"Drying up the sources of freedom" From the street to the internet

Appendix on the most prominent patterns of violations in the field of freedom of expression
«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

Appendix on the most prominent patterns of violations in the field of freedom of expression

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First: The most prominent patterns of violations in the field of media freedom

Arrests

Unions and MP Mohamed Anwar Al-Sadat, who is also member of the National Council for Human Rights, exerted efforts to release many journalists during 2020, including publisher Mostafa Saqr, journalist Mostafa Al-Aasar, Islam Al-Kalhy, Hassan Al-Qabbany, Ahmed Khalifa, Gamal Al-Gamal, and Moataz Wadnan. Those journalists were arrested at different times and served jail terms ranging between six months and three and a half years. These efforts gave a glimmer of hope for easing the security crackdown on journalists. However, hope faded after the security services continued to arrest journalists. In this context, AFTE documented 9 cases of arrests of journalists in 2021.

The arrested journalists faced the same charges, namely joining a group established in violation of the law, spreading false news, and using social media accounts for the purpose of spreading false news. The security services and the State Security Prosecution do not provide any evidence for these accusations in all cases. Rather, they rely mainly and only on the investigations conducted by the National Security Prosecution, which are not considered evidence of any violation. Article 71 of the Egyptian constitution states that “no custodial sanction shall be imposed for crimes committed by way of publication or the public nature thereof”.

The security services arrested journalists Hamdy Mukhtar (aka Hamdy Al-Zaeem), Al-Jazeera journalist Rabie Al-Sheikh, and former editor-in-chief of Al-Ahram Abdel-Nasser Salama, in connection with their journalistic work.

The most prominent arrests in 2021 include the following:

- Photojournalist Hamdy Mukhtar, aka Hamdy Al-Zaeem, was arrested from his home on 4 January 2021. He remained in custody until he appeared before the prosecution as a defendant in Case No. 955 of 2020. That was not the first time for the 42-year-old photojournalist to be arrested, as he was arrested in September 2016 while preparing a press report. He spent more than a year and a half in pretrial detention, as the court replaced his detention with precautionary measures in April 2018.

- A police force arrested former editor-in-chief of Al-Ahram newspaper Abdel-Nasser Salama on 18 July 2021. The next day, he was brought to the State Security Prosecution which remanded him in custody for 15 days pending investigation, on charges of spreading false news, joining a group established in violation of the law, and financing terrorism. This came days after Salama published an article on Facebook criticizing President Abdel Fattah al-Sisi over the Ethiopian Renaissance Dam crisis. In his article, Salama blamed Sisi for failing to handle the crisis and demanded that Sisi step down and be tried.

- Al-Jazeera Mubasher Egypt journalist Rabie Al-Sheikh was also arrested. Despite the recent rapprochement between Egypt and Qatar, and the live ap-
pearance of Al-Jazeera correspondents from Cairo for the first time in years, security services in Egypt continued to target journalists of the Qatari-funded TV network. The Cairo International Airport authorities arrested Al-Jazeera journalist Rabie Al-Sheikh upon his return from Doha for a short visit to see his family, according to the network’s website. The next day, Al-Sheikh was brought before the State Security Prosecution, which remanded him in custody for 15 days pending investigation, on charges of spreading false news and joining a terrorist group.

- Journalist Ahmed Mohamed Khalifa of the Egypt 360 website was also arrested. He appeared before the Supreme State Security Prosecution in Cairo’s Fifth Settlement on 19 January 2021, 13 days after he disappeared after being summoned to the National Security headquarters in Fayoum. A police force went to the journalist’s house in the Talat village in Fayoum, but he was not there. Then, he received a phone call that asked him to go to the National Security headquarters in Fayoum. Indeed, he went there on 6 January. Since then, there had not been any news about him, and the National Security police in Fayoum denied knowing his whereabouts, until he appeared before the National Security Prosecution as a defendant in Case No. 65 of 2021. On 9 July of the same year, the State Security Prosecution ordered the release of Khalifa.

- Journalist Hamdy Atef Hashem was arrested from his home in Zefta, in Gharbia Governorate, on 4 January 2021. He remained under enforced disappearance at the National Security headquarters in Gharbia, until he appeared before the State Security Prosecution in Cairo’s Fifth Settlement on 11 January as a defendant in Case No. 1017 of 2020. The prosecution charged him with joining a terrorist group and spreading false news on social media. Hashem, a fourth-grade student at the Faculty of Arts’ Department of Journalism, works as a trainee and a reporter in the accidents section of the Misr al-Balad newspaper. He also works as a correspondent for Al-Nabaa, Al-Bayan, and Al-Shura newspapers. He was arrested for his coverage of the crisis of Covid-19 patients at Zefta General Hospital, where some died due to oxygen shortages. In June of the same year, Hashem was released pending investigation.

- Journalist Gamal Al-Gamal was arrested at Cairo Airport upon his return from Istanbul on board flight MS730 on 22 February 2021. He was subjected to enforced disappearance for 5 days until he appeared at the State Security Prosecution office in Cairo’s Fifth Settlement late on 27 February 2021 in connection to Case No. 977 of 2017. Al-Gamal was released in July of the same year.

Journalists before exceptional courts:

AFTE observed a new pattern of violation against Egyptian journalists. The Emergency State Security Court issued prison sentences against 3 journalists:

On 20 December 2021, the Emergency State Security Misdemeanor Court sentenced

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4 Testimony from his lawyer
5 Testimony from his lawyer
journalist and blogger Mohamed Ibrahim Radwan, aka Mohamed Oxygen⁷, to four years in prison in connection with Case No. 1228 of 2021, in which he faced charges of spreading false news from inside and outside the country. He faced the same charges in Case No. 1356 of 2019, in which he was released in November 2019. However, the case was reopened last August after the State Security Prosecution summoned Radwan to continue investigation into the case. The case was later referred to the court, which held its first session on 10 October 2021.

Radwan had been in prison since September 2019, after he disappeared from the Al-Basateen police station where he was implementing the precautionary measures that were imposed on him upon his release from Case No. 621 of 2018, in which he was imprisoned from April 2018 to July 2019 when the Public Prosecution released him.

During that period, Radwan was subjected to enforced disappearance, as the Al-Basateen police station denied that he was present at the station or knowing his whereabouts. He appeared 18 days later at the Supreme State Security Prosecution’s office in the Fifth Settlement, in connection with Case No. 1356 of 2019.

In November 2020, the Criminal Court ordered Radwan’s release, but he was recycled and imprisoned in the same month in Case No. 855 of 2020, where he faced the same charges he had in the previous case. Radwan is still remanded in custody pending investigation.

Radwan tried to end his life inside his cell in Tora prison due to the violations practiced against him, as well as the continuous renewal of his pretrial detention, the arbitrary prevention of his family from visiting him for a period exceeding 15 months. He was rescued at the last moments.

In another context, the Cairo 24 website said the Emergency Supreme State Security Court in Nasr City⁸ had sentenced its journalists Islam Said Ahmed and Moamen Mohamed Samir to one year in prison and ordered each to pay 5,000 in bail to suspend the execution of the ruling. They faced charges of spreading false news in Case No. 2 of 2021.

This came after the two journalists went to the Abassiya Chest Diseases Hospital to inquire after Ahmed's mother. Ahmed was surprised by the deterioration of his mother’s condition as a result of medical negligence, which prompted both journalists to film what they saw. Then, the hospital’s security guards detained them, seized their personal phones, took them to the police station and filed a report against them. The website said that lawyer Tareq al-Awady appealed the ruling issued against the two journalists.

This pattern of violation is the most serious, as the rulings issued by the Emergency Supreme State Security Court are final and cannot be appealed. The court is one of the exceptional judicial institutions to which the accused are referred under the state of emergency, which had been periodically renewed by a decision from the President of the republic in a clear circumvention of the constitution. However, President Sisi

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⁷ Testimony from his lawyer
ended the state of emergency nationwide during the last quarter of 2021. The only thing left for the convict in that case is that the president would not ratify the ruling.

Punishment is not only for the independent press:

Violations are not limited to the independent press in Egypt, but pro-government journalists may also be targeted should they violate the government’s media policy, which is set by the State Ministry of Information. Perhaps the most prominent example in this context is the targeting of TV anchor Tamer Amin of the Al-Nahar channel for his remarks in which he said that the people of Upper Egypt and the countryside seek to increase births to help increase their income by employing their sons at a young age and their daughters as “maids”. The remarks provoked angry reactions that prompted the Supreme Council for Media Regulation (SCMR) to fine the channel 250,000 pounds and warn to withdraw its license in the event of repeating the irregularity. Amin's show was suspended and he was banned from appearing on the screen for two months. Moreover, the complaints submitted to the SCMR about the show were referred to the Public Prosecutor.

Meanwhile, head of the Media Syndicate Tarek Saada announced the revocation of Amin’s work permit after a three-hour interrogation session. Also, the Nasr City Misdemeanour Court set a trial session for Amin on charges of insulting and slandering the people of Upper Egypt and the countryside against the background of a lawsuit filed by lawyer Ashraf Nagy against Amin. The State Ministry of Information praised in a statement the quick measures the SCMR and Al-Nahar TV took against Amin.

The ministry’s statement clearly reflects the Egyptian authorities’ media approach, which may explain the official reaction to Amin's remarks, in addition to the reactions on social media, especially from the people of Upper Egypt. The State Ministry of Information sees that Amin’s remarks violated what it called the media policy of the Egyptian state. The ministry regards the various media outlets as part of the state's media system, and they must adhere to the state media policy, otherwise they would be punished by the concerned authorities. This contradicts the basic role of the media, which is to relay information, express criticism, and observe all authorities in society.

Looking at the government policies towards the press and the media over the past six years, we find that these policies are consistent with the ministry’s approach. Security services began to shape the media landscape in Egypt after 2013 by possessing print and audio-visual media outlets in order to tighten control over them. Meanwhile, no channel or journalist can deviate from the red lines set by the authorities with regard to editorial policies.

AFTE affirms that Amin’s remarks are protected by the umbrella of freedom of expression, as he just expressed his opinion about overpopulation and the reasons

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9 Regarding the crisis of the “Akher An-Nahar” TV show, the Ministry of State for Information’s Facebook page, 21 February 2021, last visited on 10 February 2022, https://bit.ly/3mJQlh6


12 See source number 9
that lead some citizens to increase births. Although he referred to a specific category of Egyptians like the people of Upper Egypt or the rural areas, his remarks did not include any incitement to violence, whether directly or indirectly. Thus, the actions that various parties have taken against Amin are considered an infringement on his right to address the issue.

Second: The most prominent patterns of violations in the field of digital rights

Continued targeting and abuse of female content creators on social media platforms

The Egyptian authorities continue their campaign against female content creators, especially on Tik Tok, YouTube, and Instagram, during 2021, as AFTE documented 6 incidents 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 Hossam 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, Hossam 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 to review the verdict issued against her.

In the same context, the Cairo Economic Court of Appeal reduced the sentence issued by the Cairo Misdemeanor Court against Sharifa Refaat, aka Sherry, and her daughter Nora Hisham, aka Zomoroda, who jointly post entertainment and satirical videos on Tik Tok and YouTube, to five years and a fine of 100,000 pounds, instead of six years, in connection with Case No. 370 of 2020 (Cairo Economic Court of Appeal), registered with No. 535 of 2020 (Economic Misdemeanour Court). The pair faced charges of infringing on family values and principles, violating privacy, publishing with the intention of distributing and displaying indecent videos, and promoting prostitution, with one of them having engaged in prostitution and the other inciting it.

In the same context, the Cairo Economic Misdemeanor Court on 8 June 2021 sentenced content creator on Tik Tok and Instagram Mennatallah Emad, aka Renad Emad, to three years in prison and fined her 100,000 pounds, in Case No. 8762 of 2020. She faced charges of infringing on family values and principles, creating social media accounts with the aim of human trafficking by exploiting her younger sister in her videos to achieve high viewership. Emad appealed the ruling, and the court released her on a bail of 20,000 pounds on 12 July 2021.

Furthermore, the Alexandria Economic Court on 18 September 2021 sentenced TikTok influencer Yasmine Abdel Razek, known in local media as the “Hohos girl”,

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and her videographer, Osama, to three years in prison and ordered each to pay a fine of 200,000 pounds, on charges of spreading immorality and debauchery by broadcasting videos on TikTok.

On 26 July 2021, a police force arrested the pair on charges of posting indecent videos that incited debauchery and immorality. Several lawsuits were filed against Abdel Razek. One of those was filed by lawyer Ashraf Farahat, who launched a campaign called “purification of society”. In his lawsuit, No. 85101, Farahat accused Abdel Razek and Osama of rendering permissible something that is religiously forbidden, harming a segment of the Egyptian society, namely the people of Upper Egypt, with the intention of making profit, as well as infringing on the values and principles of society.

These incidents came as part of a campaign launched by the security services in cooperation with the Public Prosecution during the second quarter of 2021 when the Egyptian authorities applied social distancing measures to combat the Covid-19 pandemic. The use of some social media platforms, especially TikTok, increased at the time due to the lockdown and the Covid-19 restrictions that forced people to stay at home. However, the judicial authorities, in cooperation with the security services, launched a campaign to arrest a number of girls who published content on these platforms, which the Public Prosecution said infringed on the family values and principles, calling for the protection of what it called “Egypt’s cyber borders”.

The number of those targeted during that campaign amounted to 15 young men and women, 13 of whom were referred to trial, while 10 - namely Haneen Hossam, 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.

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.

Stopping citizens on the streets and searching their mobile phones and social media accounts:

The Egyptian authorities introduced a new method to restrict freedom of expression and terrify anyone who tries to use social media to express their anger over government policies. This new pattern is to stop individuals at fixed or makeshift checkpoints on the street, search their mobile phones and social media accounts, and arrest any individual whose phone contains any post or image that indicates his opposition to the government. This pattern began to appear intensely and noticeably when opposition self-exiled businessman Mohamed Ali called on citizens to take to

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16 Mohamed Amer, From “the trend” to prison.. A timeline of the “Hohos girl” case in Alexandria, Masrawy, 18 September 2021, last visited on 10 February 2022, https://bit.ly/34TbkJi
17 Mostafa Attia, the Ministry of Interior announces the arrest of the two persons involved in the “Hohos” videos.. reveals a surprise, Al-Shorouk website, 26 July 2021, last visited on 10 February 2022, https://bit.ly/3LyqtAT
18 Detailed file on TikTok cases, https://bit.ly/3uKEoh0
the streets to protest against what he called the corruption of the president and the military establishment.

During the 20 September 2019 demonstrations, which Ali called for, security forces were deployed on the streets surrounding the protest venues, especially in downtown Cairo and Tahrir Square, where the forces stopped citizens randomly, searched their mobile phones, and arrested those who wrote anti-government posts on social media. This pattern of violation – at the time – was limited to specific areas, most notably Tahrir Square and downtown Cairo. It was also limited to the time of the demonstrations. However, as calls for demonstrations were repeated, this pattern of violation expanded to include several areas in Cairo, which signals a new development that AFTE has observed in 2021.

Furthermore, this pattern of violation was practiced at fixed and makeshift police checkpoints in different areas, and at times when there are not necessarily any calls for demonstrations. AFTE documented 35 arrests in 2021, including at least 7 cases in which individuals were arrested after plainclothes police officers stopped them at checkpoints, searched their phones and found anti-government posts on them. One of those arrested, whose family refused to mention his name19, lives in a new city in eastern Cairo. He was arrested after the police stopped him at a checkpoint, searched his phone, and found anti-government posts on his social media accounts. He disappeared for approximately 16 days before appearing before the State Security Prosecution as a defendant in connection with Case No. 65 of 2021. The prosecution charged him with joining a terrorist group and spreading false news on social media.

On 22 January 2021, Islam Deif20 was arrested while on his way to Abdel Moneim Riad bus station after work. Officers from Qasr al-Nile police station stopped him randomly, searched his mobile phone, arrested him, and held them in the Qasr al-Nile police station, which later denied knowledge of his whereabouts. On 13 February 2021, Deif appeared before the Supreme State Security Prosecution in the Fifth Settlement in connection with Case No. 65 of 2021, where the prosecution charged him with joining a terrorist group, spreading false news and misusing social media. The prosecution remanded him in custody for 15 days pending investigation. On 1 December of the same year, he was released under precautionary measures.

On 12 May 2021, plainclothes police officers arrested Ahmed al-Araby Abdel-Gawad in the city of Banha, after they stopped him and forced him to get in a microbus. He disappeared until he was brought to the Public Prosecution on 31st of the same month in connection with Case No. 910 of 2021.

Pretrial detention is still used as a punishment:

The security services, in cooperation with the State Security Prosecution, continue to use pretrial detention as a punishment against individuals for expressing their views on social media. The recycling of defendants into new cases after their release is one of the strong indications of the use of pretrial detention to abuse social media

19 Testimony from his family
20 AFTE’s legal aid team
users for expressing their opinions. This pattern of violation has spread extensively during the past seven years, and has become one of the usual violations used by the security services to keep individuals in detention. In the field of digital rights, AFTE documented six incidents in which defendants were recycled into new cases after they had been released in previous ones.

One of the key examples in this regard is the case of the head of the translation department at the Library of Alexandria, Kholoud Saeed\(^{21}\), who got a court decision to release her in Case No. 558 of 2020 on 13 December 2020. However, the decision was not implemented, as her lawyer was surprised by her disappearance, and the Ministry of Interior denied knowledge of her whereabouts on 26 December. Saeed’s whereabouts remained unknown until she appeared before the State Security Prosecution in connection with Case No. 1017 of 2020, where she faced the same charges she had in the previous case.

In the same context, four people were recycled into Case No. 65 of 2021, after a court ordered the release of three of them in Case No. 535 of 2020, namely Shaima Samy\(^{22}\), who has been detained since May 2020; Nermin Hussein\(^{23}\), who has been detained since March 2020; and Naglaa Fathy\(^{24}\), who has been detained since June 2020. Fathy appeared before the prosecution while wearing the white prison uniforms. The fourth, who refused to mention her name, has been detained in connection with Case No. 880 of 2020 since 18 September 2020.

The four faced the same charges they had faced in their previous cases. They are the same charges that the State Security Prosecution usually levels against defendants. These charges mainly include joining a terrorist group, spreading false news, and misusing social media. Usually there is no evidence for the charges levelled against those recycled into new cases.

**Third: The violations against the right to peaceful protest and assembly**

The Egyptian authorities continue to impose severe restrictions on the citizens’ right to peaceful protest and assembly, as they suppressed at least three calls to protest against government policies during 2021. The security services arrested or detained at least 46 citizens in connection with these calls, most of whom were released shortly later.

The Egyptian authorities violate the right to protest even if the public demands conformed to the government’s position in certain cases. Although a number of observers praised the official Egyptian position towards the Israeli attacks on Palestinians in Jerusalem and Gaza, the Egyptian authorities banned any demonstrations that might support the same policy adopted by the government. This reflects a clear hostility to the people’s right to peaceful protest and assembly.

Although the protest law defines assembly as any gathering of more than five peo-
The security services have consistently prevented the presence of even one person on any street in solidarity with the Palestinians. AFTE documented five incidents in which security forces illegally arrested or detained citizens for demonstrating in support of the Palestinian cause. The following are three of those incidents:

- Ahmed Manna Ali was arrested after he burnt the Israeli flag after the Eid prayer on Al-Libini Street, off Al-Haram Street in Giza. Five others were arrested on the same day in connection with the same incident. Three of them were released, while the others, namely Ahmed Manna, Mohamed Abdel-Al, and Bahaa El-Din Zaki, were remanded in custody for four days in connection with Case No. 26705 of 2021. Their detention was extended for another 15 days, and then they were released on bail of 500 pounds each.25

- On 18 May 2021, the Qasr al-Nil Prosecution decided to release Omar Ahmed Morsi on 1,000 pounds bail, pending investigation into Case No. 3496 of 2021.26 Morsi faced charges of inciting demonstrations that would disturb public order, as he stood in Tahrir Square in Cairo on 14 May carrying the Palestinian shawl while chanting slogans in support of the Palestinian cause. Morsi was brought before the Qasr al-Nil Prosecution three days after his arrest on the 17th of the same month.

- In the same context, security forces in Tahrir Square detained three activists in two different incidents. Mostafa Ahmed was assaulted and illegally detained after chanting alone in support of the Palestinian cause, before being released several hours later. Security forces also detained activist Nour Al-Huda Zaki and her friend Hayat after they stood in Tahrir Square raising banners in support of the Palestinian cause and condemning the recent Israeli attacks on the Palestinian territories. Both Zaki and Hayat were released several hours later.

In another context, security forces broke up a demonstration in the Shooting Club area in Alexandria on 4 June. Residents of the area were protesting against government plans to displace them to demolish their houses without prior notice. The government allocated 90 million pounds to develop the area in 2019, and indeed the development plan began, but it stopped suddenly in January 2021.

The security forces arrested approximately 30 people from the area after the demonstration was dispersed. Some were released later, but 13 were remanded in custody pending investigation into Case No. 4675 of 2021. They faced charges of inciting protests, throwing stones at security forces, and injuring a number of them. They were all released on 17 June.27

Violation of the citizens’ right to peaceful assembly continued, as the Giza Court of First Instance on 26 September ordered the release of six defendants from Nazlet al-Samman on a bail of 5000 pounds each, pending investigation into Case No. 14259 of 2021, their lawyer Mohie Khattab told Mada Masr website.28

The six defendants were arrested for taking part in a protest to know the fate of their

25 Testimony from his lawyer
26 AFTE’s legal aid team
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houses that were demolished as part of a government plan to develop the area near the Giza pyramids.

Khattab said the six had assured the prosecution that they were only “inquiring about the fate of their houses in the area after development”. He denied that they held the protest for the purpose of objecting to something, after the Haram prosecution accused them of demonstrating without a permit, gathering, and bullying.