rights	20
Freedom of creativity	23
- Conclusion	26

Report Methodology

The report was based on the presentation and analysis of some issues related to the right to freedom of expression and freedom of information, in order to assess the general policies of state institutions, including the legislative establishment, towards the right to freedom of expression and freedom of information. The report also adopted data on violations documented in accordance with the [AFTE monitoring and documentation methodology](#). The violations were documented from 1 January 2019 to 31 March 2019. The report also analyzes patterns of violations, with a view to demonstrating the impact of public policies on the right to freedom of expression.

Introduction

This report deals with the presentation and analysis of the first quarter of 2019, which starts from the beginning of January and ends at the end of March. During this period, a number of parliamentarians introduced a bill to amend the articles of the constitution, which aims to allow President Abdel Fattah al-Sisi to continue to rule for a longer period than his second term, which is supposed to end in 2022, in addition to a number of other amendments to the 2014 constitution. It is planned to invite citizens to a referendum by the end of April.

The report is based on an attempt to review developments in the constitutional amendment and attempts to explain the impact on the state of freedom of expression in Egypt and the authorities' practices towards critical and opposing voices. In its first section, the report completes the reading of the state of freedom of expression by addressing the «penalties list» issued by the Supreme Media Council, which regulates the violations and penalties approved by the Council against the press and media institutions, especially that the council has already begun implementing the penalties after it decided to block Elmashhad magazine. The report will also discuss the contents of these laws and articles, which aim to restrict the freedom of media and digital rights, and to prosecute journalists and activists with a large number of penalties and obstacles.

The report also includes a space for presenting and analyzing the decisions of the Artists' union to end the membership of artists Khaled Abu El Naga and Amr Waked, after accusing them in an official statement from the Council of High Treason, against the backdrop of their participation in a meeting with a delegation from the US Congress on constitutional amendments, which is

considered unacceptable of a trade union body, whose role is supposed to defend the rights of its members and protect their interests, rather than to settle political accounts with artists who hold ideas opposed to prevailing political trends.

The second section of the report reviews patterns of violations of three main areas: freedom of the media, digital rights and freedom of creativity, in order to reach conclusions, through which the reader can stand on the motives of official authorities in violation of freedom of expression. The violations documented by the Monitoring and Documentation Unit of the Foundation for Freedom of Thought and Expression are of great importance in this report. Therefore, the report provides in the attached articles the full articles of these violations.

Section I. Review of situation of freedom of expression during the first quarter of 2019

Chapter 1

- **Constitutional amendments involve 12 articles and 8 additional ones**

Despite the approaching fate of the referendum on the constitutional amendments scheduled around the end of April, the final formulations of the amendments have not yet been announced. The first quarter of 2019 witnessed a provisional [approval](#) by parliament of the request to amend the constitution, according to article 135 of the internal bylaws, with a two thirds majority of its members. 485 members out of 596 agreed, after discussions that extended over three consecutive sessions, that lasted more than 10 hours according to the parliamentary news agency.

In its article 226 the 2014 constitution detailed the stages and determinants of the amendment of the constitution:

The first stage (accomplished): the president of the republic or one fifth of the members may request one or more article of the constitution, which should be mentioned in the request and the reason thereof. In call cases, parliament will discuss the request within 30 days of its receipt. Parliament then announces its approval of the whole or part of the request with a majority of votes. If the request is denied the same request cannot be made again except in the next parliamentary season.

The second stage (accomplished): If parliament agrees to the amendment request, the texts of the relevant articles are to be discussed within 60 days of the approval.

The third stage (ongoing): If two thirds of the membership approved the amendments, they are presented in a referendum to the voters within 30 days of that approval. The amendments are enforced since the day of the declaration of the results, with a majority approval of correct votes cast in the referendum.

Constitutional condition: “In all cases, articles related to the re-election of the president or those related to principles of freedom and equality cannot be amended except if the amendment is accompanied with more safeguards.”

Despite the constitutional and legislative debate that arose surrounding the amendment of articles

related to the reelection of the president, parliament approved the amendment in principle, in what AFTE considers to be a flagrant violation of the constitution which received great majority of voters in 2014. It is also a deliberate twist in the constitutional text to allow President El Sisi, personally, to continue in power until 2034. He may even reclaim the position after being replaced them by another for one presidential term.

- Allowing current president to remain in power

The proposed amendment of article 140 of the 2014 constitution states that: “the president is elected for a period of 6 years and cannot be reelected for more than two terms.” The proposal includes two amendments to that single article. The first is related to an extension of the duration of a term from 4 to 6 years. The second replaces the sentence “cannot be reelected except once”, with another “cannot hold the role of president for more than two subsequent terms” which means that the president may occupy the position after conclusion of his two terms, in case another person occupies it for a single term. This confirms the concern of AFTE, which it shares with several observers and civil society organizations in addition to political groups and parties that the amendments are “tailored” to serve the current head of the executive authority. The proposal is accompanied by a transitional clause, according to the amendments of article 140, which allows him, alone, to retrospectively benefit from the amendment by allowed him to remain in power for an additional 12 years after conclusion of his second term in 2022.

- Encroachment on judiciary authority

On more than once occasion AFTE had expressed its major concern regarding the wide encroachment by the head of the executive authority during the past few years over the independence of the judicial authority, violating the principle of separation between authorities and concentrating power in the hand of the president. The amendments proposed the addition of a paragraph to article 185 of the constitution, which regulates the appointments of heads of judicial bodies, since it provides the president of the republic the right to appoint heads of judicial bodies and agencies from 5 names proposed by their respective higher councils. Candidates must be among the seven most senior of representatives of those bodies. Before the amendment, their appointment was based on the choice of the higher judicial council. The amendment also included the addition of another paragraph that stipulates the formation of a higher council for judicial bodies and agencies, that is chaired by the president of the republic to be replaced by the minister of justice in the case of the president’s absence. The council is concerned in looking into conditions of appointment within the judicial authority.

Suggestions also included an amendment of article 189 concerning the choice of the public prosecutor. According to the proposed amendment the president will be authorized to choose the public prosecutor from among three candidates to replace the current arrangement where the choice of the public prosecutor was the exclusive right of the higher judicial council. The authority of the resident was limited to approval of choice.

Another amendment applied to article 193 concerning the formation of the high constitutional court and appointment of its president. According to the proposed amendment the president would have the right to choose the president and his deputy, after formerly having been only a procedural matter.

The administrative judiciary did not escape the guillotine of the amendments. The proposals included amending Article 190 of the Constitution concerning the establishment of the Council of State, allowing the Parliament in both chambers, if the amendments were adopted, to choose whether or not to submit bills to the Council. This submission was mandatory before the amendment. The Government shall also not be required to refer to the Council of State in respect of draft contracts to which the State or public bodies are a party. It is worth mentioning that the report of the Legislative Affairs Committee on the proposals and views submitted on the constitutional amendments has been confirmed by the necessity of maintaining the powers of the Council of State as it is without derogating from or modifying this article.

Hassan al-Azhari, director of the AFTE Legal Unit, commented on the constitutional amendments concerning the judiciary. He said that the constitutional amendments were generally to deal with legislative crises that the executive and legislative branches have undergone during the past period, where amendments to the texts of the laws did not provide an effective solution. The constitutional violation of these constitutional changes has been the subject of these legislative changes, which can be said to have been vastly superior to those of the President - and not the entire executive branch or to the rest of the authorities. So these are not expected to be recent changes but have become urgent during this time.

Al-Azhari added: Concerns about the constitutional suspicions surrounding many amendments to the current laws have increased, especially after appeals were filed concerning the appointment of the President of the Republic to a number of heads of judicial bodies. Most of the appeals have been made against the unconstitutionality of the provisions relating to the authority of the President, which hastened the proposal of the amendments to the constitutional texts themselves.

Azhari stressed that the proposed constitutional amendments on the judiciary have two main objectives. The first concerns the change of the role of the President of the Republic from the procedural approval of appointing the heads of the judicial bodies. This means agreeing to the outcome of the judicial mechanism operating internally, whether through seniority or internal selection, to an explicit authority that gave the President the choice of more than one candidate, giving the President the power of preference, which imposes self-censorship on the conduct of the persons of the candidates, which will be the subject of a study by the President of the Republic and the supporting bodies, and which will naturally reflect on the exercise of their work, which contributes to the erosion of the independence of the judiciary.

The second objective was to try to eliminate the State Council, the beginning of which was with the enactment of the Law on the challenge of State contracts. * The ruling regime worked to balance the judicial role of the State Council to control the legality of decisions and contracts, and the “jurisprudential” role of expressing opinion - non-binding –thus depriving litigants the right to seek their natural judge to appeal administrative contracts, which mostly address management of public facilities. through prior legal review of contracts. The Law on the Appeal of Contracts looted the right of litigants to appeal to their natural judge in order to challenge administrative contracts, most of which relate to the operation of the public facility. The law has also withheld the power of the Council of State to hear such appeals. The only exception is the Council of State’s role in reviewing the contracts. The amendments restrict this last role, so that the administrative actions in the largest area are far from the State Council, whose role will be restricted in this way to minor disputes between individuals and the administrative apparatus in the state to obtain some rights.

The other matter related to the Council of State is the role of reviewing the laws before the approval of parliament. The amendments aim at causing the Council to express its opinion on the draft laws, and the rejection here is linked in two ways. The first is the ascetic view of the ruling authorities and their objection to the presence of a censor on their proposals after it has tightened controloverparliament; and the second is related to the concerns of the executive branch that the comments of the State Council may be an embarrassment to the proposed law. In fact, since the adoption of the last constitution, the role of the Council in revising the laws has not played an important role. It has become a major organizational role for the absence of instruments of obstruction and objection. However, the performance of the Council and its history as a whole is not guaranteed and the state decided it was best to take all possible precautions to reduce its role in public life.

- Armed forces supervise democracy according to the constitution

The proposed amendments in this regard address three articles, (234 ,204 ,200). Amendment of Article 200 provides for the addition of “the maintenance of the Constitution, democracy, preservation of the basic foundations of the State and its civilian nature, the gains of the people, the rights and freedoms of individuals” to the roles of the armed forces. The Foundation for Freedom of Thought and Expression asserts that this amendment aims at legitimizing the intervention of the armed forces in political and public affairs.

The amendments also included Article 204 concerning the jurisdiction of the military judiciary. The proposed amendment added “the attack on installations protected by the armed forces” under the pretext of the military prosecution of civilians. Before the amendments it was only limited to direct attacks on military installations. According to the Foundation for Freedom of Thought and Expression, this amendment, as well as the expansion of the jurisdiction of the military judiciary in the trial of civilians, which deprives defendants of several safeguards for a fair trial, it also came to transfer legal protection to facilities under the protection of the army to the constitutional rank, after the protection was limited to the Protection of Facilities by Law No. 136 of 2014. The constitutional provision was amended to legitimize the expansion of the base of civilians at risk of trial before military courts. On November 6, 2017, the Official Gazette published the provisions of the Supreme Constitutional Court with regard to the jurisdiction of the natural judiciary alone, in view of issues of protest and assembly, and the lack of jurisdiction of the military judiciary in this type of case. In light of the application of the Protection of Enterprises Law No. 136 of 2014, the court specified certain crimes committed by civilians to military justice, in accordance with the provisions of article 204 of the Constitution.

The Court stated in its merits that the Constitution adopted a personal and spatial criterion for the jurisdiction of the military judiciary to try civilians for crimes committed in their capacity as civilians on military facilities, military camps and installations. The second paragraph of Article 204 included the rules governing the jurisdiction of the military judiciary to try civilians before it, mostly that the crime committed be a direct attack on military installations or camps of the armed forces or the like.

The proposed amendment to Article (234) made the approval of the Supreme Council of the Armed Forces on the appointment of the Minister of Defense mandatory and for an indefinite period, having been conditional by two full terms from the date of the Constitution (Constitution 2014).

The proposed constitutional amendments included other articles, most notably the restoration of the post of vice president, but with revocation of his powers. It also included seven new articles governing the election of a senate council and defining its terms of reference. As well as amendments to parliamentary representation of particular groups, such as women, youth and Copts, without requiring a specific period of time.

It should be noted that the first quarter of this year also witnessed the conclusion by parliament of 4 sessions of community dialogue on the constitutional amendments, included political and judicial figures and representatives of various bodies and institutions. However, significant sectors of these groups have expressed their rejection of the dialogue, which is considered to be nothing more than a show. They also stressed the absence of fair representation of different groups and their doubts about the feasibility and outcomes of those meetings. In this context, the Foundation for Freedom of Thought and Expression stresses that the process of amending the Constitution is proceeding hastily and that community dialogue has been limited and does not represent the living forces and the real stakeholders.

- **Several violations accompanied the process of constitutional amendment**

The constitutional amendment process has been accompanied by numerous violations committed by security and trade union bodies against Egyptian citizens who have exercised their constitutional right to criticize the proposed amendment and to reject it by any means of intention, even if through personal posts on their pages of social networking sites, in an attempt by the Egyptian authorities to pass the amendments without much opposition, which is confirmed by the state of mobilization and the crude alignment of the official and private media and press to promote the amendments and their role in achieving stability and the interests of the homeland and society, and give the opportunity to one opinion only, in favor of constitutional amendments, at the expense of ignoring and exclusion of the voices of opposition.

Where security forces [arrested](#) four members belonging to Eldostour Party, from the governorates of Cairo, Giza and Aswan, after announcing their rejection of the constitutional amendments. On February 22, 2019, Ahmad al-Rassam, party information secretary, and Ramadan Abu Zeid, a member of the party's higher committee in Minya Governorate, who were arrested during their departure from the party's general secretariat meeting from the party's headquarters in Dokki. Hilal Samir was arrested from his home in Cairo governorate, and Jamal Fadel was also arrested from his home.

The Supreme State Security Prosecution decided to detain them on two separate counts. The prosecution charged Ahmad al-Rasam, Hilal Samir and Jamal Fadel, of joining of a terrorist group in high state security case No. 277 of 2019. Ramdan Abu Zeid was detained in case no 1739 for the year 2018 accused of involvement with a terrorist group in achieving its purposes, and the use of a special account on social networking sites to disseminate and broadcast false news and rumors intended to harm national security. Two of them had posted videos on the “Egyptian position” website on the social networking site “Facebook” to express their rejection of the constitutional amendments.

The [union](#) of acting professions had canceled the membership “Khalid Abu Alnaga” and “Amr Waked”, during a meeting of the Council of the Bar held on March 26 last. The union said in a [statement](#) issued on Wednesday that the two members committed high treason against the country and the Egyptian people. This came against the backdrop of the presence of Amr Waked and Khaled Abu al-Naga in a hearing in the US Senate, which dealt with the situation of human rights in Egypt, as well as against the background of their positions against the constitutional amendments and the ruling regime.

AFTE asserts that this decision contravened Law No. 35 of 1978 on the establishment of trade unions and unions of acting, cinematic and musical professions. Disciplinary decisions were taken against members without an internal investigation into the charges, which is a violation of the procedural rules that oblige all administrative bodies to take the necessary investigation procedures before signing any penalty. It also violated the text of article 12 of the same law that specified termination of membership cases, none of which contained the facts against which Waked and Abu Naga were charged.

Also, the two MPs, Khalid Yousef and Haitham Hariri, were subjected to arbitrary prosecutions after officially declaring their opposition to constitutional amendments. On the one hand, personal sex videos were leaked, which film director Khaled Youssef said were stolen from his phone, after which he was accused of practicing debauchery and incitement to immorality and dishonesty, which forced him to travel to France for fear of exploiting those accusations to settle political accounts with him. On the other hand, a video clip was leaked to MP Haitham Al-Hariri, following a [complaint](#) that demanded to lift his immunity and investigate him on charges of inciting sexual violence and harassment by telephone.

In the same context, the judge of the Court of Urgent Matters, Counselor Ali Sharafeddine, [decided](#) to reject the request of organization of a protest called for by the “Civil Movement” before

the House of Representatives, which was scheduled to be held on Thursday 28 March. The court ruled to support the decision of the Minister of Interior to cancel the planned activity, on the basis of the threat to the public security, in order to place it in a place contrary to the decision of Cairo Governorate, No. 13867 of 2013 to identify the area of demonstrations next to the park of Fustat. They added that the event may be infiltrated by terrorist elements that would attack participants. Six opposition party leaders and a deputy parliamentarian, and a lawyer had applied apply for a demonstration permit from the SayedaZeinab police station near the House of Representatives.

Chapter 2

Penalty list of the High Media Council... all the roads lead to fines

On March 18, 2019, the Supreme Council for Media Regulation issued Resolution No. (16) for the year 2019 concerning the issuance of a list of sanctions and measures that may be signed by the entities subject to the provisions of the Press and Information Regulation and the Supreme Council for Organizing Media No. 180 of 2018. The provisions of this regulation are to be enforced in the case of irregularities by private and state-owned press and media outlets, whether printed, visual or digital, according to the text of Article 1 of the Regulations. However, by reviewing the law regulating the press and the media, it is found that such penalties can be imposed on violations that also occur through the private accounts of citizens on social networking sites that have more than 5000 followers.

The penalties imposed by the Council on the press or media institutions in the event of committing the offenses mentioned in the Regulations include the imposition of a fine of LE 5 million, the temporary or permanent blocking of the material or means, and the authority of the Supreme Council to permanently revoke the press or media license.

This chapter attempts to shed light on the most important aspects of the sanctions list, in accordance with the vision of the Foundation for Freedom of Thought and Expression, and to try to measure their impact on the state of freedom of press and media in general, as well as the rights of those involved.

Main comments on the sanctions list

-The Supreme Media sanctions list witnessed an exaggerated expansion at the level of the authorities of the Council in imposing fines on press and media institutions. The fine in most

articles of the law reaches a quarter of a million pounds. This was objected to by the Council of the Journalists Syndicate in the memorandum of its observations on the list, sent by the President of Journalists union to the Supreme Council, on 13 February 2019, where it stressed the demand to cancel all financial fines for contradicting with the law, unless the State Council approved its legality, suggesting a maximum of 100 thousand pounds, not 500 thousand pounds, as proposed by «higher media council». However, the council issued the final version of the regulation, including fines of up to a quarter of a million pounds in disregard of the claims of journalists.

- In most of its articles, the “sanctions list” lacked the principle of proportionality between the offenses committed and the penalties imposed on them. It imposed deterrent penalties for acts carried out by the journalist or media during their daily work. For example, article 6 of the regulation punishes the press or media outlet, regardless of its outlet, of revoking its license or blocking the website permanently, in case of re-broadcasting or publishing the infringing material under another name or circumventing the implementation of the decisions of the Council. In the view of the Foundation for Freedom of Thought and Expression sanctions such as temporary or permanent blocking, as well as revocation of licenses or considering them null and void should not be under the authority of the Supreme Council, but exclusively the responsibility of the administrative judiciary, especially since the “sanctions list” was not a requirement of the media license or the establishment of the website.

- Article (22) of the regulation also stipulates that if the rules of press or media coverage of military or security operations or terrorist incidents are not complied with, the Council may prohibit publication, transmission or order temporary blocking. In the case of the gravity of the violation, according to the assessment of the Board, it may suspend or cancel the license.

- The sanctions list is characterized by vague and loose terms and phrases that are subject to personal and political interference in their interpretation, especially since Egyptian laws do not contain any specific definition, which challenges the legitimacy of the penalties based on them, so that the person concerned could be aware of and informed of the violation that may result in punishment.

For example, the sanctions list punishes media and press institutions and outlets, and gives the Supreme Council the right to refer the journalist or media person to his union for investigation, if the following is committed:

Violation of a right of citizens or violation of their freedoms, violation of public order or public morals, or advocacy of immorality, defamation, slander, defamation, questioning of financial

claims, violation of private life of citizens, fraud of the public, fabrication of false facts or charges without evidence, hurting the feelings of the public, threatening the unity of the national fabric, harming state institutions, harming public interests, stirring up the masses, insulting the other opinion, or transferring information from websites without verifying their authenticity, hosting unqualified personalities or presenting them to the public contrary to the truth, conduct or allow, discussions or dialogues that generalize individual cases as a general phenomenon, consequent harm to the right of the citizen to the press and the media free and fair and a high degree of professional standard, compatible with the Egyptian cultural identity. Through these words, every journalist, or media person and every media or press outlet may be subjected to harassment and punishment for acts that are part of the daily journalistic work, which makes it a tool to restrict the independent and professional press movement, and monitor and revise all media content directed to the public.

The Sanctions Regulations also gave the President of the Supreme Council exceptional authority to impose sanctions on violators, without being determined by court controls, which is a misuse of power, and jeopardizes the interests of those involved in the profession. Article 7 of the Regulation states that “Decisions of the sanctions shall be issued by the President of the Council after the approval of the Council, and in cases of necessity or urgency or for reasons of preserving the requirements of national security, the decision can be made without consultation with the council, to be presented to the council within 15 days and for the later to make a decision within 15 days of its submission.

Article 27 contests the legitimacy of penalties approved by the sanctions list. It provided the council with an authority that is not within its mandate according to the media regulating law and the high media council law no. 180/2018, since it allowed the council to directly punish the journalist or media person, while the law limited their punishment to their respective union. The authority of the council should stop at referring them to their union for investigation, stating that “in case of violation of the Code of Professional Honor or the standards of the Council or codes, the commission of a criminal offense or incitement to it, violation of the law and regulations, or provocation of the public or damage to the interests of the State and considerations of national security, the council may ban the media person or an individual from appearing in the media for a specified period.

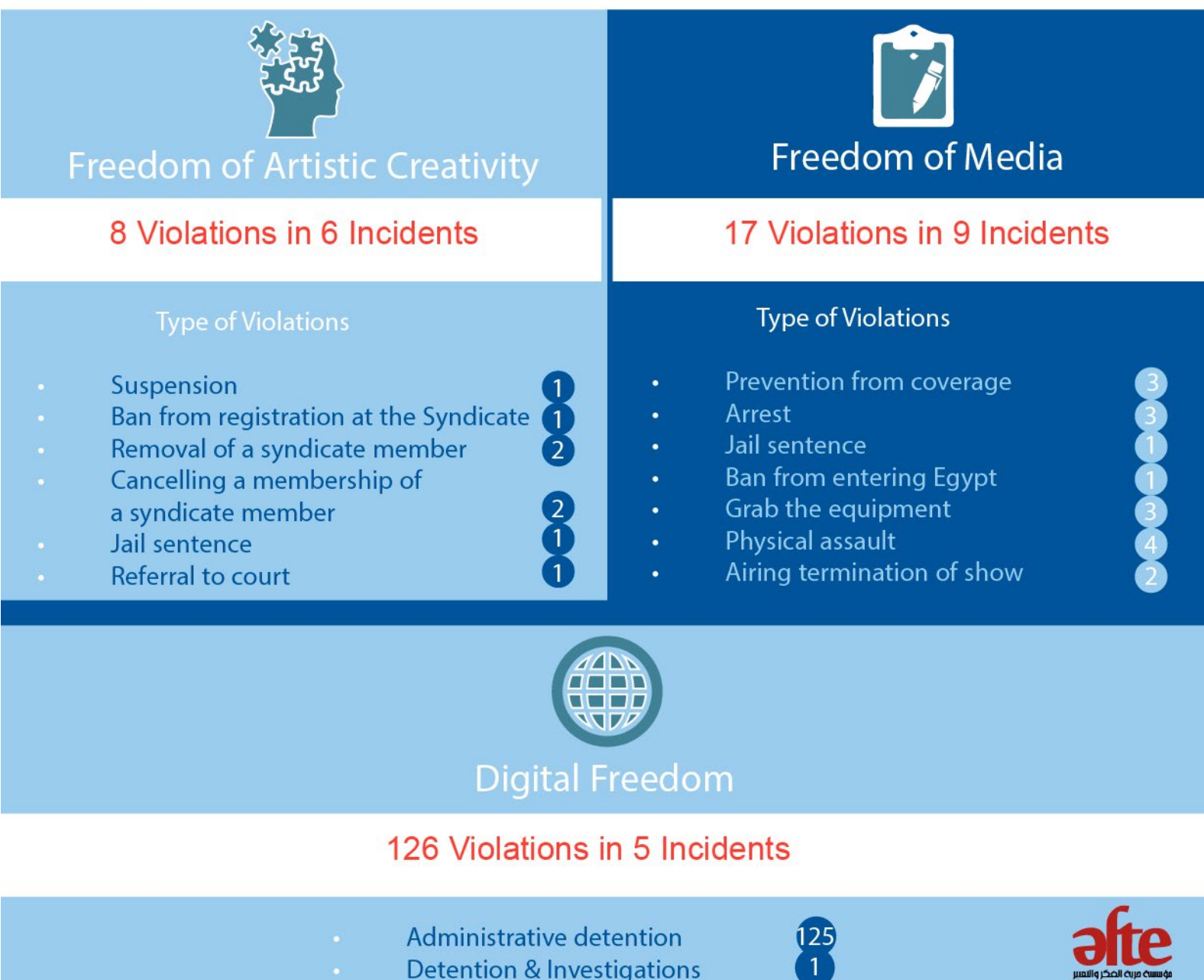
The “sanctions regulation” also stipulates that “grievances shall be submitted within 15 days of the issuance of the sentence and shall be considered by a committee constituted by the Council”, which makes the Supreme Council a rival and a judge at the same time, thus rendering an appeal meaningless and deprives the council of objectivity and credibility of its decisions.

Section II. Review and analysis of patterns of violations of freedom of expression

In section II, the report addresses in detail violations of freedom of the press and media, digital rights and freedom of creativity. It analyzes the developments in patterns of violations in relation to past practices of the current authority or the impact of the political and legislative context on their pace.

The following figure shows the total number of violations of freedom of expression during the third quarter of 2018, documented by the Monitoring and Documentation Unit of the Foundation for Freedom of Thought and Expression:

Violations of Freedom of Expression 1st Quarterly (January- February-March 2019)



- **Press and media freedom**

Since 11 December 2018 to 26 March 2019 AFTE team documented nine incidents of violations against journalists and media personnel included 17 multiple violations, including: arrest of journalists, prevention or suspension of programs, denial of journalists from coverage and physical assault on others. In addition to the imprisonment of journalists and media persons. Despite the decline in the number of violations in recent months, this does not reflect any change in policy in the treatment by Egyptian authorities of journalists, as it reflects the reality of the situation of freedom of the press and media under the control of the state on many media outlets, and repression of journalists during previous periods.

On the 18th of December of last year (2018), journalists Mohammed Shukri and Atef Bader from Al-Masry Al-Youm, journalist EsraaSulaiman from Elwatan, and journalist AyaDabis from AlyoumAlsabe'e, were subjected to physical attacks by members of the special guard of the Pharmacists Syndicate, which was appointed by the head of pharmacists' union, Mohie Obeid, while covering the elections of the Pharmacists Syndicate.

The incident started when reporters went to cover the pharmacists' union elections, and when they were asked by private guards to show their press identities, then they were allowed to enter, which happened, according to Mohammed Shukri, one of the injured photographers. However, during their filming with the candidate for the post of chair, KaramKaradi, journalists were surprised by the general manager of the union and some members of the union's security guard seize the personal phone of AyatDabis, and destroy it. «Then they took the phone of the colleague in the newspaper Al-WatanEsraaSulaiman, who was recording with the candidate KaramKurdi, and his colleague AtifBadr was taken away and beaten by security forces.»

Shukri says, «I was standing on the side and interfered to prevent them from attacking Atef, but one of the security personnel was sitting behind me and one of them tried to take the camera away from me, which he eventually did and slapped me.»

Shukri added: «After that they detained me and Israa and Aya in a room on the second floor, and continued to detain us for almost an hour, until we called our colleagues from my phone and they arrived at the headquarters of the union».

On February 12, 2019, the governor of Dakahlia, Kamal Sharubim, expelled the Egyptian photographer of Al-Masry Al-Youm in Mansoura, Mahmoud Al-Hefnawi, from the coverage of the weekly meeting with the citizens. The governor also prevented journalists from covering his weekly meeting with citizens, due to the media's handling of remarks by the governor that sparked controversy on social networking sites.

In the same context, Al-Masri portal published a press report on January 15, 2019, in which the director of its Ismailia office, Hani Abdulrahman, recounted the facts of his expulsion and the journalist in the Elwafd newspaper, Mohammed Jumaa, by the governor of Ismailia during a press conference he held with the Minister of Manpower. «We were surprised when we were in the hall for the press conference,» said Abdel Rahman. «The governor who immediately took us out of the crowd of journalists and TV correspondents and the Minister of Manpower was surprised.» «We tried to ask the governor to respect professionalism, and what he does is contrary to the rules of journalistic work, and insulting the journalists, so he pushed us himself and expelled us amid the astonishment of everyone.» «The governor called for the release of journalists and said,» who else has written about me, «in reference to the publication of topics about his building a wall around his villa, and a mural around the Diwan of the province, a matter which was submitted in a complaint by Islamila MP Ashraf Amara in an urgent statement, and resulted in the gathering of a number of citizens gathered in the village of Abu Khalifa before the Office of the governor, which provoked anger according to the journalist «

On February 18, the Egyptian authorities at Cairo airport arrested a New York Times correspondent, David Kirkpatrick, upon his arrival in Cairo, prevented him from entering Egypt and deported him.

According to Mada Masr, which quoted by the New York Times report regarding preventing its correspondent from entering Egypt, the Egyptian authorities confiscated the phone of David, who served as the head of the New York Times in Cairo from 2011 to 2015. «On Tuesday morning (18 February) he was accompanied to an Egypt Air aircraft bound for London while one of the security accompanying him kept his passport until the plane landed at Heathrow». The newspaper added that the Egyptian authorities detained the journalist for seven hours without food or water.

On January 19, the 6th October Misdemeanor Court sentenced the presenter of the TV program «Sah-Al-Noum» on «LTC channel», Mohamed Al-Ghaiti, to one year and an equal period of police surveillance in addition to a fine of 3,000 pounds. This was against the backdrop of a report submitted by lawyer Samir Sabri carrying No. 11962 of 2018 accusing him of incitement to immorality, debauchery and contempt of religions, against the backdrop of Ghaiti hosting a gay young man in his program in mid-August. The Supreme Council for media regulation had suspended the program following the broadcast of the same episode under accusations of serious professional offenses.

On February 27, the Supreme Council for Media Regulation issued a decision to stop the program «Zamalek today» broadcast on the Mehwar television, because of what the resolution called violation of standards and media controls, using the language of threat to public figures and agitating football fans. On the same date, the Council issued a decision to stop the program «The MATCH», broadcast on the SadaElbalad channel; because of what it called violation of standards and media controls and the dissemination of false news to provoke sport fans.

On January 29, the Cairo airport security authorities arrested journalist Ahmed Jamal Ziadeh on his return from Tunis with his wife, according to his lawyer. His lawyer Mokhtar Mounir added that Ziadeh was detained by state security officer at the airport after stopping him at passport control. All communication was cut with his wife, while airport security authorities refused to disclose his whereabouts.»He remained at an undisclosed location for his family or his lawyer until the date of his presentation to the Omraniya Prosecution on February 13, accused in Omraneya state security case No. 67 of 2019 of publishing and broadcasting false news via social networking sites «facebook».

Mounir explained that he learned during the investigations that the prosecution issued a warrant for seizure only two days before Ziadeh was brought to the prosecution on February 13, despite his arrest on January 29 at Cairo airport and his detention in an unknown destination. On March 2, the Omraniya Prosecution issued a decision to release the journalist on bail of 10,000 pounds.

Update of the list of detained journalists during the report period

On January 1, 2019, security forces apprehended journalists Mohammed MesbahJibril and AbdulrahmanAwad Abdel Salam on state security case No. 1365 for the year 2018. The State Security Prosecution accused them of joining a terrorist group with the knowledge of its purpose, using an international network account for a terrorist purpose, and deliberately spreading false news for the purpose of terrorism. It is worth mentioning that the journalists were arrested after conducting a newspaper interview with former MP and President of the Party of Reform and Development, Mohammed Anwar Sadat.

On January 14, Chamber 23 of the Cairo Criminal Court upheld the decision to release with precautionary measures issued by Circuit 21 on January 12 against photographer Zeinab Abu Aouna, who was arrested in mid-August 2018 under State Security Case No. 441 of 2018, where she was accused of joining a terrorist group and spreading false news. In this decision, Abu Aouna commits herself to the police department three days a week, and is obliged to attend the interrogation sessions every 45 days.

On March 4, 2019, security authorities released photojournalist Mahmoud Abu Zaid, known as Shawkan, after his sentence, which provided for his five years' imprisonment and police custody for a similar period, expired in case of case 15899 of 2013, known as the dispersion of the Raba'a sit in, where he was charged of joining an armed gang, assaulting security and possessing firearms. It is noteworthy that the Public Prosecution signed the penalty of physical coercion on Shawkan for 6 months from 16 August 2018 to 16 February 2019. Pursuant to Article 514 of the Code of Criminal Procedure for non-payment of criminal expenses and damages required by the Cairo Criminal Court judgment of 6 August 2018. Shawkan was arrested while performing his work in the vicinity of the sit-in supporters of former President «Mohamed Morsi» in the field, «Rabaa al-Adawiya» during its forcible dispersal by troops from the army and police on 14 August 2013.

- **Digital rights**

In addition to the constitutional amendments, the most prominent event in the first quarter of 2019 is the Ramses train incident, which killed more than 20 people. Against the background of the incident, there were calls to demonstrate on social networking sites, in order to denounce the incident and demand accountability of officials and reparation of victims. Invitations varied between the demonstration on March 1 in Tahrir Square and other squares in addition to a whistling campaign on the streets and homes. Although the interaction with these calls was not widespread, security forces arrested more than 100 people from different governorates, some of them from the streets and cafes in downtown Cairo, on suspicion of demonstrating on March 1, and others from their homes because of their whistling. Most of those arrested were charged with similar charges, although the figures differed. Since the beginning of the year, the Foundation for Freedom of Thought and Expression has documented the arrest of 126 Egyptian citizens in 5 different incidents, from 6 different governorates.

In the early days of March, the Supreme State Security Prosecution began investigating those arrested and accused them of «engaging with a terrorist group in one of the activities of that group, using social networking sites to promote the ideas of that group.» As a result of difficulty in accessing the case documents, the number of arrested persons is still unknown. However, as of the writing of this report, the organization found 68 suspects in state security case No. 488 for the year 2019, against the backdrop of their demonstration on March 1. The whistleblowers are being investigated in case No. 1739 for the year 2018 and so far 52 have been imprisoned in this regard.

Among those arrested, is transgender 19-year-old Malik al-Kashef, who was arrested by security forces on March 6, and brought to the Supreme State Security Prosecution on March 11. The prosecution charged her with the involvement of a terrorist group, the use of an account on the social networking site Facebook to disrupt the public order, in state security case No. 1739 of 2018. Al-Kashif was detained at the beginning in the pyramid police department before she was deported to Tora prison. She was held in solitary confinement and was subjected to forced anal examination and sexual harassment by some Ministry of Health employees in a government hospital, according to her lawyer Amr Mohamed¹.

The Cairo Appeal Prosecution [summoned Engineer Mamdouh Hamza](#) on February 16, 2019, to investigate him in case No. 31 of 2017 where he faces charges of spreading false news that would disturb public security. Sabri filed an urgent communication with the Attorney General and State Security Prosecution against Hamza because of some tweets on the social networking site «Twitter» about the people of Al Warraq Island. The Public Prosecution ordered security forces to hold Hamza pending investigation of the Information Technology Investigation at the Ministry of the Interior and decided to complete the investigations the following day. It then decided to release him on bail of 20,000 pounds. It is noteworthy that in December 2018 the Supreme State Security Prosecutor summoned Mamdouh Hamza to investigate him in a number of communications filed by a group of lawyers against him, accusing him of calling for sabotage and rebellion and demonstration because of some of his tweets, and the State Security Prosecution has also ordered [the release on bail 20,000 pounds](#) after investigations lasted for 6 hours.

While in Alexandria governorate, Muhammad al-Sharif was arrested on March 6, 2019, before the Alexandria Court of First Instance while some of the prisoners were taken from the deportation vehicle, among them was the lawyer Muhammad Ramadan, who was waiting for him. Al-Sherif was questioned by Al-Manshiyyah prosecution on the day after his arrest. The national security had attached his inquiries, which he said were filming the security barrier and the political defendants as they got out of the deportation vehicle for posting on Facebook, which is linked to the Muslim Brotherhood, and that he established an electronic website called «Muhammad al-Sharif» in English on «Facebook» to publish false news with instructions from the leaders of the April 6 Movement and the Muslim Brotherhood to destabilize the country. On the basis of the investigations, Al-Manshia Prosecution in Alexandria decided to imprison Mohammed Al-Sherif for 15 days pending investigations in Minutes No. 442 of 2019, Al-Mansheya, after he was charged

1. Phone conversation with lawyer

with joining a group established contrary to the provisions of the law and the constitution, and spreading false news against state institutions, as well as the possession and acquisition of a mobile phone to disseminate and promote the group's ideas against state institutions.

On February 9, 2019, security forces arrested four students from Al-Azhar University in Sharqia for appearing in a video that ridiculed some of the Christian religious practices; those were Mustafa HusseiniFakhri al-Khatib, Ali Joudeh Mohammed AttiaKhatib, Hussain Mohammed Abdo Hussein. The prosecution accused them of «contempt of the Christian religion and the broadcasting of video inciting sectarian strife» in Abu Hammad emergency state security case No. 163 of 2019. The Zagazig Court of Misdemeanors decided to release them on 27 February 2019.

- Developments in blocking websites

In the first quarter of 2019, the Supreme Media Council (for the first time) used its authority to block websites, which were stipulated in the Law on Organizing the Press and Media and the Supreme Media Council No. 180 of 2018. The first quarter also witnessed the first application of the Council's sanctions list, where 6 sites were blocked, including five sites belonging to the company (MO4) by a decision of the Supreme Council for Media Regulation, and the site of Ibarina specialized in sports news. Also, Al-Mashhad website was blocked as the first application by the Supreme Council of Sanctions Regulation, bringing the number of sites that have been blocked to 512 sites, since the Egyptian authorities began to practice blocking in May 2017.

On December 3, 2018, «Al-Fasala» published an article under the title «UAE passport the first in the world.» The article said, «You rest in the 7 thousand years of civilization.» This is what the Supreme Council for Media Regulation considered «an unprofessional transgression and an unjustified insult to the Egyptian passport». The Council therefore addressed the General Investment Authority to freeze activities of the MO4 company, owner of the sites of Cairo Tim, Cairo Zoom and Al-Fasla. [The response of the Authority](#) on December 13, 2018, that «the company has not been inferred from its existence, and that» it does not fall under the umbrella of the regulating body, and is not subject to the provisions of the laws it is expected to implement.»

By the end of the same month, the complaints committee of the media council recommended to block the site of Cairo Scene because it did not obtain a license from the council and also because there was no license for the company owning the site. The Committee confirmed that Cairo Scene is the second site to be blocked for the same company after the site of Al-Fasla for not obtaining licenses and for «publishing topics insulting the Egyptian state», and that other sites of the company will also be blocked because of the lack of licenses, namely Cairo Zoom, Scene

Arabia, StartUp Scene and Scene News»; and already by the beginning of 2019, a number of the sites have already been blocked, including the site of the company itself.

MO4 Network is the owner of the Seine website, which was blocked on June 26, 2017 after publishing a video entitled «Army Cookies» in which some young people evaluated cookie products for various companies, including cookies of the army-owned Teeba Roz Egypt; the site was blocked in Egypt shortly after the video was published.

On January 12, Ibarina, a sports news site for more than 10 years, posted a statement after the ban. «It turned out that one of the high-profile Arab figures who worked in the field of sports in Egypt until recently was the cause of this blocking after the publication of news about his intention to buy one of the Egyptian media groups.»

In March of last year, the site of «The Art» was blocked for two days after it was reported that Prince Turki Al-Sheikh of Saudi Arabia had beaten the Egyptian artist Amal Maher.

On March 21, 2019, Saleh Al-Salhi, Rapporteur of the Complaints Committee of the Supreme Council for Media Regulation, [announced](#) that the Council decided to punish Al-Mashhad newspaper with a 6-month ban and a fine of LE 50,000, due to irregularities on the recommendation of the complaints committee. Salhi added that the newspaper had committed serious violations of the codes and standards approved by the Council, where it published a defamation, slander, sexual insults and denigration of some persons by mentioning the names of girls and women who had sexual videos with one of the directors, in addition to violations in the license. The editor in chief denied the publication of any press material related to the disputed issue. The decision is the first effective implementation of the sanctions list of the Supreme Council for Media Regulation.

- **Freedom of creativity**

Violations of the right to freedom of expression and artistic expression in the first quarter of 2019 varied between suspension from work, abolition of union membership, and imprisonment from military courts. AFTE documented the violation of the rights of eight artists in six different events during the past three months.

The Syndicate of Musical Professions was the most responsible for the violations during the first months of the year. It stopped singer Sherine Abdel Wahab from work and banned the artist HamoBeka from the syndicate and finally removed two members from the union's schedules for

reasons ranging from politics to protection of morality and public taste.

On March 21, 2019, the Syndicate of Musical Professions decided to stop singer Sherine Abdel Wahab from working and referred her to investigation because of her statements about freedom of expression at one of her concerts in Bahrain, which the union considered «harming national security»². Lawyer Samir Sabri filed a complaint against Abdel Wahab accusing her of «harassing Egypt and publishing false news and calling on human rights organizations working against the country to intervene in Egyptian affairs.» That drove the artist to write a publication on her [official website on the social networking site Facebook](#) apologized to those who «misunderstood» my words, as she put it, and confirmed that her words were taken out of context, and that what she said was a text that was «I am speaking here in my comfort, because in Egypt they may imprison me.» According to the publication, Abdel Wahab was referring to the act of ridiculing the waters of the Nile at the end of 2017 when the Association of Musical Professions also issued a decision to suspend her work. «I was talking about a personal position on what I had done on the stage before, and I faced a lawsuit and was issued a sentence in prison for a year and paid bail, and I appealed the ruling and won the appeal. In a tweet, Hani Shaker, the head of the union of music professions, considered Abdel Wahab's comments to be «within the scope of national security and the image of Egypt in front of the Arab world» and stressed that there was «an investigation by the State Council and the Syndicate.»

This decision was followed a few days later, on 26 March 2019 by the decision of the Syndicate of Music Professions to cancel the membership of the singer Dalia Mustafa Mohamed Youssef (aka Belmis) and singer Fatima Mohammed Jaber (aka Fifi) for their lack of commitment to public traditions and decent appearance.”³

Hani Shaker, the head of the musicians, continued his intransigence against the artist Hamo Beeka. The latter went to the Syndicate of Music Professions on February 20, 2019, to conduct the audition committee's tests, in order to obtain membership in the union. However, the committee [unanimously rejected his membership](#) nor even to grant him an affiliate membership or a temporary permit to sing and issued decision banning him from singing in Egypt.

Hamo Beeka's disputes with the Music Syndicate and its chair Hany Shaker go back to the fourth quarter of last year, when the union canceled two concerts for Beeka to preserve public taste. In November 2018 Shaker released a statement against him while preparing for a concert in

2.A copy of the official decision of the Syndicate of Musical Professions to suspend work and referral for investigation, dated 21 March 2019

3.Copy of the official decision to cancel the schedules of the Syndicate of Musical Professions, 26 March 2019

Alexandria. Shaker accused him of singing without a license and of tarnishing public taste. Indeed, the following month, the musicians' union published a statement banning another concert that was due to take place in Ismailia because of the lack of membership of the association and «to preserve the public taste,» where the chair accused the singer in a [TV interview](#) with Wael El Ebrachi that he works illegally, and that if he wants to get permission to sing he must submit before the Hearing Committee to perform singing tests, and that even though the Commission gave him permission to sing «he will remain under control and will not be left to do what he likes» but when Beeka went in February this year to get a permit, the union refused to grant him active membership or associate or even a temporary permit to sing.

26 March 2019 the union of acting professions cancelled the membership of actors Amr Waked and Khaled Abu El Naga, after Waked and Abu Al Naga attended a hearing in the US Congress, which the statement considered «treachery» and the union in its statement said that it «will not accept the existence of a traitor among its members.»⁴

On February 4, 2019, a military court upheld the sentence against publisher [Khaled Lotfi](#), director and founder of Tanmia's library and publishing house, for five years after being accused of disclosing military secrets and spreading rumors. Security forces had arrested Lotfi in April last year because of the re-publication of the book «The Angel, the Egyptian spy who saved Israel» about the life of «Ashraf Marwan,» the brother-in-law of former President Gamal Abdel Nasser. Lotfi received a sentence of five years' imprisonment from a military court last October, and in February 2019 the verdict was upheld.

Lotfi was not the only victim who received military penalties for publishing a book. In the middle of last year, a military court sentenced the owner of the publishing house «Daad» because of his printing a book titled «Khair Neswan Al-Ard», as well as the poet Jalal al-Behiri, the owner of the poetry book, for a period of 3 years and fined both for 10 thousand pounds.

Finally, writer Alaa al-Aswani published an article entitled «[Yes, I am accused in a military case](#)» on March 19, 2019, in which he announced that he was referred to «the military judiciary for insulting the head of state and incitement against the regime.» According to Aswani, the cause of the charges is his latest novel «Republic as if» banned in Egypt, and his articles which are regularly published on a press site.

4. Copy of the official decision cancelling membership of actors Amr Waked and Khaled Abu El Naga from the acting union, dated 26 March 2019.

Conclusion

The report reviewed the patterns of violations in the first quarter of 2019 in order to identify developments in the Egyptian authorities' practices on the level of freedom of expression issues. The report also paid attention to the legislative developments, especially with the entry into force of the laws of information and combating the crimes of information technology.

Through these periodic reports, the Foundation for Freedom of Thought and Expression seeks to stimulate and encourage various efforts to provide the necessary guarantees for Egyptian citizens to express their views freely. The Foundation calls upon all interested parties to continue to work on the Egyptian authorities' commitment to international standards, which are constitutionally guaranteed to protect and promote freedom of expression.