



They are still prisoners ..

Will the suffering of journalists end after their release?

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Methodology

This report is based on interviews conducted with 13 journalists 11 – online and two by phone .All the interviewees were previously imprisoned over their journalistic work .The report also relies on information provided by AFTE's Legal Aid Unit ,in addition to official papers and documents obtained from the same sources.

Introduction

The human rights situation in Egypt has witnessed systematic and continuous violations by the Egyptian authorities over the last nine years. In this context, freedom of expression has been subjected to restrictions and violations through security crackdowns that affected most segments of society for expressing their opinions or opposing the various government policies. Journalists came on top of the targeted segments.

As a result of that crackdown, dozens of journalists were detained in connection with political cases related to their journalistic work. After a number of those detainees were released in conjunction with President Sisi's call for the reactivation of the presidential pardon committee, repeated and similar violations and problems emerged, centering around the difficulty those who were released face when they try to return to their work and normal lives. These include travel bans, freezing of funds, and their inability to obtain official papers. This indicates that government initiatives, such as the call for national dialogue and the national strategy for human rights, were not real or serious attempts aimed to improve the human rights situation in Egypt, but rather attempts to beautify the image of the authorities in light of the deteriorating human rights situation and the restrictions imposed on freedom of expression in the country.

In light of the deteriorating human rights situation and the security and judicial crackdowns, imprisonment, pretrial detention, and recycling into new cases are the most prominent violations committed against journalists. Journalists are held in pretrial detention for long, despite the fact that the Criminal Procedures Law¹ stipulates that the period of pretrial detention should not exceed two years. They are also recycled into new cases where sentences are issued against them repeatedly. Some of them stand military trials, as happened with journalist Ismail al-Iskandary (researcher in Sinai affairs).

Journalists are not only subjected to pretrial detention, but they also face violations after their release that prevent them from resuming their career. These include the difficulty of returning to their jobs, banning them from travelling, the lack of official channels through which they can resolve their disputes, and the difficulty of obtaining official papers. These obstacles cause the released journalists further financial, health and psychological problems. This raises a question as to whether their release represents true freedom for them and whether the authorities would

¹ "Pretrial detention in Egyptian legislation," AFTE, December 2021, lasted visited on 12 December 2022, https://afteegypt.org/en/highlight_en/2022/01/09/27985-afteegypt.html

stop targeting them.

This report tackles the suffering of previously imprisoned journalists who faced numerous violations after their release, based on testimonies and official papers obtained from them.

First: Patterns of violations committed against journalists after their release



1. Security violations

Security violations come on top of the violations that journalists face after being released from prison. According to many testimonies, they are stopped at police checkpoints and cannot move within their respective governorates at night or even between governorates. This was confirmed by journalist Adel Sabry, the general manager of the “Masr Al-Arabiya” website, who was kept in pretrial detention from 3 April 2018 until 27 July 2020 in connection with Case No. 441 of 2018 (Supreme State Security). Part of his suffering was represented in the fact that the Public Prosecution put a stamp on his driving license reading: “It is forbidden to deal with him security-wise”. He said: “As a result of this stamp, I cannot go out at night or move between the governorates, so as not to be stopped at security checkpoints, as if I were a thief. I am still locked up in prison. When I was in prison, I was able to exercise for an hour outside the cell, but now I cannot.”

Sabry’s suffering is experienced daily by most of the released journalists. Photo-journalist Haider Qandil was unable to move around at night. He was arrested from his home in the city of Tanta, Gharbia Governorate, on 30 December 2019. After spending nearly five months in Tanta police station and prison, he was released on

bail of 5,000 pounds on 16 August 2020, and placed under weekly follow-up.

"I was repeatedly stopped by security officers. They check my ID card and contact the National Security police to check whether I am wanted or have pending sentences. After they hold me for a long time, they let me go," Qandil said.

Security check means that all those who have previously held in pretrial detention or imprisoned in connection with political cases are subject to arrest at any time. This makes Qandil and other formerly imprisoned journalists feel that they might return to prison again in the event that they undergo security check ,according to their testimonies.

2. Monitoring and precautionary measures

A number of former detainees have to spend the night under police monitoring at the police station daily or weekly as a supplementary punishment after their release or as an alternative to pretrial detention. This subsequent monitoring period is another form of arbitrary detention the Egyptian government practices against a large number of journalists. Photojournalist Mahmoud Abu Zeid, aka Shawkan, is one of the most famous released journalists. He has to spend 12 hours every day at the police station, from 6 pm to 6 am, after he spent nearly 700 days in prison following the dispersal of the Rabaa al-Adawiya sit-in.

The government uses precautionary measures as a punishment against journalists after leaving prison, so that they do not forget this experience and remain in fear. For example, Magdy Ali (a pseudonym), a journalist for Qatari flagship Al-Jazeera who spent 51 months in detention, suffers from precautionary measures that require him to spend two nights a week at the Badr Courts Complex in Suez. This is a continuous suffering that does not end even after getting out of prison. Also, photojournalist Haider Qandil has to spend a night at a police station in Tanta every week, so that they do not all forget that leaving prison does not mean never returning to it again.

3. Violation of the right to work

Many journalists say they find it difficult to return to their jobs and resume their normal lives after their release from prison. Qandil suffers from "unlimited effects" at the financial and moral levels due to his dismissal from his job at Al-Dustour newspaper, in which he was working before his arrest, based on security instructions. No one wants to provide work for a former prisoner. Qandil is unable to resume his job as a photojournalist due to the security risks he would face. Journalists who are subjected to years of monitoring or precautionary measures cannot commit to full-time work, something which prompted photojournalist Shawkan to put up his photography equipment for sale online. For the same reason, journalist Magdy Ali cannot return to his job after he was arbitrarily dismissed. He says: "My monitoring days fall in the middle of the week, so my professional life is completely

disrupted." He believes that the authorities are neither serious in dealing with former detainees nor able to provide opportunities for them. "Is the regime able to return me to work?" he asks.

4. Violation of freedom of movement

In recent years, travel bans have become a means of abuse and revenge against activists. Travel bans, including those issued by judicial orders, lack transparency in notifying those banned from travelling of the reason and duration of the ban. Travel bans have been repeatedly imposed on journalists, whether they are former prisoners or not, because of their journalistic work or their right to freedom of expression. Qandil was banned from travelling on 11 December 2021 when the Cairo airport authorities confiscated his passport and ordered him to go to the National Security headquarters to retrieve it. Qandil said he was arrested at the airport after he obtained the departure stamp, as he was heading to Russia. He emphasized that there was no judicial order to ban him from travelling.

Magdy Ali was banned from travelling at a time when his daughter underwent surgery abroad to remove cancerous cells from her intestines. After Ali was released from prison, a travel ban decision was issued against him without a court ruling so far, something which caused him "extreme sadness and distress".

5. Poor financial conditions

Imprisonment periods, especially long ones, cause the journalists' families to spend huge sums of money to provide food and clothing to their imprisoned relatives. The families deposit money in the prison's canteen so the prisoners can buy from there. They also provide cigarettes, which are used as currency inside the prison. Transportation expenses are another financial burden, especially for the families coming from distant governorates to visit their relatives at central prisons. All this causes the journalists to encounter immense financial hardships after their release which are exacerbated by the fact that many of them are arbitrarily dismissed from their jobs and cannot return to work, in addition to the lack of job opportunities for former prisoners and the increase in their debts. This is what M.W., a formerly imprisoned journalist, suffers from. He was arrested after conducting an interview. He says: "I am unable to obtain a certificate stating the period of my imprisonment. I spend most of the time in isolation at home, %80 like a prison. This is due to financial and psychological hardships. I have not received my exhibits, including my car, so I can sell it to help my family survive."

Similarly, Adel Sabry says the freezing of his funds prevents him from obtaining any financial dues and that he cannot sell any of his assets or open a new bank account in all banks in Egypt. The same applies to his dealings with the Egypt Post and insurance companies. Therefore, he is deprived of any bank transactions, which prevents him from receiving the pension and the severance package, in addition to hindering his professional career. This causes him to be unable to spend on

his living and the education of his children.

Meanwhile, Qandil says: "My debts have exceeded 150,000 pounds, and I cannot work, resume my life, or pay off my debts. What can I do to provide a decent life for my family?"

Second: Legal framework



The various violations committed against journalists ,academics ,and researchers after their release from prison indicate the violation of several basic social ,civil, and economic rights .These include the right to work ,the right to movement ,the right to own property ,and the right to obtain official papers ,which are all guaranteed by local and regional laws and international covenants .However ,the Egyptian authorities constantly insist on violating these rights with a view to restricting another pivotal right ,which is participation in the public sphere ,especially for former political prisoners who have previously criticized the state policies.

These practices are illegal ,as there are no legal restrictions preventing journalists from returning to their work after their release from prison .The Egyptian Civil Service Law prohibits the termination of an employee's service unless he is sentenced to a criminal penalty or a custodial penalty for a crime against honour and honesty that causes him to lose trust and esteem .However ,the law stipulates that an employee's service may be terminated if he has been absent for 15 consecutive days or 30 separate days without permission or an acceptable excuse .These cases do not apply to journalists imprisoned in political cases ,as there are no restrictions that ban them from travelling .The Public Prosecution's refusal to issue a certificate indicating the period a person spent in detention is an illegal act .The prosecution usually refuses to issue such certificates ,and in some cases the defendants exceed the legal limit for pretrial detention ,which is two years.

Third: General violations committed against journalists



Many reports highlighted the security and judicial violations committed against journalists, such as the DW's report on the renewed targeting by the Egyptian authorities of journalists working for independent news websites – like Mada Masr by subjecting four of its female journalists to investigation – which may lead to the end of investigative journalism in Egypt². An AFP report also highlighted the violations against opposition journalists and the hate and defamation campaigns the state media launch against them³. Most of the reports, however, did not highlight the violations that journalists face after their release from the prison, how their professional and personal lives are affected, and how their basic rights – such as the right to work, the right to own property, the right to movement, and the right to obtain official papers – are violated. This is what this report has tried to highlight.

² Renewed targeting of” Mada Masr ..“The future of the last independent news website is in danger ,DW, December ,2022 last visited on 12 December ,2022 <https://bit.ly3/FtmzXD>

³ Reporters Without Borders: Pro-Sisi media launch campaign against the press in Egypt, AFP, June 2022, last visited on 12 December 2022, <https://bit.ly/3Bw66Ri>

Conclusion and recommendations

This report has tackled the key violations committed against journalists who were previously imprisoned in connection with political cases related to freedom of expression. It relied on a number of testimonies of academics, researchers, and journalists, in addition to official papers and case numbers. The various violations committed against journalists and academics after their release from prison indicate the violation of several basic rights, including the right to work, the right to movement, and the right to obtain official papers.

The current amnesty program (for imprisoned journalists and academics) does not indicate that the Egyptian government is going to stop using repression against critical journalists. Moreover, the key media players did not play a significant role in pressuring the various state agencies to stop their extensive practices against journalists or improving the conditions of released journalists as a real attempt to reintegrate them. Those players include the Journalists Syndicate, the Supreme Council for Media Regulation, the Media Syndicate, the National Press Authority, and the National Media Authority.

So, AFTE stresses the importance of implementing the following recommendations:

1. The Public Prosecution should facilitate the issuance of certificates indicating the period a person has spent in prison
2. The Public Prosecutor should drop all cases in which journalists are released
3. The various press agencies should facilitate the return of journalists to their work after their release from prison
4. The security authorities should allow all journalists to travel abroad
5. The government, especially the National Council for Human Rights, should provide effective official channels that a person can resort to in the event that he does not obtain his rights after being released from prison
6. The Public Prosecution should lift the freeze on the funds and bank accounts of the released journalists