"Drying up the sources of freedom"
From the street to the internet
The annual report on the state of freedom of expression in Egypt in 2021
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The annual report on the state of freedom of expression in Egypt in 2021

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Methodology

This report analyzes the Egyptian authorities’ general policies towards the right to freedom of expression in its various forms, specifically freedom of the press and media, the right to access information, freedom of creativity and artistic expression, student rights, academic freedom and the right to peaceful assembly. It monitors and studies the developments of policies and legislation as well as the administrative decisions related to each of the aforementioned freedom of expression files. The report analyzes the direct and indirect impact of these developments and decisions on the state of freedom of expression in general and on each file in particular.

The report relies on the databases of the Association for Freedom of Thought and Expression (AFTE), which monitors and documents violations of freedom of expression, in addition to the cases undertaken by AFTE’s Legal Aid Unit in 2021. It also relies on the testimonies of lawyers from outside AFTE who undertook other cases as well as the testimonies of victims of violations documented by AFTE. The report provides an analysis of the patterns of violations committed during 2021 through intensive follow-up, research scrutiny, and documentation of new patterns of violations in each of the freedom of expression files compared to the traditional violations that AFTE monitored in recent years.

Introduction

The year 2021 witnessed what can be called a government activity in the human rights field. In October 2021, President Sisi ended the country’s state of emergency after it had been renewed continuously for four years. Many considered the move as the first practical application of the national human rights strategy launched by the Permanent Committee for Human Rights in a conference attended and sponsored by Sisi last September.

This came against the backdrop of widespread international pressures that the Egyptian authorities were subjected to during the first and second quarters of 2021 due to the security crackdown on the staff of the Egyptian Initiative for Personal Rights. It also came after a number of member states of the United Nations Human Rights Council issued a joint statement criticizing the human rights situation in Egypt.

Meanwhile, the Egyptian authorities continued drying up the sources of freedom of expression, whether in the traditional public sphere or in cyberspace. The authorities continued to violate the basic rights and freedoms of citizens, especially the citizens’ right to express their opinions in the ways and means they see fit. Also, the Egyptian parliament approved during 2021 a set of amendments to a number of laws that, in their entirety, harmed the human rights situation in Egypt as well as the state of freedom of expression in general.

This report reviews the human rights situation in Egypt during 2021 by present-
ing and analyzing the key government policies towards civil society in general and human rights organizations in particular. It also monitors and analyzes the state of freedom of expression in Egypt during 2021 in an attempt to draw a clearer picture of the human rights situation in Egypt ahead of 2022, which President Sisi called the year of civil society.

First section: Government activity in the field of human rights

The year 2021 was full of developments in the field of human rights in Egypt, which seemed to be a prelude to 2022, which President Sisi called last September the year of civil society.¹

Developments have not stopped since the end of 2020, which witnessed a new wave of repression and security crackdown on civil society activists. In 2020, three staff members of the Egyptian Initiative for Personal Rights (EIPR)², including the executive director of the organization at the time, Gasser Abdel-Razek, were arrested and detained for several days for hosting a number of foreign ambassadors and diplomats with the aim of discussing the human rights situation in Egypt.³

¹ Mohamed Nassar, Officially.. Sisi declares 2022 the year of civil society, Masrawy, published on 11 September 2021, last visited on 10 February 2022, https://bit.ly/3BmKB4k
² Human rights organizations condemn the arrest of Gasser Abdel-Razek, the executive director of the Egyptian Initiative for Personal Rights, and stress the continuation of all organizations in their work to defend human rights, a statement by several Egyptian human rights organizations, published on 21 November 2020, last visited on 10 February 2022, https://bit.ly/3BpIqgb
As a result, the Egyptian government issued, in January 2021, the executive regulations of the Civil Work Law No. 104 of 2021, nearly a year and a half after the issuance of the law regulating civil work No. 149 of 2019. The regulations were issued amid increased international criticism regarding the deterioration of the conditions of civil society and its workers, specifically after the foreign ministry issued a statement trying to legalize the arrest of the EIPR employees by accusing them of working without a license in violation of the Civil Work Law. But the EIPR said it was waiting for the cabinet to issue the executive regulations to start the registration procedures. So, the Egyptian government had to issue the regulations in order to allow the unregistered civil society organizations to regularize their statuses in accordance with the law within a year from the issuance of the executive regulations. The deadline was later extended to January 2022.

The executive regulations represented a new turning point in the struggle of civil society, especially the independent human rights organizations, to survive under extremely dangerous working conditions, in which they have been routinely subjected to grave violations since 2014. These included restrictions, arrests, raiding of offices, travel bans, freezing of bank accounts, terror listing, and finally obligating them to regularize their status in accordance with the law. The civil work law and its executive regulations were issued separately and without any real participation of those concerned with that legislation. This indicates that the main goal behind the move was to complete the last stage of the process of slow liquidation of human rights organizations that has been ongoing for years.

Meanwhile, Egyptian human rights organizations did not have a unified position towards the government’s move to accommodate them within the official framework of civil work. The new legislation made the government a custodian of rights organizations and their work agenda. While some went ahead with the registration procedures in order to regularize their status, others decided to stop working permanently, close their offices and liquidate their legal status. Others, meanwhile, decided to continue working in the same legal form despite the warnings issued by the government and the Ministry of Social Solidarity to everyone who practices civil work without a license.

Following these developments and as a result of the continued extremely difficult human rights situation, criticism escalated again at the end of the first quarter of the year after 31 countries issued a joint statement, on the sidelines of the 46th session of the United Nations Human Rights Council, criticizing the human rights situation in Egypt. In March 2014, a similar statement criticized the Egyptian government over human rights violations.

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4 Executive regulations of the Civil Work Law issued.. and a year given to regularize status, Al-Shorouk website, published on 14 January 2020, last visited on 10 February 2022, [https://bit.ly/3GTkZgA](https://bit.ly/3GTkZgA)
5 The Egyptian Initiative for Personal Rights: Egypt refuses “interference in its internal affairs” following the arrest of three human rights defenders, BBC Arabic, published on 21 November 2020, last visited on 10 February 2022, [https://bbc.in/34SFwVc](https://bbc.in/34SFwVc)
The joint statement urged the Egyptian government to guarantee space for civil society, lift restrictions on media and digital platforms, stop blocking independent news websites, and release all imprisoned journalists. It also urged the government to guarantee the freedom of human rights defenders to work without fear of intimidation, harassment, or any other form of reprisal. That included lifting travel bans and asset freezes against human rights defenders.

The statement further urged the Egyptian government to end the use of terrorism charges to hold human rights defenders and civil society activists in extended pretrial detention and the practice of adding detainees to new cases with similar charges after the legal limit for pretrial detention has expired. It also asked the Egyptian government to cease the use of the terrorism entities list to punish individuals for exercising their right to freedom of expression. It expressed concern at multiple abuses of due process, including limitations on lawyers seeing evidence or accessing their clients.

The Egyptian authorities rejected that criticism and doubted the “inaccurate” information contained in the joint statement. The foreign ministry said the statement was issued by anti-Egyptian bodies, threatening to expose human rights violations in the countries that issued the statement. However, in the middle of 2021, the Egyptian authorities resumed its activity in the human rights field. This included decisions and procedures related to a number of key rights issues. Some criticized the authorities’ moves, arguing that they were superficial and incomplete and aimed to absorb the international criticism and pressures. The moves were also seen as an attempt to circumvent the international criticism by introducing legislative amendments or issuing new laws that consolidated the same existing reality. Others, meanwhile, voiced cautious support for the moves, calling for maximizing them. AFTE is trying to review the most important of these moves and their impact on the reality and future of human rights in the country.

"During the second and third quarters of 2021, the Egyptian authorities released - through decisions from the Public Prosecution - at least 15 human rights defenders, some of them were detained in connection with more than one case."

AFTE stresses that most of these releases were selective and lacked transparency, and that all those released were victims of excessive and arbitrary use of prolonged pretrial detention as a tool of abuse and retaliation against activists, journalists, creative people, academics, online users and human rights defenders. However, there are thousands of similar cases of citizens who are held in pretrial detention in violation of the limitations stipulated in the Criminal Procedures Law. AFTE issued last December a list of 56 cases of citizens, activists

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7 Egypt responds to a UN statement and criticizes the human rights situation in Europe and America, CNN Arabic website, published on 18 March 2021, last visited on 10 February 2022, https://cnn.it/3mL9tLy
8 AFTE’s Monitoring and Documentation Unit, List of pretrial detainees, published on 22 December 2021, last visited on 10 February 2022, https://bit.ly/3oK0VqB
and human rights defenders to whom it provided legal aid. The list included detainees held in pretrial detention on the same charges that some of those released had faced. This indicates that thousands of citizens are held in pretrial detention just as punishment for expressing their views.

While reviewing cases of arbitrary pretrial detention and the release of a number of activists and human rights defenders, the judicial authorities in Egypt further used a dangerous pattern of violation when they decided to refer much larger numbers - AFTE documented at least 6 cases involving 67 people - to trial before exceptional courts (the Emergency Supreme State Security Court), which usually issue harsh rulings that are final and cannot be appealed. In fact, the cases referred to exceptional courts and the charges the defendants in these cases face are quite similar to those that the authorities decide to release others from. This means that the criterion is the position of the political and security authorities towards the persons involved in such cases. In the meantime, the authorities continue to arrest journalists over their journalistic work, and political activists and individuals for expressing their opinions on social media.

In the third quarter of 2021, the investigating judge in Case 173 of 2011, known in local media as the foreign funding case, took measures to drop the case, after he decided last August and September that there was no point in filing a criminal lawsuit against eight associations, for insufficient evidence. He also cancelled all decisions resulting from the case, including travel bans and asset freezes.

The judge’s decisions raised the number of organizations, associations and entities that have had charges dropped in the same case to 71, indicating that there was no reason to file a criminal lawsuit against them based on the report of the fact-finding committee. It is expected that procedures will be completed so that the whole case will be dropped.

In mid-September 2021, the Permanent Committee for Human Rights launched the first national human rights strategy in Egypt, during a conference attended and sponsored by President Abdel Fattah al-Sisi, who announced that the year 2022 would be the “year of civil society”.

By the end of the third quarter of 2021, the Egyptian authorities resumed their activity in the human rights field. In September 2021, the Permanent Committee for Human Rights launched the first national human rights strategy in Egypt, during a conference attended and sponsored by President Sisi.

Established in early 2020 under the chairmanship of Foreign Minister Sameh Shoukry, the Permanent Committee for Human Rights started to prepare the strategy. The process took a year and a half, according to Ambassador Ahmed Ihab Gamal El-Din, Egypt’s permanent representative in Geneva and the committee’s founding secretary-general. The time frame of the strategy extends for five

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Officials from the committee say the strategy aims to meet the constitutional obligations as well as Egypt's regional and international commitments with regard to human rights. They argue that it, along with the sustainable development strategy, constitutes the components of Egypt’s Vision 2030 known as the New Republic. The strategy adopts four axes, namely civil and political rights; economic, social and cultural rights; the rights of women, children, disabled people, the elderly and youth; and education and capacity building in the field of human rights.

According to those in charge of the strategy, a number of dialogue sessions were held with stakeholders in order to prepare the strategy. Nevertheless, AFTE did not notice any broad move by the committee to hold a genuine joint dialogue with key players in the human rights field, something which makes the strategy primarily governmental. Moreover, the strategy did address urgent and pressing crises regarding the human rights situation, such as proposing legislative amendments to reduce the maximum period of pretrial detention, and recommending the release of all those held in prolonged and arbitrary pretrial detention. The strategy also ignored many other things, the most important of which are the healthcare in prisons, the conditions of detention, the unlawful detention, and the lack of fair trial guarantees.

“So, I decided - for the first time in years - to cancel the extension of the state of emergency nationwide”.  

On 25 October 2021, President Sisi announced on Facebook the end of the state of emergency that had been in place since April 2017 when two bombings targeted two churches and left dozens of people dead or injured. Since then, Sisi had extended the state of emergency 17 times (once every three months), the last of which was on 12 July.

It is worth noting that the extension of the state of emergency was done by circumventing the constitution, which obligated the President of the Republic to declare a state of emergency for only three months, with it not permissible to be extended twice in a row. This led the president to wait for a day or two days after the expiry of the three-month period to issue a new decision declaring a state of emergency again.

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10 Egyptian President Abdel Fattah al-Sisi on his Facebook account, published on 25 October 2021
11 State of emergency declared in Egypt after bombings targeted two churches in Tanta and Alexandria, BBC Arabic, published on 9 April 2017, last visited on 10 February 2022, https://bbc.in/3HMQOZr
12 Article 154 of the Egyptian constitution: “The President of the Republic declares, after consultation with the Cabinet, a state of emergency in the manner regulated by law. Such proclamation must be submitted to the House of Representatives within the following seven days to consider it. If the declaration takes place when the House of Representatives is not in regular session, a session is called immediately in order to consider the declaration. In all cases, the declaration of a state of emergency must be approved by a majority of members of the House of Representatives. The declaration is for a specified period not exceeding three months, which can only be extended by another similar period upon the approval of two-thirds of House members. In the event the House of Representatives is dissolved, the matter is submitted to the new House in its first session. The House of Representatives cannot be dissolved while a state of emergency is in force.”
The decision to end the state of emergency stirred widespread debate over the seriousness of the Egyptian authorities to take steps to improve the human rights situation at home, especially since the decision came directly after the launch of the national human rights strategy. However, the legislative measures presented by the Egyptian government and approved by parliament in record time after the emergency law was suspended raised doubts about the seriousness of the moves taken by the Egyptian authorities regarding the human rights situation, with some considering the moves as superficial tactics aiming to absorb the international pressures.

These measures included the introduction of major amendments to Law No. 136 of 2014 on securing and protecting public and vital facilities, amendments to two articles and adding a new article to Anti-Terrorism Law No. 94 of 2015, amendment to the Penal Code, and passing a new law on combatting diseases and pandemics (Law No. 152 of 2021).

On 31 October 2021, the parliament approved amendments to Article 3 of Law No. 136 of 2014 on securing and protecting public and vital facilities, thus making the law’s validity natural and not limited by time.

“The law on securing and protecting public and vital facilities was issued on 27 October 2014. It entrusted the Armed Forces and the police to secure all public facilities, including power stations, grids, and pylons, gas pipelines, oil fields, railways, roads, bridges, universities, schools, and government buildings. It considered all these facilities as military facilities, which means that any crimes committed against these facilities - including constitutionally legitimate acts such as strikes, gatherings or demonstrations, which are part of human rights - would fall within the jurisdiction of the military judiciary.”13

On 12 November, the Official Gazette published President Abdel Fattah al-Sisi’s decision to amend some provisions of the Anti-Terrorism Law, as Articles 36 and 53 were amended and Article 32 bis was added.

The amendment to Article 36 stipulates that the penalties for violating the law will be increased. According to the amendment, filming, recording, broadcasting, or displaying any proceedings of the trials of terrorist crimes shall be prohibited, and whoever violates this prohibition shall be punished by a fine of no less than 100,000 (instead of 20,000) Egyptian pounds and no more than 300,000 (instead of 100,000) Egyptian pounds.

The amendment to Article 53 included the addition of a paragraph obligating the President of the Republic to specify the authority competent to issue decisions implementing the measures taken to confront that danger of terrorism.

Article 32 bis, which was added to the law, grants the President of the Republic

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13 Q&A: What’s after the Egyptian parliament approved amendments to the law on the protection of public establishments, the Anti-Terrorism Law, the Penal Code and the draft law on combating pandemics, the Egyptian Commission for Rights and Freedoms, published on 25 November 2021, last visited on 10 February 2022, https://bit.ly/3Bkel1m
judicial powers with regard to determining the penalties included in the decisions issued in implementation of the measures, provided that the custodial penalty does not exceed rigorous imprisonment and the fine does not exceed 100,000 pounds.

In November 2021, the House of Representatives approved a draft law submitted by the government to amend Penal Code No. 58 of 1937 by replacing Article 80 (a) to tighten the penalty for disclosing state defense secrets.

The amendment tightened the penalty to become a fine of 5,000 to 50,000 pounds instead of the current fine, from 100 to 500 pounds, in addition to the prescribed imprisonment for no less than 6 months and no more than 5 years. The amendment also stipulated that any attempt to commit any of the crimes mentioned in the article shall have the same punishment prescribed for a complete crime.

The amendment also added Clause 4, which included “anyone who collected data or statistics or conducted research for any information related to the armed forces and their missions or their current or former staff without a written permission from the Ministry of Defense”. It also tightened the penalty to be imprisonment if the crime was in time of war, or if it was committed by using a means of deception, disguise, or concealment of personality, nationality, profession or capacity, or by any means of information technology, or if the offender was an officer, member, civilian worker of the armed forces. The amendment stipulated the same penalties for attempting to commit these crimes.

In this context, AFTE stresses that the legislative measures that coincided with President Sisi’s decision to end the state of emergency aimed at the following:

- Exaggerated and unjustified expansion of the military judiciary’s powers over civilians, something which the 2014 constitution sought to limit to the greatest extent with the aim of achieving justice and equality. However, the Egyptian authorities, by amending law No. 36 of 2014 on securing and protecting public and vital facilities, circumvented the constitution in an unacceptable way. The military judiciary lacks the basic rules of independence due to its affiliation to the Ministry of Defense and the President of the Republic. Moreover, a number rights of the accused and the defense are not guaranteed, not to mention the fact that the rulings issued by the military judiciary are final and not subject to appeal, and only the military commander may pardon the punishment or refrain from ratifying it.
- Further expansion of the powers granted directly to the President of the Republic, including exceptional judicial powers, especially in the event of a danger of terrorism, which can be used against peaceful opponents.
- Further securing the status of the armed forces and all individuals who have a similar status, by tightening the penalties for anyone who discloses any of the defense secrets of the state, as well as adding a new clause to the Penal Code criminalizing the collection of data or statistics or conducting research for any information related to the armed forces or any of the like.
Second section: Repression of traditional channels of expression - "Ban on demonstrations and suppression of media freedom"

The Egyptian authorities continue to impose strict restrictions on the right to peaceful assembly. The authorities suppressed at least three calls for protest during 2021, according to AFTE. The security services arrested or detained at least 46 citizens in connection with these calls, most of whom were released after a short period of time.

The security services do not even abide by the Protest Law No. 107 of 2013, which was enacted specifically to restrict the right to protest. Although the law defines the gathering as that of more than five people, the security services used consistently - during protests against Israeli attacks on Palestinians in Jerusalem and the Gaza Strip - to prevent the presence of even one person on any street in solidarity with the Palestinians. AFTE documented five incidents in which security forces arrested or illegally detained citizens for demonstrating in support of the Palestinian cause. The security forces filed reports on three of those incidents.

AFTE also documented at least two incidents in 2021 in which citizens were arrested for staging peaceful demonstrations or gatherings to know their fate after the government announced plans to demolish houses in their residential areas. These included the arrest of 30 people in the Shooting Club area in Alexandria14 after they protested against the formation of committees by local officials to inventory houses in their area in preparation for demolishing them and displacing the residents without prior notice. The government allocated 90 mil-
lion pounds to develop the area in 2019, and indeed the development process began, but it stopped suddenly in January 2021.

The authorities restrict the citizens’ right to peaceful assembly under Law No. 107 of 2013, known as the “Protest Law”, which was endorsed by former President Adly Mansour in November 2013, amid objections by parties and rights organizations that believed that the law had completely restricted the right to peaceful assembly. Since then, the authorities have used force – according to the law – to disperse any protest or gathering. The law also allows the authorities to prosecute those who call for or participate in demonstrations. To further emphasize that the law is just a legislative tool aiming to legalize the assault on the right to protest and not to regulate it, the security services had earlier rejected requests from political parties to stage demonstrations in accordance with the law.

Moving on from the suppression of the right to peaceful assembly to the suppression of the right to freedom of expression, especially for public servants, President Sisi issued Law No. 135 of 2021 amending some provisions of Law No. 10 of 1972 regarding the non-disciplinary dismissal of public servants. Also, the Civil Service Law, enacted under Law No. 81 of 2016, was issued after the House of Representatives approved on 28 June a draft law submitted by MP Ali Badr and ten other MPs.

The new amendments entitle the President of the Republic or his delegates, who are authorized based on the recommendation of the competent minister and after hearing the worker’s statements, to dismiss public servants through non-disciplinary means if they breach their job duties in a way that seriously harms a public utility or the state’s economic interests, or if there was solid evidence that they have committed anything that affects national security and safety. The amendments consider the inclusion of an employee in terrorist lists as solid evidence.

The amendments allow for the targeting of individuals for expressing their views or criticizing the government policies or any official. The amendments carried the same broad terms that give the enforcement body great powers to interpret them. These terms include “harming Egypt’s economic interests” and “committing what affects national security”, which the amendments failed to specify. These amendments can be also used by managers to abuse their subordinates.

Recalling the context in which there was a debate over the introduction of amendments that allow public officials to sack employees who belong to the banned Muslim Brotherhood group, we find out that the amendments have clearly reflected the intentions of the Egyptian authorities. These amendments just came after the train accident in Toukh, in Qalyubia, which left 11 people dead. Minister of Transport Kamel al-Wazir blamed what he described as “terrorist elements”

working in the state administrative apparatus, saying they aimed to cause crises to incite the public against the government. The minister called on the parliament in May to enact a law to hold accountable public servants who belong to the Muslim Brotherhood group. He noted that 162 employees belonging to the Islamist group were working in the railway sector.

In the same context, member of the parliament’s Foreign Affairs Committee Alaa Essam said the amendments came within the framework of the government’s keenness to strengthen mechanisms to confront terrorism and extremism and track people affiliated with the Muslim Brotherhood inside the country. Essam added that some government employees affiliated with the Muslim Brotherhood were involved in sabotage operations that occurred over the past months. He noted that most of these operations had to do with train accidents. He said the Brotherhood group seeks eagerly to sabotage the railway system. However, the Public Prosecution did not announce the involvement of Muslim Brotherhood members in recent train accidents.

It seems that the Egyptian authorities are not only determined to continue blaming terrorist elements for all the mistakes that occur in Egypt. They have also opened the way, through these amendments, to use non-disciplinary dismissal to abuse individuals and not only members of the Brotherhood on the grounds of opposition to the Egyptian authorities or any of its policies, especially on social media, which have become the last available outlet for Egyptians to express their views. AFTE rejects this practice, sees it as a sort of proactive repression, and calls on the parliament to repeal these amendments.

“Without prejudice to any other penalty, whoever photographs, records, broadcasts, publishes, or displays excerpts of a court session devoted to examining a criminal case while it is being held by any means, without the permission of the chief judge of the court, and taking the opinion of the Public Prosecution, shall be punished by a fine of no less than one hundred thousand pounds and not more than three hundred thousand pounds.

Moreover, the devices or anything else used in committing the crime or what resulted from it shall be confiscated or destroyed, or their content shall be deleted, according to the case, and the fine shall be doubled in case of repetition.”

Confirming the government’s intention to restrict information and impose custodianship on all forms of content that come out from the public, the Official Gazette published on 13 June 2021 Law No. 71 of 2021 amending some provisions of the Penal Code with the aim of criminalizing the reporting on criminal trials without obtaining prior permission from the chief judge of the court. This came after the parliament approved the law on 10 May 2021.

The amendment violates several basic rights protected by the force of the con-

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17. Ibid
stitution. It also portends a great danger regarding the Egyptian authorities' tendency to further violate the rights of the accused, particularly in political cases and cases of freedom of expression. It reflects the authorities’ desire to completely obscure everything that is happening inside courtrooms as well as the proceedings of trials. The amendment entails a number of other risks referred to in a joint statement signed by a number of local and international human rights organizations concerned with freedom of expression, including AFTE. The statement rejected the amendment, warned of its consequences, and called for its abolition.

The amendment aims to criminalize anyone who photographs, records words or clips, broadcasts, publishes, or displays by any means of publicizing the proceedings of a criminal trial without prior permission from the chief judge of the court, following consultation with the Public Prosecution and the parties to the case in the event of their presence. It also sets a complementary penalty to confiscate or destroy the devices used in committing the crime or delete their content, in order to address all forms of electronic crimes, according to a report prepared by the parliament’s Legislative Committee.

“Court sessions are public, unless, for reasons of public order or morals, the court deems them confidential. In all cases, the verdict is given in an open session.”

The amendment violates Article 187 of the constitution regarding the publicity of all kinds of court sessions, including criminal, civil and administrative sessions, unless the court decides their secrecy in consideration of public order or morals, and in all cases the verdict shall be pronounced in a public session. The rulings of the higher courts in this regard have established that the norm for the sessions is to be public and that the pleadings are to be conducted in public. All laws of the judicial authority have included an explicit affirmation of this principle: the Judicial Authority Law (Article 18), the Civil and Commercial Procedures Law (Article 101), and the Criminal Procedures Law (Article 268).

In their joint statement, the organizations emphasized that the issuance of that law restricts and violates the constitution regarding the public nature of court sessions, which the legislator has made available to the public without permission from the chief judge of the court or the Public Prosecution. Within this public framework and with technological advances, the sessions are broadcast live from inside the courts, so the principle of publicity has been extended to include everyone, not only those present in the courtroom, and the live broadcast is carried out without registration or subsequent intervention. The organizations also denounced the issuance of that law at a time when hundreds of political cases are being considered, with unfair sentences against political opponents up to capital punishment in trials that lack the minimum international standards and guarantees of justice.

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18 Article 187 of the Egyptian constitution
In addition to the blatant violation of the citizens’ right to knowledge and access to information, and the right of the accused to a fair and public trial, AFTE fears that these amendments will be exploited to shut windows in the face of any public or societal debate. This may authorize the security and judicial authorities to prosecute every person who expresses his opinion regarding any judicial case, whatever the means of expression, which foreshadows a new series of cases against those accused of freedom of expression.

On the level of media freedom: Centrally controlled media, and punishment for those marching to the beat of their own drums

The media scene also continued to deteriorate significantly during 2021, bearing in mind that the past year was full of developments at the level of media freedom in Egypt.

The second quarter of 2021 witnessed the resignation of Minister of State for Information Osama Heikal\(^9\), only 16 months after he assumed the post, which was introduced as part of the cabinet reshuffle in late 2019, six years after the abolition of the Ministry of Information in implementation of the 2014 constitution. Heikal's resignation came as a proactive act before the parliament resorted to procedures of withdrawing confidence from him, especially after the parliament's Media, Antiquities and Culture Committee, headed by Dr. Doria Sharaf El-Din, rejected the minister’s statement before the parliament. The committee levelled several accusations at Heikal, mainly including corruption, on the grounds that he held two executive positions at the same time, in addition to financial and administrative irregularities.

The cabinet accepted Heikal’s resignation but has not appointed a replacement so far, indicating a continued government confusion in managing the media file.

Heikal had chaired the parliament’s Media, Antiquities and Culture Committee before he was appointed as Minister of State for Information. However, it seems that the reinstatement of the Ministry of Information was not a matter of consensus among the key players in the media scene, as disputes escalated quickly between the new minister and the Supreme Council for Media Regulation (SCMR) whose former head, Makram Mohamed Ahmed, believed that the appointment of Heikal was aimed at replacing him and his council. Disputes did not calm down between the two sides except when media regulatory bodies were formed and Ahmed was replaced with Karam Gabr. Meanwhile, Heikal ignited another front of the conflict, this time with the pillars of the media system that were established nearly seven years ago under the auspices of sovereign bodies. He criticized the spread of the one-voice policy within the Egyptian media, which led to a significant decline in its influence and viewership rates, especially among younger generations. Heikal called for reopening the private media market in Egypt in order to present different voices to the public so that we

would not have to resort to foreign media to get news and information about Egypt.

Heikal came under fire for his remarks, and criticism against him became more systematic. The parliament rejected his statement on the implementation of the government’s program and accused him of corruption. This prompted Heikal to submit his resignation before withdrawing confidence from him.

For more details about the role of the Ministry of Information and the conflict between it and other key players in the media scene, you can see AFTE’s paper “The State Ministry of Information between disclosure of information and struggle for media control”20, published in December 2020.

Meanwhile, the SCMR continued to ignore requests by a number of privately-owned news websites to obtain licenses, despite the fact that most of these websites submitted requests to regularize their status more than three years ago. Although the SCMR organized two ceremonies in late April to hand licenses to many state-owned news websites and a limited number of privately-owned websites, the process of regularizing the status of news websites, especially the privately-owned ones, was obviously characterized by politicization and selectivity. The move aimed to deprive certain websites, which provide content not conforming to the prevailing and security-oriented editorial line, of legal protection. This makes these websites and their staff vulnerable to security and judicial prosecution all the time. AFTE issued a paper titled “Not authorized”21 about the key developments in the issue of licensing news websites and AFTE’s position on it.

As a matter of practice, the Egyptian authorities continued to target journalists and media professionals. AFTE documented at least 40 violations against the media community during 2021. These included at least nine arrests and seven cases of prevention from coverage and photography. Meanwhile, eight judicial decisions and measures were issued, four of which were prison sentences issued against journalists in publishing cases, although Article 71 of the constitution stipulates that “no custodial penalty shall be imposed for crimes committed by means of publication or the public nature thereof”.

20 Mustafa Shawky, Ministry of State for Information.. Between the disclosure of information and the struggle for hegemony over the media, AFTE, published on 3 January 2021, last visited on 10 February 2022, https://bit.ly/3xC61Yd
Although the number of violations against media freedom decreased during 2021 compared to 2020, in which AFTE documented at least 62 violations\(^2\), this decline does not mean at all that the government respects media freedom, which is guaranteed by the constitution, the Universal Declaration of Human Rights and other international conventions signed by Egypt. It rather indicates a clear and sharp deterioration in the media work environment, which endangers the work of independent media. Doing an independent journalistic job away from the centralized editorial policy might lead journalists to prison or sacking from their jobs. Meanwhile, sovereign bodies bought - through the United Media Services Company - the majority of media outlets and changed their editorial policies to support government policies in various fields.

What proves that the security authorities have topped the list of those who infringe on the right of journalists to do their work is the government’s continued policy of targeting any independent journalistic work that does not go in line with the editorial policy that the government wants to disseminate. AFTE documented 12 violations committed by the security services in 2021. Meanwhile, government officials came - for the first time - second on the list, with 11 cases.

The rise in the number of violations committed by government officials this year comes as a result of the increased cases in which officials banned journalists from doing their job at hospitals and sometimes detained and assaulted them. This came after the General Authority for Health Insurance issued a decision banning photography inside hospitals, stating that violators would be brought to account. It also banned patients from having their mobile phones at the intensive care unit. It noted that the decision was based on instructions from former Health Minister Hala Zayed. The decision came after citizens shared two videos from Zefta General Hospital in Gharbia Governorate and Al-Husseinia Hospital in Sharqia Governorate, showing the suffering of Covid-19 patients due to shortages in the oxygen supply, which caused the death of some of them. The videos sparked anger among social media users, with some accusing the government of negligence. Instead of conducting a serious investigation into the incidents, the government decided to ban filming inside hospitals, in clear violation of the public’s right to know as well as the press’s right to expose corruption and monitor the performance of government officials.

The violations documented by AFTE were distributed almost evenly over the months of the year.
The majority of violations occurred in Cairo.

![Violations against media freedom according to geographical scope]

- Alexandria: 4 violations
- Gharbia: 1 violation
- Fayoum: 1 violation
- Cairo: 27 violations
- Qalyubia: 2 violations
- North Sinai: 3 violations
- Qena: 1 violation
- Other: 1 violation

Total: 40 violations
News editors came on top of the list of victims of press freedom violations, as AFTE documented 14 violations, followed by photojournalists and media professionals, with 7 cases each.

In a context related to the media scene in Egypt, the Egyptian government continued to block independent news websites. This has become a routine pattern of violation through which the authorities are trying to besiege the independent media and prevent the circulation of any reports that criticize the government policies or promote narratives different from the official ones.

Since an Egyptian government body launched a campaign to block news websites in May 2017, the authorities have not stopped the practice. AFTE documented the blocking of two news websites in 2021, namely the “180 investigations”, whose editor-in-chief is Ali Abu Hamila, and the French investigative website “Disclose”, which published a number of leaked confidential documents and information about the joint military and intelligence operations between Egypt and France in western Egypt. This took the number of blocked websites that have been blocked since the start of the campaign up to 126, and the total number of blocked electronic websites to 555. The majority of these websites were blocked by an unknown government body. The SCMR, meanwhile, temporarily
blocked a very small number of websites over the past years for what it called “violation of media codes of conduct”.

On 3 July, the staff of the Turkey-based website “180 investigations” were surprised that the Egyptian authorities had permanently blocked the website without any official notification, or even knowing whether the website had violated any regulations or laws. According to the website’s editor-in-chief Ali Abu Hamila, some staff members contacted the Journalists Syndicate to report the blocking of their website and to know the reasons behind the move. Officials from the syndicate said the website was blocked because it was allegedly funded by the banned Muslim Brotherhood group. Moreover, Abu Hamila was charged with being a member of the international organization of the Muslim Brotherhood and running the website from Turkey, the main incubator of the group in the region. The website released an alternative link later, in a bid to avoid the blocking, and the new link is still working.

As for the “Disclose” website, it is likely that the main reason for blocking it inside Egypt is that it published leaks of confidential military documents about intelligence cooperation between France and Egypt. The documents stated that the Egyptian authorities used intelligence information provided by France to launch air strikes on vehicles believed to be used by civilians working in smuggling, although the task was to monitor terrorist movements and threats coming from Libya. The documents also stated that the French intelligence team in Egypt participated in at least 19 strikes against civilians between 2016 and 2018.

The website also revealed that three French companies had transferred spy-ware technology to the Egyptian government, and supervised the operation of a cyber-surveillance system aimed at collecting information from telecom networks in Egypt.

In general, the Egyptian authorities committed various patterns of violations against media freedom in 2021. These included the arrest of journalists and referring them to exceptional trials, a practice which was increasingly used during 2021, in what seemed to be a move preceding the decision to end the state of emergency in the country. Moreover, pro-government journalists were punished for departing from the state’s editorial policy, as stated by the information minister. An appendix to this report reviews in detail the most prominent patterns of violations of media freedom.

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24 Testimony from the website’s founder, Ali Abu Hamila, on the internet
“Drying up the sources of freedom” From the street to the internet

Third section: Restricting the cyberspace: Political and moral guardianship

After the Egyptian government succeeded in nationalizing the traditional public sphere, it moved to nationalize the cyberspace, especially social media. However, it could not use its traditional tools to do so, as it could not block social media for two reasons: the first is the wide spread of social media around the world, especially in Egypt, and their influence on the decision-making process, and the second is the fact that social media are now linked to the business world and have impact on many economies, which makes blocking them very difficult politically and economically.

Over the past four years, the Egyptian legislative, executive and judicial authorities have taken a set of measures and committed violations related to the use of the internet. The move aimed to besiege the internet and reduce the political threats generated through it. The authorities meant by these measures to direct online users towards a sort of self-censorship motivated by fear from being exposed to serious violations. The security services target opposition activists as well as ordinary citizens - randomly in most cases - over posts on social media. They try to curb the amount of information available outside the official narrative by blocking hundreds of websites, especially news websites. The parliament also intensified the issuance of laws related to the use of the internet, which included Law No. 175 of 2018 on Combating Information Technology Crimes, the Press and Media Regulation Law No. 180 of 2018, and the amendments introduced to Law No. 10 of 1972 on non-disciplinary dismissal. All these laws placed restrictions on the use of the internet, and are used to target online
users over their political views. After his appointment as Public Prosecutor in September 2019, Counselor Hamada el-Sawy launched a campaign to target internet users, not only for their political views but also for providing content that the Public Prosecution deems threatening the Egyptian family values.

All these measures aimed to impose censorship limits to reduce the amount of unwanted content.

The year 2021 was a clear example of the intensification of repressive measures and placing more restrictions on the citizens’ right to express their views online, with the aim of curbing unwanted content. Digital rights topped the list of the most violated rights of freedom of expression for the second year in a row, with at least 70 violations documented by AFTE.

Security violations, especially arrests of citizens, are the most common patterns in this regard. AFTE documented 35 arrests, or 50% of the cases recorded in 2021, including at least 33 arrests over using the internet to express opinions or publish any incident that the Egyptian authorities had reservations about. The strangest of these and the most expressive of what the Egyptian authorities want from the internet was the arrest of pharmacist Isis Mostafa, who said on Facebook that she was assaulted and harassed by some employees of the health unit in which she works in Sharqia Governorate because she did not wear a veil. Instead of conducting a serious investigation into the incident, everyone was surprised by the arrest of Mostafa on 16 October. Two days later, she appeared before the Supreme State Security Prosecution that remanded her in custody for 15 days pending investigation into Case No. 2214 of 2021, in which she faced charges of joining a terrorist group and spreading false news.\footnote{Testimony from her lawyer}
Violations of digital rights according to the type of violation

- Total: 70

- 35 Arrest
- 19 Prison sentence
- 6 Recycling into new cases and re-detention
- 1 Administrative penalty
- 8 Referral to trial
The security services topped the list of violators of digital rights, as AFTE documented at least 41 violations committed by them in 2021. Natural judicial bodies came second, driven by the rulings issued by economic and criminal courts against content creators on TikTok and other social media platforms on charges of spreading immorality, violating the values and principles of Egyptian society, and human trafficking. These courts also issued sentences against activists over their posts on social media.
The list of violations according to time range came as follows:

![Violations of digital rights according to time range](image)
The list of violations according to the geographical scope came as follows:

![Violations of digital rights according to the geographical scope](image)

The judicial authorities continue to impose their moral guardianship on cyberspace:

“In 2019, the Public Prosecution decided to reformulate its public presence in line with the public movements in the new cyberspace and on social media. This came after President Abdel Fattah al-Sisi appointed the head of Cairo Court of Appeal, Hamada al-Sawy, as a public prosecutor.”

The map of the bodies that violate the right to use the internet to express views or publish different content was reshaped in 2019 when the Public Prosecution, under Sawy, joined the security services and the government in besieging the internet.

Sawy assumed his post officially on 19 September 2019, only one day before the scheduled protests called for by exiled businessman Mohamed Ali. Following these protests, the Public Prosecution questioned at least 4400 people from 25 governorates. On 28 September, the Public Prosecution announced in a...
statement the launch of extensive investigations into “incitement to demonstrations in public squares and streets”. The prosecution said in the same statement that it monitored the defendants’ social media accounts. It noted that it sought the help of experts from the Ministry of Interior’s department of combating cybercrimes to inventory the defendants’ social media pages and accounts, in preparation for taking legal action against them, as stipulated in the Law on Combating Information Technology Crimes.

The prosecution did not only impose political guardianship on citizens by monitoring and permitting the monitoring of citizens’ social media accounts and taking legal measures against them for expressing their views, but it also launched a campaign targeting content creators, especially Tik Tok influencers, under the pretext of protecting the morals and values of society. This coincided with the government’s move to apply social distancing rules at the beginning of the second quarter of 2020 to combat the Covid-19 pandemic. The use of some social media platforms increased during the Covid-19 lockdown.

As part of the new role of the Public Prosecution as a protector of what it called the “cyber borders”, the judicial body continued its campaign against female content creators, especially on Tik Tok, YouTube, and Instagram, during 2021. AFTE documented 6 incidents in 2021 that included 16 different violations, 10 of which were prison sentences. The most prominent of these was the ruling issued by the Cairo Criminal Court on 21 June 2021 against Mawaddah al-Adham and three Likee employees, namely Mohamed Zaki, Mohamed Alaa, and Ahmed Salah Desouky, who were sentenced to 6 years in prison and ordered to pay a fine of 200,000 pounds each. Meanwhile, Tik Tok influencer Haneen Hosam was sentenced in absentia to 10 years in prison and ordered to pay a fine of 200,000 pounds on charges of human trafficking, in connection with case No. 4917 of 2020 (Al-Sahel Criminal Court), registered with No. 2106 of 2020 (North Cairo Full Court).

On the 22nd of the same month, Hosam was arrested hours after she published a video pleading with President Sisi to intervene to solve her problem. Following her arrest, the Cairo Criminal Court began reviewing the verdict issued against her in absentia.

The number of people targeted by this campaign since its inception has reached at least 15, 13 of whom were referred to trial, while 10 - namely Haneen Hosam, Mawaddah al-Adham, Ahmed Salah, Mohamed Zaki, Mohamed Alaa, Sherifa Refaat (Sherry), Nora Hisham (Zomoroda), Hadeer Abdel-Hady, Yasmine Abdel-Razek and her assistant Osama - are held in pretrial detention.

32 Statement by the Egyptian Public Prosecution, published on 2 May 2020, last visited on 10 February 2022
33 AFTE’s legal aid team
34 AFTE's legal aid team
In this context, AFTE issued a comprehensive file containing all aspects related to the security campaign against content creators and their assistants. The file includes detailed information about the cases as well as the roles of all players in that campaign. It also includes legal readings in the laws used to abuse content creators, in addition to readings in the rulings issued by various courts. The file is available on AFTE’s website.35

The appendix on the patterns of violations against freedom of expression provides more details about the most prominent violations against content creators, as well as the key violations of digital rights during 2021.

**Fourth section: Continued targeting of Egyptian academics and researchers at home and abroad**

After nationalizing the public sphere in universities, closing the windows of peaceful expression, and tightening the security grip over student activities and the academic and research work, the Egyptian authorities started to take moves against researchers abroad. Minister of Immigration Nabila Makram considered Egyptians who study abroad as a great danger to national security, arguing that they are easily exposed to ideas from parties and countries hostile to the Egypt.

Through tracking a number of cases in which researchers were exposed to these violations, it can be said that these violations varied in terms of nature as well as the nature of those making them. Starting from monitoring, prosecuting, and

tracking, whether in a broad manner or through directly targeting some of them from the moment they leave the country, whether by means of exposing them to intransigence or posing a diplomatic threat up to their arrest upon their arrival in Egypt, whether their return is final after the end of their educational mission or whether they are visiting for a short vacation to see their families and friends.

On the political level, Minister of Immigration Nabila Makram warned last July that Egyptian students abroad are the most dangerous segment of immigrants, as a result of several factors, foremost of which is the misconceptions they are exposed to from those with anti-Egypt tendencies.36

On 13 July 2021, less than one week after her statement, Makram said37 during the inauguration of the “Speak Arabic” camp for the children of Egyptian expatriates in Sharm el-Sheikh that “our children abroad are the most endangered, not the most dangerous, segment as stated by some news websites”. However, the minister did not, in fact, deny the content of her statement, which is firmly established by her ministry’s practices and also strongly backed up by the practices of the security, administrative and diplomatic authorities on the ground. During the same event, Makram stressed that “the government, represented in the Ministry of Immigration, pays attention to the youth abroad, whether of second or third generations, as well as those studying abroad, with the aim of linking them to their homeland, providing them with the necessary aid in all fields, deepening their spirit of loyalty and belonging, and protecting them from extremist, violent, and terrorist groups that often target young people, through flooding them with misconceptions”. Makram also explained that the camp encourages expatriates to speak Arabic and also aims to brief the participants on the current economic, social and cultural developments and issues in a simplified and pleasant way to encourage them to keep their bonds with Egypt and to spend their holidays there.

The Egyptian authorities intensified the targeting of researchers abroad upon their return, according to AFTE. Researchers were targeted for posting comments on social media that are critical of the government policies, especially those related to the human rights situation in Egypt. For example, the Emergency Supreme State Security Court on 22 June 2021 sentenced master's student Ahmed Samir Santawy38 to 4 years in prison and ordered him to pay a fine of 500 pounds in connection with Case No. 774 of 2021 (Emergency State Security Misdemeanor Court), registered with No. 877 of 2021 at the Supreme State Security Prosecution39. The verdict is final and cannot be appealed, given that it was issued by the Emergency Supreme State Security Court, which is an excep-

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36  Ahmed Ayman, Minister of Immigration: Students abroad are the most dangerous segment of Egyptian immigrants for being exposed to false ideas from hostile bodies, Cairo website, published on 6 July 2021, last visited on 10 February 2022, https://bit.ly/3sjM2hk
37  Osama Ali, Minister of Immigration: Our children abroad are the most endangered not the most dangerous segment, Masrawy website, published on 13 July 2021, last visited on 10 February 2022, https://bit.ly/3pgf9js
39  The office in charge of ratifying the Emergency State Security Court’s rulings cancelled the prison sentence against researcher Ahmed Samir Santawy, at the time of preparing this report, and ordered his retrial before another court.
national court to which defendants are referred while the state of emergency is in place. However, the President of the Republic can annul the sentence, commute it, order a retrial, or ratify it in accordance with the emergency law, which the president suspended in early October after it had been in place for seven years.

In the same context, Aliaa Musallam, a researcher specializing in oral history, is another example that reflects to a great extent the reality of the scene. Musallam was arrested upon her arrival at Cairo Airport on 11 July 2021, just two days after the Immigration Minister's notorious statements against Egyptian researchers abroad. Musallam was accompanied by her husband Yehia Shawkat, who is an urban researcher, and their three children. They were coming from Berlin where they had post-doctoral studies. The Cairo International Airport authorities detained Musallam and confiscated her phone for 17 hours, during which National Security officers interrogated her, before taking her to the State Security Prosecution on charges of spreading false news. The Public Prosecution ordered her release on bail on the same day.40

In the same context, political researcher and specialist in Middle East affairs Taqadum al-Khatib told AFTE41 that he had posted a statement on Facebook saying a National Security police force raided his family's house in Luxor on 10 February. He added42 that the police force asked his father about the researcher's whereabouts and workplace, the reason for not visiting Egypt, and whether there was any communication between him and his family. He noted that the officer who questioned his father seized the father's phone, some papers belonging to Taqadum and his family, in addition to a personal photo of him. The police also took photos of the ID cards of Taqadum’s father and mother.

In addition to arresting Egyptian researchers abroad, the Egyptian authorities use travel ban to harass them after their return to Egypt. In this context, the security authorities at Cairo International Airport prevented doctoral researcher at the University of Washington Walid Salem43 from travelling for the second time while he was on his way to France on 24 May. The airport authorities informed Salem that the reason for the ban was that he was added to the travel ban list under a decision issued by the Public Prosecutor on 23 May, without giving clear legal reasons.

It was not the first time that Salem was banned from travelling. On 8 May 2020, the security authorities at Cairo Airport banned him from travelling to the United States, searched his bags, and withdrew his passport.

Salem was arrested on 23 May 2018 after meeting a university professor as part of his doctoral research about the history of the Egyptian judiciary. He appeared

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41 Testimony from the researcher over the internet
42 A statement issued by the academician on his Facebook account, published on 10 February 2021, last visited on 10 February 2022, https://bit.ly/3die6tF
43 AFTE's legal aid team
at the State Security Prosecution’s office as a defendant in Case No. 441 of 2018, where he was charged with spreading false news and joining a terrorist group. He was detained for more than six months and then released on 3 December 2018 under precautionary measures. On 22 February 2020, the Supreme State Security Prosecution cancelled these precautionary measures.

Meanwhile, the Egyptian authorities continued to clamp down on Egyptian academics by arresting them and referring them to trial for expressing their views on various topics, including those related to their academic field. For example, media professor at Cairo University Ayman Mansour Nada was arrested in September 2021, but he was later released on 17 November of the same year pending investigation into Case No. 23 of 2021. He faced charges of insulting and slandering a number of Cairo University leaders, against the background of some articles he published on Facebook that accused the university administration of corruption. The Cairo Criminal Court set 31 March 2022 as a date to issue its ruling in Case No. 9840 of 2021 in which Nada is accused, after a number of leaders of the Supreme Council for Media Regulation and the Media Syndicate filed a lawsuit against him over Facebook articles in which he criticized the way the media scene has been run over recent years.

Nada was not only targeted by the security services in 2021 for criticizing the Cairo University administration and accusing it of administrative and financial corruption, but he was also referred to several disciplinary hearings, which carried numbers 14, 15, 17, 18, 19, 20, 21 of 2021, upon a decision from the university administration. In these hearings, he faced the same charges examined by the Appeals Prosecution.

In a related context, university administrations backed by the Ministry of Higher Education continue to target academics for expressing their opinions and claiming their legal academic rights. For example, assistant professor at the Higher Technological Institute in the 10th of Ramadan City (the 6th of October branch) Manar Al-Tantawy was referred to a disciplinary hearing after the institute’s legal investigator interrogated her. Tantawy’s interrogation was marred by many legal violations, most notably the fact that she was not officially notified about the interrogation. She did not even know the charges levelled against her or the body that ordered the interrogation. The investigator also refused to document Tantawy’s attendance, prompting her to withdraw from the session. She later filed a report proving that she attended the hearing but withdrew due to these violations.

Tantawy is targeted in several ways, as the Ministry of Higher Education has not yet accredited her for obtaining a professor’s degree although the permanent scientific committee examined her academic production in December 2019, and

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44 AFTF’s legal aid team
45 AFTF’s legal aid team
46 AFTF’s legal aid team
47 Testimony from the academian over the phone
the Supreme Council of Universities issued a decision in February 2020 granting her the academic degree. However, the decision still needs to be approved by the minister of higher education who delays the process without giving any reasons, thus preventing Tantawy from being officially appointed as a professor.

Tantawy had previously assumed the chairmanship of the mechanical engineering department, but she abdicated the post temporarily for health reasons. Nevertheless, her request to assume the post again was rejected by the dean of the institute, on the grounds that she is the wife of former prisoner of conscience and journalist Hisham Gaafar.

**Fifth section: The Syndicate of Musical Professions fights new types of music**

The Egyptian authorities and key players in the creative scene in Egypt continued during 2021 to impose restrictions on creative people. AFTE documented at least 21 incidents containing 49 different violations against creative people. The Syndicate of Musical Professions topped the list of those targeting creative people, as it continued targeting mahraganat (festival) singers. The last two quarters of 2021 witnessed one of the fiercest attacks by the syndicate on mahraganat singers as well as rappers. The syndicate issued decisions against 38 mahraganat singers. These included the cancellation of permits for them to practice the profession, whether temporarily or permanently, and refusal to issue permits in the first place. The security services, meanwhile, continued to target creative people. The first quarter of 2021 witnessed the arrest of a satiri-
cal video maker and the re-imprisonment of graphic designer Mostafa Gamal and recycling him into another case after he was released. At the end of the third quarter, poet Galal Al-Beheiri was recycled into a new case and re-imprisoned after the expiration of his detention period. A military court issued a verdict against him in 2018 over a poetry collection.

The Central Authority for the Censorship of Works of Art (CACWA) continued to impose its guardianship on the films shown in Egypt. It banned the movie "eternals" for allegedly infringing on the values and ethics of Egyptian society, as the film contained some scenes of homosexuality. It also requested the deletion of 13 minutes from the movie "Dia Blechtrommel" so it could be shown during the film festival organized by the embassy of Colombia in Cairo on the occasion of the birthday of late Egyptian novelist Naguib Mahfouz. The filmmakers, however, rejected the CACWA’s request and withdrew the film from the festival, according to a Facebook post by the German embassy in Cairo.

**The Syndicate of Musical Professions fights creativity:**

The “war” waged by the Syndicate of Musical Professions under its chief Hany Shaker against mahraganat singers was one of the key developments in the file of freedom of creativity in 2021. AFTE believes that the syndicate's war against those singers, especially the syndicate's recent decisions, is characterized by three main features as follows:

The first feature is the syndicate's rejection of all new or different types of music that steer away from the traditional types of music. This rejection is due to what can be called the conservative structure of the syndicate, whether at the level of members or the formations elected by the syndicate’s General Assembly. The complicated conditions required for the syndicate’s membership limit, and sometimes kill, diversity and pluralism, which the syndicate should rather maintain and support.

The second feature is the class nature that noticeably dominates the tendencies, decisions and statements of the syndicate’s chief and members, especially with regard to their hostility towards and persecution of mahraganat singers, compared with rappers.

Speaking about the list of those banned from singing, which included Hammu Beka and Magdy Shata, Shaker made controversial statements in which he said: “Those are banned from singing on shows and in concerts, but they have the right to sing outside Egypt or on YouTube. They do not have the right to sing inside Egypt.”

Shaker noted that banning some from singing is nothing new, as the names of those singers were gathered to be sent to the tourism police and the concerned
authorities to ban them from singing. “We want to control the state of chaos that dominates the musical scene,” he said.

He pointed out that the decision to ban those singers from singing is taken collectively by the syndicate’s council, not by him personally. “I am the last one to sign the decision,” he said.

Answering a question about rappers, Shaker said he did not attend the concert of rapper Wegz, but his son attended it. “Wegz’s real name is Ahmed and he is a graduate of an American university, but I do not understand what he is saying,” he said.

This particular statement was not spontaneous, as referring to the differences between rappers and mahraganat singers in terms of education, culture and social background is a general feature in the statements of the members of the syndicate’s council. This reflects a certain tendency by the syndicate, rather than just personal impressions.

The third feature has to do with the moral guardianship the syndicate imposes on its members. The syndicate prosecutes its members for expressing their opinions on social media. It imposes its guardianship on their clothes and the lyrics they sing. This violates the roles and competencies granted by law to the syndicate’s council, as the syndicate does not have any authority over the content of the lyrics sung by the mahraganat singers or rappers. These powers are rather granted to the Central Authority for the Censorship of Works of Art.

The syndicate's recent campaign against mahraganat singers is not a new pattern, but rather an episode in its war on new types of music that have emerged in recent years, specifically under the mandate of Shaker.

A new historic ruling by the Supreme Constitutional Court... and a failed attempt by the syndicate's council to circumvent it

“The provisions of the law prohibiting the contracting or employment of those who are not members of the syndicate or those who do not have temporary work permits, as well as the fine prescribed for anyone who violates this, comply with the constitution, but the penalty of imprisonment prescribed for those who engage in artistic work without being licensed by the competent syndicate contradicts freedom of artistic creativity, which is part of freedom of expression and one of its manifestations.”

In its session held on 28 August 2021 under Counselor Saeed Marei, the Supreme Constitutional Court issued a historic decision declaring the unconstitutionality of the imprisonment penalty stipulated in the law on the establishment of the syndicates of acting, film and musical professions against those who practice artistic work without a license from the relevant syndicate.

The ruling came amid the detention of creative people, whether singers, musicians, actors or others, for practicing their profession. AFTE documented the continued detention of four creative people, namely publisher Khaled Lotfy\(^{52}\), film director Moataz Abdel Wahab\(^{53}\), poet Galal al-Beheiri\(^{54}\) and graphic designer Mostafa Gamal.\(^{55}\)

Based on this ruling, the federation of artistic work syndicates cooperated with the government to introduce amendments to the laws regulating the artistic syndicates in order to avoid the constitutional flaw regarding the penalty of imprisonment in cases of practicing the profession without a license.

In a meeting with members of the parliament’s Legislative Committee to discuss the amendments proposed by the government\(^{56}\), Hany Shaker and members of the syndicate’s council proposed other amendments to increase the syndicate’s fees in order to maximize its resources. They also tried to circumvent the ruling issued by the Supreme Administrative Court stating that it is not permissible to grant the status of judicial officers to members of the artistic syndicates\(^{57}\). Shaker and his colleagues proposed a new clause in the law granting members of the Syndicate of Musical Professions the status of judicial officers in cases of violating the conditions of work.

However, the parliament repelled those attempts to circumvent the law, as Parliament Speaker Hanafy Gebaly announced that a draft law submitted by the government to amend some provisions of Law No. 35 of 1978 on the establishment of the syndicates of acting, film, and musical professions was rejected by the majority of lawmakers\(^{58}\). This came after parliamentary objections to the draft law granting the status of judicial officers to the staff of the syndicates of acting, film, and musical professions.

The security services continue to crack down on creative people:

The security services continued to target creative people in 2021. During the first quarter of the year, the security services arrested a satirical video content provider, who refused to be named, for publishing a video about the 25 January revolution. He was released nearly eight months later.

The security services, with the help of the State Security Prosecution, also continued to abuse creative people by using pretrial detention as a punishment for them. During the first quarter of 2021, AFTE documented the re-imprisonment

\(^{56}\) Mahmoud Gawish, at the request of Hany Shaker.. A parliamentary committee agrees to grant the status of “judicial officer” to members of the Syndicate of Musical Professions, Al-Masry Al-Youm, published on 30 November 2021, last visited on 10 February 2022, [https://bit.ly/3HNRf5O](https://bit.ly/3HNRf5O)
\(^{57}\) The administrative judiciary suspends decisions to grant artistic unions the status of judicial officer and refers 3 articles to the Supreme Constitutional Court, AFTE, 17 April 2016, last visited on 10 February 2022, [https://bit.ly/3svxxW8](https://bit.ly/3svxxW8)
of graphic designer Mostafa Gamal and recycling him into another case for the third time, after he was released on 4 January pending investigation into Case No. 730 of 2020. He disappeared while the procedures for his release were in progress, as happened in the previous two times. His lawyers were surprised that he appeared again before the State Security Prosecution on the 19th of the same month in connection with a new case, No. 65 of 2021, in which he faced the same charges he faced in the previous cases.59

Gamal was targeted during a campaign the security services launched after Egyptian singer Ramy Essam released a satirical political song entitled “Balaha” (a date) on 26 February 2018. The song, written by Egyptian poet Galal al-Beheiri, criticized President Abdel Fattah al-Sisi and his policies.

After the song was released, the security services targeted six people, two of them participated in the song, while the four others did not participate but they had a previous business relationship with Essam. The security services also targeted an Egyptian citizen living in Kuwait, as the Kuwaiti security services arrested him while he was playing the song in his car, and then deported him to Egypt.

Gamal was one of the four who did not participate in the artistic work. He was arrested from his home in the 6th of October City, Giza Governorate, on 1 March 2018. Three days later, he appeared before the State Security Prosecution which accused him of joining a terrorist group and spreading false news, in connection with Case No. 480 of 2018, known in local media as the “Balaha song case”. Gamal was the only one who remained in detention after four defendants in the case were released at different times. Also, filmmaker Shady Habash, who codirected the satirical song, died in prison in May 2020 as a result of medical negligence.60

In the same context, Egyptian poet Galal al-Beheiri ended his jail term in Case No. 4 of 2018 on 31 July 2021. He was imprisoned on charges of spreading false news and rumors about the Egyptian army and insulting it. This came after he published a book entitled “The Best Women on Earth” that contained phrases deemed offensive to the Egyptian army.

The Ministry of Interior did not allow his release, as it kept him in detention from 5 to 16 August 2021. Then, he was moved to the National Security headquarters in Banha, and later appeared before the Supreme State Security Prosecution in the Fifth Settlement on 5 September 202161, as a defendant in Case No. 2000 of 2021.

In the new case, the Supreme State Security Prosecution charged Beheiri with joining a terrorist group with knowledge of its purposes, and spreading false

59 AFTE’s legal aid team
61 AFTE’s legal aid team
news that would harm public security. He was remanded in custody for 15 days pending investigation.

Beheiri was targeted during the same campaign that targeted Gamal, which is related to the release of the song “Balaha”. The song was part of a collection that Beheiri authored, which was the reason for the military ruling issued against him. The State Security Prosecution decided to release him less than two months after his arrest, but he was not released, as the Military Prosecution interrogated him about his book “The Best Women on Earth”, and later remanded him in custody pending investigation into Case No. 4 of 2018.

On 31 July, a military court sentenced Beheiri to 3 years in prison with hard labor and ordered him to pay a fine of 10,000 pounds, in Case No. 4 of 2018. Later, the court of appeal revoked the fine and upheld the prison sentence.

**Conclusion and recommendations**

AFTE welcomes the legislative amendment introduced to Law No. 149 of 2019 regulating the civil work to extend – for one more year – the time limit given to civil work organizations to regularize their status. It stresses the need for the government to take a number of urgent measures to improve the human rights situation as well as the conditions of human rights defenders in Egypt.

It also stresses that the steps and measures being taken in this regard, specifically after the launch of the national human rights strategy, should not be pro forma or lack radical and serious solutions to the human rights crises in Egypt.

In this context, AFTE recommends the following:

- Law No. 136 of 2014 on the protection of public and vital facilities should be suspended immediately, and the President of the Republic should not be granted further exceptional powers.
- The judicial rulings against content creators should be repealed, and the security services should stop prosecuting social media users for political or moral reasons.
- The positive measures that seek to end Case No. 173 of 2011, known in local media as the foreign funding case, should be completed, and the authorities should stop targeting human rights defenders.
- The decisions taken by the Syndicate of Musical Professions to ban a number of mahraganat singers from singing should be revoked.
- All lists of those held in pretrial detention should be reviewed, and all cases that are subjected to abuse for expressing their opinions in different ways should be released.
- The ban on websites, which totalled 555 websites and links that have been blocked since May 2017, should be lifted.