

A Continued Isolation

The Annual Report on The State of Freedom of Expression in Egypt in 2020



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Executive summary

The Egyptian government's first reaction to the outbreak of the 25 January 2011 revolution was represented in blocking. There were huge demonstrations in the street, and the scenario of the Tunisian revolution that ousted Zine El Abidine Ben Ali from power was about to be repeated in Egypt. The best solution from the authorities' point of view at the time was to isolate people from what was happening abroad and isolate them from each other at home, by blocking social media platforms and cutting off the internet and communication networks.

The regime of late President Hosni Mubarak imposed various forms of blocking during the eighteen days that preceded its ouster, not all of which succeeded in averting his departure. Despite Mubarak's departure, blocking has continued under the successive regimes, albeit at different degrees and under different pretexts.

The year 2020 witnessed the outbreak of the Covid-19 pandemic, which spread in almost all countries of the world. The pandemic constituted a new test for the Egyptian government on several levels, the most important of which was the increasing importance of transparency and information availability. Despite the steps taken to provide information about the numbers of Covid-19 infects and fatalities, the systematic withholding of information continued and its danger increased during the pandemic.

Ten years after the Egyptian revolution, and a year after the outbreak of the global pandemic, blocking has continued to exist. It included the blocking of websites and the withholding of information, which has clearly been evident in the way the government handled the pandemic crisis. The Egyptian authorities, represented by the Supreme State Security Prosecution, the Supreme Council for Media Regulation (SCMR), the National Press Authority (NPA) and the State Information Service (SIS), continued to ban the work of journalists, detain political activists, social media users, doctors and researchers, and block websites for allegedly publishing "false" information about the Covid-19 situation, including infection rates in Egypt, or for criticizing the policies adopted by the government and the health ministry to combat the pandemic. The authorities also continued to monopolize official data and statistics, if any, in a clear absence of transparency. Thus, the authorities took the pandemic as another pretext for violating many rights and freedoms.

Confronting a crisis like this requires transparency and communication, as both represent a safety valve for society and the government during the pandemic. Transparency has to do with real and free circulation of information from official sources and supporting the role of the media as

a key factor in confronting the crisis, and not a party to the crisis that should be besieged and suppressed. This requires an open and competitive media space, and a free internet space that is not restricted or blocked, as part of better procedures to govern the media scene.

AFTE's position in this regard is based on Article 68 of the Egyptian Constitution which stipulates that the state shall provide information and make it available to citizens with transparency, which is crucial for individuals and societies to protect themselves from the virus. Despite the SCMR's approval of a draft law on information circulation in 2017, the Egyptian parliament has since continued to postpone discussion and endorsement of the law, thus affecting the right to access to information, which is one of the main pillars of maintaining public health during the pandemic.

In its annual report for 2020, AFTE reviews the state of digital rights, media freedom, freedom of creativity, academic freedom and student rights during the pandemic, highlighting the features of withholding information and how the pandemic has turned into another pretext for violating rights and freedoms.

The report concludes by presenting a set of recommendations to decision-makers in Egypt in order to move towards ensuring freedom of expression and information circulation. AFTE asserts that disclosure of information is a basic right for citizens, and it has become more important in the fight against Covid-19. Disclosure of information contributes to raising citizens' awareness and mobilizing the capabilities of the health sector and civil society, in addition to organizing the work of state institutions and the private sector under appropriate measures.

Freedom of expression during the Covid-19 pandemic in Egypt

The outbreak of the Covid-19 pandemic was the focal point in 2020, as matters have been assessed only by taking the emerging health situation into account, either directly or indirectly. The first section of this report reviews three main issues: Firstly, the current state of information circulation in Egypt and the need for a clear legislative structure that supports transparency; secondly, the state of culture, creativity and digital rights during the pandemic; and finally, the report traces the impacts of the pandemic on the conditions of pretrial detainees in cases related to freedom of thought and expression.

The report tries to determine whether the authorities dealt fairly and transparently with issues related to freedom of expression during the pandemic or they took the exceptional health situation

as a pretext to further restrict freedoms. In this regard, the report reviews key developments during the year which can give an overview of the official performance at the legislative, judicial and executive levels.

First: Information circulation during the pandemic

The pandemic and its repercussions reflected the increasing need for the right to access to information and the need to have professional press that exercises its work freely in tackling public issues and presenting them to the public. They also reflected the need to establish popular oversight and accountability of the executive authority, transparency and communication as a basic guarantee to enable citizens to know the health challenges they face, as well as to facilitate cooperation between the government and civil society in order to strengthen and mobilize their joint efforts to protect the public health from a global pandemic that has threatened and still threatens the lives of millions of people.

Nevertheless, restriction, prevention, and blackout continued as a prevailing pattern in the state's policy in dealing with information, rather than making it available and circulating in a transparent manner, and promoting the citizens' right to knowledge. This can be demonstrated by the following four indicators:

- **At the legislative level:** The year 2020 ended without issuing a law to protect citizens' right to access, circulate and publish information, although the SCMR has finalized a relevant draft law since October 2017.¹ This draft law has been debated since 2011. The call for issuing a law that is consistent with international standards and allows real and unrestricted circulation of information was one of the recommendations included in the report of the fact-finding committee established by the National Council for Human Rights to investigate the January 2011 events.² The absence of any legislation protecting the right of citizens in general and journalists in particular to access and circulate information gave the authorities an opportunity to arrest journalists and punish them for allegations of spreading false news and rumours and causing harm to the public interest should they address any issues or information related to the pandemic in Egypt. This has greatly affected the citizens' right to access to information.

1. Draft law on freedom of information circulation, the official website of the Supreme Council for Media Regulation, link: <https://bit.ly/2z64Hnk>

2. Report on the results of the work of the fact-finding committee on crimes and abuses committed during the 25 January 2011 revolution; the National Council for Human Rights, 2011, page 22.

- **Lack of official information on the pandemic:** The disclosure of information by the concerned authorities (the Cabinet and the Ministry of Health) was marred by many anomalies. This was reflected in the lack of information or the failure to provide it properly, which limited the ability of journalists and specialists to analyse figures and data, in addition to restricting the role of newspapers and the media in uncovering the facts and holding those responsible accountable.

The Ministry of Health launched a website³ that contains daily statistics on the number of Covid-19 infections, fatalities and recoveries, as well as instructions on how to avoid infection and how to act in the event of having symptoms of the disease. However, the information available on the website does not show the actual number of PCR tests nor does it clarify the age categories, the geographical scope, or the gender of the infection and death cases, in addition to other important data.

Availability of such information would make it easier to analyse data and take appropriate measures to contain the spread of the virus in specific areas, so that the procedures will be flexible and decentralized, according to the risk situation, instead of generalizing the procedures nationwide amid the significant increase in the number of infections. What if the majority of infections are reported in one city or governorate? Is it not more useful for policies to be based on detailed data, and for this data to be made available in a transparent manner so that the public can participate freely in and bear more responsibility for adhering to the social distancing measures? Adherence to precautionary measures would be then based on positive awareness and the sharing of detailed data with transparency. Thus, free participation and democratic practice would be enhanced as part of the Covid-19 precautionary measures, instead of enhancing repression – this time in the name of public health rather than public security or war on terror.

- **Preventing the circulation of information related to the pandemic:** The Egyptian authorities shared the least amount of information with citizens. Moreover, official bodies, including the Public Prosecution, the SCMR, and the Cabinet, directly threatened the media and the press with disciplinary measures and legal prosecution if they try to find facts or publish information other than that which is issued by official authorities, despite its scarcity.

At the beginning of the pandemic, Prime Minister Mostafa Madbouly ordered the concerned authorities to take legal action against “anyone who broadcasts false news or rumours related to Covid-19”. The SIS also issued a statement announcing that the

3. Egypt Care website, <https://www.care.gov.eg/EgyptCare/index.aspx>

press accreditation of The Guardian's correspondent was revoked⁴ after she reported on a scientific study about the spread of the virus in Egypt⁵. Moreover, The New York Times' correspondent was warned after he posted a series of tweets containing figures mentioned in the same study, which the SIS considered "incorrect". As a result of this crisis, The Guardian correspondent Ruth Michaelson, who had lived in and reported from Egypt since 2014, was forced to leave the country.⁶

The ban on the circulation of information related to the pandemic affected artistic and cultural works created by students. For example, on 15 September 2020, a police force raided the Contemporary Image Collective in downtown Cairo and arrested two staff members. One of them was released hours later, while the other – the head of the photo lab – was referred to the Qasr al-Nil prosecution for investigation on charges of distributing the "Covid Cairo" magazine⁷ without obtaining permission from the SCMR. She was released the next day pending investigation.

The "Covid Cairo" magazine features a group of anecdotal pictures and topics related to the Covid-19 situation in the country as well as self-isolation. The magazine was a graduation project for a group of students of the Faculty of Applied Arts at the German University.⁸

Websites continued to be blocked, as three more news websites were blocked for tackling issues related to the pandemic, bringing the total number of websites blocked in Egypt since May 2017 to 553, including 124 news websites, an increase of 7 websites during 2020, according to AFTE.

4. The State Information Service, revoking the accreditation of The Guardian's correspondent in Egypt and issuing a warning to the New York Times' correspondent, 17 March 2020, last visited on 30 December 2020, link: <https://bit.ly/3p04zKW>.

5. Ruth Michaelson, The Guardian, Egypt: rate of coronavirus cases 'likely to be higher than figures suggest', 15 March 2020, last visit, 12 February 2021, Link: <https://cutt.ly/VkLUazK>

6. Michael Safi, The Guardian, Egypt forces Guardian journalist to leave after coronavirus story, 26 March 2020, last visit 12 February 2021, Link: <https://cutt.ly/TkLUO2r>

7. "Covid Cairo" Magazine, non-periodic edition, First Issue, May - June 2020, last visited on 9 February 2021, link: https://drive.google.com/file/d/1ugzFsU5O-pYF6YGH2KBcNfvuQCSpFBu_/view

8. AFTE, Gilan Hefni, head of the photo lab at the Contemporary Image Collective, released, 16 September 2020, link: https://afteegypt.org/law_unit/law_unit_news/2020/09/16/19983-afteegypt.html

Classification of websites and links that were blocked or decided to be blocked during the period from May 2017 until 31 December 2020 (according to AFTE)



- **Targeting doctors and journalists:** AFTE documented the arrest of at least 8 medical personnel for expressing their views on government policies towards the Covid-19 pandemic, and criticizing the lack of medical and preventive supplies in hospitals.

The Egyptian authorities also continued to target journalists, especially for their reports on the Covid-19 epidemic. Of the 62 media freedom violations documented by AFTE in 2020, approximately 30% were committed against journalists for their reports on the pandemic.

AFTE observed a marked increase in violations of freedom of the press during April and May, when the number of infections began to increase significantly during the first wave. Security forces arrested three journalists for their coverage of the Covid-19 crisis.

Second: Culture and creativity between digitization and impacts of the pandemic

The pandemic has kept most people at home, leading them to take to social media platforms to share videos, especially during the nationwide lockdown and curfew in March 2020. These conditions allowed for the emergence of various forms of digital expression of personal and institutional, as well as official and unofficial, cultural and entertainment products.

AFTE observed positive efforts by the Ministry of Culture in making various publications available to the public and organizing virtual visits to various museums, through its campaign “Stay at home ... Culture is in your hands”, which was launched in March 2020⁹. However, the way the security apparatuses and the Public Prosecution dealt with entertainment products and forms of expression of opinion was a step in the opposite direction. They tightened the security grip and increased arrests related to expression of opinion or provision of entertainment products online, such as dance videos on the video-sharing app TikTok.

The following is a review of the most prominent patterns of violation and their impact on culture, creativity and digital rights in Egypt during 2020:

- **Sharing entertainment videos online as a crime:** The Public Prosecution led a security campaign against TikTok users, especially girls and women, in 2020. AFTE documented the trial and imprisonment of nine women, who received jail terms ranging between two and six years, in such cases in 2020.

9. The Ministry of Culture launches the online initiative “Stay at home .. Culture is in your hands”, the Ministry of Culture’s website, 22 March 2020, last visited on 10 February 2021, link: <https://bit.ly/2Y6la46>

The campaign against freedom of expression and online privacy was based on the Law on Combating Information Technology Crimes No. 175 of 2018. Articles 25 and 26 of this law criminalize “assault” on vague “family principles and values of the Egyptian society” and “public morals”. This campaign reveals the Egyptian authorities’ patriarchal and authoritarian understanding of morals, thus suppressing freedoms on this basis.

The aforementioned law does not only violate Article 65 of the Egyptian constitution, which guarantees freedom of expression, but it also contradicts Egypt’s obligations under international human rights law, including the right to freedom of expression, the right to privacy, and the right not to be subjected to arbitrary arrest or detention. On a related note, Article 178 of the Egyptian Penal Code which penalizes “violation of public morals” shares the same problematic aspects of Articles 25 and 26 of Law No. 175 of 2018.

- **Digital transformation of the Ministry of Culture’s publications:** Keeping pace with the pandemic, the Ministry of Culture intensified its online presence. It took serious steps to contain the spread of the virus, launching the “Online Culture” campaign which made official cultural production available for free on the ministry’s platforms, based on its role in spreading culture in general and the culture of facing a global pandemic in particular.

The ministry took the initiative for the first time to digitize its artistic works, including concerts, plays, paintings and sculptures, and make them available to the public on its various online platforms within the framework its project “Stay at home ... Culture is in your hands”, which was launched in March 2020. The project aimed to encourage citizens to adhere to the lockdown measures to contain the spread of the pandemic. The ministry reactivated its YouTube channel, which was launched in 2013 and has not been updated for years. The channel’s viewership has reached 2,357,250 views and 110,000 subscribers since March, after it used to be viewed by only dozens.

- **Film production continued at the expense of public health:** A crisis erupted as the filming of TV drama and advertisements continued during 2020. Production companies called for the continuation of filming, but people who work in film-making rejected the call, asking unions to intervene to stop film production like in other sectors in order to protect the public health and the safety of workers. But head of the actors’ syndicate Ashraf Zaki stated¹⁰ after his meeting with drama makers that “when life stops completely in many fields, then we can ask all actors and artists to stop working”.

10. Ahmed Hamdy, Al-Mal, Ramadan drama challenges Covid-19, filming continues... Ashraf Zaki: Art is an important industry, 31 March 2020, last visited on 10 February 2021, link: <https://bit.ly/365aLtW>

Third: Academic freedom and student rights

President Abdel Fattah al-Sisi suspended study in schools and universities across the nation for nearly six months in 2020 due to the outbreak of Covid-19¹¹. The move was part of the largest disruption of education systems in history, according to the United Nations.¹²

The decision was reasonable, but it was not enough. Schools and universities were reopened amid the lack of transparent policies and circulation of information to help confront the pandemic, especially in the higher education sector which has more than three million students.

Despite the suspension of study most of the time in 2020, the frequency of violation of academic freedom has not decreased. University professors remained in prolonged pretrial detention for expressing their views, researchers were banned from travel, and others were arrested upon arrival from abroad. Moreover, university administrations committed administrative violations, aiming to restrict freedom of expression among students and professors, to counter any criticism against the precautionary measures applied in universities and the blackout of information related to infections in educational facilities.

- **The trial of university professors over ideas and teaching debates:** In November 2020, Professor Mohamed Mahdaly of the Higher Institute for Social Work in Alexandria was suspended from work¹³, after being referred to interrogation over a video that went viral and showed a debate between him and his students during a lecture. He was accused of insulting Islam due to his remarks in the video. The Ministry of Higher Education said it had received a complaint from students about Mahdaly's remarks, so it decided to suspend him until an investigation into the incident is completed.

Mahdaly said his remarks were taken out of context and that he did not mean any offense. In the video, he talked about dowry in Islam, but one of the students objected to the professor's argument, so Mahdaly got angered and asked the objecting students to leave the hall.

During the investigation, Mahdaly acknowledged the veracity of the video. The Ministry of Higher Education decided to refer him to the Public Prosecution on charges of contempt of religion, insulting the foundations of Islamic law, and insulting students - as stated in the investigation report. The Minister of Higher Education also referred Mahdaly

11. CNN Arabia, Egypt: Sisi orders suspension of study in universities and schools for two weeks due to Covid-19, 14 March 2020, last visited on 10 February 2021, link: <https://cnn.it/39dzOgl>

12. United Nations, Policy Brief: Education during Covid-19 and beyond, August 2020, last visited on 10 February 2021, link: <https://bit.ly/3a09FRl>

13. AFTE, contempt of religions... a pretext for suppression of academic freedom, 31 December 2020, link: <https://bit.ly/3sMiZAY>

to a disciplinary committee and decided to continue his suspension. The prosecution remanded Mahdaly in custody for 4 days pending investigation on charges of contempt of religion and making incestuous marriage lawful. Mahdaly died on 24 December 2020 after his health condition deteriorated.

- **Imprisonment of university professors:** Dr. Ahmed al-Tohamy, an assistant professor of political science at the Faculty of Economic and Political Studies at Alexandria University, was arrested on 3 June 2020¹⁴. He remained under enforced disappearance at the National Security headquarters in Cairo for 17 days until he was brought before the prosecution on 20 June. The prosecution remanded him in case No. 649 of 2020 on charges of joining a terrorist group, spreading false news, and misusing social media. The investigation with Tohamy focused on his alleged collaboration with the US-based activist Mohamed Sultan regarding a lawsuit the latter filed against former Prime Minister Hazem al-Beblawy. But sources close to Tohamy denied the allegation. Tohamy suffered from poor detention conditions, as he was held in a cell with 30 people. He was denied exercise, and his family was banned from visiting him until October 2020.

Fourth: The pandemic's impacts on the conditions of detainees in freedom of expression cases

The World Health Organization has published a number of precautions that everyone should abide by to avoid infection, among which are keeping hands clean by using disinfectants and maintaining a distance of at least a meter between one individual and another¹⁵. Although these precautions are easy to apply, their implementation in prisons has become more difficult, according to the International Committee of the Red Cross, which stated that places of detention provide higher chances for the transmission and exacerbation of infectious diseases, bearing in mind that the health system in prisons is weaker than outside.¹⁶

Instead of releasing non-dangerous prisoners and those held in pretrial detention to avoid the spread of infection, as is the case in various countries, and to meet the call of the United Nations High Commissioner for Human Rights¹⁷, the Ministry of Interior suspended visits to prisons as

 14. AFTE calls for the release of Assistant Professor of Political Science Ahmed al-Tohamy and an end to interference in academic work, 2 November 2020, link: <https://bit.ly/3c3yEph>

15. World Health Organization, Coronavirus Disease (Covid-19): Questions and Answers, last visited on 23 January 2021, link: <https://cutt.ly/yjC3Cvn>

16. ICRC, COVID-19: Protecting prison populations from infectious coronavirus disease, last visit March 11 2020, link: https://www.icrc.org/en/document/protecting-prison-populations-infectious-disease?utm_source=twitter

17. United Nations news, UN rights chief urges quick action by governments to prevent devastating impact of COVID-19 in places of de-

of 10 March “to preserve the public health and the safety of inmates”¹⁸

Despite the various calls for the release of detainees in order to avoid the spread of the pandemic in prisons, the number of pretrial detainees increased due to the exercise of their right to freedom of expression. A number of journalists and researchers, as well as other citizens, were arrested for participating in sit-ins or demonstrations, or for using social media platforms.

The Ministry of Interior has not responded to the numerous rights calls throughout 2020. These calls mainly demanded transparency, disclosure of the numbers and locations of the detainees infected with Covid-19, as well as enabling detainees to communicate with the outside world, in compliance with Egyptian and international laws. The situation, however, remains unclear, raising concerns about the lives of all detainees in Egypt¹⁹. The government took advantage of the pandemic to make changes to the mechanisms of renewing the detention of detainees. It denied them their legal right to communicate with the outside world, under the pretext of applying precautionary measures to confront the pandemic.

- **Cutting off communication between thousands of detainees and their families and lawyers:** The Ministry of Interior has insisted on keeping detainees inside prisons amid poor living conditions and the acceleration of Covid-19. The Prisons Authority did not provide any alternative to the banned visits to preserve the right of detainees and their families to communicate, despite the fact that Article 38 of the Prisons Organization Law provides for the right to correspondence and telephone calls for a fee for all detainees, regardless of their legal statuses. Since the Ministry of Interior announced its precautionary measures to confront the outbreak of Covid-19 in prisons, which included a five-month ban on visits, the visitation system has taken a form different from that stipulated in the Prisons Organization Law. Most of the detainees rely on visits to obtain their personal belongings, such as clothes and toiletries. However, since visits were banned, concerns about the health of detainees have increased, especially after some prison workers were reportedly infected and some inmates died. Some detainees resorted to the judiciary in order to get disinfectants and detergents.²⁰

tention; 25 March 2020, last visited 23 January 2021, link: <https://news.un.org/en/story/2020/03/1060252>

18. Mahmoud Abdel Radi, Youm7, prison visits suspended for 10 days to preserve public health and the safety of inmates, 9 March 2020, last visited on 23 January 2021, link: <https://cutt.ly/AjC7Xos>

19. Joint statement, human rights organizations call on the Public Prosecutor and the Minister of Interior to disclose the numbers and locations of detainees infected with Covid-19, 11 June 2020, last visited on 23 January 2021, link: <https://cutt.ly/qjC5bp4>

20. AFTE, Mahmoud Shehata's lawsuit demanding to allow entry of preventive medical supplies from “Covid-19” to prison set for adjudication, 5 July 2020, last visited on 23 January 2021, link: https://afteegypt.org/en/law_unit-2/law_unit_news-law_unit-2/2020/07/05/19650-afteegypt.html

- **Extending pretrial detention and increasing the number of detainees:** It is assumed that pretrial detention is a precautionary measure and not a punishment. According to Article 201 of the Criminal Procedures Law, there are several alternatives to pretrial detention, such as: obligating the accused not to leave his residence or domicile, obligating him to go to the police headquarters at specific times, or prohibiting him from going to certain places. Nevertheless, the judicial authorities in Egypt insist on keeping detainees in pretrial detention, and rarely resort to other alternatives.
- **The continued recycling of defendants by charging them in new cases:** This practice has continued and increased. It is often associated with the enforced disappearance of defendants before they appear at the prosecution office to face the same charges they faced in the previous cases in which they were released. This shows how the prosecution insists on keeping certain individuals in detention and imposing pre-emptive penalties against them by holding them amid the pandemic without referring them to trial.

Case No. 855 of 2020 is an example. It involved rights lawyers Mohamed al-Baquer, Mahienour al-Masry, and Amr Emam, as well as journalists Isra Abdel-Fattah, Solafa Magdy, and Mohamed Salah, who were all recycled after they had been detained in other cases.

- **Death in prisons as a result of medical negligence:** In the morning of 2 May 2020, young photographer and filmmaker Shady Habash died in his cell in Tora Prison as a result of medical negligence. Communication between him and his family had been cut off due to the suspension of visits since March 2020. He spent 26 months in pretrial detention, in violation of the law, due to the failure of the department responsible for looking into his detention to release him after the expiration of his legal term. Habash was 22 years old when he was arrested in Case 480 of 2018 for codirecting a satirical political song entitled “Balaha” (a date) criticizing President Abdel Fattah al-Sisi²¹. The Egyptian authorities not only insisted on keeping detainees in pretrial detention amid the pandemic, but they also kept Habash in prison without any legal justification for restricting his freedom, until he died.
- **Technology of arbitrary detention:** During the peak of the first wave of Covid-19, the Cairo Criminal Court’s terrorism departments extended the detention of at least 1,600 defendants in the period from 4 to 6 May 2020, without the defendants or their lawyers being present. This constituted a violation of the procedures of renewing pretrial

21. AFTE, Announced death and overlooked violations ... Report on the death of Shady Habash, 13 September 2020, link: https://afteegypt.org/en/afte_publications/2020/09/14/19966-afteegypt.html

detention. Most of those defendants were arrested for their involvement in public work, or for peacefully expressing their opinions. Their detention was extended retroactively.²²

On 18 October 2020, the Ministry of Justice launched a new plan to conduct detention renewals electronically instead of holding in-person court sessions. The decision was taken for several reasons, including “reducing the chances of the spread of Covid-19 among detainees and citizens”²³. The beginning was by connecting the New Cairo Court to Tora General Prison, 15 May and Al-Nahda central prisons via videoconference. The judge contacted the defendants inside their cells, in the presence of their lawyers. It was planned to apply the new system in the rest of courts and prisons. At first glance, the plan appears to be a step in the direction of protecting detainees, lawyers and judges from the risk of getting infected, as well as preserving the integrity of legal procedures. However, the Egyptian government insisted on extending pretrial detention instead of releasing detainees to ease the overcrowding in prisons.

In general, AFTE welcomes the digitization of litigation processes, which began with filing cases remotely, especially if this approach would facilitate legal procedures and save time and effort in order to reach justice. However, questions arise as to whether some points will be taken into account, such as ensuring easy access to this service, achieving spatial justice, archiving and documentation, as well as data availability and digital security.

On the other hand, questions arise about the motives behind the use of technology in criminal justice, especially in matters like the renewal of pretrial detention. The application of electronic renewal of pretrial detention faces a number of obstacles, mainly including the separation between the defendants and their lawyers, as the communication between them turns virtual, which affects the representation of the defence panel and the seriousness of the communication. Moreover, the defendants are kept in prison without communicating with anyone other than the officers who stay with them after the defendants make their statements in front of the camera.

This raises an urgent question: What guarantees that the defendant present in front of the camera is not subjected to pressure or coercion during the investigations? Although the new electronic system appears to be a good development, it should not have been introduced without thorough study. This new system should be used to promote human rights and ensure fair trials, not to perpetuate injustice.

22. Amnesty International, Egypt: Court arbitrarily extends the pre-trial detention of over 1,600 defendants, 7 May 2020, last visited on 23 January 2021, link: <https://tinyurl.com/4jfv9xag>

23. The State Information Service, the Ministry of Justice launches electronic detention renewal system, 18 October 2020, last visited on 23 January 2021, link: <https://cutt.ly/WjC4beR>

Conclusion and recommendations

The 25 January revolution erupted ten years ago at a time when social media turned into effective tools for expressing opinions. As citizens took to social media platforms, the government and official agencies also began to use them to convey their messages.

AFTE tried in this report to review the state of freedom of expression at the end of a decade that seemed promising at its inception when protests were staged, freedom of expression was exercised, and information was circulated clearly and transparently as part of what the Egyptian revolution aspired to consolidate.

The outbreak of Covid-19 in Egypt coincided with the beginning of 2020, which gave a different perspective when assessing issues like freedom of expression, creativity, academic freedom and student rights, as well as digital rights and the right to peaceful assembly. At this exceptional time, it can be said that the situation is similar to and – at the same time – different from the outbreak of the revolution. The demands of the revolution have vanished and it is no longer possible to call for demonstrations or to use social media as a free speech platform without thinking about the obstacles and consequences. Meanwhile, the Covid-19 pandemic adds a new burden and challenges when thinking about issues related to transparency and freedom of information circulation.

AFTE supports the state's moves towards digitization, which was evident in making the Ministry of Culture's artistic and cultural works available online, as well as the Ministry of Justice's plan to conduct litigation electronically. However, it believes that this plan must be carefully studied, taking into account the preservation of the rights and freedoms of litigants so that digitization does not turn into a new tool of abuse.

AFTE believes that the state of rights and freedoms related to thought and expression has been on the wane and became a worrying threat in 2020. It stresses the need for the state institutions to affirm their commitment, especially in light of a global pandemic that has affected millions of people around the world. Accordingly, AFTE proposes the following recommendations:

First: The judiciary, represented by the Public Prosecution, criminal courts and terrorism departments, should immediately release all those held in pretrial detention, including journalists, political activists, social media users, doctors, students and academics, in cases related to spreading false news about the Covid-19 pandemic, as well as those charged with violating “family principles and values of the Egyptian society” or “public morals”. The judiciary should also close all cases that do not include solid evidence.

Second: The Egyptian parliament should pass the law on freedom of information circulation as soon as possible.

Third: The Egyptian Cabinet, represented by the Ministry of Health, should disclose all data related to the Covid-19 situation in Egypt, including the numbers of infections, deaths and swabs that have been conducted. It should also reveal details of the vaccination campaign.

Fourth: The executive authority, represented by the media regulatory bodies or other unannounced bodies, should stop blocking websites.

Fifth: The Ministry of Interior should disclose policies to confront the pandemic in places of detention, and allow prisoners and detainees to communicate with their families and lawyers.