



"Speech under siege" .. from street to internet

Annual Report on the State of Freedom of Expression in Egypt for 2019



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Introduction

Over the past six years -prior to this report- the current regime established its control over political life and undermined the gains of the January 25 revolution that promoted freedom of expression, public debate, and political accountability. The most recent of the regime's steps was the issuance of legislations that violated freedom of the media and digital rights in an unprecedented manner, which the previous annual report mentioned.

It seems that the past few years, with their restrictions on freedom of expression, were not enough to ensure the stability of the current regime. The more the interest in public affairs increased, the more the Sisi regime hit hard, targeting all forms of free expression and the most interactive groups in public debate such as journalists, social media users, university professors and political activists.

It can be said that this direct relationship between the interest in politics and the violation of freedom of expression was manifested in two events throughout the year 2019. The first event was the constitutional amendments, the main objective of which was to give president Sisi the right to remain in office until 2030. The second event was a call to protest against the policies of Sisi, known as the September demonstrations. In both events the main goal was silencing critical voices, as the report shows in its first section, which reviews violations throughout the year.

On the other hand, the current regime continued to withhold information, driven by its fear of citizens expressing their opinion and seeking access to information. The parliament suspended the issuance of a law addressing freedom of information, and proposed a law to combat rumors, without answering the question of how to recognize the difference between information and rumor if the state does not disclose official information, in the first place. In addition, security or sovereign entities continue to block websites, without caring to use the repressive laws enacted in 2018.

This report is divided into two sections. The first reviews violations committed by the various state agencies regarding freedom of expression, specifically in the media, digital rights, creativity, academic freedom and the circulation of information. The second section focuses on analyzing the violations committed by the security services during two prominent political events that took place during the months of April and September.

Methodology

This report monitors the state of freedom of expression in Egypt during 2019; it is the seventh periodic report issued by the association in this regard. The report relied on an analysis of the nature of violations that were monitored, documented and verified by the association's monitoring and documentation unit, as well as the researchers' observations and follow-up of the files that they work on throughout the year. The files in question are freedom of expression, freedom of the press and the media, academic freedom, students' rights, freedom of information, freedom of creativity, and digital rights. The monitoring and documentation unit adopts a specific methodology for monitoring violations, as follows:

1. Collecting primary data

It is the stage during which the team collects primary data from the sources available to its members, which includes:

- Data available to the association's lawyers

The association works to support and promote freedom of expression in Egypt through several mechanisms, including providing direct legal support to victims of violations of freedom of expression. In this context, the association relies in monitoring violations related to freedom of expression, partly, on the information available to the legal unit related to cases it follows, through communication between the association's lawyers and victims, or the lawyers' access to the files or information related to the cases they don't follow.

- Data available online

In collecting primary data, the association relies on surveying news websites and social media, so the news related to violations is monitored. In that, the association relies on the tools provided by Google search engine and various social media sites, especially digital platforms that contain categories relevant to the files the association follows.

2. Organizing primary data

The monitoring and documentation unit's team organizes the primary data collected, so that it is classified according to each of the topics the unit follows. This is done as an organizational stage to start the verification of each violation.

3. Data verification

The association relies on a set of mechanisms to verify the primary data collected, which includes the following:

- **Official documents:** Although in many cases there is difficulty in obtaining reliable and official documents to document violations, the association's team sometimes depends on official statements issued by government agencies published in newspapers, news websites, official government websites and government accounts on social media. The association also works through the legal support team to obtain police reports and lawsuits papers related to violations monitored by the association's monitoring and documentation team.
- **Victims' testimonies:** The association seeks to communicate directly with the victims from the target groups to document the violations committed against them. The testimonies are collected either through direct meetings or over the phone.
- **Eyewitnesses:** In the event that it is not possible to obtain direct testimonies from the victims, the staff tries to obtain testimonies from eyewitnesses, the families of the victims, or their lawyers.
- **Digital verification tools:** The association relies on some technical tools to verify the authenticity of images and photocopies published on the internet, especially social media, in particular to verify images of assaults or images of official decisions or data issued by a government agency.
- **Relevant human rights organizations:** The monitoring and documentation team often communicates with other human rights organizations working in the same areas of the association to obtain data about violations that the team monitors, especially with regard to lawsuits before the courts.
- **Multiplicity of sources:** Sometimes the documentation is done by verifying the data available to the staff from various press sources, especially with regard to the violations against some of the target groups such as the prevention of coverage for journalists and media professionals.
- **Monitoring blocked websites:** The association relies in monitoring blocked websites in Egypt on the (ooniprobe) software, which is free software that works as a network to detect monitoring, control and interference in the traffic of data on the internet. The tool provides tests to ensure that websites are blocked, as well as a range of other network tests. In addition to detect whether the websites work or not by trying them through the regular browser and other tools that can bypass blocking such as (TOR) browser.

4. Digitizing the data

The monitoring and documentation unit's team digitally archives all the violations that have been monitored, including the materials that were used in the verification, data, official papers, and the method that was followed to verify, in addition to direct testimonies from the victims or their relatives.

5. Definitions

● **Violation:** In its monitoring of violations, the association relies on the provisions of international conventions on freedom of expression, such as article 19 of the International Covenant on Civil and Political Rights, the basic international framework that codifies this right:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice;
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others;
 - (b) For the protection of national security or of public order, or of public health or morals.

● **Security agencies:** Include forces affiliated with the ministry of interior and the ministry of defence, and also include attacks by “pro or unknown civilians” in the presence of regular forces.

● **Private security:** This includes any private security personnel, whether they are independent or affiliated with companies, and if the person being guarded, for example “a government official”, issued an order to commit the violation, the perpetrator will be considered “government officials”.

● **Judicial Bodies:** Includes all civil and military judicial institutions.

● **Egyptian private channels:** This includes the private channels that are based in Egypt.

- **Multiple:** Includes several press or media organizations.
- **Not identified:** The failure to identify the employer.
- **Arrest:** The process of restricting the victim's freedom, taking him to the police station, and filing a legal report.
- **Illegal detention:** The process of restricting a victim's freedom, taking him to a place of detention, and releasing him without filing any legal reports.
- **A case of violation:** It is every violation that occurred to one person in a specific place and time. They are distinguished by four main variables: (the location of the violation, the timing of the violation, the type of violation, the victim), for example: if 3 journalists were arrested in a specific incident and one of them was beaten and another was verbally assaulted, 5 violations would be counted in that case (3 incidents of arrest of journalists, one incident of beating of a journalist, and one incident of verbal assault of a journalist).
- In the case of any type of collective violation -such as prevention from coverage-it is considered a case of violation of one journalist -presumably- as it intended to collectively punish the identity of the journalist and not each individual journalist. Also because of the difficulty of determining the number of journalists and their identities, especially that these violations occur almost daily, in addition to the statistical problems as it will cause the number of victims to grow abnormally.
- **A journalist:** Any person who has been subjected to a violation due to performing his journalistic work. AFTE provides evidence of his journalistic work such as the membership of the press syndicate or a work permit or assignment from a press organization, etc.
- **The press organization:** Every press outlet that owns a website or publication.

Section one: A reading into the violations of freedom of expression

Freedom of the media

Last year, the Egyptian government continued adopting policies and practices hostile to the freedom of press and media. At the legal level, the Supreme Council for Media Regulation issued on March 18, 2019, resolution no. (16) for the year 2019¹ concerning the issuance of a regulation of sanctions and measures that may be applied on the entities subject to the provisions of law No. 180 of 2018 on the Organisation of Press, Media and the Supreme Council for Media Regulation. 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 regulation.

Despite the delay -illegal or justified- in issuing the executive regulation of the law No. 180 of 2018 on the Organization of Press, Media and the Supreme Council for Media Regulation -the law stipulates that it must be issued within three months of the law's implementation- the Supreme Council has decided to go surpass the executive regulation, and issued the sanctions regulation.

The penalties that could be imposed by the council on the press or media organizations included the imposition of a fine of LE 5 million in one case and ranges between LE 50 thousand and LE 250 thousand in most cases. The council also has the right to temporarily or permanently block press material or the outlet itself, in addition to the authority to permanently revoke the license of the press or media outlet.

In most of its articles, the “sanctions regulation” lacked the principle of proportionality between the irregularities committed and the penalties imposed on them. It imposed deterrent penalties for acts committed by the journalist or media professional during their daily work. The sanctions regulation also included vague and loose terms and texts. It gave the head of the council exceptional authority concerning imposing sanctions².

1. The Official Gazette, issue no. 64, Supreme Council for Media Regulation Resolution No. 16 of 2019, March 18, 2019.

2. For a more extensive reading of the full texts of the regulation, please review the first quarterly report of AFTE for 2019, https://afteegypt.org/publications_org/2019/05/06/17448-afteegypt.html

On the level of media ownership, 2019 also witnessed the continuation of the monopolistic policies in the press and media market. The United Media Services Company, which owns the Egyptian Media Group, and which is jointly owned by the General Intelligence Service, was able to complete several acquisition deals for media companies, production companies, and advertising agencies. In addition, a number of businessmen have become co-owners of the group, and they are Tamer Morsi, chairman of the group's board of directors, in addition to Kamel Abu Ali and Muhammad Al-Amin. The Egyptian Media Group is considered the main tool that the security apparatus uses to tighten its control of media ownership, which has resulted in controlling ONTV, CBC, and Al-Hayat networks. In addition to direct control of ownership, the Egyptian Media Group runs the Nile Radio Network, which is owned by the National Media Authority, and has signed a protocol with the Authority, to put a plan to develop state-owned television³.

On the level of direct violations against the press community, AFTE's staff monitored at least 48 incidents in which 59 different violations occurred during the period from 11 December 2018 to 10 December 2019.

● Cases of arrest and detention

On January 1, security forces arrested journalists Mohammed Mesbah Jibril and Abdul Rahman Awad Abdel Salam after conducting an interview with former MP and President of the Reform and Development party, Mohammed Anwar El Sadat. The journalists were imprisoned pending the 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 internet account for a terrorist purpose, and deliberately spreading false news for the purpose of terrorism.

On the 29th of the same month, the Cairo airport security authorities arrested journalist Ahmed Gamal Ziadeh on his return from the Tunisian capital with his wife, according to his lawyer⁴. Mokhtar Mounir, AFTE's lawyer who handled Ziadeh's case, said:

3. For more information, please review AFTE's second quarterly report for 2019, https://afteegypt.org/publications_org/2019/07/29/18020-afteegypt.html

4. Testimony of Mokhtar Mounir, AFTE's attorney and the journalist's lawyer.

“Ziadeh was detained by the state security officer at the airport after being stopped at passport control. All communication was cut with his wife, while airport security authorities refused to disclose his whereabouts. Ziadeh remained at an undisclosed until the date he appeared before the Omraniya prosecution on February 13. The lawyers learned accidentally that he is in Omraniya prosecution pending case No. 67 of 2019. The prosecution accused him of publishing and broadcasting false news via social media sites “facebook”⁵.

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.

On September 20th, security forces arrested journalist at Al Masry Al Youm newspaper, Ingy Abdul Whab, while she was covering demonstrations which occurred on that day. On September 26th, Abdul Whab appeared before the State Security Prosecution pending case No. 1338 of the year 2019 state security. She was accused of participating with a terrorist group while knowing its purposes and spreading false news. On October 10th, the state security prosecution ordered her release.

On September 21st, 2019, journalist and blogger Mohamed Ibrahim, known as Oxygen, was arrested while he was in El-Basatin police station as part of the precautionary measures in case No. 621 of the year 2018 National Security. A national security officer had accompanied him from the police station to one of the National Security headquarters, according to the Arabic Network for Human Rights Information⁶. Oxygen appeared; 18 days after the security authorities denied his arrest, before the State Security Prosecution as a defendant in the case No. 1356 of the year 2018 State Security. The prosecution accused him of misuse of social media and spreading false news. The prosecutor ordered his imprisonment pending these accusations; the prosecution is renewing his detention until now.

On the 25th of the same month, the police forces arrested photojournalist, Islam Mosadak, from his home, and the authorities denied his presence. On October 1st, the Supreme State

5. Previous source

6. ANHRI website, Accessed on October 10th, 2019, <https://bit.ly/2VDJFDz>

Security Prosecution ordered the detention of Mosadak, pending the case No. 488 of 2019 state security, without informing his family or the presence of his lawyer. The prosecution accused him of participating with a terrorist group knowing its purposes, publishing false news, and the use of a social media account to spread rumours. Mada Masr website quoted sources at CBC channel, which Mosadak was working for, saying that the channel's management fired him after he was imprisoned by the State Security Prosecution⁷.

On October 2nd, security forces released journalist at Masrawy website, Omar Hisham, without filing any police reports or directing any charges, after he was illegally detained from September 20th. Hisham was arrested from the vicinity of downtown while he was covering the celebrations by Al Ahli club's fans after winning the Egyptian Super Cup, as mentioned by Masrawy website⁸.

At the same time, security forces released Abdullah Ghoneim, journalist at Almnasa website, without filing any police reports or directing any charges after he was illegally detained from September 25th, till October 2nd. The security forces had arrested Ghoneim while returning from his hometown in Mahalla to Cairo. The Ministry of the Interior denied that Ghoneim had been arrested throughout that period.

Security forces arrested the Associated Press translator, Mostafa Al-Khatib, from his home on October 13th⁹. Al-Khatib appeared the next day before the State Security Prosecution, pending the case No. 488 of 2019, State Security. The prosecution accused him of joining a terrorist group and spreading false news. Mostafa's arrest is likely to be related to a report published by the news agency about the arrest of English students who were present in Egypt for academic purposes.

Security forces also arrested journalist at Rose al Yusuf newspaper, Ahmed Shaker, from his home at the dawn of November 28th. Shaker was brought before the State Security Prosecution pending case No. 488 of 2019 state security; he was accused of participating with a terrorist group while knowing its purpose.

7. Mada Masr website, Accessed on October 1st, 2019, <https://bit.ly/2OKKuJk>.

8. Masrawy website, Accessed on October 10th, 2019, <https://bit.ly/2IPjeWu>

9. A testimony from Hala Douma, a member of the journalist's defense team

Security forces arrested Shadi Zalata, the editor at Mada Masr website, from his home at dawn on November 2. An armed security force took him to an unknown destination after searching his house and seizing two computers and two mobile phones belonging to him and his wife. The armed force did not reveal its identity or provide a warrant from the prosecution to search the house or arrest Zalata. The security men who accompanied Zalata told his wife that they were going to the Giza Security Directorate, but the Directorate denied his existence and he was kidnapped for nearly two days until he was released by leaving him on the ring road on the afternoon of Sunday, November 24th.

Security forces also arrested three other “Mada Masr” journalists: Editor-in-chief, Lina Atallah, and Editors Rana Mamdouh and Mohamed Hamama, after storming the website’s headquarters in Al Dokki area without revealing their identity or presenting any warrant allowing them to search the place. The security forces seized the mobile phones, collected the identities of all those present in the premise of the website, and locked them in one of the headquarters rooms. During a three-hour search of the website’s premise and the journalists’ computers, members of the security force interrogated the website’s editor-in-chief, and journalists Mohamed Hamama and Rana Mamdouh, as well as foreign journalists in the English version of the website, Ian Lowe and Emma Skolding. The security personnel also interrogated a France 24 journalist who was present at the headquarters for an interview about the arrest of Shadi Zalata, who was arrested one day before the storming incident.

The security force escorted the three journalists to Al Dokki police station and then to an unknown destination, but the vehicle they rode returned to the station, where they were released without filing any police records. In a subsequent incident, some security personnel went to the homes of journalists in the English version of the website Emma Skolding and Ian Lowe, on November 30, took their passports and asked them to go to the Passports, Emigration & Nationality Administration, where they were forced to sign a declaration to leave Egypt within seven days, according to Mahmoud Othman, AFTE’s lawyer, who accompanied them there¹⁰.

This security campaign that targeted Mada Masr came after the website published a report entitled “A Long Work Mission ... Mahmoud Al-Sisi side-lined to Russia”. The report was

10. AFTE’s website, Accessed on December 20th, 2019, https://afteegypt.org/publications_org/2019/12/04/18246-afteegypt.html

based on inner sources at the general intelligence service, government officials and senior politicians with close ties to the president's inner circle, addressing the approval of president Sisi to remove his son from the GIS after what the report called a series of internal failures and crises that threatened "the stability of the regime".

Rana Mamdouh had mentioned in an article published by Mada Masr that the Egyptian authorities in Cairo airport prevented her from travelling to attend a conference on "Investigative journalism in time of extremism". Mamdouh said in her article:

"The national security officer at the airport told me I was registered on their watch list and that I would not be able to travel unless I consulted with the relevant officer in charge of my file at the Interior Ministry. I asked him if this meant there was an order banning me from travel. He answered calmly, "Not from the Public Prosecution, but from the responsible officer at the National Security Agency. I asked him about the reason. He responded that he didn't have my file in front of him but added, "You're a journalist. You must have done something." He recommended I go to the National Security Agency headquarters to settle the matter with the officer responsible".¹¹

● Physical assault cases

Journalists are still subjected to grave physical violations while performing their work, without the relevant authorities taking any step to protect them.

On April 23, 2019, following the match between Zamalek and Pyramids in the Egyptian league, a number of Zamalek players and administrators assaulted Al Masry Al Youm's photojournalist Abdel Rahman Gamal during his coverage of the match. In a testimony published by Al Masry Al Youm website, Abdel Rahman recites the details of the attack: "As soon as the match was over, I went to do my work photographing the manifestations of happiness of Pyramids players after winning and also photographing Zamalek players. I noticed the presence of a security cordon in the middle of the stadium and found that some Zamalek players are assaulting a police officer responsible for security, so I went to photograph the incident". Abdel Rahman added: "I was surprised that Zamalek player,

11. Mada Masr, Accessed on December 20th, 2019, <https://bit.ly/35Nwiot>

Mohammed Ibrahim, headed towards me and asked me quietly for my phone, which I am using in photographing. a member of the medical team, named Mohamed Eid, intervened trying to snatch my phone, but he failed and fell to the ground. After that, Mahmoud Ganesh came and beat me on the face, the dressing room worker and player Muhammad Abd Al Ghani also beat me with him. Mohamed Eid asked me to go to the dressing room to give me the phone, but I refused and went to Nasr City police station to file a report of the incident”¹².

On May 7, the cinema producer Ahmed Al Sobki and around 10 individuals broke into the headquarters of Sada El Balad website in Mohandeseen area, following a dispute between the producer and Sada El Balad channel in relation to one of the TV series shown on the channel.

Islam Maklad, journalist at the website, recites details of what happened:

“The incident began with the entry of Ahmed Al Sobki and a number of people to the headquarters of the website; they then started cursing the personnel. They asked about Ahmed Sami, the director of contracting and advertising marketing for the channel Sada Al Balad, and who is not connected to the website.. The editor in chief of the website, Ahmed Sabri, came out of his office and tried to calm Al Sobki trying to understand what is happening because we did not know or understand the reason behind their actions. During that, a number of journalists, including the head of “Asl el Hekayah” department, tried filming what was happening with their mobile phones, so one of the persons with Sobki snatched it from him –it was later restored. The editor in chief, accompanied by Al Sobki, entered his office; the voices were loud again..I noticed that one of the people accompanying Al Sobki was trying to close the door of the editor in chief’s office, after the voices were loud. This pushed me to try entering the office and prevent him from closing it, so Al Sobki walked towards me trying to attack me, but some of the people who were with him rushed and attacked me, and broke some of the contents of the office. We contacted the police, so Al Sobki and his companions left. We then went to the Dokki police station to file a police report, and there we were surprised to find Ahmed Al Sobki filing a report

 12. Al Masry Al Youm, Accessed on December 20th, 2019, <https://bit.ly/2Q8Zuj>

against us. The editor in chief Ahmed Sabri, journalist Islam Maklad, and the head of “Asl el Hekayah” department, Ahmed Salem, were detained to be referred to the prosecution to investigate the police report Al Sobki filed. The following day, the prosecution released the journalists under guarantee of their place of residence. Ahmed Al Sobki was also released on LE 1000 bail, pending the case”.¹³

On December 18th, journalists Mohamed Shokri and Atef Badr from AlMasry Al Youm, Israa Soleiman from AlWatan, and Aya Dabis from the Al Youm Sabea were subjected to physical assaults by members of the Special Guard of the Pharmacists Syndicate appointed by the head of the Syndicate Mohye Obaid while covering the syndicate’s elections. Mohamed Shokri, one of the assaulted journalists, said:

“We were surprised during conducting an interview with the candidate for the position of head of the syndicate, Karam Kurdi, that the general director of the syndicate and some of the guards snatched the mobile phone of journalist, Ayah Dabis, and smashed it. They then took the mobile phone of our colleague, Israa Soleiman, who was using it to record with Kurdi. The guards attacked our colleague, Atef Badr, and tried to force him out .. I tried to intervene to prevent them from attacking Atef, but one of the security personnel caught me from the back and another one tried to take the camera from me and was able to take it after they hit me in the face .. After that they locked me, Israa, and Aya in a room on the second floor. The detention continued for about an hour, until we contacted our colleagues, who came to the syndicate’s headquarters and took us out. ¹⁴”

● Cases of prevention from coverage

On January 15th, the governor of Ismailia kicked out the reporters of Al Masry Al Youm and Al Wafd, Hani Abdel Rahman and Mohamed Gomaa, respectively, from the press conference held by the Minister of Manpower in the company of the Ismailia governor. Abdel Rahman said:

13. A testimony by the website’s journalist IslamMaklad, and another journalist who preferred to remain anonymous.

14. Testimony from photographer Mohamed Shoukry

“While we were in the hall where the press conference was to be held, the governor entered and promptly expelled us. All the attendants were surprised, including the Minister of Manpower ... We tried to ask the governor to respect our profession, telling him that what he was doing violated the rules of journalistic work, and is an insult to journalists. But he pushed us and kicked us out. It is the first incident in the history of the governorate, and even the governorates of the Suez Canal, in which an official insults journalists, and it did not happen during our twenty-year journalistic work¹⁵”.

Journalists working for Al Mashhad newspaper were prevented from covering the referendum on some articles of the constitution, based on a decision by the National Elections Authority whose reasons were not named. On April 20, 2019, the editor in chief of Al Mashhad newspaper Magdi Shendi published a statement in which he announced the refusal of the National Elections Authority to grant permits to Al Mashhad journalists without giving any reasons. He Said:

“The officials at the National Elections Authority did not explain why an Egyptian newspaper is prevented from covering the referendum despite submitting all the required papers on the official dates, including a letter from the Supreme Council for Media Regulation. The journalists of Al Mashhad suffer from the intransigence of a number of official authorities that does not allow them to perform their journalistic work. The head of the National Media Authority, Makram Mohammed Ahmed, promised to intervene, but his efforts failed¹⁶”

Various media outlets were prevented from covering the vote counting processes inside the committees. The spokesman for the National Media Authority announced that media outlets are not permitted to cover the counting processes inside the sub-committees as was followed in all the elections and referendums that were organized after January 2011. The authority stated during a press conference that the media outlets are not entitled to broadcast referendum results, and that the only entity entrusted with announcing the results of the referendum in accordance with the law is the National Elections Authority.¹⁷

15. Al Masry Al Youm website, Accessed on December 20, 2019, <https://bit.ly/2SjWUtl>

16. A statement posted by Al-Mashhad newspaper editor, Magdi Shendi, on his Facebook page, April 20, 2019, Accessed on December 20, 2019, <https://bit.ly/2ZhkGrn>

17. Dot Masr, Accessed on December 20, 2019, <https://bit.ly/34Nwx1u>

● Cases of censorship of newspapers

On May 28, Amina Al Nakhash, the editor in chief of Al Ahali newspaper, received a late telephone call from a member of the General Secretariat of the Supreme Council for Media Regulation, telling her that the censor objected to a feature in the issue under print at the time. The two pages feature mentioned that some convicts in cases, described by Al Nakhash in a telephone call, as “cases of violence”, were released by presidential pardon. The member of the General Secretariat of the Council asked Al Nakhash to remove the feature and replace it so that the newspaper can be printed.

El Tagamou’ party, which issues the newspaper, said in a statement that Al Nakhash, after consultation with the editorial board and leadership of the party, refused the request to remove the feature or make any changes in the newspaper, hence printing of the newspaper was suspended. Al Nakhash said: “I refused to remove the feature for several reasons: first is that it was published on two pages, which means it cannot be replaced in this short time. Second, it was based on information from the papers of the cases, and not opinionated. Third, the frequency of interventions in our work represents a restriction on the freedom of the media that opens the doors to corrupt people. Finally, there is no legal or constitutional justification for censorship of the press, and therefore all these interventions are illegal”¹⁸.

This was not the first incident of its kind for Al Ahali newspaper. The censor intervened to amend and remove some of the material in the issues published on the 15th and 22nd of the same month. The editorial board agreed to remove the news reports from the paper issues so they could be printed, after the news was published on the website and on social media platforms¹⁹.

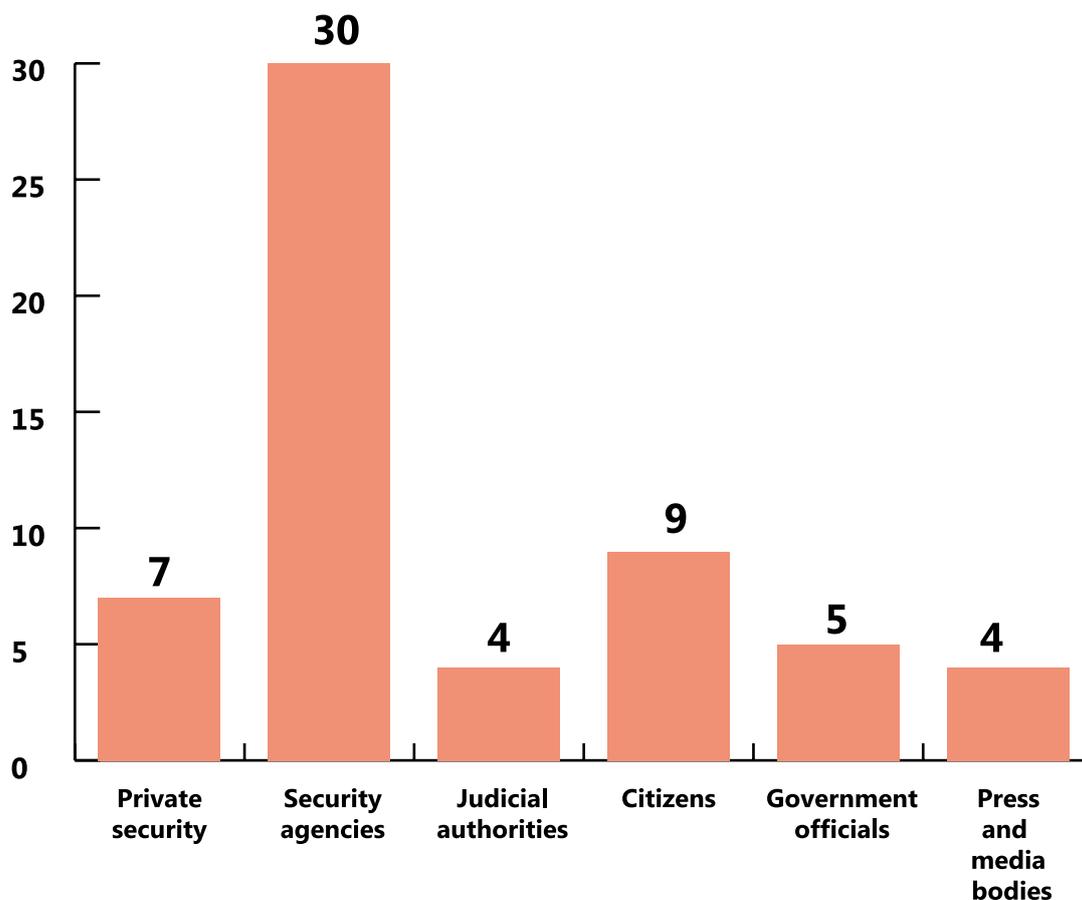
On August 5th, Dr. Mostafa El-Said, the political science professor, posted on his face book account that an article he wrote for Al-Shrouk newspaper was banned. El-Said added that the article addresses the multiple faces of poverty in Egypt, and that he relied in the article on the data from the income and expenditure survey, which was issued at the time by the Central Agency for Public Mobilization and Statistics. El-Said asked about the reason for preventing the article, adding that he knew that this was out of the will of Al-Shorouk Newspaper²⁰.

18. Testimony of the editor-in-chief of AlAhaly newspaper to AFTE’s researcher.

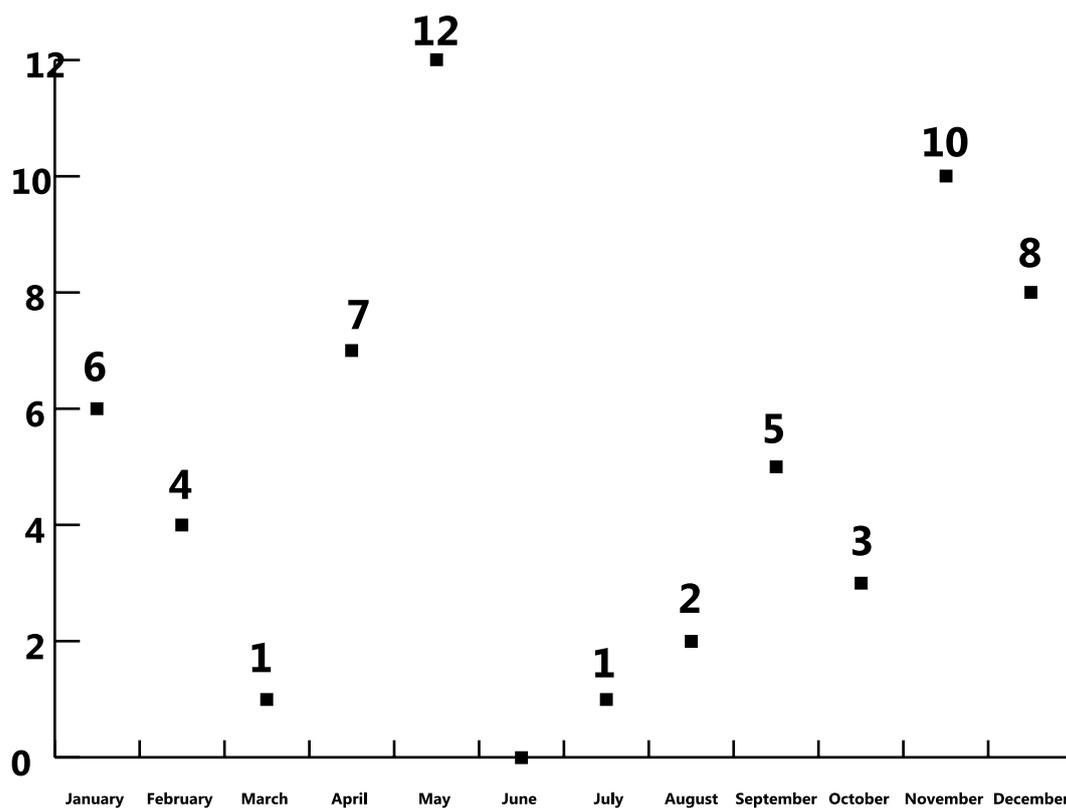
19. AFTE’s website, <https://bit.ly/2tUNZFi>

20. A post by Mostafa El-Said on his face book page on August 5th, 2019. Accessed on October 10th, 2019, <https://bit.ly/33vFRHs>

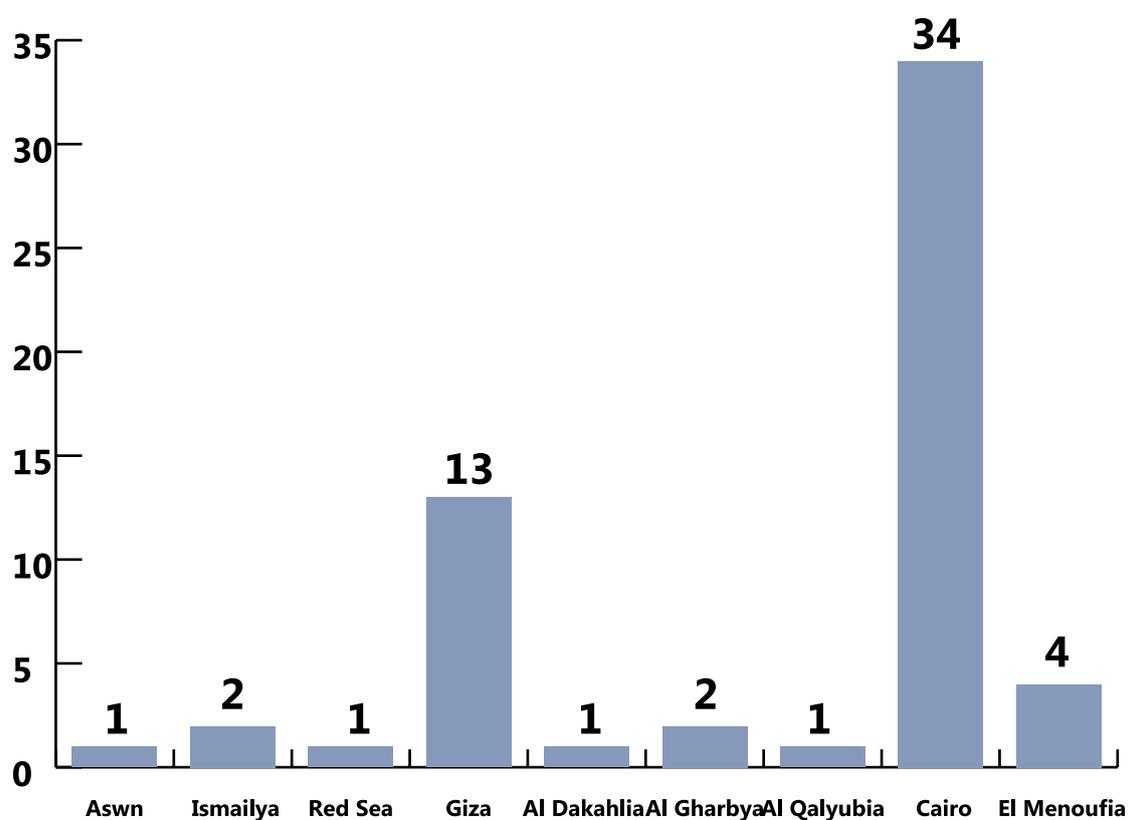
Violations against journalists according to the aggressor



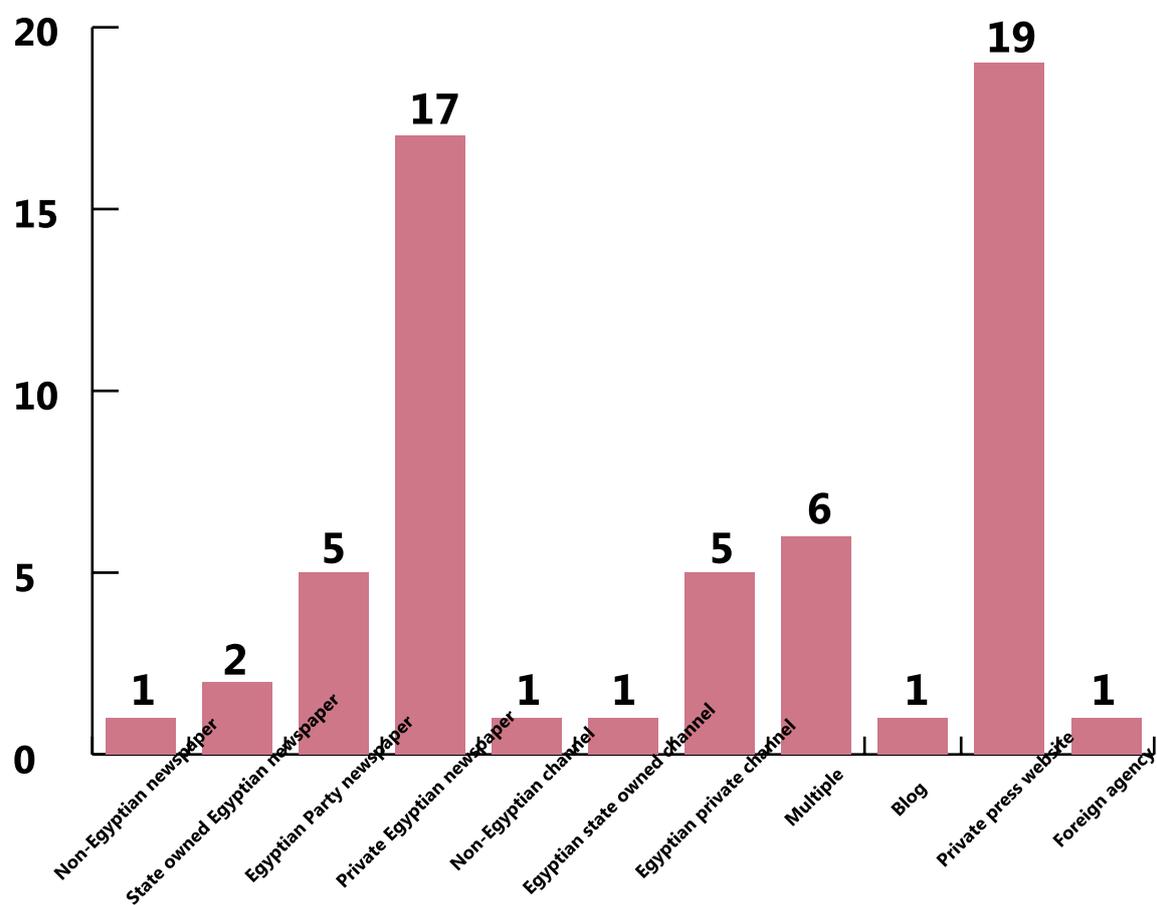
Freedom of press & media violations in accordance with the timeline 2019



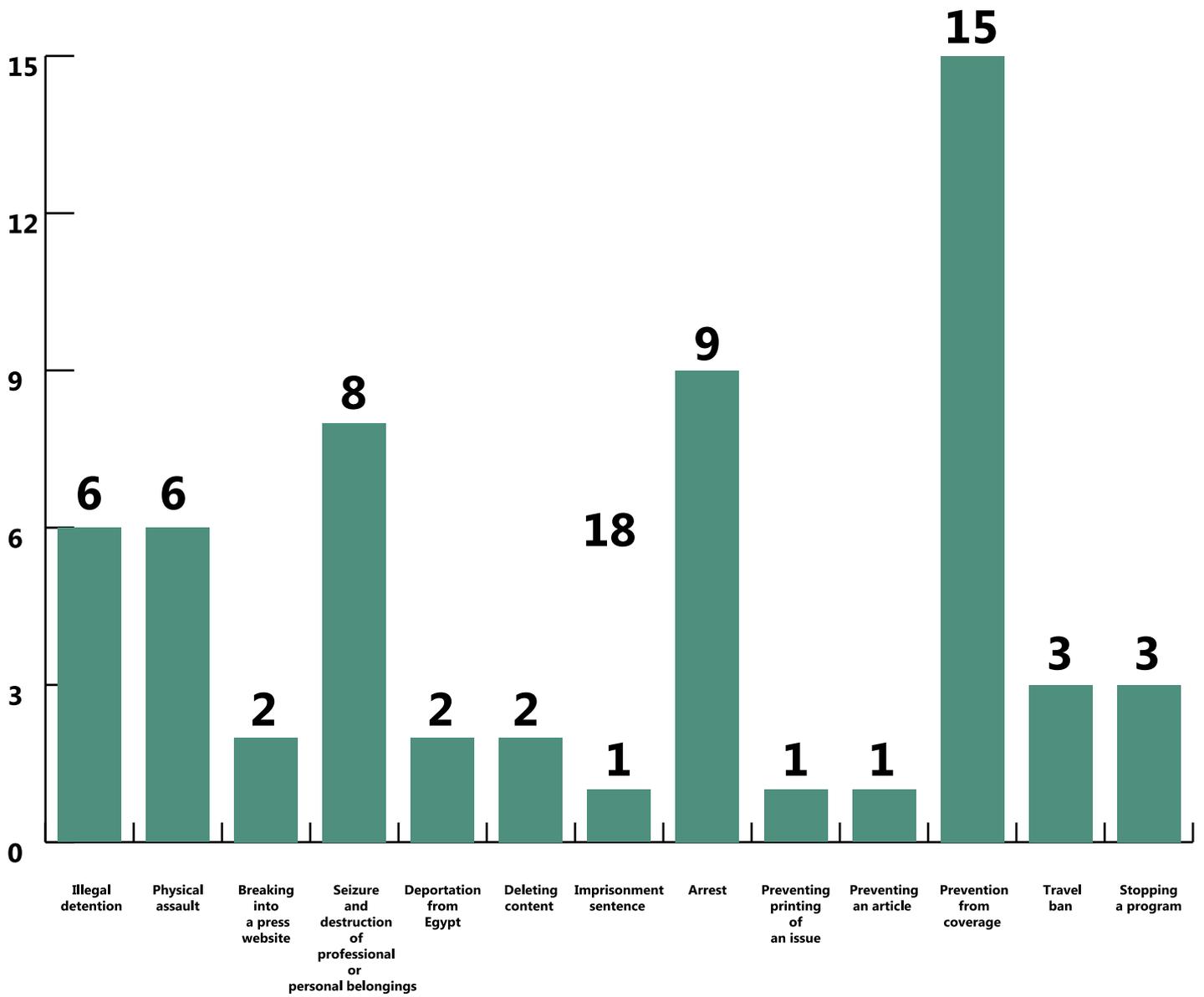
Violations against journalists according to geographical scope 2019



Violations against journalists according to the type of journalists employer 2019



Violations against journalists during 2019



Digital rights

During the year 2019, AFTE monitored 69 incidents in which 144 people were punished with pre-trial detention, detention, and investigation, for expressing their views on social media, whether by writing or publishing videos, and sometimes because they demonstrated in the streets or even for beeping in their homes. However, the prosecution -in most cases the Supreme State Security Prosecution- charged them all with misuse of social media and spreading false news. The largest percentage of violations occurred in Cairo governorate with 119 violations, followed by Giza governorate with 10 violations, followed by Alexandria governorate with 8 violations, and Sharqya with 4 violations, while a single violation occurred in Fayoum, Gharbya and Qalyubia governorates.

AFTE monitored the blocking of about 40 electronic websites by authorities in Egypt during the year.

● Cases of arrest and investigation

On February 9, 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 Mostafa Husseini Fakhri al-Khatib, Ali Godah Mohammd Attia Al Khatib, Hussain Mohamed Abdo Hussein and El Sayed Mostafa Said Salama. The prosecution accused them of contempt of the Christian religion and broadcasting a video inciting sectarian strife in Abu Hammad emergency state security case No. 163 of 2019. The Zagazig Misdemeanor Appellate Court decided to release them on February 27.

On the 16th of the same month The Cairo Appeal Prosecution summoned engineer Mamdouh Hamza, to investigate him in case No. 31 of 2017. Hamza faced charges of spreading false news that would disturb public security. The case goes back to the year 2017 when lawyer Samir Sabri filed an urgent report to the Attorney General and State Security Prosecution against Hamza because of some tweets on the social networking site “Twitter” about the residents 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 Prosecution summoned Mamdouh Hamza to investigate him in a number of legal complaints filed by a group of lawyers against him, accusing him of calling for sabotage, rebellion and demonstration because of some of his tweets. The State Security Prosecution also ordered his release on bail 20,000 pounds after investigations that lasted for 6 hours.

In Alexandria, on March 6, Mohamed Al-Sharif was arrested, in front of the Alexandria Court of First Instance while some prisoners were stepping down the deportation vehicle, among them was the lawyer Mohamed Ramadan, for whom Al-Sharif was waiting. Al-Sherif was questioned by Al-Manshiyyah prosecution on the day after his arrest. The national security had attached his inquiries, which stated that Al-Sharif was filming the security barrier and the political defendants as they got out of the deportation vehicle for posting the filmed material on Facebook. The inquiries also stated that Al-Sharif is involved with the “banned” April 6 movement, which is linked to the Muslim Brotherhood, and that he established an electronic page called “Mohamed 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-Manshiyyah Prosecution in Alexandria decided to imprison Mohamed Al-Sharif for 15 days pending investigations in the legal complaint No. 442 of 2019, after he was charged 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.

The case was referred to the Alexandria Criminal Court, which acquitted-on June 3, 2019- Mohamed El-Sherif in Case No. 55 of 2019, Emergency State Security Crimes and No. 568 of 2019 East of Alexandria²¹.

In the month of April, during the referendum on the constitutional amendments three citizens were arrested in different incidents, but all of them were accused of the use of a social media account to commit a crime punishable by the law that would threaten the security

21. AFTE’s website, Accessed on December 18, 2019, Link: <http://bit.ly/36POyO6>

and safety of society. On April 21, security forces arrested Amir Mohamed Eissa, in front of a school in Qalyub area, while filming irregularities in front of a polling station during the referendum to amend the constitution. On the same day, Ahmed Badawi Abdel Meguid was arrested in the fifth settlement area because he raised a banner calling on citizens to vote against the constitutional amendments. The Supreme State Security Prosecution charged both Eissa and Abdel Meguid of belonging to a terrorist group and using an account on social media to commit a crime punishable by the law that would threaten the security and safety of the community. They were imprisoned pending investigations into the case No. 674 of 2019 of the Supreme State Security Prosecution.

On April 22, which was the third day of voting in the referendum on the constitutional amendments, the police arrested Abeer Al Safti. Al Safti was on her way to Kafr El Dawar in Beheira governorate, when the police forced the passengers of the vehicle she was travelling in to participate in the referendum. Al Safti protested forcing the passengers to vote, which led to her arrest.

The Supreme State Security Prosecution accused Abeer Al Safti of joining a terrorist group and misusing her account on social media. The Prosecution decided to detain her pending the case No. 674 for the year 2019, which is the same case in which Ahmed Badawi and Amir Eissa are detained. Al Safti was previously put in pre-trial detention pending the “Metro protests” case. She was released on November 19, 2018, and the pre-trial detention was replaced with precautionary measures.

During March calls for demonstrating spread on social media to denounce the Ramses train accident; in which killed more than 20 people. The calls varied between demonstrating on March 1 in Tahrir Square and other squares and whistling in the homes. Although the response to these calls was not widespread, security forces arrested not less than 126 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 whistling. Most of those arrested were charged with “Participating with a terrorist group in one of the activities of that group and using social media 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, AFTE found that there are 68 suspects in state security case

No. 488 for the year 2019, for demonstrating on March 1. On the other hand, those who whistled were investigated in case No. 1739 for the year 2018, and around 52 defendants were imprisoned in this period.

Case No. 488 appeared again in September, when leftist activist Kamal Khalil joined it after security forces arrested him from his home on September 16, 2019. He was interrogated the following day by the Supreme State Security Prosecution, which decided to imprison him for 15 days pending investigations on charges of joining a terrorist group and spreading false news.

Subsequently, many lawyers, journalists, and university professors were added to this case after the end of the September 20 demonstrations that the contractor and actor Mohamed Ali called for. Until the time of writing, the following persons are still in custody: lawyer Mahinour Al-Masry, academics Hassan Nafaa and Hazem Hosni, lawyer Amr Imam, human rights defender, and activist Israa Abdel-Fattah, and finally journalists, Solafa Magdy, Hossam El-Sayyad, and Mohamed Salah. All were arrested on different dates and contexts but gathered in case 488 of 2019 for accusations related to publishing on social media²².

In the same period, specifically on September 29th, while Alaa Abdel-Fattah's mother was waiting in front of the Dokki police station at 6am, the time the daily monitoring of Abdel-Fattah ends, the university professor, Laila Suef, was surprised by the unusual tightening of the security in front of the police station. She asked about Abdel-Fattah, and the station informed her that he was arrested and deported to the State Security Prosecution. Several lawyers headed to attend the investigations with Abdel Fattah, including lawyer Muhammad Al-Baqer who was surprised at the prosecution's office that there is detention decision against him pending the same case as Abdel-Fattah. Security forces detained Al-Baqer and interrogated him, as the prosecution decided to imprison him and Abdel-Fattah pending the case No 1356 Higher State Security, with charges of joining a terrorist group knowing its purpose and the misuse of social media to deliberately broadcast and publish false news and rumors that disturb public security and spread terror among the people.

22. AFTE's website, Accessed on December 18, 2019, Link: <http://bit.ly/2trblkZ>

● Blocking

The Egyptian authorities continued their practice of blocking websites, which they started in May 2017, as AFTE monitored the blocking of 40 websites, between instant messaging applications websites, and journalistic, political and social websites, thus increasing the number of blocked sites in Egypt to 546 sites. In one week in April, the authorities blocked 7 domains of the Batel (Void) campaign that was aimed at collecting signatures from citizens against the constitutional amendments, and throughout the week, whenever the campaign launched a new domain, the authorities blocked it hours after its launch.

Thirteen instant messaging application websites were blocked in September, including popular application sites such as Signal and Wire, and this was over the past few days prior to September 28, as the contractor and actor Mohamed Ali called for demonstrations in various squares on this day against President Sisi.

The law Regulating the Press, Media, and the Supreme Council for Media Regulation promulgated in August 2018 granted the Supreme Council for Media Regulation the power to block websites, and personal blogs and accounts whose followers number exceeds 5,000 people. Over the year the Supreme Council issued several decisions blocking some websites, with different reasons for blocking, including “breaches of the Code of Professional Honour and written standards and norms”. Even if the council doesn’t issue the blocking decision, it was the authority that responds to the questions that accompany the blocking of websites, as happened after the BBC Arabic website was blocked in September 2019 after covering the demonstrations that took place downtown and in a number of governorates on September 20. Whereas, when Makram Mohamed Ahmed, the head of the Supreme Council for Media Regulation, was asked about blocking a number of news websites during that period, he suggested that “the Egyptian authorities have blocked some news websites due to the publication of inaccurate news about the demonstrations” and that he “has not yet been formally notified with of the names of the blocked sites”.²³ The council did not announce the name of the entity that is supposed to “inform it officially” of the names of the sites and what does it mean by “the Egyptian authorities.”

23. BBC, Accessed on December 23, 2019, Link: <https://bbc.in/2rlg6vM>

Although the authority to block websites was granted to more than one entity by virtue of the laws regulating the press and media, and combating information technology crimes in August 2018, yet the Supreme Council for Media Regulation is the only entity that announces its use of blocking –sometimes. The Cyber Crimes Law grants the investigation bodies and the police the power to block websites directly, but no party has announced its decision to block any site or page, and the authority responsible for blocking more than 500 sites, before the laws were issued, remains unknown until the moment, in addition to sites that were blocked after the laws were issued. No entity, including the Council, has announced its responsibility for blocking the websites or the reason behind that.

The first announced decision to block a site was that of MO4 Network, as the Supreme Council issued a decision to block the sites affiliated with the aforementioned company for publishing topics “insulting the Egyptian state”. The incident goes back to December 3, 2018, when “Al-Fasala” website published an article under the title “UAE passport is ranked first in the world.” The article said, “You keep talking about the 7 thousand years of civilization.” This is what the Supreme Council for Media Regulation considered “something unprofessional and an unjustified insult to the Egyptian passport”. The council therefore addressed the General Investment Authority to freeze the activities of the MO4 Company, owner of Cairo Time, Cairo Zoom and Al-Fasla websites²⁴. The response of the Authority on December 13, 2018, was “the existence of the company has not been inferred”, and that “it does not fall under the umbrella of the Authority, 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 supreme council recommended to block “Cairo Scene” website because it did not obtain a license from the council and because there was no license for the company owning the site. According to the Complaints Committee, the site contains “pornography, pornographic phrases”. 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, Start Up Scene and Scene News; and already

24. The supreme council for media regulation website, Accessed December 22, 2019, Link: <https://bit.ly/2UgYs6a>

by the beginning of 2019, a number of the mentioned sites have already been blocked, including the site of the company itself²⁵.

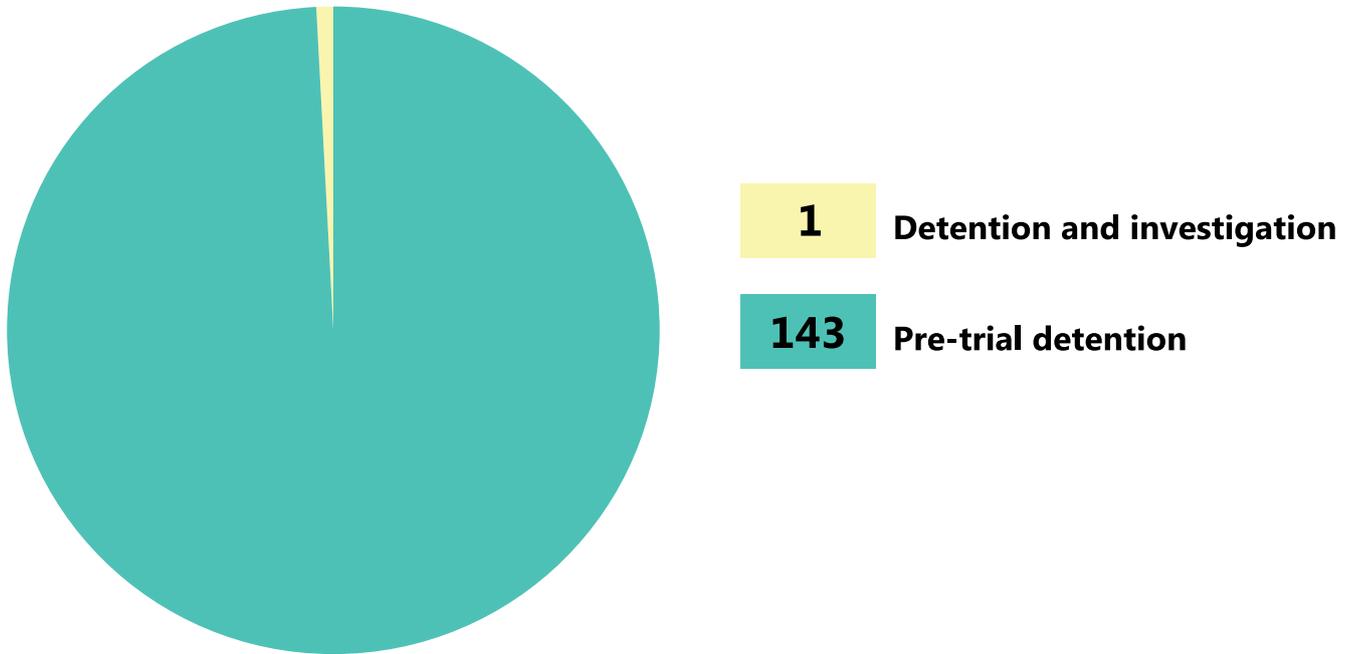
It is worth mentioning that MO4 Network is the owner of Scene website, which was blocked on June 26, 2017 after publishing a video entitled “Army Cookies” in which some young people evaluated cookie products for various companies, including cookies of the army-owned Teeba Roz Egypt; the site was blocked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

The Supreme Council for Media Regulation also issued a decree on August 24th, to block both Al Ekhbariya and Assabah News websites, because of “the practice of extortion by publishing false news harming the activities of Huawei company in Egypt, and violating the professional code of honor and written standards” according to the news published on the official website of the Council. The decree came after the recommendation of the complaints committee regarding the complaint filed by the legal representative of Huawei Company for technologies in Egypt, and the approval of the Supreme Council for Media Regulation²⁶. After investigating the complaint, the Committee recommended obliging the sites to remove the content that affects the company, and to compel the websites to apologize clearly and explicitly to the company. Despite these recommendations, the Council decided to block both sites for a period of 3 months, but according to what AFTE monitored, the decision was not implemented, and the websites operate normally and could be accessed

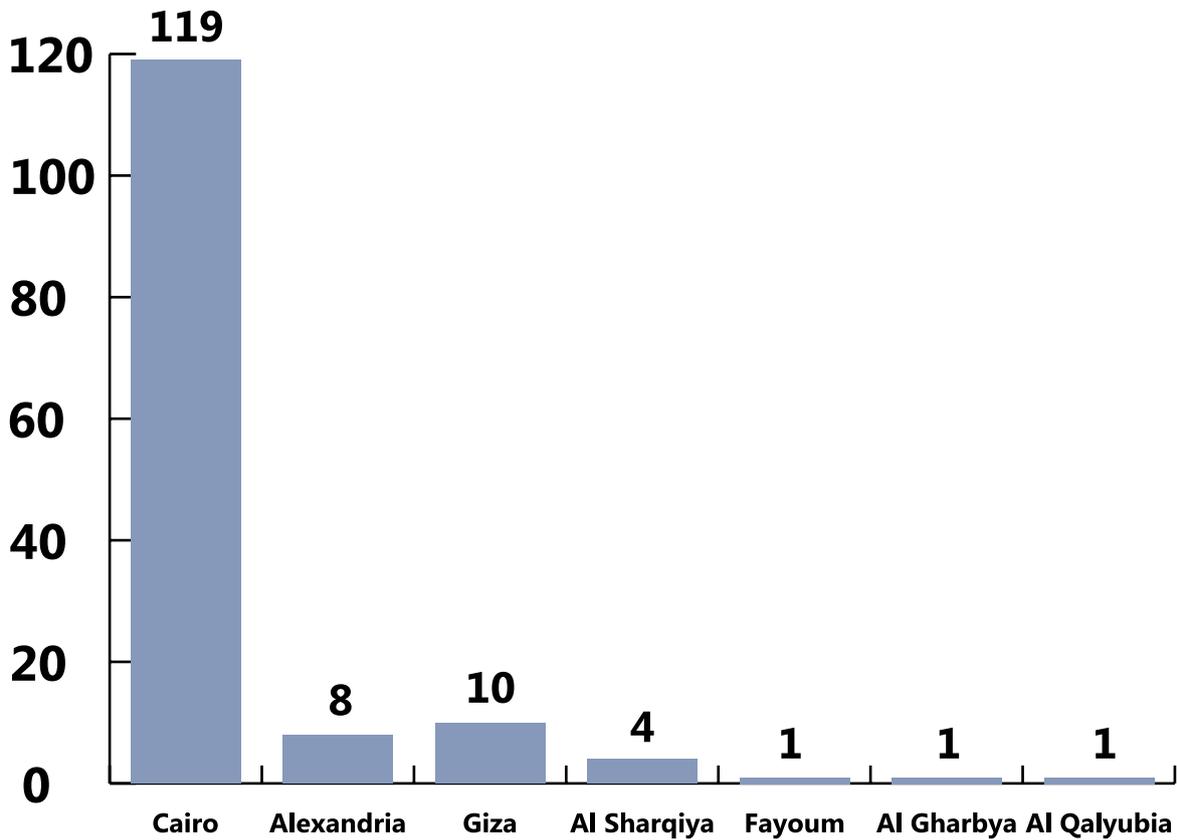
25. Al Watan website, Accessed on 22 December, 2019, Link: <http://bit.ly/373kjUb>

26. The Supreme Council for Media Regulation, Accessed on September 13th, 2019, Link: <http://bit.ly/33vfH7F>

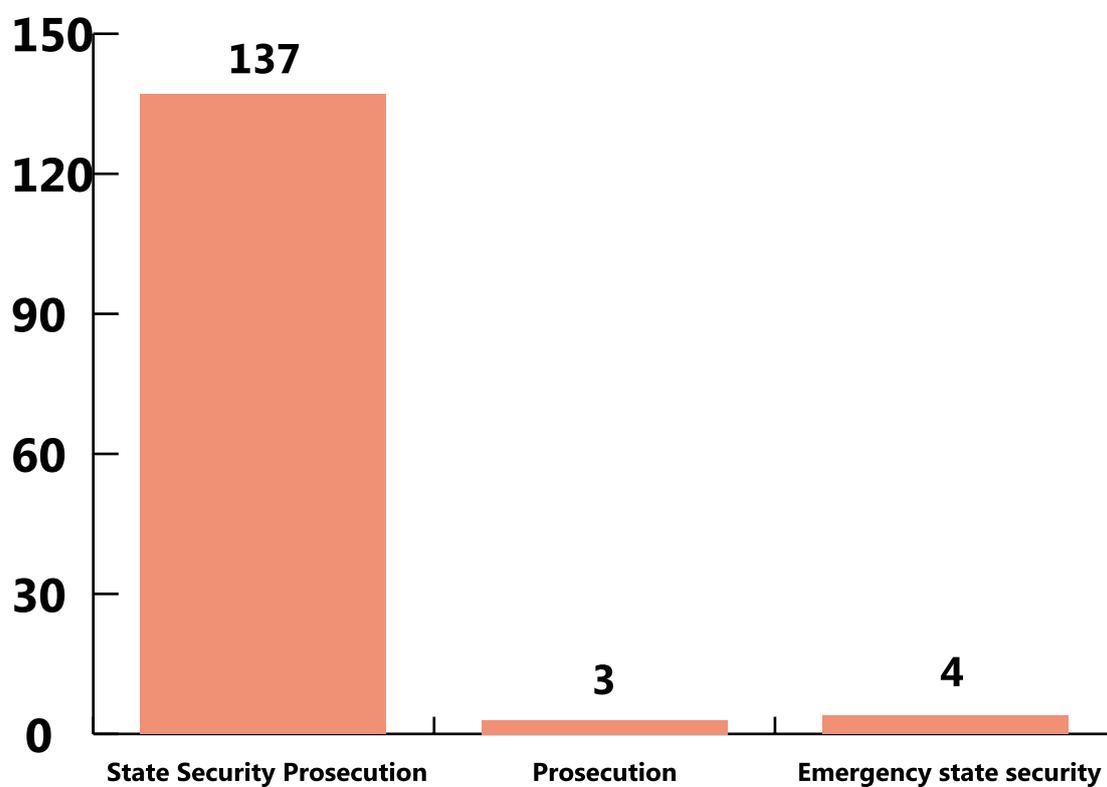
Violations of digital freedom of expression of 2019 according to the type of violation



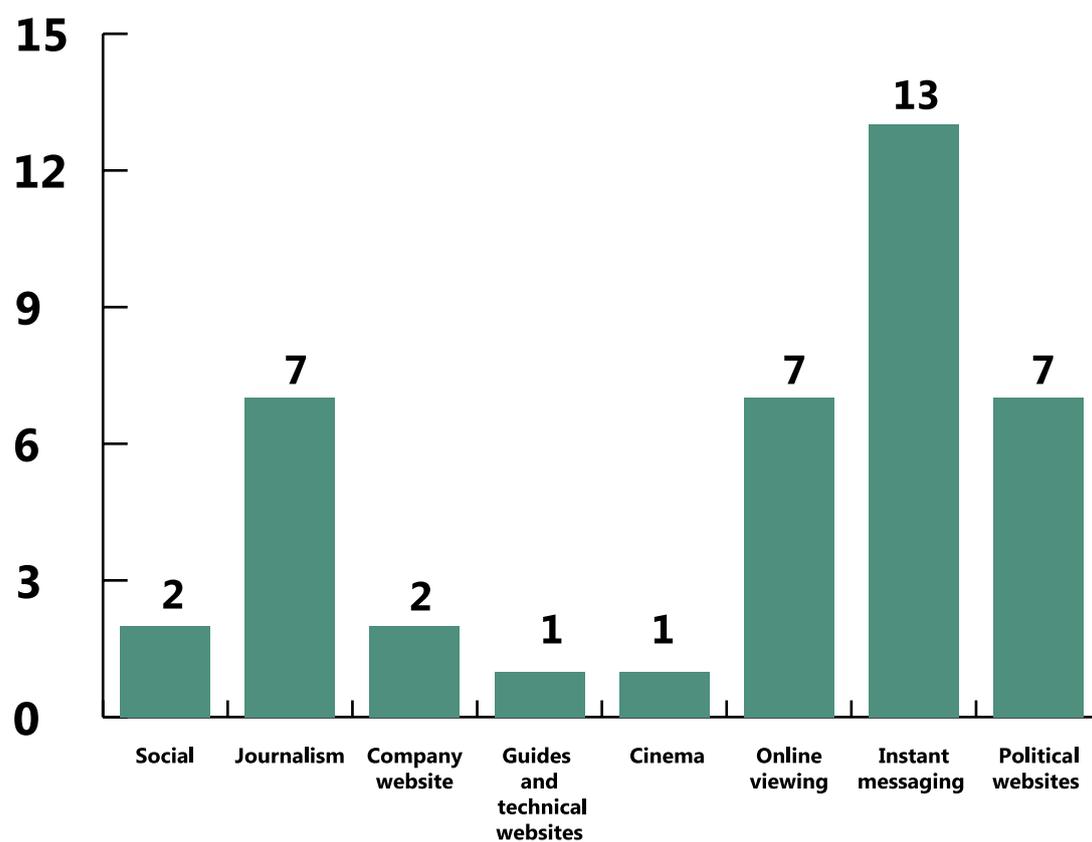
Violations of digital freedom of expression of 2019 according to the governorate



Violations of digital freedom of expression of 2019 according to the aggressor



Classification of blocked websites during 2019



Academic freedom

AFTE monitored the pre-trial detention of at least five faculty members pending political cases. It also monitored that the administration of two universities referred two professors to investigation because of expressing their opinions. The Cairo University administration was also intransigent again in renewing the study leave of doctoral researcher Kholoud Saber at the Catholic University of Louvain.

● Cases of pre-trial detention

In March, the Supreme State Security Prosecution decided to detain a professor at the Faculty of Law at Al-Azhar University -Assiut Branch- Sayed Hassan Abdullah, for 15 days pending investigations into the “rumor of the kidnapping of a girl from Al-Azhar University” case. The prosecution accused him of spreading false news and joining a group that was established in violation of the law. The prosecution also decided, at the time, to detain Aya Hamed, a journalist, on the same charges²⁷. Abdullah and Hamid remained in pre-trial detention till the time of writing the report.

Police forces arrested Dr. TarekEl-Sheikh, Assistant Professor at the Faculty of Law at Zagazig University, from his home and took him to a headquarters of the National Security Agency on the evening of August 31 of last year without presenting an arrest warrant from the prosecution. El Sheikh disappeared until he appeared in the State Security Prosecution on September 4, which decided to detain him for 15 days pending investigation on charges of creating an electronic account containing false ideas and news that harms public safety, and possession of publications containing false ideas with the aim of disrupting the work.

El Sheikh’s arrest was due to his participation in a campaign entitled “Egyptian scientists are angry”, as he was the admin of the campaign’s page on face book. Other professors were also arrested for participating in the same campaign, but they were later released without being referred to prosecution.

The “Egyptian scientists are angry” campaign demanded to improve the financial conditions

27. Al Watan website, <https://bit.ly/2uopBMm>

of faculty members in Egyptian universities. It should be noted that Dr. Tarek Al-Sheikh was officially assigned by the Supreme Council of Universities with the study of improving the financial conditions of university professors.

The March 9 Movement for the independence of universities sent a letter to the President of Zagazig University, Dr. Osman El-Sayed Shaalan, asking him to interfere in all possible ways and means for the release of Dr. Tarek El-Sheikh as “he is accused of demanding his legitimate rights and the rights of his colleagues to improve their financial conditions inside Egyptian universities”²⁸.

The assistant law professor remained in custody for around two months until the Zagazig Criminal Court decided to cancel the prosecution’s decision to continue his detention and released him on 13 November, and he was actually released four days later.²⁹

During a massive and unprecedented security campaign since the summer of 2013, following limited demonstrations, security forces arrested the professor at the Faculty of Economics and Political Science at Cairo University, Hassan Nafaa, after he was stopped on the ring road on the way back from work on September 25. Nafaa appeared before the State Security Prosecution, which accused him of publishing and broadcasting false news, using an account on the social media. The prosecution decided to detain him for 15 days pending investigations in case No. 488 of 2019. Since then, and until the publication of this report, Nafaa has been in pre-trial detention.

One day before his arrest, Nafaa tweeted on Twitter saying: “I have no doubt that the continuation of Sisi’s absolute rule will lead to disaster. It is in Egypt’s best interest that he departs today before tomorrow, but he will leave only with public pressure from the street, and we must at the same time choose the least costly way to ensure the transfer of power to safe hands and to avoid the chaos scenario “.

Some pro-government media broadcasted a voice record of a phone call between journalist Mostafa Al-Aasar -in pre-trial detention since February 15 2018 pending case No. 441 for

28. Dr. Dalia Hussein’s account on Facebook, March 9 Movement’s statement regarding the arrest of Dr. Tarek Al-Sheikh, October 29, 2019, Link: <https://bit.ly/2uIt9IU>

29. Cairo 24 website, 13 November, 2019, <https://bit.ly/37AaC0c>

2018 for accusations of joining an illegally established group- and Hasan Nafaa, in which Al-Aasar invited Nafaa to participate in a documentary film produced by one company for Al-Jazeera channel. This appears to be the main reason for arresting Al-Aasar at the time; and it seems that the security services have reused this audio recording to arrest Nafia³⁰.

Dr. Hazem Hosni, a professor of political science at Cairo University, was also arrested on the same day, September 25³¹. He appeared before the State Security Prosecution, which accused him of participating with a terrorist group in achieving its objectives, broadcasting and publishing false rumors inciting disturbing public security, and misuse of a social media to spread false rumors and ordered his detention for 15 days pending investigation of the same case.

Hosni was the spokesperson for Lieutenant General Sami Annan's campaign, when he was a potential candidate for presidency in the 2018 elections. Hosni was known for his opinions opposing the policies of President Abdel Fattah Al-Sisi.

After Hosni's arrest, his defense team issued a statement³² demanding his immediate release due to his critical health conditions. Dr. Nour Farhat, a professor of law, stated that pre-trial detention is a precautionary measure that can only be expanded with rules and justifications. The Supreme State Security Prosecution is still renewing Hosni's detention so far, ignoring his health condition and demands for his release.

Following the same security campaign in which Nafaa and Hosni were arrested, the security services arrested Dr. Magdi Korkor, professor and head of the department of environmental planning and infrastructure at Cairo University's Urban Planning College and the Secretary-General of the Independence Party, after breaking into his house on September 23³³. Security forces kept Korkor in an unknown place for 12 days; he appeared on October 5th in the State Security Prosecution that investigated the case 1350 for 2019, in which he was accused of joining a terrorist group.

Korkor was arrested among a group of his party's leaders. On the same day, Dr. Ahmed El-

30. AFTE's website, Accessed on January 26, Link: <https://bit.ly/37xBM7S>

31. BBC website, September 25, Link: <https://bbc.in/30ZSEBP>

32. Masr Al Arabya website, September 25, Link: <https://bit.ly/2GttYYV>

33. BBC website, September 25 2019, Link: <https://bbc.in/2Gye0ga>

Khouly, Dr. Naglaa El-Qalioubi, Mohammed al-Amir, Sahar Ali, Mohamed al-Qaddumi, Mohamed Shadi, Ahmed al-Qazzaz, and Mohamed Murad. Korkor is still in pre-trial detention, pending the case.

The security forces also arrested, on September 28th, Ahmed Hamdoun, an assistant teacher at the Faculty of Economics and Political Science at Cairo University, after they stormed a café shop in the city of Damanhur where he was sitting with his brother, human rights lawyer Mohamed Hamdoun, and his wife, feminist activist Asmaa Dabis. The three disappeared for several days until they were transferred from Damanhour to Cairo, where they were interrogated in the case 1338 of 2019, on charges of participating with a terrorist group knowing its objectives, spreading false news, misusing social media, and demonstrating without permission.

Ahmed Hamdoun was detained pending the case, until he was released on November 30th, 2019.

● Cases of administrative abuse

The Faculty of Law at Zagazig University suspended the salary of Professor Tarek Al-Sheikh from the first month of his imprisonment in violation of the law. Article 64 of the Civil Service Law No. 81 of 2016 stipulated that every employee who is subjected to pre-trial detention or is imprisoned in execution of a final ruling, is suspended from his work by force of law during the duration of his imprisonment and he is deprived of half of his salary if he is in pre-trial detention or in execution of a non-final criminal judgment. In Al-Sheikh's case the State Security Prosecution sent an official letter to the Faculty of Law stating that he is being held in pretrial detention.

After his release, Al-Sheikh headed to the college to resume his job and submitted an official request to the dean of the college, but the latter told him that he must obtain the approval of the university president. Al-Sheikh went to the university president's office, who promised him to investigate the matter immediately, but he referred the matter to legal affairs, on November 18. For two weeks the university did not allow him to go back to his work and was unable to meet the university president again. Later he was notified of the university president's approval, but he was surprised after that that a concurrent decision was issued to refer him to investigation and that a professor at the Faculty of Law was assigned for conducting the investigation.

Legal affairs at Helwan University investigated with the Professor of Geology at the Faculty of Science, Yehya Al-Qazzaz, on July 21, 2019, on the pretext that he was absent from work after being released from prison. In fact, Al-Qazzaz headed to the university to resume work on May 26, 2019, which is the first official working day after his release from prison on the 23rd of the same month³⁴.

Al-Qazzaz had spent more than 9 months in pre-trial detention pending case 1305 of 2018 State Security on charges of participating with a terrorist group in carrying out its objectives and spreading false news, after he was arrested on August 23, 2018.

The university administration also referred Al-Qazzaz to a disciplinary council on 28 July 2019 regarding the memo submitted by the dean of the College of Science to the university president accusing Al-Qazzaz of insulting the President of the Republic as well as the armed forces, before the arrest of Al-Qazzaz. Al-Qazzaz considered at that time that his referral to investigation was due to pressures from the security authorities and that it is a prelude for his dismissal from the university; he refused to appear for the investigation or receive the investigation letter. He asked the university president and the dean of the faculty of law to refer the memo to the Public Prosecution, as it is the authority entrusted with investigating him. The investigation with Al-Qazzaz is still ongoing.

On September 3, Kholoud Saber, an assistant teacher at the Department of Psychology at the Faculty of Literature at Cairo University, applied to the head of the department to extend her sabbatical until July 31, 2020 “to finish writing the thesis and to meet all graduation requirements,” according to the text of the request. The department board approved Saber’s request at its meeting, and sent a copy of its approval to the college dean to approve it in turn and then send it to the university president for approval, but the college dean did not issue a decision regarding it.

Accordingly, on December 9, Saber appealed to the Administrative Court the negative decision of the President of Cairo University to refrain from renewing her sabbatical for the year 2019/2020. The appeal held No. 1531 for the year 67 judicial, and the first hearing was scheduled on February 4, 2020, according to Mohab Said, AFTE’s lawyer and Saber’s legal representative.

34. ANHRI website, July 22nd, 2019, <https://www.anhri.info/?p=9962>

Cairo University approved the renewal of Saber's sabbatical on February 27, 2018 provided that the researcher submits her papers to the scholarships' department. The researcher received another letter from the university administration in which the scholarships' department asked her to file a petition to open a file with the department, noting that she should submit all the documents required to open the file, including security approvals, so that the sabbatical could be renewed.

The researcher submitted all the required documents at the time, but she refused to submit security approval forms. In a letter to the university administration, she said:

“After referring to the law regulating universities no 49 for the year 1972, I did not find anything that indicates the necessity of the approval of any security authority as a condition for renewing the sabbatical for faculty members. Believing in the principle of university independence, which recognizes the university's right to manage its own affairs, without any external party -especially non-academic- having the right to interfere in university affairs, I declare my refusal to submit a survey form to the security authorities, especially after informing me orally that the security authorities had previously informed the University of their opposition to my travel without giving any reasons for that. I also declare my complete readiness to submit any papers or documents related to my academic status required by the university, the Faculty of Arts, or the Scholarships' Department”

Freedom of creativity

During 2019, the syndicate of musical professions and the syndicate of acting professions came on top of the list of perpetrators of violations with four violations for the first and two violations for the latter, out of 11 violations monitored by AFTE throughout the year in 9 different incidents against creators. They were followed by the general authority for censorship of works of art with one violation. The violations varied between cancellation of membership, banning from syndicate registration, and suspension from work.

● Syndicates imposing restrictions on their members

In one week in March, the syndicate of musical professions banned “mahraganat” singer Hamo Beca from joining it, and suspended singer Sherine Abdel Wahab and referred her to investigation. It also canceled the memberships of both artist Dalia Mostafa “Lamis” and artist Fatema Mohamed Gaber “Fifi”.

On March 21, 2019, the syndicate of musical professions decided to suspend singer Sherine Abdel Wahab and referred her to investigation following some statements she made at one of her concerts in Bahrain, which the syndicate considered “harmful of national security”. Lawyer Samir Sabri filed a complaint against Abdel Wahab accusing her of “attacking Egypt, publishing false news and calling on human rights organizations working against the country to intervene in Egyptian affairs.”³⁵ The artist published a post on her official page on Facebook apologizing to those who “misunderstood my words”, and confirmed that her words were taken out of context, and that her exact words were: “I am speaking comfortably here, because in Egypt they may imprison me.” According to the post, Abdel Wahab was referring to a previous incident when she made fun of the Nile at the end of 2017; at the time, the syndicate of musical professions also issued a decision suspending her from work. She explained saying: “I was talking about a previous personal incident, when I joked while on the stage; I faced a lawsuit, was sentenced for a year in prison, I paid a bail, I appealed and the judgment was overturned”. In a tweet, Hani Shaker, the head of the syndicate considered Abdel Wahab’s statements 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.”³⁶

35. Al Ahram portal, Accessed on December 15, 2019, Link: <http://bit.ly/2M5rEdS>

36. Hani Shaker’s temrory account on twitter, Accessed on: December 15, 2019, Link: <http://bit.ly/2EtIsqU>

On March 26, 2019, the syndicate of music professions canceled the membership of the singer Dalia Mostafa Mohamed Youssef, known as Lamis, and singer Fatema Mohammed Gaber, known as Fifi, because of “their continues violation of the syndicate’s law and their lack of commitment to public traditions and decent appearance.”³⁷

On July 10, the syndicate issued a decision banning “mahraganat” singers from singing in the north coast, as the head of the syndicate, Hani Shaker, sent a request to the director of Marsa Matrouh Security requesting that he cooperate with the inspection committee authorized by the syndicate in the northern coast to “prevent all who are not members or holders of a work permit from the syndicate -those who are called “mahraganat” singers- from working”. He also requested that “legal complaints be filed against the violators, the un-registered, and those who are not authorized to work by the syndicate and to submit those complaints to the relevant police department.”³⁸

On August 8th, the syndicate decided to prohibit dealing with 16 “mahraganat” singers, most notably Hamo Beca and Magdi Shata, and “all mahraganat bands and all who do not hold a membership ID from the syndicate of music professions.” The decision also directed all governmental and non-governmental establishments, tourist establishments and hotels to implement it, and that “whoever violates this decision exposes himself to legal accountability”. The syndicate also threatened to imprison the “mahraganat” singers mentioned in the decision³⁹.

Hani Shaker’s battle with “mahraganat” singers, especially Hamo Beca, dates back to the last quarter of 2018, when the syndicate canceled two concerts for Beca “in order to preserve the public taste”. In early November 2018, the syndicate’s lawyer filled a legal complaint against Beca while he was preparing to hold a concert in Alexandria, accusing him of “singing without licenses, and damaging public taste”. The legal complaint which carried the No. 13812 of 2018 (Al Dekheila), was referred to Al Dekheila misdemeanors court which sentenced Beca to three months in prison for practicing singing and holding an audio-visual ceremony without obtaining a license from the Ministry of Culture. On April 10, 2019, Al Dekheila misdemeanors court of appeal issued a two months imprisonment sentence

37. Al Masry Al Youm website, March 26, 2019, <https://bit.ly/37SBLek>

38. Cairo 24 website, August 8, 2019, <https://bit.ly/3926pTo>

39. Masrawy website, August 8th, 2019, <https://bit.ly/2SZxmAP>

against artist Hamo Bica, for holding a concert without a license. On the 30th of the same month, Bica's petition was accepted and the execution of the sentence was stopped pending the decision concerning the appeal, and he was released. It should be noted that Hamo Bica tried in February of that year to get the necessary permits to sing, but the syndicate refused to grant him working or affiliated membership or even a temporary permission to sing.

On March 26, 2019 the syndicate of acting professions decided during its board meeting to cancel the memberships of actors Amr Waked and Khaled Abu El Naga, after they attended a hearing in the US Congress that addressed the conditions of human rights in Egypt. The syndicate said in a statement that this is considered "high treason" of the homeland and the Egyptian people. It added that the two actors unilaterally spoke to "external powers" to back the "agendas of conspirators" aiming to "undermine Egypt's security and stability." The syndicate stated that it "will not accept the existence of a traitor among its members."

● Military judiciary and imprisonment of publishers

The military judiciary continued to prosecute creators and publishers. On February 4, 2019, a military court upheld a 5 year imprisonment sentence against publisher Khaled Lotfy, director and founder of "Tanmia" bookstore and publishing house on accusations of revealing military secrets and spreading rumors. Lotfy was arrested in April 2018, after he republished the book "The Angel, the Egyptian Spy who saved Israel" about Ashraf Marwan, the son-in-law of former President Gamal Abdel Nasser. A military court sentenced Lotfy to 5 years in prison in October 2018, and in February 2019 the verdict was upheld. On December 24 the Egyptian military court of cassation rejected Lotfy's final appeal against his five-year prison sentence⁴⁰.

It is noteworthy that Lotfy is not the only victim to be punished by the military judiciary for publishing a book. In mid-2018, a military court issued a 3 year imprisonment verdict against owner of "Dad" Publishing House for printing the "Best females on earth" poems book, and also the poet Galal Al-Behairi, who wrote it, in addition to 10 thousand pounds fine.

40. Mada Masr website, Accessed on December 15, 2019, Link: <http://bit.ly/2M5Ns9f>

● Confiscation and prohibition

In January, a force from the general directorate of artwork investigations confiscated the book “Submission and Disobedience” by the researcher Ziad Aqel, after it stormed the premises of Dar El-Maraya for Cultural Production, the publisher of the book.

A force from the directorate of artwork investigations had gone to Dar El-Maraya to search for another book, but it had not found it, and discovered that it was not among the publications of the publishing house. This did not prevent the force from confiscating another book, “Submission and Disobedience”, after the members of the force saw it accidentally, because its title includes the word “Disobedience”. The artwork investigations decided to confiscate all copies of the book from the publishing house, and summoned its director, Yehya Fikry, to ask him about some details while informing him that they might contact Ziad Aqel, the author, but according to a phone call with Aqel, he was not summoned, yet he had been banned from traveling for 3 months after the book was confiscated.

The book is an Arabic translation of Ziad Aqel’s PhD thesis, which he obtained from the University of Leicester, UK, and which is concerned with political and social movements that appeared between 2011 and 2013 in Egypt. The book was sold at the Cairo International Book Fair in 2019 and several copies had already been sold before the book was confiscated. As of this writing the book is still confiscated.

On the other hand, the censorship on artistic works refused to grant a permit to display the play “Satan’s good deed”, and a sovereign entity banned it, according to the words of lawyer and theater director, Mohammed Karem. He published on his Facebook account on April 13, 2019, that “a sovereign authority ordered the banning of the play”.

The crisis of “Satan’s good deed” play began in May 2017, when Karem presented the script to the censorship to get a permit, but the censorship refused the title of the play and some scenes in it. It asked Karem to change the title to “Satan’s good deed!”, or “The good deed and Satan”. When Karem rejected these amendments, the censorship did not give him a response either with acceptance or rejection. After more than six months of trying to get the permit, those in charge of the play decided to show it without a permit. It was shown in January 2018, at the Jesuit Theater, for two successive days. In February of the same year it

was shown again without a permit at the Romance Theater.

On April 15, 2018, Karem published, “After the approval of all censorship committees, the director of the department of plays’ censorship referred the play to Al Azhar”. In turn, the general directorate of research, writing and translation of Al Azhar examined and reviewed the script based on the censorship request, and Al Azhar’s response came in December 2018, describing the play as, “not up to its title and what it promises to deliver.” Al Azhar objected because the play contained “many words of insults and swearing, and expressions of dissatisfaction with God’s destiny”. It also objected to the title “Satan’s good deed” because, according to the statement, “the play did not mention one good deed done by Satan to be consistent with its title”⁴¹. Karem published Al Azhar’s statement on his personal page and commented that this is a fight against art, adding that he will file a legal complaint to the Attorney General against Al Azhar and will take all necessary legal measures.

In February 2019, Karem filed a legal complaint to the Attorney General against the Minister of Culture, the Chairman of the Censorship of Artistic Works, the director of the Censorship on Plays, the Grand Sheikh of Al Azhar and the Director General of the General Directorate for Research, Writing and Translation. The legal complaint carried the number 1792 for the year 2019. It accused them of “Fraud and fighting creativity and art”. It called on the Attorney General to go back to the text of Article 4 paragraph B of Law No. 430 of 1955, which states that “the authority overseeing censorship must decide on the permit request within thirty days at the most, from the date of submission of the request. The request is considered granted if no decision is issued by this authority within the period specified”. In the case of “Satan’s good deed”, Karem waited for more than six months without obtaining approval or even rejection⁴².

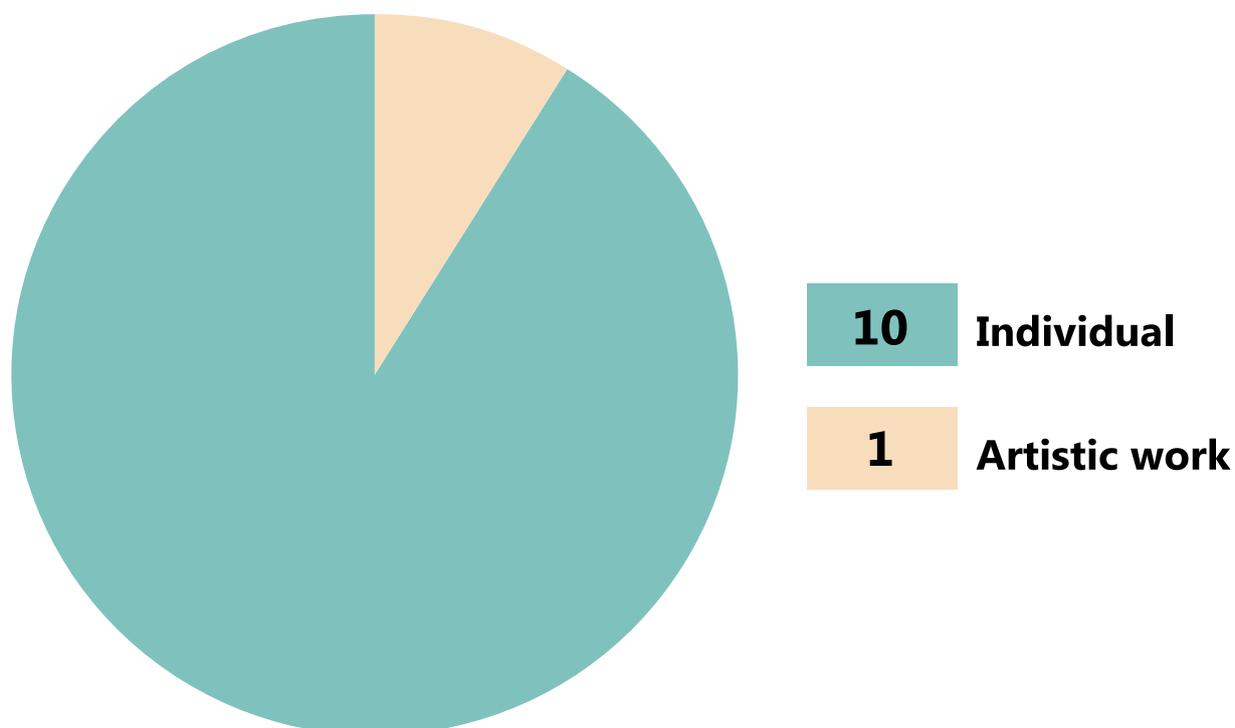
Karem decided to show the play again at Romance Theater, in April 2019, based on the above legal text. Indeed, the play was shown successfully for the first day, but the next day, April 13th, a sovereign entity decided to close the theater and prevent the play. “Awlad Haram” theater group, which performs the play, wrote on its Facebook page: “We are sorry to all those who were going to attend today, but the government is afraid of art.”⁴³

41. Sout El Umma’s website, Accessed on July 3rd, 2019. Link: <https://bit.ly/2ImWHky>

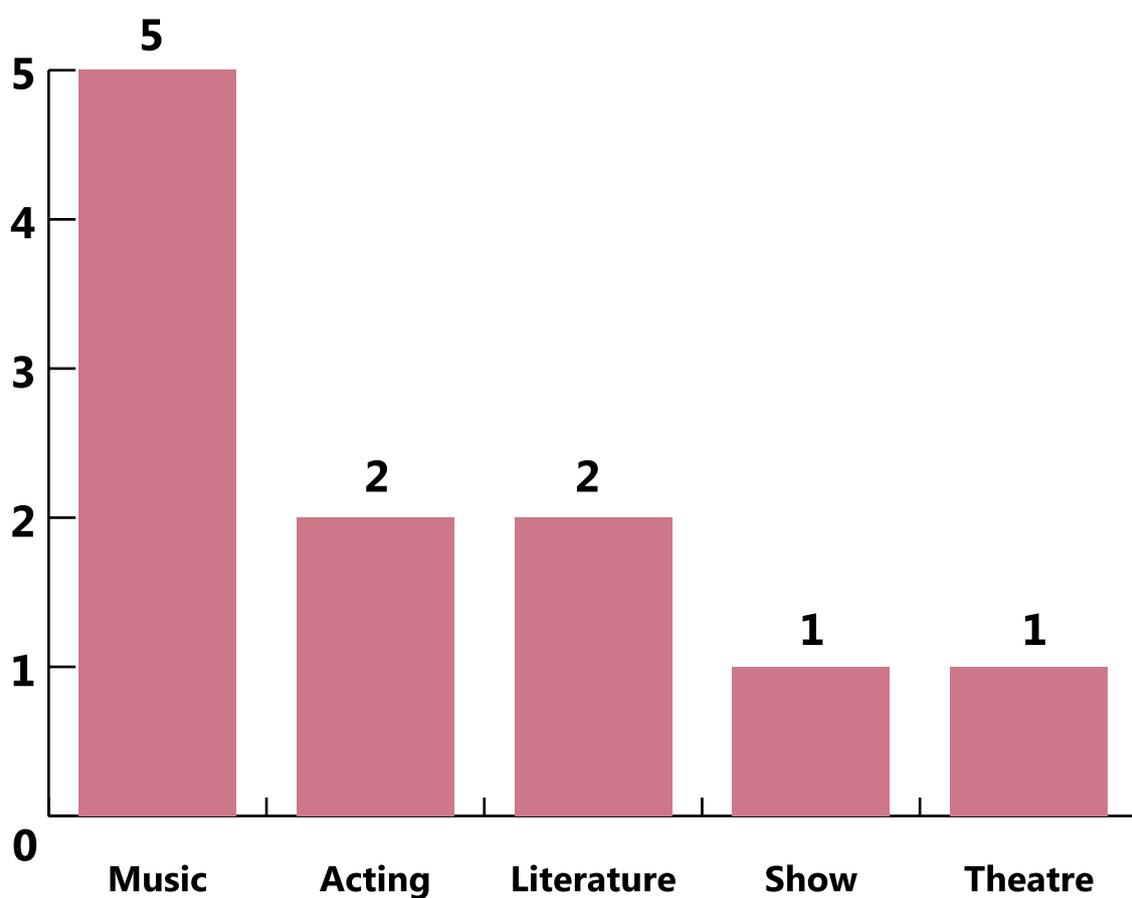
42. Rose Al Yousef’s website, Accessed on July 3rd, 2019. Link: <http://bit.ly/2EpPDjN>

43. “Awlad Haram” official page, Accessed on July 3rd, 2019. Link: <https://bit.ly/2xBNP3I>

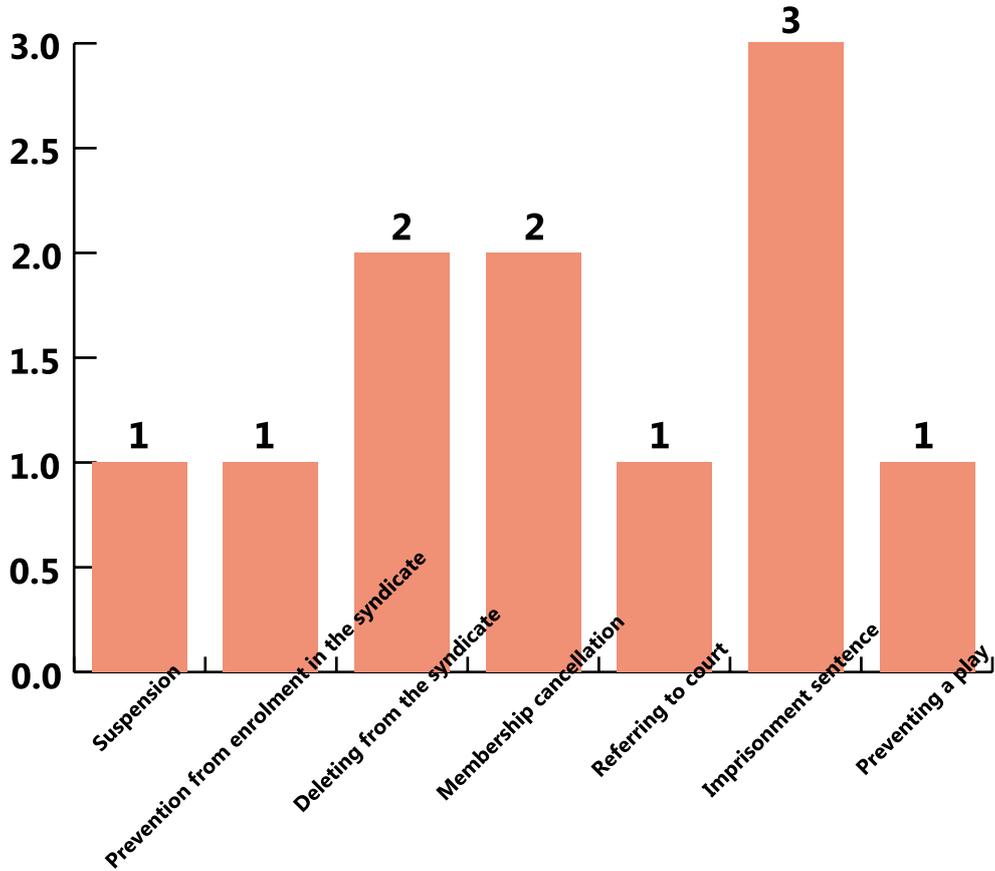
Violations against creators according to location of violation during 2019



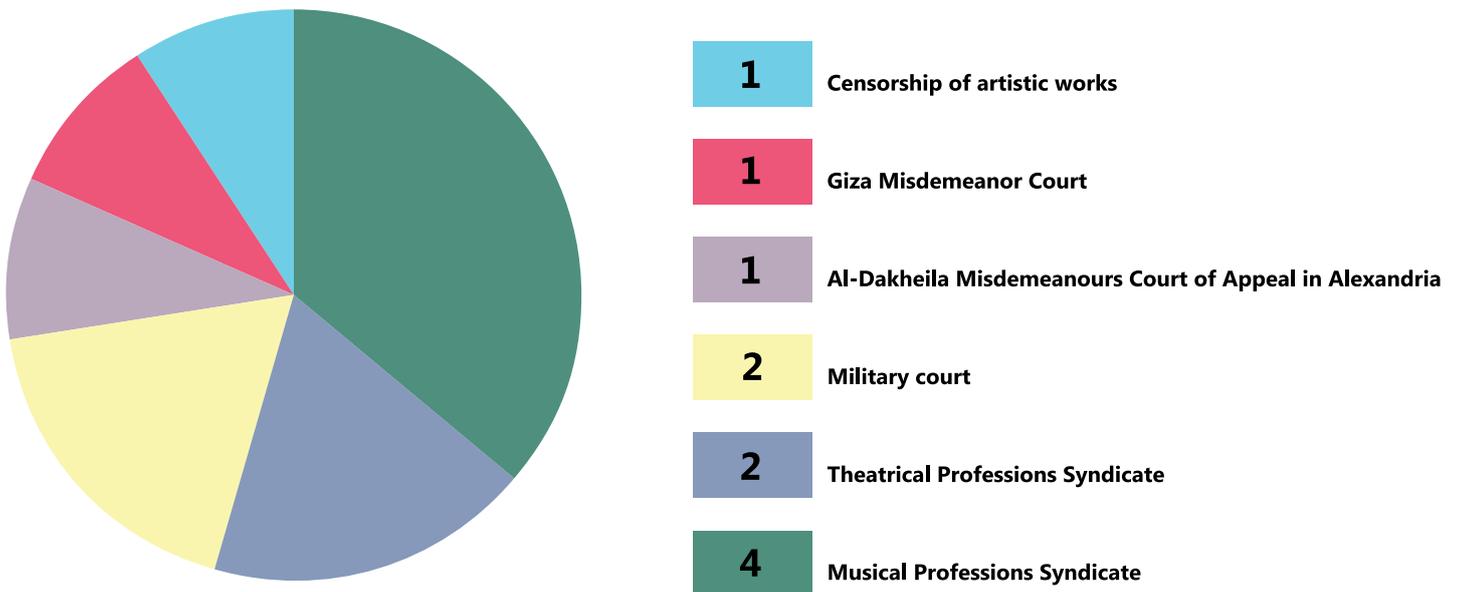
Violations against creators by type of creative work during 2019



Violations against creators by type of violation during 2019



Violations against creators according to the perpetrator during 2019



Freedom of information

For decades, Egypt has lacked a legislation providing the right to information. After the January 25 revolution, civil society organizations, experts, and politicians advocated the importance of enacting the Freedom of Information law and urged official agencies to adopt information disclosure and transparency policies. The effect of these efforts was apparent when drafting the Egyptian constitution in 2012, as for the first time the Egyptian constitution provides for the right to freedom of information, in Article 47 of the Constitution issued in 2012. Since then, the legislature has been obligated to work for the issuance of the law on the freedom of information, but as a result of the absence of parliament at the time and the successive political developments that occurred in Egypt in 2013, efforts to issue the law were stopped.

In fact, the current executive authority is working hard to ignore public opinion's requests to disclose information on a number of prominent issues, for example, discussing the agreement to demarcate the maritime borders between Egypt and Saudi Arabia, and the ongoing debate on the cost and feasibility of major national projects such as the New Suez Canal or the Administrative Capital, and counter-terrorism policies. The executive authority and its security apparatuses also imposed great restrictions on the work of the Egyptian media, which subjected it to the control of the security authorities, in parallel with the interference of the State Information Service in the work of foreign media.

● Constitutional text without legislation

One attempt by the former deputy in the House of Representatives, Anwar El Sadat, can be monitored in 2016, when he presented a draft law on the freedom of information, in June 2016. The draft law brought experiences from previous drafts submitted to the People's Assembly in 2012, as El Sadat was chairing the Human Rights Committee in the parliament. The House of Representatives did not initiate discussion of this project, until this report was issued.

The Supreme Council for Media Regulation, which is an independent body in accordance with the text of the constitution, sought to prepare the Law on the Circulation of Information, in 2017. It actually formed a committee to prepare the law, as "the committee held 5 meetings

during which it discussed law proposals submitted by the Journalists Syndicate and civil society organizations.”⁴⁴ AFTE and Article 19 organization had sent several documents to the committee preparing the law on the circulation of information, including a draft law on the circulation of information prepared by AFTE, the Egyptian Initiative for Personal Rights and ID3M center for information technology in partnership with experts in 2012. The committee finished preparing the draft law, and the Supreme Council for Media Regulation held sessions in state-owned press institutions to discuss it, and then it was sent to the Cabinet, which has the authority to present the bill to the House of Representatives. To this day, the cabinet did not send the bill to the parliament, and Makram Mohamed Ahmed, head of the Supreme Council for Media Regulation, criticized - press statements in August 2018⁴⁵ - the cabinet’s reluctance to take this step.

In 2019, statements were issued by several MPs calling for the issuance of the freedom of information law during the parliamentary session that started in October 2019. The head of the Supreme Council for Media Regulation also said that the law will be issued soon. This wave of statements was associated with a debate about calls to demonstrate in September and accusations against the president by contractor Mohamed Ali. The issuance of the law was addressed to prevent spreading of rumors. However, at the time of this report, none of these MPs had submitted draft laws on freedom of information.

44. See the first annual report of the Supreme Council for Media Regulation p. 64, May 20, 2018, Accessed on January 5th, 2020.
Link: <https://bit.ly/2NogPV2>

45. Veto website, August 22nd, 2018, <https://bit.ly/2U2bEhl>

Section two: The attack on freedom of expression during the constitutional amendments and the September demonstrations

If we drew a linear curve for violations during 2019, we would find that there are two points that witnessed significant increases, which coincided with two prominent political events.

The first is the referendum on the constitutional amendments in April, when the National Elections Commission called for a referendum on the constitutional amendments, which were approved by the People's Assembly in mid-April. The referendum was held in the period from April 20 till April 22, 2019. During the referendum period, voices opposing the amendments -that allowed President Sisi to continue in office until the year 2030- increased. "Batel" (Invalid) campaign was launched to denounce the amendments.

The second is the eruption of limited demonstrations –a rare event since President Abdel Fattah El-Sisi came to power- in September following calls by the actor and contractor Mohamed Ali, who lives in Spain, for Egyptians to demonstrate against President Sisi's rule. Hundreds of Egyptians in different governorates responded to the calls.

The authorities in Egypt responded to the two events with a tight security grip and restricting the citizens' right to freedom of expression. We will review these violations below.

● Increased blocking in conjunction with political events

On September 20th, few hours before the eruption of some limited and sudden demonstrations in the squares of several governorates, the official website of the Supreme Council for Media Regulation published an article entitled "Blocking and fines are the penalty for spreading rumors in the media"⁴⁶. That was only a reminder of Article 17 of the Council's Sanctions Regulations, which determined that any newspaper or media outlet or website that publish or broadcast false news or rumors or calls for violation of the law or incitement to that, are subjected to sanctions ranging from "preventing the publication or the broadcast or blocking the page or the program or the website for a specific period or permanently".

46. The Supreme Council for Media Regulation: Blocking and fines are the penalty for spreading rumors in the media, September 20th, 2019, Accessed on October 7th, 2019, Link: <http://bit.ly/33qUb3F>

Indeed, this is what happened. Two days after the demonstrations, and specifically on September 22nd, some internet users encountered difficulty in accessing both “BBC” and “Al Hurra” websites using different service providers. It turned out that the Egyptian authorities blocked the two websites after they covered news of the demonstrations.

“7iber” website was also blocked on September 26th, after publishing a news story entitled “Two Jordanians detained in Egypt: a routine visit ends with arrest and “confessing” on the screen”⁴⁷. The news story discussed the details of the arrest of two young men: Thaer Matar and Abdul Rahman Alroajbah; Matar was arrested on September 22nd, from the surroundings of Tahrir Square, while Alroajbah was arrested from his home, at dawn of the next day. Later, the two Jordanian young men appeared in “The Story” program presented by Amr Adib, confessing they participated in the September 20th demonstrations, and that they filmed the demonstrations in order to publish the videos on their social media accounts. On October 2nd, the Egyptian security forces released both Matar and Alroajbah. “7iber” website is still blocked in Egypt on some networks. “7iber” identifies itself as a media institution and an electronic magazine, launched in 2007 from Jordan as a platform to inform the citizen and is run voluntarily. It developed to a professional magazine in 2012.

In the same period, the Egyptian authorities tried to block instant messaging applications or prevent access to them. They blocked 11 instant messaging applications sites, most notably Wicker and Signal, and tried to block access to Wire and Facebook Messenger applications⁴⁸.

Blocking and preventing access to some websites and applications during the September 20th demonstrations was not the first time that the Egyptian authorities have attempted to block interaction with some political events. During the referendum period in April of this year, the authorities blocked thousands of sites during their attempt to block “Batel” campaign’s websites that were calling to vote “no” on the constitutional amendments.

“Batel” campaign was launched by an announcement on its pages in on Facebook and Twitter on 8 April 2019. The campaign used the domain (voiceonline.net) for its website calling to collect citizens’ signatures to reject the constitutional amendments. The next day, specifically

47. Omar Fraes, “Two Jordanians detained in Egypt: a routine visit ends with arrest and “confessing” on the screen”, September 26th, 2019, Accessed October 7th, 2019, Link: <http://bit.ly/2VCTpbr>

48. AFTE’s website, Accessed on October 7th, 2019. Link: <http://bit.ly/2MzU0MI>

13 hours after its launch, the campaign's website was blocked after it announced amassing around 60000 signatures rejecting the amendments. On April 10, the campaign launched a new domain to circumvent the blockage of the previous domain. The new domain was also blocked a day after it was launched.

Campaigners continued to launch alternative domains for a week whenever a domain was blocked; during this week 7 domains were blocked. It is noted that while blocking "Batel" campaign's sites, it is likely that all websites sharing the IP address 104,198.14.52 were blocked in Egypt, with a total of 26175 domains. This is because the authorities used the Transmission Control Protocol and Internet Protocol (TCP/IP), which bans data flowing between users and the IP address of a particular hosting server of the targeted website. This means that all other hosted websites on the server will be blocked too⁴⁹.

● **Violating the privacy of individuals in light of the September events**

The Egyptian police authorities practiced a set of unprecedented measures, not only towards the demonstrators but towards passers-by, through the random examination of citizens' phones, and browsing the various accounts registered on the phones or laptops; sometimes they even examined the private messages on instant messaging applications, and the pages and groups the person is subscribed to. This behavior was not followed previously, or to be accurate, the application of these procedures was not systematic on a wide scale.

The National Council for Human Rights issued a statement⁵⁰ after the end of its seventy-fourth meeting, in which it addressed three points related to the deterioration of the national media and the expansion of the stopping of passers-by. In the second point it mentioned: "as for the second phenomenon, it is the stopping of citizens while walking in the streets and forcing them to allow the police officers to examine their mobile phones, in violation of many provisions of the constitution that give protection to the sanctity of private life, as well as protecting citizens' correspondence and communications, including electronic means of

49. AFTE's website, Accessed on December 24th, 2019. Link: <http://bit.ly/2SnS1zv>

50. The National Council for Human Rights' statement, October 3rd, 2019.

communication”. This statement was followed by a response from the Egyptian Ministry of Interior, in which it stated that “all cases of arrests that took place during the past days came in accordance with the law, among which are cases of flagrante delicto that allow judicial arrest commissioners to search people and their possession of movable belongings (mobile phones or otherwise according to the law)”.

This procedure represents a clear transgression by law enforcement forces on the private life and the sanctity of correspondence protected under Article 57 of the Egyptian constitution⁵¹, which was keen on two things through establishing protection, the first thing is the multiplicity of the forms of protection by stipulating the confidentiality of messages in its various forms, including electronic correspondence and telephone conversations, the second thing is the obligation of obtaining a judicial order; the regulation of that was not left to the law alone, but rather regulations were put for that. The second issue relates to an understanding of the special nature of procedural laws, or laws that contain provisions of a procedural nature. These laws represent an exception to the original principle that presupposes the innocence of man. Therefore, recent Egyptian constitutions, especially since the issuance of the 1971 constitution, imposed a fence to protect from these measures, which are an exception. Therefore, the expansion of the application of these procedures or the absence of regulations is considered a fall of the legitimacy of these texts and the procedures resulting there from; the main objective of the Criminal Procedure Law is to protect the criminal from measures that violate his human dignity⁵²; for if the law establishes guarantees for the defendant, then what about someone who did not do an act worthy of accountability.

What happened is that several security points were established in some squares, places of gatherings, metro stations and on the roads leading to and from the main squares. Some people are randomly chosen, and randomness here does not mean that there are no

51. The right to privacy may not be violated, shall be protected and may not be infringed upon.

Postal, telegraphic and electronic correspondences, telephone calls, and other means of communication are inviolable, and their confidentiality is guaranteed. They may not be confiscated, revealed or monitored except by virtue of a reasoned judicial order, for a definite period, and only in the cases defined by Law. The State shall protect citizens' right to use all forms of public means of communications. Interrupting or disconnecting them, or depriving the citizens from using them, arbitrarily, is impermissible. This shall be regulated by Law.

52. See a previous reference by Dr. Nagueeb Hosni, page 5 and afterwards.

selection parameters, but rather that stopping people was in most of the cases without prior investigation. The determinants are of course present, they are based on specific age groups and specifications related to the general appearance of the person; the examination this time did not stop at the ID, the main objective was to check phones and laptops. The rapid examination was followed by detention or release. Those who reject these procedures were arrested and subsequently examined in police headquarters or places of detention.

The most important thing that came in the statement of the Egyptian Ministry of Interior was that the measures that were taken are related to “cases of flagrante delicto that allow judicial arrest officers to search people and their possession of moveable belongings.”

The search process is generally an infringement of private life, so the law set certain controls that must be met and made it originally the authority of the investigating authorities. But the legislator made the case of flagrante delicto an exception that gives the judicial arrest officer⁵³ the right to take some measures that may affect the freedom of individuals because the state of flagrante delicto allows the arrest officer to see the crime or the ability to track its effects immediately, which create the necessity of taking urgent measures, including arresting and searching the accused person. However, this power granted to the arrest officer is governed by two things; the first is that the crime is a felony or misdemeanor punishable by imprisonment for more than 3 months, and the second the presence of enough evidence to accuse the suspect.

The case of flagrante delicto relates to the discovery of the crime at a specific time and does not relate to the type of crime. It intends to detect the crime while it is being committed, or shortly after that, or to witness the effects of the crime itself (the victim or the public follow the perpetrator), or the presence of the perpetrator shortly after the crime occurred carrying things or having signs that suggest he committed the crime⁵⁴. It also imposes the necessity of the case of flagrante delicto with all its elements and conditions, in particular that the judicial arrest officer has examined it himself, and that his examination of it has been achieved in a legitimate way⁵⁵.

53. Who is the judicial arrest officer

54. Regulated by articles 30 to 39 of the Egyptian Criminal Procedure Law No. 150 of 1950 and its successive amendments

55. Dr. Mahmoud Nagueeb Hosny, previous reference, P561, footnote 3

After the judicial arrest officer detects the crime with one of his senses while it is being committed or a short while after that, he has the right to take a set of measures, including inspection, which may occur for two reasons, the first as a preventive inspection, a precautionary measure that any member of the public authority implementing the arrest order can do so as to prevent any possible harm⁵⁶, and that is a right for all members of the public authority. As for the judicial inspection, i.e. inspection with the aim of finding evidence related to the crime, which may include a close examination of the accused, the legislator made it only the authority of the judicial arrest officer in cases where the person may be arrested, including flagrante delicto.

What we have mentioned regarding the case of flagrante delicto is completely different from the facts associated with the circumstances of stopping / arresting the defendants during the month of September for reasons that can be summarized quickly.

First: Most of the defendants who were arrested during this period faced accusations of spreading false news and joining/participating in a terrorist group, which is one of the crimes that have a special nature, so, a case of flagrante delicto is not conceivable. There is an actual impossibility in seeing the crime at the time it is being committed, especially since the charges relate to the publication of news via social media, which is a crime that requires the presence of technical elements and investigations that precede the arrest process, as it is a crime that requires the imposition of surveillance rather than random inspection.

Second: The accusations were built mainly on the process of inspection and examination, which supports the absence of the flagrante delicto case because the inspection in cases of flagrante delicto is subsequent to committing the crime not before that.

Third: Even if the examination process was done in a preventive or judicial manner, it is not correct to expand in performing it to the extent of examining the entire phone with all its contents and messaging applications. The messages on the mobile phone have a special sanctity derived from the private life of the holder, so it is not permissible to examine or view them except by a causal judicial order issued by the partial judge or the investigating judge

56.Egyptian Court of Cassation - Appeal No. 7780 - for the year 73

and it is not allowed to the Public Prosecution itself if it undertakes the investigation in accordance with Articles 199 and 206 of the Criminal Procedures Law. If this examination is prohibited for the Public Prosecution, it is logically prohibited for the judicial arrest officer. Also examining a mobile phone includes access to the issued and received messages stored in it, which is an something that the Criminal Procedures Law in Article 97 confines to the investigating judge, and permitted him, when necessary, to assign a member of the Public Prosecution office to do so, and did not authorize him to delegate a judicial arrest officer. In addition, the Criminal Procedure Law authorizes judicial arrest officers only in cases of flagrante delicto only the powers of arrest and search, which are exceptional powers that cannot be expanded, which means that the authority of the juridical arrest officer is only to seize the phone and submitting it to the investigation authority.

Fourth: The number of defendants reached a few thousand who were arrested during this period. Is it conceivable that all these defendants were arrested in flagrante delicto while committing the crime of spreading false news?

● **Ready charges: spreading rumors and misusing social media**

It does not matter where the arrest took place, and it does not matter what the person arrested was doing in the moments prior to the arrest. For the most part, the prosecution -especially the Supreme State Security Prosecution- will charge him with two major charges “misusing social media and spreading rumors”. If he was arrested from his home, or if he is wandering the streets or even participating in a demonstration, he is inevitably misusing social media or promoting terrorist ideas on his personal accounts. These are the charges that the prosecution directs to the majority of those arrested, before even seeing their personal accounts on social media.

Over the course of 2019, hundreds of people were charged with these accusations and held in pre-trial detention, despite being arrested at different time periods and in conjunction with different political events. After the Ramses train accident, which led to the deaths of more than 20 people, some called for demonstrations to denounce the accident in 1 March, while others called for blowing whistles from the homes. Many were arrested from the streets on suspicions of demonstrating on March 1, and the Supreme State Security

Prosecution charged them with “participating with a terrorist group in one of the activities of that group, and using social media to promote the ideas of that group” , in case No. 488 of 2019. On the other hand, those who whistled were charged with the same accusations, but in case No. 1739 of 2018.

On September 20 and the following week, Egyptian security services searched pedestrian phones, forced them to open their personal accounts on Facebook, and arrested those who hand anti-regime posts on their accounts. Those arrested during this week were accused of participating with a terrorist group in achieving its objectives, broadcasting and spreading false news, misusing social media, and participating in a demonstration without a permit pending case No. 1338 of 2019.

The Public Prosecution mentioned in a statement issued on September 23, 2019, that after interrogating more than a thousand “demonstrators”, it found that the reasons for their presence in demonstration areas are “their poor economic conditions, some of them said they were deceived by some pages on social media claiming to belong to some government entities, opposing the current regime, to find out the truth about the demonstrations after the media published conflicting reports, celebrating the victory of Al-Ahli club, and some said they were accidentally present at the demonstrations’ sites”. But despite the variety of reasons and the fact that some are not criminalized by law, the Prosecution accused them all of misusing social media and spreading rumors, although they were arrested from the street.

In the same context, the Egyptian parliament also took an interest in the issue of rumors and spreading them. It began discussing an “anti-rumor” draft law, submitted by MP Soleiman Wahdan, deputy of the House of Representatives. The speaker of Parliament referred the draft law to the Legislative Committee for discussion, in November 2019.

The anti-rumor draft law consists of only three articles. The first article deals with the penalties imposed on the rumor propagators, which is imprisonment for a period of 6 months to 3 years, and a fine of not less than 10 thousand pounds and not more than one hundred thousand pounds, or one of these two penalties. The first article adds that if one or more people are injured because of the rumor, the penalty will be doubled⁵⁷.

57. Youm7’s website, Accessed on January 5, 2020, Link: <https://bit.ly/363kNbW>

The second article deals with the establishment of a rumor monitoring entity, which works to take legal measures and respond to rumors, which is under the Cabinet, and its membership includes representatives of: the Ministry of Defense, the Ministry of Interior, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Communications, the General Intelligence, Ministry of Endowments, Al-Azhar, the Church, and the Supreme Council for Media Regulation. The law ends with the third article, which organizes its effective date on the day following its publication in the Official Gazette.

The law is based on considering «spreading rumors and promoting them as one of the tools of the fourth-generation wars and modern wars,» according to the text of the explanatory memorandum attached to the anti-rumors draft law. The explanatory memorandum also indicates the importance of protecting national security by addressing rumors that are promoted through social media and the Internet and are widely circulated by users.

It is worth noting here that the Egyptian laws are full of articles that deal with spreading rumors and false news, including media laws and anti-cybercrime law approved by the current parliament. This raises questions about the usefulness of proposing a law to combat rumors. In Article (25) of the anti-cybercrime law, there are penalties for anyone who publishes information or images that violate the privacy of any person, whether true or incorrect, while Article (19) of the Law on the Organization of Press, Media and the Supreme Council of Media prohibits websites from the publication of false news. This applies to personal websites, blogs or accounts, when the number of followers reaches 5 thousand followers. Article (19) grants the Supreme Council for Media Regulation the authority to stop or block the site, blog, or account involved in publishing false news.

Article (35) of the Anti-Terrorism Law stipulates that whoever deliberately, published by any means false news or data about terrorist acts that took place inside the country is punished with a fine of no less than two hundred thousand pounds and not exceeding five hundred thousand pounds. This article for example prohibits the media from independently covering counter-terrorism operations. The current House of Representatives approved this law as part of a package of laws issued before it was convened. The Penal Code criminalizes the publication of rumors and false news in articles: (80), (86 bis), (102 bis), and (188).

It is evident from this that the Parliament has embarked on a discussion of a law to combat

rumors despite the existence of severe penalties for the same crime in several laws. On the other hand, MPs did not try to issue the freedom of information law so the citizen and the media can obtain information from official entities. Probably, the parliament and the executive authority are dominated by an obsession with withholding information and preventing its circulation. If the information is official then there is no law regulating its publication, and if it is unofficial, it is rumors that must be banned and whoever publishes it by punished, whether the Internet users or journalists.

Conclusion and recommendations

Through its annual report, which is issued for the seventh year in a row, AFTE is keen to provide the relevant entities and human rights defenders with a documented analytical material that helps to understand the state of freedom of expression in Egypt. This report reviewed patterns of violations in various files. It also devoted a whole section to studying the current regime's repression of freedom of expression, with the aim of preventing political protests especially those rejecting the constitutional amendments and the September demonstrations.

The report ends with several recommendations that can be used in the dialogue with the Egyptian authorities on their constitutional and international obligations regarding freedom of expression and freedom of information. AFTE hopes that the relevant bodies, locally and internationally, will use these recommendations in their work to advocate for human rights in Egypt. These recommendations are:

- 1) The Public Prosecution must release defendants in pre-trial detention pending investigations by the Supreme State Security Prosecution, on charges related to freedom of expression, including those held in cases: 488 of 2018, 930 of 2019, 1338 of 2019 and 1356 of 2019.
- 2) The Egyptian authorities must commit to unblock 546 websites, and the Supreme Council for Media Regulation must address the practices of blocking press websites in accordance with its responsibilities.
- 3) The Egyptian parliament should pass the Freedom of Information Act, and reject the anti-rumors bill, which restricts the freedom of expression and freedom of information.
- 4) The Supreme Council for Media Regulation must monitor the funding of media organizations and investigate suspicions of media monopoly.
- 5) The Prime Minister should issue the executive regulations of Law No. 180 of 2018 regarding the regulation of the press and the media.