

To what extent can
the egyptian government
tolerate what's left of active
free press

To what extent can the egyptian government tolerate what's left of active free press

Prepared and Edited by Mohamad Nagy.

And Hasan El-Azhary coauthored the legal content.

Publisher:
Association o Freedom of
Thought and Expression

info@afteegypt.org
www.afteegypt.org

Cover Design: Amal Hamed
Internal Design:

هذا المُصنَّف مرخص بموجب
رخصة المشاع الإبداعي:
النسبة، الإصدارة ٤.٠.



afte
مؤسسة حرية الفكر والتعبير
Association for Freedom of Thought and Expression

Contents

Introduction	4
What has happened to Mada Masr?	4
Upset International Reactions	7
What do we aware of the REDLINES?	9
On The Legal Situation of Press Websites	12

Introduction

Recently ,the Egyptian government ,through its various agencies ,has effectively imposed almost complete domination of the Press either the public or private .This control is not just over the traditional and printed press but also included every media outlet in all its forms .Although ,this was not satisfying enough for the government ,as there are still some resisting media platforms. Thus ,after publishing a provocative story by Mada Masr ,the Egyptian government saw that severe oppression against the Mada Masr platform ,as one of those outside the obedient squadron, might put an end for such resisting acts.

The first part of this paper reviews recent events that happened with Mada Masr during the last week of November .2019 such storming Mada's head office and abducting its journalists and forcing others to leave the country .In its second part ,the paper monitors the international reactions against these acts ,which in one way or another aborted the Egyptian government's effort to eliminate the independent press.

The third part tries to induce what are the Egyptian government's redlines ,by retracing the blunt violations by the government against press institutions or individual journalists .In an attempt to figure out when and why does the government grow impatient with press freedom?

Finally ,in its fourth part ,the paper illustrates the legal maze that the Egyptian government has imposed on the online platforms to obtain a license to practice .Obtaining such a license has become the pretext of any violations against those platforms.

What has happened to Mada Masr?

In the early hours of November ,23 four plainclothes security officers ,backed with many uniformed, armed forces ,knocked loudly on Mada's editor door ,Shady Zalat .After searching the apartment, the officers detained Shady ,confiscating his laptop and mobile ,as well as his wife's .During their presence ,the security officers did not identify themselves or present either an arrest or a search warrant.

Then ,they left and told Shady's wife that he was being taken to the Giza security directorate. However ,the directorate denied having him .Zalat had remained disappeared for almost two days ,until he was released by leaving him on the Ring Road on Sunday afternoon 24 ,November .2019

A few days before this ,plainclothes security forces approached Shady's building three separate times in a single night and questioned the doorman about Shady's apartment ,his car and his work ,and the regular timings of his leave and return.

On November ,24 at 1:30 pm exactly ,nine plainclothes security forces entered the Mada Masr office ,refusing either to answer questions about their identity or to present a search warrant .Once the security forces entered ,they collected staff members 'phones and held them and others ¹in the newsroom .Also ,there was the France 24 crew who had arrived to film an interview about Shady Zalat abduction.

During three hours of the search process ,the security forces collected staff members 'IDs and their personal information and searched their phones and laptops .Moreover ,different men questioned Editor in Chief Lina Attallah and Managing Editor Mohamed Hamama for several times .They also questioned Ian Louie and Emma Scolding ,²and two members of the France 24 crew.

It's worth mentioning that ,the Egyptian authorities have blocked Mada Masr's website and more than the other 100 press and media websites and the VPN services providers since May 2017 by a decision from an unknown body and for unknown reasons .Mada and its peers of independent press have kept resisting the blocking and its intense financial consequences ,and they have been able to adhere to their editorial policies despite the threatening atmosphere against honest and professional journalism practices.

On the next day ,the Supreme Public Prosecution stated that" it allowed the search of Mada's office after receiving an investigations file by National Security Services ,which reported that Muslim Brotherhood established Mada's website for circulating false news and rumors to disturb the public security .³"The Public Prosecution added that" the office inspection resulted in finding devices that are used for committing the crimes under investigation."

After the inspection ,the security forces arrested three of Mada's staff .They are Editor in Chief Lina Attallah ,Managing Editors Mohamed Hamama and Rana Mamdouh .The security forces escorted them to Dokki Police Station .Then they were taken by a police truck to an unknown place ,which likely would be the Supreme State Security Prosecution in New Cairo .Unexpectedly, they returned to Dokki Police Station ,where the three journalists were released concurrently with the release of Shadi Zalat ,who was arrested two days earlier ,According to Hasan El-Azhary.⁴

1. 18 of Mada's journalists and coauthors according to Mada's statement

2. Two foreign journalists working at Mada Masr's English edition.

3. Mohamad Farag ,Shorouknews ,November .25,2019 <https://bit.ly/2/Le3aPg>

4. An Interview with Hasan El-Azhary ,AFTE's lawyer and the defense attorney of Mada's staff.

Two days after ,Editor in Chief Lina Attallah in her article said that” We were told that someone high up ,whose name we don’t know ,intervened at the last minute to suspend our imminent detention .We don’t know exactly what made this person intervene .We know that pressure might have played a role ,or a moment of wisdom might have snuck into the timelines of the decision makers ,but we also know that no one has been coming back from detention these days⁵“.

No one knows exactly ,in particular after the Public Prosecution press statement ,what is the legal situation of the three journalists who were detained and released .In such situations ,the Public Prosecution shall reveal the mystery and manifest the facts regarding what happened with Mada Masr ,and to inform the involved parties whether or not they have an ongoing case at the Supreme State Security Prosecution.

Also ,after the crackdown ,some security forces escorted the two foreign journalists ,who work at Mada ,to their homes to check their passports and collect some personal information .A few days later ,on Saturday ,November ,30 some security personnel came to Ian Louie’s and Emma Scolding’s home ,took their passports and instructed them to be present before the Department of Passports ,Immigration ,and Nationality .There ,the foreign journalists forced to sign a statement of leaving Egypt within 7 days ,according to Mahmoud Othman .⁶Even if it is valid in terms of the legal procedures ,forcing Mada’s foreign journalists to leave the country can only be seen in the context of the security attack on Mada Masr in particular and on the independent press in general.

There is not a concrete reason for such an intense attack by security authorities except for insinuations that link what happened with Mada’s story which recently published ⁷days before. The story is about the circumstances of Mahmoud Al-Sisi’s reassignment to a long-term position in Moscow.The story was based on anonymous inner sources at GIS ,government officials and senior politicians with close ties to the president’s inner circle .The sources confirmed that the reassignment reason is to sideline the President’s son from a powerful intelligence position at GIS after his failure to properly handle most of the responsibilities assigned to him which posed a serious threat to the political regime.

In her aforementioned article ,Lina Attallah clearly stated that Mahmoud Al-Sisi’s story is the piece that contributed to getting us into trouble .She said :⁸”When I first received the story early last week ,I decided to sit on it until I could get further confirmation of the details ,and not just a general confirmation of the main story .Once every single detail was confirmed by at least two

5.Lina Attallah ,A few things you might like to know about us ,Mada Masr ,November .28,2019 <https://cutt.ly/e8vklR>

6. An Interview wit Mahmoud Othman ,AFTE’s lawyer who Who accompanied the journalists to the Passports and Immigration office.

7.Mada Masr ” ,President’s eldest son ,Mahmoud al-Sisi ,sidelined from powerful intelligence position to diplomatic mission in Russia,“ November .2019 ,20 <https://cutt.ly/Ue8mexO>

8. Lina Attallah ,A few things you might like to know about us ,Mada Masr ,November .28,2019 <https://cutt.ly/e8vklR>

separate sources — and when it came to some details ,as many as four —I was ready to publish. The sources spoke trusting the protection clause in our editorial policies.

Some sources inside Mada indicate that forcing Mada to reveal its sources of Mahmoud Al-Sisi story is the reason behind the security raid and the arrest of their colleagues.

Upset International Reactions

France 24 crew who had arrived to film an interview about Shady Zalat abduction was in Mada's office when the security forces raided Mada's office .This prompted the French Embassy to take action and send its representatives to the office location .The embassy representatives tried to enter the office but the security forces didn't allow them and they had to wait in front of the office's door .Such a situation caused serious embarrassment to the government officials .This forced them ,perhaps ,to rethink what they were intending towards Mada and its staff .The diplomats had waited in front of the door until the crew members were safely released from the office and took them out.

Besides the french government ,some other states commented on what happened to Mada considering it as a blunt violation against press freedom.

U.S Secretary of State ,Michael R .Pompeo called on the Egyptian government to respect press freedom and to release journalists in a raid last weekend .He also mentioned :*As part of the long-standing strategic partnership with Egypt ,we continue to raise the fundamental importance of respect human rights ,universal freedoms ,and the need for robust civil society*⁹.

This wasn't the only U.S reaction .Adam Schiff ,the Chairman of the House Intelligence Committee said :*Egyptian authorities have raided the office of one of the last remaining independent media outlets in the country and detained multiple journalists* .He added that such practice is an unacceptable attack on the free press and what is left of Egyptian democracy .It cannot stand¹⁰.

Also ,the German Embassy in Cairo has published a statement by the Foreign Office's spokesperson on Twitter .She said that raiding Mada's office and arresting its journalists is considered a continuation of the extremely poor situation of Press freedom in Egypt¹¹.

9. U.S .Department of State's Youtube Channel ,Secretary of State Michael R .Pompeo remarks to the Media ,at the Department of State ,on November .2019 ,26 <https://cutt.ly/pe8WCN8>

10. Adam Schiff's Twitter account ,the Chairman of the House Intelligence Committee ,November .2019 ,25 <https://cutt.ly/ze8APdA>

11. The German Embassy Cairo Twitter account ,the German Foreign Office spokesperson statement on Press freedom situation in Egypt, November .2019 ,26 <https://cutt.ly/ae8Ew6c>

Moreover ,The British Foreign and Commonwealth Office published a statement on Twitter account by Andrew Murrison ,the Middle East minister commenting on the situation in Egypt. He said :*These are concerning reports .Media freedom is an essential building block in all societies .I hope that all journalists will be allowed to conduct their work unhindered*¹².

Also ,the EU spokesperson for Foreign Affairs and Security Policy published a statement ¹³saying that the ongoing restrictions on civil liberties ,including restrictions on freedom of expression and assembly and the erosion of media freedom in Egypt ,are causes for concern .Asserting that Independent and diverse media are key for a functioning democracy .Journalists need to be able to carry out their work without fearing harassment ,in line with the Egyptian Constitution and Egypt's international obligations

Canada also expressed its concern through the Foreign Policy Ministry's statement ¹⁴on Twitter. It called on Egypt to ensure freedom of expression ,including media freedom ,is protected .A free press is key in protecting the rule of law and strengthening democracy.

There were ,also ,unofficial reactions .Dozens of bloggers and journalists wrote in solidarity with Mada and its staff .Attallah expressed Mada's gratitude in the aforementioned article ¹⁵saying :*We are moved by the support we received from everyone — friends ,families ,but also our readers ,our community here and abroad.*

Such significant international support and solidarity stems from the fact that Mada Masr is being one of a few press windows that remain independent .It is still resisting the line drawn by the Egyptian authorities for the press to forcefully follow .This gave Mada substantial importance in the eyes of the outside world ,whether official or unofficial .Thus ,Mada has become the main source for those interested in the Egyptian affairs ,to read professional and honest stories that did not either pass through the censor's scissors or intimidated by the security services 'redlines.

12. The British Foreign and Commonwealth Office Twitter account ,the Middle East minister statement ,November .2019 ,24 <https://cutt.ly/e8Az9H>

13. EU official website ,Statement by the Spokesperson on the raid of Mada Masr media in Egypt ,November .2019 ,24 <https://bit.ly2/rM1h-CA>

14. The Foreign Policy Ministry's Twitter account ,November .2019 ,26 <https://cutt.ly/he8A97o>

15. Lina Attallah ,A few things you might like to know about us ,Mada Masr ,November .28,2019 <https://cutt.ly/6/e8vklR>

What do we aware of the REDLINES?

Following the raiding of Mada Masr ,there were many insinuations that Mada has crossed the Redlines .And that's why made the Egyptian government grows impatient .However ,the question here is What are these Redlines ?Is it when we discuss the President's family ?Or discussing GIS affairs ?Are there particular Redlines drawn for the independent press that differs from the obedient ones?'

Actually ,no one knows any answers for such questions .We don't know exactly to what extent do these Redlines stand ,so the press shall not cross them.?

Nevertheless ,this section tries to recount similar situations when did the government lose patient and deal roughly with the press ?We mean neither the usual abuses that journalists face during their work nor websites blocking .We mean the blunt violations that include harsh security interference with press institutions or individual journalists .Through recounting such cases ,we try to induce concrete identification of the Egyptian authorities 'Redlines.

In April ,2018 the Police of Artistic Works raided the office of the privately owned Masr Al-Arabia website under the pretext of examining software licenses .Then ,they arrested Adel Sabry ,Editor in chief ,who had remained in remand detention for three months until the Court ordered Sabry's release on LE10,000 bail .However ,during his release procedures ,his colleagues stunned that he was pending another interrogation on the Case 441/2018 Supreme National Security .Sabry has been in remand detention since July ,2018 until the time of writing these lines.

Ahmad Abd-Algawad,The Managing Director of Masr Al-Arabia website said :*This security raid had come after we published translated piece from NewYork Times on the Presidential elections .It is obvious that such security interference was a result for our elections coverage.*¹⁶

The security forces raided Masr Al-Arabia office several times because of different news coverage. Abd-Algawad added that before the block of our website ,the police forces arrested me twice and filed cases against the office under the pretext of not obtaining the required license to practice our work which is not true .In the two times ,the public prosecution released me due to the absence of a legal basis¹⁷.

It is worth mentioning that the Egyptian authorities have blocked Masr Al-Arabia's website among another dozens of websites by a decision issued by unknown body in mid of May.2017

16. An Interview with Ahmad Abd-Algawad conducted by AFTE's researcher ,May.2019

17. Ibid.

Speaking of raiding the press offices by security forces ,Al-Borsa's and Daily News 'offices face the same experience under guise of checking the software originality used in these offices .While the security personnel were interested more in searching the news archives despite it is available on the websites ,according to joint press statements by Al-Borsa and Daily News¹⁸.

Both websites ,also ,have been blocked .Moreover ,the judicial authorities have impounded the shares and bank accounts of Business News company ,the owner of both newspapers .Also ,they impounded the money of its previous owner and director ,Mostafa Sakr¹⁹.

In addition to the abovementioned ,one of Mada Masr's editors ,Hossam Bahgat faced grave experience when he was summoned to the Military Intelligence on Thursday ,November 2015 ,5 after he published an investigative report on details about military officers who court-martialed and convicted with conspiring to overthrow the current regime.

On November ,8 Bahgat headed to the military intelligence where he spent approximately three hours before escorting him through a backdoor to a car to the military judiciary ,accompanied by armed guards .His request to contact his family ,lawyer or colleagues ,who were waiting for him outside the building ,was denied²⁰.

In the military judiciary ,Bahgat was interrogated based on a report by military intelligence .He faced charges of deliberately broadcasting false news that harms national interests and involuntarily disseminating information that harms public interests ,as per Articles 102 and 188 of the Penal Code .After three days of detention,Bahgat was released after making him to sign a statement that he will abide by legal and security procedures when publishing material pertaining to the Armed Forces .Also ,Bahgat asserted that he did not experience any physical or emotional abuse during the detention period .According to Bahgats statement after his release²¹.

Another journalist/researcher on Sinai and Terrorism issues ,Ismaiel Alexandrani has severely trapped in the authorities 'grip till now .Alexandrani was arrested on November 2015 ,29 at Hurghada Airport upon his return to Egypt from Germany .Next day he was brought before the State Security Prosecution with another 17 detainees .They faced charges with establishing social media accounts to disseminate sensitive information on military issues ,to warn terrorist groups of the security forces raids ,and to circulate false news about military operations in Sinai²².

18. Al-Borsa website ,May .2017 ,28 <https://cutt.ly/Ke8NfKh>

19. Ibid.

20. Mada Masr ,A statement by Hossam Bahgat on his military detention ,interrogation ,November .2015 ,10 <https://cutt.ly/Ue8N5Qf>

21. Ibid.

22. Mada Masr ,September .2018 ,23 <https://bit.ly2/Ldhask>

After Alexandrani had been in remand for two and a half years ,he was court-martialed that sentenced him to ten years in prison in lawsuit18/2018 Military Criminal Court ²³.The trial file included some of Alexandrani articles 7 ,of them were published in Al-Safir Al-Araby Newspaper. In these articles he discussed the human geography of Sinai and the situation of the palestenian people there .In addition to other articles on the military operations in Sinai published in Lebanese Al-Akhbar newspaper²⁴.

On February ,2018 ,4 while they were in microbus heading from their home to work .Hasan El-Banna and Mostafa Al-Aasar didn't occur to their minds that there are many long days in prison waiting for them .Security personnel stopped the microbus and ordered El-Banna and El-Aasar to get out of the vehicle and escorted them to an unknown place .After a period of enforced disappearance ,the two journalists were brought before Supreme National Security Prosecution on February .15 The Prosecution ordered 15 days detention pending investigations in lawsuit N .441/2018.They were charged with joining illegally established group ²⁵ .Since then ,they are still in remand till the time of writing these lines despite El-Banna's deteriorating health situation and Al-Aasar's hunger strike .Hasan El-Banna was an intern journalist in Al-Shorouk newspaper ,and Mostafa Al-Aasar worked with several press websites such Altra Sawt which is blocked in Egypt.

Some pro-government media procasted a voice record of a phone call made by Al-Aasar to Hasan Nafaa ,²⁶to invite him to participate in a documentary film produced by Al-Jazeera .This appears to be the main reason for arresting Al-Aasar but Al-Banna situation remains mysterious. Unless we consider sharing an apartment with a journalist who works with Al-Jazeera is a charge. Subsequently ,considering that working with Al-Jazeera is a charge in the first place.

Based on the foregoing,

Dear Journalist in Egypt,

Don't worry.

Don't worry if you don't write stories on Mr .President or his family;

If you don't write stories on Security/Sovereignty authorities;

If you don't write stories on Sinai and Terrorism issues;

If you don't write stories on Trials even if they are adjudicated;

23. El-Shorouk Newspaper ,December .2018 ,25 <https://bit.ly/33/H8qBc>

24. Mada Masr ,September .2018 ,23 <https://bit.ly/2/Ldhask>

25. Mada Masr ,February .2018 ,17 <https://bit.ly/34/L3soA>

26. Professor at Political Science Faculty -Cairo University.

If you don't write stories on Presidential Elections or any other Elections;

If you don't either work with Al-Jazeera or any other similar media institutions , or share your home with someone do.

If you don't do any of such crimes ,if you don't come close to any of these Redlines ,maybe ,and it's still maybe ,you will be safe!

On The Legal Situation of Press Websites

Three days after raiding Mada ,Lina Atallah and some of Mada's editors had a meeting with Diaa Rashwan ,the Chairman of Egypt's State Information Service) SIS ²⁷(and also the Syndicate of Journalists .During their meeting ,Rashwan encouraged Mada's team to continue their work "with a focus on analytical and in-depth journalism " ,adding" :The website license will be decided soon " ,according to Lina Atallah ,the chief editor²⁸ .

Atallah said :*the Syndicate of Journalists 'Head acknowledged that Mada's legal situation is valid as he affirmed that we have submitted the required documents to obtain a license from the Supreme Media Council*²⁹ .

On the other side ,while they were in this meeting ,the spokesperson of Egyptian Ministry of Foreign Affairs ,Ahmad Hafez stated that all procedures that had been taken with Mada was lawful .He asserted" It turns out that the aforementioned office is operating without the necessary license³⁰ "

Such contradiction between the Ministry of Foreign Affairs and SIS raises up many questions about the legal situation of the press websites either the blocked or unblocked ones .In this section, the paper tries to find some answers.

The law regulating the press and the media has been issued in September .2018 Its first article articulates that the provisions contained in this law are applicable to all Press and Media entities, institutions ,outlets ,and websites .Also ,the second article clarifies that the issuance of the executive regulations of the law shall be done by a decision of the Prime Minister within three months from

27. Affiliated to the Presidential Office

28. Phone call with Lina Attallah by AFTE's researcher ,December.2019 ,2

29. Ibid.

30.The Egyptian Ministry of Foreign Affairs 'Website ,Press statement ,November .27,2019 <http://bit.do/fjXhX>

the date of its implementation .However ,the executive regulations have not been issued yet .This delay has had a serious impact on the deterioration of the websites situation.

Such delay isn't special case of Media and Press law but it is a general practice that Egyptian government has adopted regarding many other legislations such as the law on combating cybercrime³¹.

The Supreme Council for Media Regulation didn't wait for the executive regulations ,and issued a declaration states that the procedures for regularizing the situation of companies owning websites according to the new law should be completed .These procedures has been imposed with a lack of clarity regarding the absence of executive regulations .Since the legalization process of Press and Media websites is innovative to the Egyptian legislative structure regulating the media ,this has led to a confusion regarding the implementation of the procedures.

The regularization call had been made in october 2018 for two weeks .Then there was another call in January .2019 But either way ,a number of websites applied to the council and paid the required fees .While other websites have refrained due to the unclarity of the legal basis ,or to the incomplete legal structure of the procedures .And several other websites don't aware of their legal situation as they haven't been addressed by the council to date.

Since the closing date to apply for websites registration at the end of January ,2019 the state of ambiguity and inconsistency has prevailed every piece of information in the statements of the Council's officials .In June 2019 a statement by an official source in the Council stated" The Council has examined about 40 out of 150 applications for licensing ,and that their work permits will be received after Eid Al-Fitr ,and the rest of the applications will be examined to determine their conformity with the terms of the license ³² “.The Council hasn't published any information about the approved websites and whether they received their licences or not.

On October ,2019 ,21 the Secretary of the Supreme Media Council ,Essam Farag stated to Mada Masr :*We haven't addressed the applications yet ,and we do not know when the executive regulations of the law will be issued despite it has been a year since the Supreme Council for Media Regulation called for the websites 'licenses.*

Also ,he said that the council is waiting for the issuance of the executive regulations to respond to the license applications .And on the reason for opening the call for applications before the issuance of the executive regulations ,Farag explained that the council was expecting immediate issuance and when it is delayed ,the decision on applications has been postponed .And he added: *The delay is not on our side*³³.

31." Oppression with a Taste of Emergency "Report on Freedom of Expression in ,2018 AFTE ,January .2019 <http://bit.do/fjXhP>

32. Al-Watan newspaper ,June .2019 ,2 <https://bit.ly/35/V5uCG>

33. Mada Masr ,October .2019 ,20 <https://bit.ly/2/LfxYip>

In light of all these developments ,the council hasn't declared the legal situation of the websites despite the latter are facing many violations and abuses such as blocking and the repeated harassment by the security forces .This silence has triggered a legal debate on the firmness of the websites 'legal status ,particularly ,these websites which applied and paid the required fees ,and have not received any response yet.

The law ,also ,has confusing answers .Since it differentiates between the Press and Non-Press websites

The Press websites are organized by article 41 which obliges the Council to notify the applicant website whether its data is complete and accepted or not ,via an official letter ,within 30 days .This means that in case of not receiving any notifications during this period ,the website position is considered legally valid.

Regarding the Non-Press websites ,article 60 of the law regulates its application to the council. The council has to respond to their applications within 90 days starting from the submission date.

The press and media website has to pay no more than 250000 EGP ,and no more than 50000 EGP for Non-Press websites.

Article 60 doesn't mention the case when the council doesn't respond to the application request. It also doesn't set a time limit for completing the missing data .However ,the stability of the legal statuses requires the council to object during the period mentioned in Article ,(60) otherwise ,his decision is considered tacit approval.

These are some of the legal holes that the Egyptian legislator did not intentionally organize in an attempt to circumvent the constitutional right to establish newspapers by only notifying the concerned authorities.