Contempt of Religions...
A Pretext to suppress Academic Freedom
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Methodology

The report relied on media reports and data published in press websites regarding referring university professors to investigation on charges of contempt of religion, in addition to an interview conducted by the researcher with a university professor. The report was also based on a review and analysis of relevant laws. The report covers the period from 2014 to 2020.

Introduction

Cases known to be contempt of religions developed historically in Egypt, beginning with its old name: “Hisbah cases”, to the current text included in Article 98 of the Egyptian Penal Code, which was introduced after what was known as “the events of sectarian strife in Al-Zawiya Al-Hamra”in 1981. The government then has drafted a law to amend a number of articles of the penal code, and add other articles, including articles related to the harsher punishment stipulated in Article 160, related to the right to practice religious rituals away from acts of violence, and to amend Article 201 criminalizing the misuse of religious speech. The aim of these amendments was to punish clerics who “abuse religious discourse” to incite acts of violence and threaten the security of citizens, but years later the criminalization scope was expanded to include all citizens.

When the government proposed these amendments, Article 98 stipulated that “A penalty of imprisonment for a period of no less than 6 months and not exceeding five years or a fine of not less than five hundred pounds and not exceeding one thousand pounds shall be inflicted on whoever exploits religion in promoting or favoring by speaking or writing, or by any other means, extremist ideas with the intention of provoking sedition or insulting or contemptuous of a divine religion or sects belonging to them, harming national unity or social peace, or disturbing public security. Whoever possesses himself or through and intermediary documents, publications or recordings containing the aforementioned shall be handed down the same punishment.”. However, the second paragraph of this article was omitted during the process of approving the draft law, because it represents a restriction on the freedom of individuals guaranteed according to the constitution, and the phrase: “or disturbing public security” was also omitted1, because its meaning could not be defined in an accurate manner. The final text of the article contained two terms that carry the same ambiguity, namely: “harming national unity and social peace.”

The accusation of “contempt of religions” was widely used against those who express opinions contrary to the prevailing beliefs in society, whether that is criticism of religions or belief in sects that are not widespread within society, or any free expression of opinion, whether it is close or even from afar to the three Abrahamic religions. And any work - whether literary or scientific - could lead its owner to imprisonment for contempt of religion.

The dated incident of publishing Taha Hussein’s - a prominent academic and literary figure of his time - book “Pre-Islamic Poetry” is one of the most famous cases related to contempt of religions, in which accusations were leveled against academics. The Public Prosecution investigated with Dr. Taha Hussein, Dean of Arabic Literature and Professor in the Department of Arabic Language at the Faculty of Arts, Cairo University, on account of publishing his book “Pre-Islamic Poetry” following complaints that were raised by clerics. The investigations continued for a period of nearly ten months, until the Public Prosecution Office issued its decision to close it. The Attorney General acquitted Dr. Taha Hussein of contesting the Islamic religion, and it was stated in the merits of the decision that what Taha Hussein mentioned in the book was for the sake of scientific research only2. The Attorney General praised Hussein’s scientific efforts saying, “The

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1 Adel Ramadan, Reasons for the Unconstitutionality of the Contempt of Religions Article, Egyptian Initiative for Personal Rights, published on June 8, 2016, link: https://bit.ly/2LDcEcz

author has undeniable merit in his conducting a new path of research in which he followed the example of western scholars.”

This report monitors the development of cases of accusing academics of contempt of religion in recent years, as well as the relevant changes in university administrations, the Ministry of Higher Education and Scientific Research into which they hold the role of watchdogs over the thoughts of university professors, instead of ensuring academic freedom and the university’s independence from the interference of institutions or groups from outside it.

First: Cases of accusing faculty members of contempt of religion

The report deals with cases in which faculty members are accused of insulting religions or religious figures, and it includes what AFTE has monitored, through media reports and interviews. Therefore, there may be other cases that AFTE has not documented. The accusations directed against the faculty members in what they deal with in research, publishing and teaching do not stop at religions only, rather, they extend to religious figures, which some university administrations consider repugnant.

At the beginning of May 2018, Damanhour University suspended Ahmed Rashwan, a professor in the History Department of the Faculty of Education, from his work for a period of three months, after referring him to investigations for teaching his book: Studies in the History of Contemporary Arabs, in which Rashwan described Sheikh Muhammad Metwally Al Shaarawy and Preacher Amr Khaled as quacks.

In the book that deals with the era of Presidents Muhammad Anwar Sadat and Hosni Mubarak, Rashwan wrote: “Their era witnessed the emergence of the two biggest charlatans in the modern history of Egypt, namely Sheikh Shaarawi and Amr Khaled, who worked with all force, intentionally or unintentionally, to nurture the spirit of religious obsession among the Egyptian people, and in supporting Political Islam, thus it dominated and extended up until the fall of the Soviet Union.”

Dr. Obaid Saleh, President of Damanhour University, decided to refer the professor to the immediate investigation on charges of insulting and slandering Al-Sharawi and Khaled,3 stressing that the university is not an arena for settling political scores, expressing personal opinions, or belittling others and defaming them, especially esteemed figures.

Considering that backdrop, the Secretary of the Parliament’s Religious Affairs Committee, Dr. Amr Al-Hamroushi, denounced the incident and said that he would submit an urgent request to the Speaker of Parliament to expedite the issuance of a law criminalizing insulting national symbols. Moreover, the Minister of Higher Education called for the formation of a neutral scientific committee to review university books in coordination with University professors, “To counter the infiltration of any anomalous or extremist ideas to students, which pose an imminent threat to the foundations Egyptian national security.”

The head of the Religious Affairs Committee did not stop in his intervention in the council at Dr. Rashwan’s incident. Rather, he went after debasing the simplest meanings of academic freedom and restricting the right of professors to research, publish and teach through forming committees to monitor what professors publish and teach in universities.

3 Nasser Gouda, Pictures… details of accusing a professor at the Faculty of Education, Damanhour University, of insulting Sheikh Al-Shaarawi, AlYoum AlSabea, published on May 2, 2018, link: https://bit.ly/37mQuRs
Rashwan said in an interview with AFTE’s researcher,⁴ “I have eliminated that chapter from the book, I did not teach it to students, what happened was that one of the students showed the book to her father who happens to be a Shaikh in Azhar, which he responded to by calling the university president and informing him. In return, the university president contacted media outlets and he escalated the matter. He also referred me to the investigation. Accordingly, a meeting was conducted for the department’s council, in which it was said that the council respects the Azhar and its scholars. After the department’s council meeting on May 2, the university dean took me to the university presidency to attend an investigation without being formally notified. I attended the investigation before Dr. Ashraf Shiha Vice Dean of the Faculty of Law, Tanta University, and the legal advisor to the President of Damanhour University.”

Dr. Obaid Saleh, President of Damanhour University, issued a decision suspending Dr. Rashwan for a period of three months⁵. This incident is a clear example of the universities’ compliance with societal pressures in a manner that negatively affects the freedom of scientific research and teaching, in the absence of any protection from university administrations for faculty members in teaching what they deem appropriate, as long as it meets the required scientific principles. The university endeavored referring the professor to investigation without first verifying whether or not he used a sound scientific method in his book.

In October 2016, Azhar University suspended Yousri Gaafar, professor of the fundamentals of religion, for three months on accusations of Atheism and attempting to revive the ideas of Mohamed Abdo and Taha Hussein.⁶

The decision was issued by the University President for attacking Islamists and describing them as obscurantists. The university formed an investigation committee that directed questions to Gaafar regarding the content of his lectures and his opinions and his viewpoint of the Azhar, they accused him of promoting atheism and criticizing Sahih alBukhari, as well as calling to amend the Azhari curricula, all which was denied by Gaafar who clarified that he only called for enlightenment.

On June 13, 2018, Al-Azhar University decided to suspend Dr. Gamal Muhammad Saeed AbdelGhani, Professor of Faith and Philosophy at the Faculty of Fundamentals of Religion in Menoufia, for a period of three months after he was referred to the administrative investigation on grounds of accusations suggesting that he belonged to the “Shiism”.⁷ The university said in a statement that the university professor was alleged to belong to the Ahmadiyya Qataniyya Shiite community, and this group had previously been considered as apostates from the Islamic religion. The university said that the decision to suspend him was in the interest of students and protecting them from deviant ideologies.

These incidents reveal that the Azhar University violates academic freedom through using decision to suspend two professors from work, without taking into account the scientific basis in addressing the academic work, to the contrary, the university intervened in the personal faith of the university professor Gamal AbdelGhani, without pointing to any academic violations, but only used the pretext of protecting students from extremist ideologies.

In November 2020, Mohamed Mahdli, professor of High Institute for Social Service in Alexandria was suspended,⁸ after being referred to investigations due to a widespread video showing a

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⁴ Testimony of Dr. Ahmed Rashawan to AFTE, on May 15th 2018.
⁵ Review Footnote 1
⁶ AbdellRahman Ahmed, Yousri Gaafar Professor of Faith Studies in Azhar: My suspension from work is to settle accounts, Masrawy, published on November 1, 2016, last visited May 12, 2020, link: https://bit.ly/3eqjhwv
⁷ Al-Sabeel, Egypt Al-Azhar University refers a professor to the investigation on charges of “Shiism”, published on June 13, 2018, last visit date on May 12, 2020, link:https://bit.ly/3bxv6Yu
⁸ Maryam Rouq, Muhammad Mahdali: An Egyptian university professor suspended from work after “insulting” the Islamic reli-
debate between him and his students in a lecture, because of which he was accused of insulting Islam. While the Ministry of Higher Education said that it had received a complaint from students at the institute, it decided to suspend Professor Muhammad Mahdali until finalizing the investigation into the incident.

According to his statement to BBC Arabic\(^9\), the viral video was cut out of context and he did not intend any offence, he continued, "some have interpreted what I said as an offence to the Islamic religion, I am a Muslim and I respect all religions. I apologize to my students and to all those who felt offended by what I said." Mahdali said that in his lecture on rural and urban society, he dealt with examples of marriage and divorce, and that his reaction to the student’s quotation of the Quranic verse was “an unintended transgression, in which my words betrayed me in a moment of excitement and intense controversy.”

A video clip from one of Mahdali’s lectures had spread about the dowry of marriage in Islam, and one of the students objected to the professor’s proposal, citing a Quranic verse, which Mahdali reacted to by expelling students outside the hall. A spokesman for the Ministry of Higher Education, Hussam Abdel Ghaffar, said that Mahdali was referred to an administrative investigation conducted by a committee of professors from the Faculty of Law at Alexandria University. He added that the ministry had received a complaint from the students, thus he decided to suspend the professor until the results of the investigation were issued within 48 hours.

After presenting the results of the investigation conducted by Dr. Fayeza Muhammad Hussein, Vice Dean of the Faculty of Law at Alexandria University, which ended with Mahdali’s acknowledging the validity of the circulating video clip, the Ministry of Higher Education decided \(^10\) to refer the incident to the Public Prosecutor to pursue investigation in Mahdali’s crimes of contempt of religions, whereas he insulted the fundamentals of Islamic law, and students, as stated in the investigation text. The Minister of Higher Education referred Mahdali to the Disciplinary Board of Private Higher Institutes with a continued suspension from work. As for the prosecution, Mahdali was to be imprisoned for four days pending investigations in charges of contempt of religion and providing a view that allows incest marriages. \(^11\) Mahdali passed away on December 24, 2020, as an effect of his health deterioration.

In light of the expansion of control over academic freedom, students began to hunt what they consider offensive to religions, and with the university's responsiveness to students’ complaints, it does not provide a climate that allows free discussion between students and their professors, burdening the professors with more self-censorship over what they address in their scientific opinions and topics in lecture halls.

The response of the Minister of Higher Education in which he passed on the investigation to the Public Prosecution is a blatant violation of the value of academic freedom and the right of professors to hold free debate in their lectures. The administration of the Institute of Social Service in Alexandria should have been content with investigating Professor Mahdhali’s prejudice against his students, where he expelled them from the lecture hall, as that is what prevents free scientific discussion with students.

At the University of the Suez Canal, Dr. Abdel-Azim Al-Sharqawi issued Decree No. 187 on May 15, 2018, expelling Mona Al-Prince, a teacher in the Department of English at the Faculty of Arts,

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9 Review Footnote 6

10 Emad Hassanein, Dr. Mohamed Mahdali imprisoned on charges of contempt of religion and allowing incestuous marriage, Cairo 24, published on November 17, 2020, link: https://bit.ly/3gQ76nF

11 Review Footnote 8.
from her job while retaining her pension or reward, after 14 months of investigations, which started by referring Al-Prince to investigation to confront several charges, including posting videos of her dancing on social media, in addition to traveling without university permission, and the most important accusation here is “defaming the divine self and talking with students about religious beliefs,” according to what was stated in the investigations conducted by the Dean of the Mansoura Faculty of Law with Al-Prince.

Al-Prince was accused of contempt of religions because of her teaching of a seventeenth-century text, “Paradise Lost” by the English writer John Milton, an epic poem that begins with the departure of “Adam and Eve” from heaven. The English literature professor replied, saying, “It never happened that I offended religions inside university at all.” Her lawyer Mohab Saeed, stated that Dr. Mona Al-Prince referred to the text “Paradise Lost” from a literary and academic perspective, as she asked her students to compare the text with Arabic texts such as Naguib Mahfouz’s “Children of the Alley” and the poem Spartacus’ last words by the poet Amal Dunqul. Adding that these texts did not offend any religion and their authors were not punished, while Al-Prince was punished for teaching those texts.

The Suez Canal University accused Al-Prince on the basis of her teaching pure literary texts that are read and studied everywhere, and it is not forbidden to discuss or teach them in any manner. Rather, the mere discussion of any topic related to religions from near or far may expose faculty members to the danger of being accused of contempt of religions and losing their jobs.

Intrusion with university professors’ work did not stop at their scientific contribution or what they cover in classrooms or books, but extended to their personal opinions that are expressed on social media. In Zagazig University, Dr. Khaled AbdelBary, University President, issued decision 1620/2017 to suspend Dr. Maher AlMaghraby, professor of neurology and psychological illnesses at Medicine, for three months and halting the disbursement of a quarter of his salary while referring him to a disciplinary board and preventing him from entering the university except to attend interrogation sessions, because of Facebook posts where he wrote phrases insulting the Islamic religion, according to the statement of the University’s Faculty of Medicine. This is despite AlMaghraby’s denial of writing the posts attributed to him, as he said that he ignored his Facebook page since 2014, due to his lack of knowledge of Internet matters.

Students also have their share of accusations of contempt of religion being lashed against them, where a verdict was issued in February 2015 against Sherif Gaber, a student in the University of Suez in case 7419/2014, sentencing him to a year in prison with a fine of one thousand pounds to suspend the sentence.

The President of Suez Canal University had written a report against the student on the charge of establishing a group on the social networking website “Facebook” under the name of “atheists”, following which the security forces of Ismailia moved to arrest and seize him on October 26 to investigate his charges of contempt of religions. He was only released on December 3, 2014, with a bail of 7500 pounds pending the case, where he was issued a final verdict of a suspended one year of imprisonment. Sherif Gaber’s case counts as an extension of the universities’ expand-

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12 Sayed Noon, The details of expelling Mona Al-Prince following 14 months of investigations... The investigations committee accuses her of publishing photos with Bikini and Dancing Costumes as well as contempt of religion, AlYoum AlSabea, published on June 6, 2018, Link: https://bit.ly/39V2hjq

13 Safaa Sorour, Academics and Contempt of Religions ... the accusation of “loose” and an “elastic” law, AlMansa, published on August 28, 2017, link:https://bit.ly/390m7EN

14 Walid Saleh, a professor at Zagazig Medicine after being suspended from work because of “Facebook”: My account was hacked, Al-Masry Al-Youm, published on August 22, 2017, link: https://bit.ly/3qla8in

15 AFTE, another verdict incriminating the right to freedom of expression... jailing student Sherif Gaber for a year, with a bail of one thousand pounds for expressing his opinion, published on 19 February, 2015, Link: https://bit.ly/37HaB5A
sion in restricting the freedom of expression of belief for their members, students and professors.

Thus, through a review of these cases, it is evident that the pattern of violating academic freedom due to accusations of contempt of religion has been repeated in more than one Egyptian university, and in different periods of time, whether the movement towards punishment of professors stems from university administrations or under pressure from students through social media.

Second: Accusations of contempt of religions and violation of academic freedom and freedom of expression

We cannot see these decisions in isolation from the policy followed by the state in recent years through violating academic freedoms and university independence, as well as restricting personal freedoms and freedom of thought and expression, even outside the university walls, in addition to restricting the right to organize and political work for professors and students. The disciplinary measures taken in cases of “contempt of religions” serve this policy, and establish reliance on the method of memorization and indoctrination, instead of training in critical thinking and the implementation and consolidation of scientific research rules.

The Egyptian constitution is full of articles guaranteeing freedom of thought and expression, as Article 65 stipulates in the chapter on rights and freedoms, that freedom of thought and opinion is guaranteed. Every person has the right to express his opinion in words, in writing, photography, or other means of expression and publication. The constitution also guarantees the independence of universities and that members of the academic community enjoy the academic freedom necessary for the Egyptian universities to play their role in scientific progress, propagating culture, and improving society. Article 21 of it stipulates: “The state guarantees the independence of universities in science and linguistics ...”, and Article 22 recognized that: “Teachers and Teaching staff members are the basic pillar of education, and the state guarantees their literary rights to ensure the quality of education.” While Article 23 affirms that the state guarantees freedom of scientific research and encouragement of its institutions.

Legislation is not controlled according to these articles, as laws contain articles that undermine these freedoms and rights guaranteed to individuals. Article 98 (F) of the Penal Code states: “Anyone who exploits religion in speaking, writing, or any other means of ideas shall be punished with imprisonment for a period of no less than 6 months and not exceeding five years or a fine of not less than five hundred pounds and not exceeding one thousand pounds. Extremist with the intention of stirring up discord, demeaning or contemptuous of one of the monotheistic religions or sects belonging to it, or harming national unity.”

This article is considered the cornerstone of all charges of contempt of religion, the aim of introducing it, in theory, was to hold clerics accountable in the event that they use religious discourse in causing discord within society. Choosing clerics was due to their religious and ideological influence on believers in their religions and beliefs, unlike the general public who do not have this influence of their opinions which only express their own ideas, not the viewpoint of the religion itself. However, the article was, of course, used against everyone.

This article is used very widely to restrict freedom of thought and expression. It is characterized by its viability to be interpreted according to any situation and according to the opinion of the political authority or in response to social and religious restrictions, which should not be an obstacle to the members of the academic community exercising their work freely and their right to freely express their academic opinions.

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16 The Egyptian Constitution amended in 2019, link: https://bit.ly/3qWDS1
In 1981, the Egyptian government submitted a bill to amend and add a number of articles of the Egyptian Penal Code, including Article 98, now known as “contempt of religions.” The purpose of the bill was to confront what was known in the media at the time as “sectarian strife events of “AlZawya Al-Hamra” by adding articles relating to the right of practicing religious rituals away from acts of violence and threats to society. The aim was to punish “hard-line Sheikhs and Priests” who use religious discourse to incite violence and hatred in society. The goal of the legislator at the time was not to punish university professors’ intellectuals for their scientific and intellectual views and to restrict their right to academic freedom and freedom of expression of religion or belief.

Using the characterization of “extremist ideas” allows for unlimited interpretations of all opinions, and this makes it difficult to determine who is responsible for deciding whether those ideas are extremist or not. This also leaves room for the judge or investigator to determine, according to what he sees, the extent of extremism of ideas in the cases he is considering and related to contempt for religions, and it is known that the prevailing ideas and beliefs in society may differ with the passage of time and according to different circumstances, also the concept of extremism changes according to different beliefs or cultures.

In addition to penal code articles, university administrations use articles of the Universities Organization Law that grant the right to interpret any natural exercise of academic freedom, such as discussion or scientific research, as “acts that demote university values and norms.” in referring faculty members to disciplinary councils. In addition to giving the Universities Organization Law the freedom to investigate the imposition of any punishment it chooses without determining the proportionality of penalties for acts contradicting the provisions of the law.

The International Covenant on Civil and Political Rights stipulates in article 18 that “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.” Also, article 19 of the same covenant stipulates that “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.”

The General Comment No. 13 by the Committee on Economic, Social and Cultural Rights affirmed that article 13 of the International Covenant on Economic, Social and Cultural Rights addressing the right to education, that members of the academic community enjoy, individually and collectively, the freedom to pursue, develop and transfer knowledge and ideas through research, education, study, discussion, documentation, creativity, or writing.

The Academic Freedom Declaration issued in 2005 explains that: “Although each national reality undoubtedly constitutes its own vision of the meaning and practice of academic freedom, as a minimum, the performance and expression of faculty members in lecture halls and in other educational contexts must be subject to the professional appreciation of their colleagues alone.” This contradicts what is happening in Egypt, where every product by Egyptian academics is subjected to several restrictions, including religious, political or societal restrictions, regardless of scientific research standards.

19 General Comment No. 13 by the Committee on Economic, Social and Cultural Rights, link: https://bit.ly/36ZipXG
University administrations refer professors to investigation according to the Universities Organization Law \textsuperscript{21} if they commit acts that “demote university values and norms.” The Universities Organization Law lacked in its executive regulations for disciplining faculty members the necessary precision in determining penalties. The law included several penalties, such as: warning, blame, dismissal, and suspension from work, without specifying which criminal acts fit each punishment, and in that it gives absolute freedom to the university administrations in imposing penalties, according to the discretion of those in charge of the investigation.

The Supreme Constitutional Court affirmed in a ruling that the punitive texts are vague,\textsuperscript{22} “The application of these texts by those in charge of their implementation is a selective action, determined in the light of their personal desires, and thus crystallizing their choices in poaching those whom they want.” It is also one of the general legal rules that laws address all members of society regardless of the nature of their work or their culture.\textsuperscript{23} Therefore, the texts of laws directed at citizens must be clear, specific, and easy to understand and comprehend in order to reach all citizens alike, to achieve this legal principle: “Ignorance of the law cannot be accepted.” People must understand the law in a clear and unambiguous way in order for the legal rule to apply to them.

The ambiguity of legal texts and the expansion of their interpretations mars the rights and freedoms of citizens. In the case of the article stipulating “contempt of religions,” it applies to the violation of the right to freedom of thought, expression and belief. The Constitutional Court says in that regard that “citizens who are confused with the scope of the criminalization and the perception of the purposes of the legislator, usually stay apart - to prevent punishment - from engaging in acts that shall implicate them as a suspicion of violation, even if the law in its general sense allows it.”\textsuperscript{24}

This means that when citizens do not accurately understand the provisions of the law and what are the criminalized acts according to the text, they are afraid to exercise their safeguarded rights according to the law and the constitution, for fear that the interpretation of these broad texts will lead to punishment.

Therefore, it is necessary to protect academic freedom and freedom of expression for faculty members that legislators work to control legislation in accordance with the articles of the Egyptian constitution that guarantee academic freedom and freedom of expression, thus ending this contradiction between the constitution and the laws in force.

\textsuperscript{21} Law 49/1972 regarding the organization of universities, link: https://bit.ly/34bH6y4
\textsuperscript{22} Appeal No. 58 of 18, session date June 5, 1997 Technical Office 8 - Part one - Page 713.
\textsuperscript{23} The reason for the unconstitutionality of the contempt of religions article, Adel Ramadan, Egyptian Initiative for Rights and Personal Freedoms, published on June 8, 2016, link: https://bit.ly/3nm5yhY
\textsuperscript{24} Appeal No. 105 - for the year 12 - session date February 12, 1994 - Technical Office 6 - Part one - Page 154.
On March 3, 1932, Minister of Education Muhammad Ali Issa issued a decision of dismissing Taha Hussein from his position as Dean of the Faculty of Arts at Fouad I University and transfer him to the Ministry’s office to work as an inspector general. The dismissal decision came as a result of Hussein’s rejection of the minister’s request to award honorary degrees to a number of foreign students, and some Egyptian students who ascend from senior dignitaries, provided that King Fouad would distribute them to them at a ceremony at the university.

Less than a week afterwards, on March 9, this decision prompted University President Ahmed Lotfy ElSayed to tender his resignation in protest against the transfer of Hussein from his position as a Dean of the faculty of Arts. In his letter of resignation, Lotfy Elsayed wrote, “I was sorry for the transfer of Dr. Taha Hussein Dean of the Faculty of Arts, to the Ministry of Education, as this is an indispensable professor, not for the lessons he teaches his students, or for the environment he has created around him with the spirit of literature research... but specifically because this decision took place without the consent of the university nor its consultation, as has been the tradition since the university’s inception, all of this takes the tranquility and reassurance necessary to conduct scientific research.”

ElSayed’s resignation came in defense of the university’s independence from the executive authority, which provides the professors and faculty with a free academic environment that enables them to develop knowledge and scientific research in a way that benefits students and society for progress and prosperity. The memory of Lotfy ElSayed’s resignation from his position as president of the Egyptian University lingers until now, as March 9 became a day to celebrate the university’s independence and to be reminded of its critical importance.

Contrary to Lotfy ElSayed, contemporary university administrations do not play any role in defending the freedom or independence of faculty members, rather, these administrations are primarily responsible for restricting academic freedom and university independence. In all the cases monitored by the report, the university president made a decision to suspend the faculty member from work directly as a punitive measure until the investigations were completed, and in all cases there was no scientific violation or a breach by the faculty member of his duties towards the educational process except when Dr. Muhammad Mahdaly prevented his students from debate. The decisions were an interference with the academic freedom of professors at one time and an infringement of their right to freedom of expression and private life at other times.

And if professors and students are to review the long list of religious, social and political prohibitions that they must not address either by research or discussion, then they will be left with only the topics that the authority determines, whether it is a religious or community authority to which the executive authorities are subject. The initiative reaction to take severe disciplinary action, such as suspending work for a period of three months, as soon as a complaint reaches university presidents before the investigation ends - which violates the rights of faculty members in the first place - is an exaggeration and abuse of the disciplinary authority granted to them.

University presidents base their decision to suspend professors or faculty members for three months upon on article 106 of the Law Organizing Universities which stipulates that “The university president may suspend any faculty member from his work provisionally - if the interest

25 Said Al-Shahat, on March 13, 1932 .. The government accepts the resignation of Ahmed Lotfy ElSayed, director of Fouad I University, for his solidarity with Taha Hussein, AlYoum AlSabaa, published on, March 13, 2018, link: https://bit.ly/3aGi7n7

26 Osama Ali, reaches dismissal and deprivation of a pension ... prohibitions on faculty members in the new law, Sada Al-Balad, published on August 30, 2019, link: https://bit.ly/2L1o5Ze
of the investigation with him so requires - and the suspension shall be for a period not exceeding three months, and the suspension of the faculty member from work shall result in stopping the disbursement of a quarter of his salary starting from the date of the suspension.”

Although the law - according to its wording - did not stipulate suspension from work in the case of an investigation with a faculty member, but rather placed it as a possible decision in the event that the interest of the investigation required it, the university presidents treated this possibility as a necessity in all cases.

The amendments to the Law Organizing Universities and the Law of Organizing Al-Azhar gave a green light to university administrations in expelling and imposing harsh disciplinary penalties on professors. The last of these amendments was President Abdel Fattah El-Sisi’s ratification of Law 52/2019 amending some articles of the Universities Organization Law 49/1972. The amendments addressed articles 103 through 112 regarding disciplining faculty members, aiming to expand the disciplinary authority granted to university presidents and tighten penalties that amount to dismissal from the job and deprivation of a pension, and suspension from work for a period of three months - if the interest of the investigation so requires - it is the same article on which the repeated decisions of suspending professors are based. It is almost the same amendment that was introduced to the Azhar law, as a decision was issued to amend Article 72 of Law 103 of 1961 regarding the Azhar Organizational Law, allowing the university president to suspend faculty members and dismiss students from the university as a result of allegations of participating in demonstrations or acts of sabotage. Al-Azhar University used this amendment in expelling 18 professors, under the pretext of inciting them to demonstrate inside the university and not working for a period of more than six months, their absence from work was due to their detention pending political issues, including Dr. Abdel-Rahman Al-Bar, a professor at the Faculty of Fundamentals of Religion in Mansoura, and Dr. Mohamed El-Beltagy, Professor of Medicine for Boys in Cairo.

In 2014, the University Organization Law was amended, including the abolition of the mechanism for electing university leaders, and making the appointment and dismissal of university presidents within the powers of the president of the republic, which resulted in security interventions that hindered the appointment of university presidents because of their political affiliations.

The whole spirit of these amendments aims to stifle the freedom of university professors to teach, publish and research on the one hand, and their personal freedom to express their positions on various topics on the other hand. These amendments also tightened the executive’s control over universities.

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27 Refer to footnote 26
28 Mansour Kamel - Shaima Al-Qarnchawi, Amending Al-Azhar Law: Dismissal of Protesting Faculty Members at the University, Al-Masry Al-Youm, published on September 17, 2014, link: https://bit.ly/3nQsebn
30 Muhammad Abdo Hassanein, Going back to the appointment of university presidents, deans of colleges raises controversy in Egypt, the Middle East, published on June 26, 2014, link: https://bit.ly/37PYmem
Accusations of contempt of religions directed at professors restrict academic freedom, which includes the freedom to research, teach, publish, debate and innovate, in compliance with scientific and academic standards, which are the basis for the university carrying out the roles assigned to it, of spreading knowledge, developing scientific research and serving society, and building generations capable of critical thinking and creativity. These violations must come to an end because they have a negative impact that prevents the university from fulfilling its roles and deprives faculty members of their rights guaranteed in the Egyptian constitution, and for this purpose AFTE recommends the following:

- The administrations of universities, colleges, and higher institutes should stop referring faculty members to investigation due to their exercise of academic freedom or freedom of expression of religion or belief.
- The administrations of universities, colleges and higher institutes should stop their interference in the professors’ selection of the topics of their scientific research, their method of teaching and discussions in lecture and research halls.
- University presidents should not be tempted to use their disciplinary power, and work to protect faculty members from political, religious and social pressures so that they can practice their work freely.
- The elected House of Representatives should repeal Article 98 (f) of the penal code due to its unconstitutionality and its breach of the right to freedom of expression and academic freedom.
- The elected House of Representatives should work on amending the law organizing universities to ensure academic freedom and effective independence for universities from the executive authority, and to abolish the president’s authority to appoint university presidents and college deans.
- The elected House of Representatives must abolish the use of the term “university norms and traditions” from the Universities Organization Law, which is usually used to restrict the freedom of professors and members of auxiliary bodies.