

# Disclosure of information in the Central Auditing Organization (Hisham Geneina's Case as a model)





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# Content

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<b>Methodology</b>	<b>4</b>
<b>Introduction</b>	<b>4</b>
<b>Preface :State bodies and freedom of information</b>	<b>5</b>
<b>Section one :What is the Central Auditing Organization</b>	<b>7</b>
<b>-Competencies of the Central Auditing Organization</b>	<b>7</b>
<b>-Disclosure of information contained in the reports of the Central Auditing Organization</b>	<b>11</b>
<b>Section two :Hisham Geneina’s case as a model for the disclosure of information</b>	<b>13</b>
<b>-Background on Hisham Geneina’s case regarding the cost of corruption in Egypt</b>	<b>13</b>
<b>-A reading into the testimonies of employees of the Central Auditing Organization</b>	<b>15</b>
<b>Findings</b>	<b>18</b>
<b>Conclusion and recommendations</b>	<b>19</b>

## Methodology

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The paper is based on the analysis of Law No 144 .of 1988 on the Central Auditing Organization and the articles of the constitution related to the work of the regulatory bodies .The paper also relied on the review of the lawsuit No 5855 .of) 2016 The First Settlement Criminal Court ,(against the former head of the Central Auditing Organization) COA ,(for accusations of publishing false news.

## Introduction

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The paper starts by discussing the reality of freedom of information in Egypt ,applying to the Central Auditing Organization ,and the extent of its commitment to disclose information ,on the one hand ,and its ability to obtain information from the bodies which are subject to its control, on the other hand.

The paper outlines the problems contained in the law governing the CAO ,in terms of the absence of guarantees of disclosure of information ,especially since the current Egyptian constitution provides for the publication of annual reports to the public opinion .Therefore ,the paper presents the articles governing the regulatory bodies in the Egyptian constitution ,including the CAO.

On the other hand ,the paper uses the case of the former head of the CAO ,Hisham Geneina, in which he was accused of spreading false news ,to try to understand the way the employees of the CAO deal with the philosophy of disclosure and circulation of information ,based on the testimonies contained in the case.

The paper aims to illustrate the impact of these various restrictions on the state of freedom of information in Egypt ,and seeks to compare the period in which Geneina was in charge ,which witnessed flow of information ,even if in general ,and the period after his dismissal ,in which any mention of the CAO disappeared completely.

## Preface :State bodies and freedom of information:

The main international conventions dealt with the issue of freedom of information ,as it was provided for in the Universal Declaration of Human Rights in article ,19 the International Covenant on Civil and Political Rights in article ,19 the International Covenant on Economic and Social Rights in the first paragraph section a ,b ,and third paragraph of article .15<sup>1</sup> In the year,2000 the Special Rapporteur on the Freedom of Expression endorsed 9 principles to promote freedom of information and ensure its effectiveness .Governments must adhere to the nine principles of freedom of information ,most notably:

-Absolute disclosure of Information :It is argued that in principle information is open for disclosure ,that access to information is a community and peoples ‘right and governments are only responsible for the management of this information that are owned by the citizens.

-The obligation to publicize automatically and the precedence of disclosure :This principle obligates governments ,various bodies ,and other institutions to permanently and automatically publish internal information ,and everything that may be considered- according to each body-related to the interests of the citizen.

-Promoting an open government :This means the need to educate citizens and train state agencies‘ employees on the culture of information disclosure and the mechanisms of its implementation ,as defining the principle in the law is not sufficient alone to apply it .Rather the culture of freedom of information should be promoted and the mindset of government employees should be changed to commit to public disclosure ,rather than adherence to confidentiality of information.

-Determine the scope of exceptions to disclosure :The normal attitude is disclosure ,confidentiality is an exception ,and the principles include the need to provide safeguards to protect those who report information on crimes or financial ,administrative or political corruption irregularities, among other principles.<sup>2</sup>

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1.Emad Mubarak and others ,Freedom of Information :Legal Study ,the Association for the Freedom of Thought and Expression ,2013, Accessed on :May 30 ,2018 ,link :<https://bit.ly/1tzoPSn>

2.For more information on the principles and frameworks of the freedom of information internationally ,regionally and locally ,see the previous source.

Article 19 organization supported these principles ,since the right to access information supports economic and social rights when three interrelated processes are achieved:

Providing awareness :with regard to freedom of information and its impact on strengthening parliamentary systems of government.

Control :The right to access information ensures that the achievements of the state and governments are monitored in relation to their obligations to society.

Ensuring the right of individuals to litigation) accountability :(It includes the accountability of corrupt people or financial crime perpetrators<sup>3</sup>.

Article 68 of the Egyptian constitution states that” ,Information ,data ,statistics and official documents are owned by the people .Disclosure thereof from various sources is a right guaranteed by the state to all citizens .The state shall provide and make them available to citizens with transparency .The law shall organize rules for obtaining such ,rules of availability and confidentiality ,rules for depositing and preserving such ,and lodging complaints against refusals to grant access thereto .The law shall specify penalties for withholding information or deliberately providing false information .State institutions shall deposit official documents with the National Library and Archives once they are no longer in use .They shall also protect them ,secure them from loss or damage ,and restore and digitize them using all modern means and instruments ,as per the law<sup>4</sup>“.

Although there was a draft law on the circulation of information that the Supreme Council for Media Regulation worked on ,the Egyptian government did not submit it to the parliament .The Egyptian state’s commitment to a culture of transparency and information circulation is largely deficient ,as information is treated as the property of the state and the rulers ,not the citizens ,and there are constant fears of making information available ,as it is seen in power circles as a threat to the stability of the regime.

Hence ,it could be said that the Egyptian authorities prefer to ignore legislative amendments that support the free circulation of information on the one hand ,and on the other hand they are not specifically open to making the information held by regulatory bodies available ,which is discussed in the following sections.

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3.Access to Information :an instrumental right for empowerment ,Article 19 , July 2007

4.See article 68 of the Egyptian Constitution ,<https://dostour.eg/>.

## Section one :What is the Central Auditing Organization:

In its first section ,the paper deals with the competencies of the COA in accordance with the law and the articles of the current constitution ,including its obtaining of information from the entities subject to its control .The paper then goes on to discuss the availability of information contained in the reports of the COA.

### - **Competencies of the Central Auditing Organization:**

The importance of the regulatory bodies ,according to the provisions of the constitution ,lies in controlling and combating corruption .In order for these goals to be effective ,citizens must have sufficient information to enable them to participate in the accountability of officials .The Egyptian constitution defines four regulatory bodies in the state ,namely:

- (1 The Central Bank.
- 2 (The Financial Supervisory Authority.
- 3 (The Central Auditing Organization.
- 4 (The Administrative Control Authority.<sup>5</sup>

The constitution defines the general competencies of the first three bodies and ensures the centrality of anti-corruption role.

With a quick look at the competencies of these bodies ,the constitution states that the Central Bank shall” :Establish monetary ,credit and banking policies ,supervise their implementation, monitor the performance of the banking system ,it has the right to issue the currency ,and work on the soundness of the monetary and banking system and price stability within the framework of the general economic policy of the state<sup>6</sup>“ .

The Financial Supervisory Authority’s rule is to” oversee and supervise non-banking financial markets and tools ,including capital markets ,futures exchanges ,insurance activities ,real estate

5.The Egyptian Constitution provides for the regulatory bodies and independent bodies and their formation systems in articles 215 ,216, 217 ,218 ,219 ,220 ,221 ,link :<https://dostour.eg/>

6.See article 220 of the Egyptian Constitution.

finance ,financial leasing ,factoring and securitization ,as regulated by the law <sup>7</sup>.Finally the constitution states that the Central Auditing Organization shall” :Supervise the state funds and public legal persons ,and other bodies determined by the law ,and monitor the implementation of state budget and independent budgets ,and review its final accounts<sup>8</sup>“ .

The Central Auditing Organization is a body of public legal personality ,which is affiliated with the President of the Republic .Its main objective is to achieve effective control over state funds and the funds of other public figures and other persons stated by the law .The CAO also assists the Parliament in carrying out its supervisory functions<sup>9</sup>.

The CAO has a history of more than 70 years .In ,1942 King Farouk issued the Royal Decree No. 52establishing a body called” The Audit Bureau ,“which was responsible for overseeing public funds and state revenues and expenditures .In ,1964 Law No 129 .was issued ,which changed the name of the body to” :The Central Auditing Organization .“Laws and decisions regulating the authority were made across the centuries reaching more than 12 resolutions and laws .Now ,the law regulating the CAO is Law No 144 .of ,1988 on the Law of the Central Auditing Organization and the personnel regulations.

According to the current constitution ,the CAO shall submit annual reports to the President of the Republic ,the parliament and the Prime Minister ,which shall be considered by the parliament and shall take appropriate action .Article 217 of the constitution ,states that such reports are ”published to the public opinion ,<sup>10</sup>“as the reports and their general information pertaining to every citizen.

The constitution also confirmed that the regulatory bodies should inform the competent investigating authorities of any evidence of violations or crimes and the state should commit to this” :To ensure the good performance of the public service and the preservation of public funds, and to develop and follow up the implementation of the national strategy to combat corruption in partnership with other bodies and agencies concerned with this<sup>11</sup>“.

The constitution also guarantees the technical ,financial ,and administrative independence of the regulatory bodies and guarantees the impartiality and independence of their officials ,including

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7. See article 221 of the Egyptian Constitution.

8. See article 219 of the Egyptian Constitution.

9. See the Central Auditing Organization’s website ,<http://asa.gov.eg/Page.aspx?id=67>

10. See article 217 of the Egyptian Constitution.

11. See article 218 of the Egyptian Constitution.



the parliament's approval of the President of the Republic's decrees to appoint the heads of the regulatory bodies after the approval of a majority of the members of the parliament .The appointment shall be for a period of four years ,renewable for a one-time term .The head of the authority or body shall not be dismissed from office except in cases specified by law<sup>12</sup>.

If we look at the law of the CAO ,it lacks the consistency of its articles with the current constitution, especially with regard to the consolidation of the freedom of information and raising employees' awareness of the culture of freedom of information.

Prior to the promulgation of Law 144 for the year 1988 on the CAO law ,the competencies of the CAO were scattered in several laws ,notably Law No 129 .of 1964 on the promulgation of the CAO law ,Law No 44 .of 1956 on the control of accounts of public institutions ,bodies ,companies, associations and enterprises ,and Law No 31 .of 1975 regulating the relationship of the CAO with the parliament.

The CAO work was previously regulated by the following :The internal regulations of the parliament issued by a parliamentary decision at its session on ,16/10/1989 and the two republican resolutions no 1349 .of 1964 on defining the units of the CAO and their competencies ,and no. 2405of 1965 on the executive regulation of Law No 44 .of.1965

Subsequently ,Law No 144 .of 1988 was issued to regulate the work of the CAO and the three previous laws were repealed .The current law is divided into six sections ,the first :dealing with the objectives and functions of the body ,the second :includes the competencies of the CAO and methods of performing them ,the third :description of the obligations of the bodies subject to its control ,and fourth :states everything related to the reports of the CAO including their timing and the entities to which they are submitted ,and the fifth :defines the formation of the CAO and its employees regulations ,and the sixth :states some general provisions.

Chapter I ,which deals with” :Objectives of the CAO ,its functions ,and entities subject to its control “,details the types of financial control ,both accounting and legal ,the mechanisms to follow up the implementation of state plans ,and how to supervise decisions and consequent financial irregularities .It also discusses how to implement the regulatory role on the various bodies of public sector ,unions ,political parties ,cooperative companies and others .The law provides for the mechanisms of reporting in article ,4 for the various internal bodies ,i.e .within the state ,from the President of the Republic ,to the Prime Minister ,the parliament and others.

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12. See article 216 of the Egyptian Constitution.

In its second chapter ,the CAO law supports its access to information relevant to its field of work, by obliging entities subject to its control to provide papers ,reports and various information to its employees ,which is important for the performance of its duties ,and to enable it to obtain and maintain information.

According to articles 11 and 12 of the CAO law ,failure to provide contracts ,agreements ,tenders, and the results of the work within the prescribed dates are considered” financial irregularities.“ Other financial irregularities are not to respond to the CAO’s observations and correspondence, also not to notify the CAO of the administrative rulings and decisions issued regarding financial violations and the measures taken in respect of such violations .Similarly ,in article ,15 the law makes it clear that the CAO should be informed of the incidents of embezzlement ,theft ,fire or negligence on the day of their discovery.

There is a problem in the application of the provisions of the law ,with regard to obtaining information from the bodies subject to the control of the Central Auditing Organization .For example ,the former head of the CAO ,Hisham Geneina said that the Judges ‘Club refused to allow the CAO to examine the club’s budget .At the level of the investigating bodies ,Geneina ,revealed, in ,2015 during his tenure ,that the administrative prosecution authority and the illicit gains authority did not provide the CAO with the developments of the legal complaints it submitted to the two bodies.

In a statement to Al Watan newspaper on May ,2015 ,11 Geneina said” :The CAO faced a problem related to the information concerning the reports submitted to the Public Prosecution ,as it does not respond to the requests of the CAO ;the administrative prosecution must update the CAO on the actions taken regarding the legal complaints it submitted<sup>13</sup>“.

It should be noted here that although the CAO law has guaranteed the body access to information and the submission of corruption files to the investigating authorities ,on the ground ,this was in doubt ,with the refusal of some bodies to cooperate with the CAO ,and the absence of what is required by the investigating authorities to deal with the corruption cases disclosed by the CAO.

As for the disclosure of the information contained in the reports of the CAO to all citizens ,this is addressed in the paper in the next section.

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13.Wael Saad» ,Geneina :«We have files for the» most influential ,«al-Watan ,May ,2015 ,11 Accessed on :June ,2019 ,10 link: <https://bit.ly/2I6sGVu>

**- Disclosure of the information contained in the reports of the Central Auditing Organization:**

The general problem in the Central Auditing Organization Law is the failure to regulate the disclosure of information contained in its reports ,although there is an opinion that the work of the CAO within the regulatory bodies does not allow it to disclose information ,as it is entrusted with working with the bodies subject to its control and the investigation bodies .However ,this opinion ignores that the current constitution obliges ,in Article ,217 regulatory bodies to submit” :annual reports to the President of the Republic ,the parliament and the Prime Minister ,immediately their issuance .The parliament shall consider them and take appropriate action in a period not exceeding four months from the date of receiving the reports ,and these reports shall be made public“.

There is a minimum disclosure imposed by the constitution .However ,the legislation governing the CAO has not been amended to include this obligation .On the other hand ,there is no indication that the parliament is discussing the annual report of the Central Auditing Organization ;we do not even know whether these reports are being submitted.

As for the specialized reports submitted by the CAO to the executive bodies and those subject to its control and some of them are also sent to the investigation bodies when it suspects the existence of administrative corruption ,the limitations of the exceptions should be addressed ,in the case of confidential information .We can look at the study prepared by the CAO on the cost of corruption ,which was published by Mada Masr in ,2016<sup>14</sup> as it was not a special report as the ones the CAO submits ,but was a study requested by the Ministry of Planning because it possess information on the sectors of the state administrative body. Therefore in such cases and others can we consider the information provided” classified ,“and if we look at the content of this study, for example ,the information contained in it helps to study corruption and propose mechanisms to combat it by civil society ,academics and other groups of society ,so this study cannot be considered classified information that was disclosed.

The fourth chapter of the Central Auditing Organization Law should be amended .It deals with the quality of the reports issued by the CAO and the bodies to which they should be sent .This

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 14.Mada Masr ,Mada Masr publishes the corruption report that overthrew Hisham Genena ,June ,2016 ,15 Accessed on 10 :June ,2019link :<https://bit.ly/2XC8O1J>

amendment should include ,at least ,the disclosure of the annual report of the CAO ,and specify the scope of exceptions of the reports related to the entities subject to its control.

In this chapter ,the law obliged the CAO to send several qualitative reports to the parliament, the Ministry of Finance ,the concerned units and presidential bodies ,and the President of the Republic .Among these qualitative reports what relate to the observations by CAO that resulted from the audit process ,the results of the final accounts audit ,budget audit results ,the plan follow-ups and evaluation of performance .This quantity of qualitative information and reports should not be confined to the walls of state institutions ,but rather should be made available to the public who originally” owned it ,“the Egyptian people .These funds and budgets that are monitored and audited are originally the funds of the Egyptian people ,and those bodies containing information are departments entrusted with organizing and preserving that information and making it available to its owners.

Finally ,with regard to the personnel regulations ,it is stated in chapter one ,from the sixth section, in the third and fourth items of article 54 with respect to the duties and discipline of the employees of the CAO that the employee must adhere to complete confidentiality in the duties of his job ,and not disclose information known to him by virtue of his work” :If it is inherently confidential or under instructions or by virtue of instructions stating so .“This obligation remains in force even after the employee has left his job .This provision is critical in any entity that handles sensitive information ,and it is good that the article is restricted by stating that non-disclosure is based on information” :classified by nature or by instructions .“However ,it is essential that this article be balanced by two parts so that it is not expanded and misused :The first part is through the provision that the personnel of the CAO are required to provide information to applicants for information or data that is not classified ,and the person who does not comply with the request is liable .The second is the need to state clear mechanisms and criteria to determine what is classified and what is not.



## Section two :Hisham Geneina's case as a model for the disclosure of information:

The paper moves in its second section to deal with the model of disclosure of information in the Central Auditing Organization ,through the case of Hisham Geneina ,the former head of the CAO .Through this model ,it is possible to understand the willingness of official authorities in Egypt to withhold information ,ignore the participation of citizens in holding officials accountable and assessing policies related to their interests.

During his tenure as head of the CAO ,from September 2012 until his dismissal in March,2016 Geneina was open to providing information on the irregularities monitored by the CAO .This period witnessed a flow in information related to CAO in the media .Even after Geneina was dismissed ,the independent website Mada Masr was able to publish the text of the study that led to his dismissal.

This approach adopted by Geneina contradicts what was determined for the CAO for decades ,as: "During the reign of former President Mubarak ,a specific role of the CAO was established .The CAO reaches and monitors irregularities and prepares adequate reports .The Head of the body conducts some discussions in the parliament and some violations are referred to the prosecution, but without knowing the real size of corruption inside the government or the nature of the measures to confront<sup>15</sup>".

- **Background on Hisham Geneina's case regarding the cost of corruption in Egypt:**

In December ,2016 the journalist of Youm7 ,Rania Sayed Mohamed Amer ,went to the CAO's headquarter to cover the opening of the National Bank of Egypt's branch there .She met with the head of the body ,Geneina ,and asked him some questions ,which included a question on the cost and size of corruption in state institutions .According to the testimony of the journalist ,contained in the papers of case No 5855 .of 2016 the first settlement misdemeanors court ,the head of the body" :decided that it is a terrifying number for her and for the public opinion ,and that in order to provide her with a specific number ,he must be in possession of the reports prepared by the CAO".

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15.Mohamed Abdel Salam ,Limits of the efforts to combat corruption in Egypt ,Sada ,October ,2016 ,13 Accessed :June10,2019 , link :<https://bit.ly/2ZhSR0Y>

The journalist asked him to give her an approximate figure .Geneina told her that the cost of corruption in Egyptian state institutions was six hundred billion pounds during .2015 On December ,2015 ,23 the journalist telephoned the head of the body to confirm his statement, which he did.

The next day ,the manager of Geneina's office telephoned her ,asking her to" :Publish of a correction of the statement saying that the cost of corruption exceeded six hundred billion during the period from 2012 to 2015 and that he wants to send a statement issued by the Central Auditing Organization on this subject .“However ,the journalist refused to publish the correction on the pretext that she had already contacted the head of the body and confirmed the news before publishing it.

Then ,based on this statement ,the public prosecution filed a lawsuit against the head of the CAO ,Hisham Geneina ,accusing him of publishing false news ,statements and rumors out of bad intention ,which could harm the public interest .As ,according to the lawsuit ,he made a false statement to the Youm7 journalist claiming that the cost of corruption in Egyptian state institutions exceeded six hundred billion pounds during .2015 The prosecution demanded his punishment by virtue of articles/40 third 188 ,171/5 ,42 ,41/1 ,of the Penal Code.

Therefore ,the criminal lawsuit No 5855 .of 2016 was filed .The new Cairo Misdemeanors Court sentenced Geneina ,on July ,2016 ,27 to one year imprisonment ,a bail of ten thousand pounds and a fine of one thousand pounds and the expenses .Defendant Hisham Geneina appealed on July .2016 ,30 The New Cairo Misdemeanors Appeals court ruled ,on December ,2016 ,22 that the appeal is admissible in form ,but refused the subject and upheld the previous sentence .It ordered the suspension of the penalty of imprisonment for a period of three years ,starting from the date of the judgment in the hearing ,and otherwise upholding the fine imposed and obliged the defendant to pay the expenses.

President Abdel Fatah Al Sisi issued decree No 132 .of 2016 exempting Hisham Geneina from his position as head of the Central Auditing Organization as of March ,2016 ,28 after these accusations were directed against Geneina.

Geneina filed a lawsuit before the administrative judiciary No 5252 .for the year 70 against the President of the Republic ,to challenge the decision to dismiss him from the Presidency of the Central Auditing Organization .According to Geneina's lawsuit ,his dismissal decree was issued after" a media campaign directed by the state against him because he sincerely carried out his

duties in overseeing the spending of public funds and fighting financial and administrative corruption in the state apparatus .The decree was issued after several TV presenters ,known for their relationship with the official circles ,announced that the decision was to be issued the next morning .He knew of his dismissal decree from the media and then from the official gazette in a way indicating that the administrative body deliberately insulted him personally ,as well as insulting his official position ,so this incident acts as a deterrent to all those who fight corruption that has spread in Egypt<sup>16</sup> .

Later ,the administrative court dismissed Geneina's lawsuit ,in February ,2017 for the demise of the interest condition .In February ,2019 the supreme administrative court dismissed Geneina's appeal ,which called for the suspension and annulment of the administrative court's verdict.

This paper is not interested in discussing the ruling of the criminal or administrative courts ,but rather discusses a major problem related to the extent to which the employees of the Central Auditing Organization reject the philosophy of disclosure of information ,rather they withheld it with the pretext of confidentiality of all information ,which is discussed in the next section.

- **A reading into the testimonies of employees of the Central Auditing Organization:**

The ruling of the New Cairo Misdemeanors court in the case against Hisham Geneina included more than 18 testimonies .Most of the testimonies were from employees of the CAO ,with the exception of four testimonies by :Rania Sayed Mohamed Amer ,journalist of Youm7 ,who published Geneina's statement ,Sahar Talaat Ibrahim ,head of the accidents department of Youm7, Ghada Ali Abdel Moneim Moussa ,director of the Governance Center at the Ministry of State for Development and Ahmed Mostafa Ahmed El Behairy ,a member of the Administrative Control Authority.

The rest of the testimonies came from CAO staff .These testimonies shed light on the way the employees of the CAO think ,their perceptions of the purpose of the body and the framework of its work .The testimonies showed that the principles of freedom of information ,values of transparency ,and anti-corruption are ignored in the work of the CAO as a regulatory body. Article 218 of the Constitution states" :Competent oversight bodies and organizations commit

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16.Administrative court ruling ,case No .5252 of the year 70 Judicial ,p .2.

to coordinate with one another in combating corruption ,enhancing the values of integrity and transparency in order to ensure sound performance of public functions ,preserve public funds, and developing and following up on the national strategy to fight corruption in collaboration with other competent control bodies and organizations ,in the manner organized by law .“The Central Auditing Organization is one of the oversight bodies ,according to the Egyptian constitution.

The paper reviews some of these testimonies contained in the case papers .According to the testimony of Mahmoud Ali Hanafi Mahmoud ,director of the department to audit the accounts of the urban planning and the community’s authorities at CAO” :The Central Auditing Organization is not concerned with identifying or assessing corruption “ .Lutfi Mohammed Hamed Mahdi ,the CAO’s undersecretary ,also said” :Reports issued by the CAO are not concerned with identifying corruption .Also ,Ahmed Mohammed Wafa Ahmed Al-Gendi ,General Director of the second Central Department for Technical Inspection and Quality Control of the CAO said that the body is not concerned with identifying corruption ,and ended his testimony by stressing the: ”Confidentiality of reports issued by the CAO and that disclosure of the information contained in them is prohibited“.

In addition to the text of the constitution ,the regulatory bodies must commit to fighting corruption ;Law 144 of ,1988 regulating the Central Auditing Organization ,does not state that fighting corruption is out of its scope .On the contrary ,most of the articles specifying the competencies of the CAO- stated in chapter two of the law -address the supervisory role of this body whether in financial control ,or overseeing the implementation of the plan and evaluating the supervisory performance on the use of public funds .Also ,in its competence related to supervising decrees related to financial irregularities ,and the role of the CAO in the control of companies .For example ,article 11 of the law states that” :It is considered a financial irregularity ..every wrongful act ,whether intentional or out of negligent which results in the unauthorized disbursement of an amount of the state’s funds or the loss of a financial right of the state ,public institutions or other bodies subject to the control of the CAO or cause harm to any of its financial or economic interests“.

Other testimonies of the employees of the CAO referred to the confidentiality of reports and information held by the CAO ,including the testimony of Ashraf Khairat Ghannam ,Director of the Military Production Accounts Audit Department in the CAO ,as” :he criticized the statements of the head of the body Hisham Geneina as the CAO is not competent with determining the cost of corruption ,and for violating the procedures that require that the results of the study be



disclosed only to the entity that requested it .“In the same context ,Mohammed Hussein Salah El Din Taha ,Under Secretary of the CAO for the Office of the Head of the entity ,confirmed that” All reports and studies prepared by the CAO are confidential and it is forbidden for any of its members to publish ,leak or disclose any information or data contained therein “.Ahmed Mohammed Raafat Abu El Azem ,Deputy Director of the Petroleum Sector Auditing Department, also confirmed the confidentiality of the work of the CAO.

This confirmation of confidentiality as a fundamental principle in the work of the Central Auditing Organization is inconsistent with the provisions of the constitution ,which guarantees the free circulation of information ,including Article ,217 which states that:

”Independent bodies and regulatory agencies present annual reports to the President of the Republic ,the House of Representatives and the Prime Minister at their time of issuance .The House of Representatives considers such reports and takes appropriate action within a period not exceeding four months from the date of receipt .The reports are presented for public opinion “.Therefore ,confidentiality does not include all information held by the Central Auditing Organization ,as stated in the constitution.

Finally ,we have the testimony of Ahmad Mustafa Ahmed Al Behairi ,a member of another Regulatory body) The Administrative Control Authority ,(which clarified another aspect of the ideas that control regulatory bodies ‘staff ,as he stated that Geneina’s statements on the cost of corruption show that the” :The head of the Central Auditing Organization opposes the current regime ,and uses of his position in the collection of information and obtaining documents from the bodies under his control related to some of the symbols of the state ,members of judicial bodies ,and members of sovereign bodies.. He deliberately published some of their contents in a way that arouses public opinion by suggesting the corruption of state institutions and the failure of investigative bodies to hold those responsible accountable” .

Thus ,these testimonies reflect the extent to which the philosophy of censorship and invocation of secrecy has penetrated the regulatory bodies ,and even attempts to disclose part of the information to public opinion is considered a conspiracy to suggest corruption of state institutions.

## Findings:

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Disclosure of information held by regulatory bodies is a critical issue at several levels ,including protecting the right of citizens to access information ,promoting transparency concerning the functioning of state institutions and enabling civil society and citizens to contribute to anti-corruption policies .In fact ,the current authority sees freedom of information as a threat to the stability of the political regime ,relying on secrecy ,and preventing citizens from participating in the accountability of officials .The main findings of the paper can be summarized as follows:

First ,since ,2014 when the current constitution was adopted ,neither the legislature nor the government has sought to discuss and pass the information circulation law ,as a result this right, guaranteed by the constitution ,has been stalled for more than five years .Indeed ,the only attempt by the Supreme Council for Media Regulation to prepare a draft law on information circulation has been locked in the government's drawers to date.

Second :The articles of the current constitution also protected the independence of the regulatory bodies and ensure as a minimum that their annual reports submitted to the parliament ,the presidency and the government were presented to the public ,but none of this has happened .In the last five years ,the parliament has not announced the discussion of these reports .On the other hand ,the laws regulating the regulatory bodies have not been amended to be consistent with the articles of the Egyptian constitution.

Third :The attempt of the former head of the Central Auditing Organization Hisham Geneina to disclose some information is an important step to understand the importance of the right to information ,as he sought to talk about the mechanisms of the work of the COA and the failure of the investigation bodies to cooperate with him .Also ,some parties refused to provide the COA with information on its budget .Geneina also referred to multiple incidents related to corruption within the state administrative body .This experience contributed to increasing public debate on the performance of the state administrative body ,especially as the state was promoting steps related to economic reform .However ,the employees of the CAO remained prisoners of the philosophy of blocking and secrecy .As a result ,after the dismissal of Geneina ,the CAO does not issue any press releases about his work .Thus ,the public debate on the fight against corruption in the state administrative apparatus was influenced.

Fourth :The battle to defend the freedom of information cannot be fought by an individual or an entity alone ,and there is an urgent need to organize collective efforts ,including unions ,civil society organizations ,academics ,officials ,parliamentarians and political parties ,to pressure for the passage of the information circulation law ,and the commitment of the state and its bodies to disclose information.

## **Conclusion and recommendations:**

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Through the issuance of this paper ,AFTE seeks to reopen public debate on freedom of information issues and encourage interested groups to pay attention to the importance of passing legislation that protects citizens 'right to information .The paper focused on the CAO ,especially the case of its former president Hisham Geneina as a model of the reality of freedom of information in Egypt, and in a way that helps to understand the shortcomings in ensuring freedom of information at the legislative and executive levels .Finally ,AFTE makes some recommendations to the concerned entities:

- The House of Representatives should promulgate the information circulation law ,which should comply with the relevant international standards.
- The House of Representatives should amend Law No 144 .of 1988 on the Central Auditing Organization ,to include mechanisms for the disclosure of information to citizens and publishing the annual report of the CAO in compliance with the disclosure rule ,and to and specify the scope of exceptions of the rule.
- The regulatory bodies should develop a plan to spread the culture of freedom of information among their employees.