Remand: A Punishment for Academics of Oppositions
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**Introduction**

Addressed here is a new violation, added to the chain of violations committed by the Egyptian authorities towards freedom of thought and expression inside Egyptian universities, particularly towards faculty members and academics. This violation is represented in the tendency of security authorities in Egypt to remand university professors on the pretext of political cases as a punishment for exercising their rights of expressing their opinions and involving in public affairs. Restrictions on freedom of thought and expression, at the level of universities administrations, have taken many forms in previous years. For example, in September 2015, the administration of Kafr El-Sheikh University has decided to prohibit media interactions of faculties of the university, and prohibit publishing any article or press statement, except with a prior permission from the university president or a written approval from the “related entities of the university”\(^1\). Followed by the university of Suesz Canal, on November 2015, the President of the University issued a warning letter prohibiting teaching staff and the assisting body not to issue or publish any article or topic or appear in any media platform, except after a prior approval from his side.\(^2\)

In another incident, the University of Zagazig, according to the statement of the Faculty of Medicine at the university, suspended Maher Al-Maghrabi, a professor at the Faculty of Medicine, on August 22, 2017, for three months on the pretext of publishing opinions offensive to Islam on the social media platform “Facebook”.\(^3\) Likewise, The Suez Canal University referred Dr. Mona Prince, a professor at the Faculty of Arts, to administrative investigation upon posting a video on her personal account on Facebook- in which she appears dancing on the roof of her home- which the university administration considered: a “violation to traditions, university values, public order, morals and ethics”. The investigations ended up with the university president issuing resolution No. 187 of May 15, 2018 to dismiss Dr. Mona Prince from her job while retaining pension and reward\(^4\).

The administration of Helwan University referred Dr. Yahya Al-Kazaz, professor of geology at the faculty of Science, to a disciplinary board on July 28, 2019, as a result of a memo submitted by the dean of the faculty of sciences to university president\(^5\), accusing him of insulting the president.

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of the republic and the armed forces. Al-Qazzaz considered at that time that his referral to the investigation was: “at the instigation of security authorities” with the aim of expelling him from the university. Accordingly, he refused to appear for investigation, refusing to receive the investigation letter, asking the university president and the dean of the law school to refer the memorandum to the Public Prosecution being the concerned entity of investigation.

To this day, such violations continue to occur against university professors, whether with regard to their views and their participation in political and social public affairs, or with regard to their activities related to improving their financial and administrative conditions, or their reformative vision of the educational process. Hence, this report discusses guarantees of freedom of thought and expression for faculty members of Egyptian universities granted by the constitution and relevant international covenants and declarations. The report also discusses in details the legal position of the cases of university professors who were affected by these violations because of their participation in public political and social affairs. It also touches upon the “Egypt’s scholars are angry” campaign launched by a number of faculty members in the Egyptian universities, demanding improvement of financial conditions and raises for scientific research budgets.

Guarantees of the Right to Freedom of Thought and Expression for University Professors

The state has sought to tighten its grip on Egyptian universities, by restricting academic freedom and weakening the independence of Egyptian universities at an increasing rate during the past four years. This is in addition to the continuous violations of student rights and freedom at the level of freedoms of organization and practicing student activities, leading to restrictions on both of the personal freedom of university students or faculty members alike.

Arguably, the state seems to have decided to nationalize spaces of freedom the Egyptian universities enjoyed after January 25 revolution. This was represented in issuing a set of laws and decisions that violated the independence of Egyptian universities, most notably in July 2014 by amending the Law on Organizing Universities No. 49 of 1972, which abolished the election mechanism in choosing university leaders, putting the authority to appoint and dismiss university leaders in the hands of the President of the Republic, which in turn resulted in security interventions, hindering administrative promotion plans within universities for reasons related to the political orientations of those who deserve it.

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6. EGYPT:Attacks on Academic Freedom Require Global Response, scholars at risk, posted on April10,2019
7. In 11 months, Sisi issued 82 Republican decisions, at the rate of "one every week", Mohamed Metwally- Al- Watan, Posted on May 24, 2015, link: https://bit.ly/2PXL5XU
Likewise, Article 72 of Law No. 103 of 1961, on the reorganization of al-Azhar institutions, was amended, allowing university president to dismiss faculty members and students from the university on the pretext of participating in “demonstrations or sabotage acts”\(^8\). In fact, Al-Azhar University has already decided to dismiss 18 professors for allegedly “Incitement on Demonstration”\(^9\) and an “Unauthorized Absence from Work” for more than six months. This was due to their absence from the university being detained pending political cases. This included Dr. Abdel-Rahman Al-Barr, Professor at The Faculty of the Origins of Religion and Da’wa in Mansoura, and Dr. Mohamed El-Beltagy, Professor at the Faculty Of Medicine For Boys - Azhar University in Cairo. That was in addition to the requirement of a “security approval”\(^10\) before the travel of faculty members abroad for the purpose of studying or attending scientific conferences in foreign universities.

These practices go beyond being a violation of the independence of universities, the academic freedom, and the rights and freedoms that members of the academic community should enjoy, whereby executive authorities seek to eliminate all opportunities for public political action taken by professors or students, as well as to block all reform attempts to the University education system itself. As such, the state, represented in its executive authorities, did not leave space within universities that it did not submit to its control; it did not flinch from taking advantage of any opportunity to assert its control over universities with all its components, including students, faculty members, and a research products sometimes\(^11\).

Like all members of society, Faculty members are supposed to enjoy all the rights and freedoms stipulated in the constitution and relevant international covenants, and the Egyptian constitution guarantees freedom of thought and opinion and the right to freedom of expression in all possible forms which is included in Article 65 that states:

“Freedom of thought and opinion is guaranteed. Every person shall have the right to express his/her opinion verbally, in writing, through imagery, or by any other means of expression and publication”.

Article (22) also affirmed that:

“Teachers and members of the teaching staff and their assistants are the main pillar of education. The state guarantees the development of their academic competencies and professional skills, and

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8. Ibid.
care for their financial and moral rights in order to ensure the quality of education and achieve its objectives”.

According to the constitution, the state allocates a percentage of the government expenditure that is no less than 2% of Gross National Product (GNP). However, this percentage is explained in the state's general budget as the total expenditures on university education for all its institutions12.

In addition to the Egyptian constitution’s interest in improving the conditions of university education, and in turn, improving the conditions of faculty members- morally, scientifically, and financially- as well as its interest in safeguarding their political rights, their freedom to express and/or embrace opinions, and participate in public affairs, international covenants have concerned the same thing. For example: The recommendation of the UNESCO General Conference held in 1997 regarding the situation of teaching staff in higher education states in its preamble:

"Expressing concern regarding the vulnerability of the academic community to untoward political pressures which could undermine academic freedom, Considering that the right to education, teaching and research can only be fully enjoyed in an atmosphere of academic freedom and autonomy for institutions of higher education and that the open communication of findings, hypotheses and opinions lies at the very heart of higher education and provides the strongest guarantee of the accuracy and objectivity of scholarship and research”.

13And in Part Six of the recommendation on the rights and freedom of faculty members in higher education, it states:

“Higher-education teaching personnel, like all other groups and individuals, should enjoy those internationally recognized civil, political, social and cultural rights applicable to all citizens. Therefore, all higher-education teaching personnel should enjoy freedom of thought, conscience, religion, expression, assembly and association as well as the right to liberty and security of the person and liberty of movement. They should not be hindered or impeded in exercising their civil rights as citizens, including the right to contribute to social change through freely expressing their opinion of state policies and of policies affecting higher education. They should not suffer any penalties simply because of the exercise of such rights. Higher-education teaching personnel should not be subject to arbitrary arrest or detention, nor to torture, nor to cruel, inhuman or degrading treatment”14.

13. Recommendation of the UNESCO General Conference held in 1997 regarding the status of teaching staff in higher education, link: https://bit.ly/33ajNmI
14. Ibid.
Repressing University Professors for Participating in Public Affairs

Dr. Hassan Nafaa, a professor of political science at the Faculty of Economics and Political Science of Cairo University, has been remanded since September 25, 2019, after the security services arrested him on his return from work. He was brought before the State Security Prosecution, where he was charged with publishing and broadcasting false news, using his social media account to broadcast that false news. The prosecution decided to detain him for 15 days, pending investigations into case No. 488 of 2019. The State Security Prosecution is keen to continuing Nafaa's detention “in remand” since then and until now while writing this.

This was not the first violation suffered by Nafaa due to exercising his right to express his opinions. Some pro-government media have broadcasted an audio recording that brought together journalist Mustafa Al-Aasar - who has been detained since February the 15th, 2018 pending case no. 441 of 2018, on charges of joining illegally established group- and the professor of political science, Hassan Nafaa, in which the first invites Nafaa to participate in a documentary film produced by a company for the benefit of Al-Jazeera satellite channel. This appears to have been the main reason why Al-Aasar got arrested at that time, and it appears that the security services have re-used this audio recording to arrest Nafaa recently.

On the same day, Dr. Hazem Hosni, a professor of political science at Cairo University, who was the spokesperson for Lieutenant-General Sami Annan's presidential, known for his views opposing the policies of president Abdel Fattah Al-Sisi, was arrested and brought to the State Security Prosecution, where he was charged with: participating a terrorist group in achieving its purposes, broadcasting and publishing false news and rumors that disturb public security, and misusing social media to deliberately broadcast and publish false news and rumors. The State Security Prosecution ordered to remand him in custody for 15 days pending the investigation of case No. 488 of 2019.

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15. Egyptian authorities arrest a number of prominent opponents, BBC, published on September 25, 2019, link: https://bbc.in/2wk21qI
16. Renewing the imprisonment of journalist Khaled Dawoud, the former leader of the Constitution Party of Egypt, and a journalist at Al-Ahram, for 45 days, Association for Freedom of Thought and Expression, posted on February 20, 2020. Link: https://bit.ly/2TvP5sQ
18. Ibid reference no. 15
After Hosni’s arrest, his defense team issued a statement calling for his immediate release19, given his critical health conditions. Dr. Nour Farhat, a professor of law and a lawyer of cassation, said on his personal page on the social networking site “Facebook” that: “Preventive detention is an exceptional, precautionary measure that can only be expanded in accordance with its regulations and reasonable grounds, and that freedom of thought and expression must be guaranteed in a society of legitimacy and rule of law as well as the health conditions of Dr. Hazem Hosni, his scientific standing and his giving over years”. The state security prosecution is still renewing detention of Hosni till now, ignoring his health condition and disregarding all demands for his immediate release since there's no justification for his remand.

On Tuesday, September 23, 2019, the security services arrested dr. Magdi Qarqar, professor and head of the department of environmental planning and infrastructure at the faculty of urban and regional planning at Cairo university, and the secretary-general of the Istiqlal Party, after storming his home at dawn20. On October the 5th, and after he had disappeared for 12 days, where his family did not know his place of detention or the reason of his arrest, he appeared in the Supreme State Security Prosecution for investigation pending case no. 1350 of 2019, exclusive State Security, on charges of joining a terrorist group21.

Qarqar’s arrest came on top of a large group list of Istiqlal party leaders; On the same day, Dr. Ahmed El-Khouly, the party’s Secretary-General, and Dr. Naglaa El-Qalyoubi, the wife of the journalist Magdi Hussein, the head of the party who is still imprisoned, were arrested as well. The wave of arrests also included the party’s secretary of organization, Mohammed al-Amir, the lawyer and human rights activist Sahar Ali, member of the party’s legal committee, Muhammad al-Qaddumi, secretary of the party’s media committee in al-Manzala city, Muhammad Shadi, member of the party’s youth union, Ahmed al-Qazaz, secretary of the organization and membership committee in al-Manzala city, and Muhammad Murad, secretary of the Central Committee for Workers and a member The party’s executive committee.

Ahmed Hamdoun, an assistant teacher at the Faculty of Economics and Political Science at Cairo University, was arrested on September 28, after security forces stormed a café, where he was accompanied by his brother, human rights lawyer Mohamed Helmy Hamdoun, and his wife, feminist activist Asmaa Dabis22. The three of them were subjected to enforced disappearance,

20. Ibid reference no. 15
until they were transferred from Damanhour to Cairo to start an investigation on case no. 1338 of 2019, on charges of participating in a terrorist group knowing its objectives, spreading false news, misusing social media, and demonstrating without permission. The detainee, Ahmed Hamdoun, continued to be held in custody until he was released on November 30.23

“Egypt Scholars are Angry” campaign: reform attempt infanticide

Violations of the security services did not stop at the restrictions on the participation of university professors and faculty members in the public political and social affairs, but rather reached out their attempts aiming at reforming the structure of university education and improving the financial, material, scientific, and literary conditions of professors. A group of university professors launched an electronic campaign on social media in the second half of August 2019, demanding the improvement of financial conditions as well as salaries and pensions increase for faculty members in Egyptian universities and for those who work in scientific research in Egypt. This was in addition to improving the health care system for them, in addition to increasing government fund for scientific research in Egypt to match global rates.24 A large number of faculty members published complaints related to the high costs of scientific research and the costs of publishing in international scientific fields.25 These posts appeared on social media with the hashtag of “#Egypt’s_Scholars_are_Angry”.

On top of the demands of the faculty members participating in the campaign was increasing salaries that “have not witnessed any amendments since the issuance of the law on organizing universities and its executive regulations issued in 1972.”26 They also demanded pensions to be raised for no less than a minimum percentage of 80% of the total last amount that a faculty member received upon reaching retirement age.27

Dr. Abdel-Azim Gamal, Professor of Immunology and Microbiology at Suez Canal University, published an article in which he addresses the campaign demands and the problems facing faculty members, stating that: “The pension of the professor if he died is about 1,200 pounds, while the

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27. Ibid reference no. 25
assistant professor 700 pounds, the teacher about 500 pounds, and the teacher 250 pounds. Dr. Jamal also tackled the problem of financing scientific research, which, in his words, costs in tens of thousands of pounds, in addition to the cost of publishing in international practical fields. Jamal stated that some university professors were unable to pay the fees for publishing their research after being accepted, and besides the importance of this scientific research, the faculty member also needs it to obtain job promotions, since the doctor needs eight researches for each promotion.

After the campaign succeeded to met with a great reaction among the faculty members in various Egyptian universities, the security services arrested two university professors who were active in managing and promoting the campaign, namely: Abdel Aziz Hassan, a teacher at Benha University, and Abdel-Azim Gamal, a teacher at the University of the Suez Canal. Gamal said on his social network account “Facebook” that he received a summons from the National Security Agency to talk about the campaign and the demands of the professors, and that he was subjected to treatment appropriate to a university professor in terms and content, indicating that the Ministry of Higher Education did not send reports about the campaign to the security services, and that the whole matter was for the purpose of identifying the identity of the campaign participants and their orientations.

Dr. Tariq Al-Sheikh, associate professor at the Faculty of Law, Zagazig University, and director of the campaign page on Facebook social networking, was arrested, as he was taken from his home to one of the National Security Agency premises on the evening of August 31 “without permission from the prosecution”. Till the 4th of September, none knew where he is until he appeared at the State Security Prosecution, which later on decided to remand him in custody for 15 days on charges of creating an electronic account containing false news that disturbs public security and possessing publications containing false ideas with the aim of disrupting the work. The Supreme State Security Prosecution continued to renew the imprisonment of Dr. Tariq Al-Sheikh until his release order, which came after nearly two and a half months of remand, on November 13, 2019. However, he was not released until November 17. It is worth noting that Dr. Tariq Al-Sheikh was formally assigned by the Supreme Council of Universities to study potential improvement of the financial conditions of university professors.

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28. Ibid reference no. 25
29. Egypt's Scholars are Angry..and also Poor, Al Manassa, Ahmed Mamdouh, published on September 5, 2019, last visit on March 9, 2020. Link: https://bit.ly/39NylUL
30. Posted on Dr. Khaled Samir's personal Facebook account, link: https://bit.ly/2xnTNZb
During the detention of Al-Sheikh’s in remand, the “March 9 Group” for the Independence of Universities sent a letter to the president of Zagazig University, Dr. Othman al-Sayyed Shaalan, asking him to interfere in all possible ways and means for Dr. Tariq al-Sheikh to get him out of prison, since his main charge was demanding his legitimate rights and the rights of his colleagues to improve their financial conditions inside Egyptian universities.33

Suspending Al-Sheikh came as a reaction from the administration of the faculty side to what Al-Sheikh has been through during his first month of detention, in violation of Article 64 of Law No. 81 of 2016, which states that:

“Every employee detained in reserve or in implementation of a final ruling, is suspended from his work by force of law during the period of his imprisonment and is deprived of half of his wages if he is in remand or in implementation of a non-final criminal ruling”.

Although the State Security Prosecution sent an official letter to the Faculty of Law stating that Al-Sheikh is being detained in remand, after his release, and when Al-Sheikh went to the Faculty of Law at the University of Zagazig to be handed over his work, after submitting an official request to the dean of the College, the latter told him that it must be approved University President first. On November 18, and although Al-Sheikh went to the university’s president’s office, who promised him to tackle the case immediately, the later referred the case to legal affairs department. And for two weeks the university did not hand Al-Sheikh's work over, neither could he meet the university president again. After that, he was notified that the university president agreed to accept the hand over; however, Al-Sheikh was surprised after that that a decision of referring him into investigation was issued simultaneously.34

Conclusion and recommendations

Association for Freedom of Thought and Expression (AFTE) seeks to shed light, throughout this report, on some few cases of incarceration of which Egyptian university professors were subject to.

Association for Freedom of Thought and Expression (AFTE) emphasizes that such violations aiming to keep faculty members away from expressing their opinions on public affairs issues or expressing their viewpoint as specialists in their fields of work, must be met with opposition from university departments.

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33. Imprisonment Renewal of Dr. Tariq El-Sheikh, an “angry Egyptian Scholars” and a letter from university professors, El-tahaloF Gate, published on October 30, 2019, link: https://bit.ly/2TRrmdv
34. Ibid reference no. 30
Association for Freedom of Thought and Expression (AFTE) believes that universities must ensure the protection of academic freedom, as well as the right to freedom of expression for members of the teaching staff in a way that preserves their ability to perform their academic tasks, playing their role in serving the community through spreading the knowledge they teach with all possible ways. AFTE also believes that faculty clubs should support imprisoned professors for expressing their opinions.

Below are the recommendations came as a result of this report:

- The Public Prosecution must release university professors, “Dr. Hassan Nafaa, Dr. Hazem Hosni, Dr. Magdi Gurgar,” who were detained on the grounds of expressing their political views, and drop all charges against them.
- The Ministry of Higher Education should consider the demands of faculty members brought by the “Angry Scholars of Egypt” campaign, which resulted in the imprisonment of Dr. Tarek El-Sheikh.