

AMNESTY INTERNATIONAL PUBLIC STATEMENT

3 May 2020 MDE 12/2240/2020

EGYPT: PRISONS ARE NOW JOURNALISTS' NEWROOMS

Since 2016, the Egyptian authorities have consolidated their grip on the media landscape and intensified their crackdown on journalists daring to deviate from the official narrative, Amnesty International said. This clampdown on media not only violates journalists' right to freedom of expression, but also the general public's access to independent information.

Over the past four years, the authorities have subjected dozens of journalists and other media workers to arbitrary arrest and detention, prosecutions on trumped-up terrorism-related charges, dismissals and fines simply for expressing critical views. Security forces have raided the few remaining independent online media platforms in Egypt and blocked hundreds of websites. The adoption of draconian media and cyber legislation in 2018 further granted the authorities overly broad powers to regulate media content, restrict journalists' freedom of expression and impose prison terms for criticism online.

Guaranteeing freedom of expression and access to reliable information is even more critical during the COVID-19 public health emergency, in order to build public trust and fight misinformation.

Instead, in an attempt to control the narrative around the pandemic, Egypt's public prosecutor warned on 28 March 2020 that those spreading "false news" related to COVID-19 could face up to five years imprisonment or a fine of up to EGP20,000 (nearly USD1,200). The authorities wasted no time in enforcing the public prosecutor's threats arresting at least 12 individuals including one journalist, who questioned the government's official statistics in relation to the spread of COVID-19 on his Facebook page. His detention is the latest example of the government's use of allegations of "spreading false news" and terrorism-related charges to stifle critical media voices.

Journalists in private and state media interviewed by Amnesty International describe the zero-tolerance environment for "improvising on air" or "going off script", in which they have been operating since 2016. The organization has documented the cases of 37 journalists, who were detained at the time of writing solely for their legitimate work or for personal peaceful exercise of their right to freedom of expression. At least 20 of the group were detained directly in relation to their media work, including their affiliation to media outlets dubbed by the authorities as "hostile" to Egypt, conducting investigations, publishing critical content or covering anti-government protests.

Attacks are not limited to journalists working for independent outlets that are critical of the authorities. Among those detained, 12 journalists were affiliated to government-owned media outlets or institutions that position themselves as supportive of the government.

Amnesty International's examination of cases involving 37 detained journalists shows the authorities' increased reliance on the counter-terrorism law in 2015 to stifle critical media voices in addition to charges of "misusing social media" or "spreading false news."

The inclusion of "terrorism"-related charges against journalists facilitates the erosion of due process guarantees and other human rights violations as such cases fall under the jurisdiction of the Supreme State Security Prosecution (SSSP), a special branch of the prosecution responsible for investigating security threats. Amnesty International's previous research found the SSSP to be complicit in serious human rights violations, including enforced disappearance, torture, prolonged arbitrary detention and unfair trials.

The authorities justify crushing dissenting voices on "national security" grounds. In February 2018, Egypt's public prosecutor at the time instructed prosecutors to take legal action against those who publish any content including on social media deemed to be "harmful to national security" and called them "forces of evil". This approach breaches Egypt's obligations under the International Covenant for Civil and Political Rights (ICCPR), to which it is a state party. In interpreting this obligation, the UN Human Rights Committee had emphasized that restrictions on grounds of national security should not jeopardize freedom of expression itself, including the right to criticize authorities and expose wrongdoing.

The nature of journalists' interrogations conducted by the National Security Agency (NSA), a specialized police force, further demonstrates the authorities' treatment of any peaceful opposition or criticism as "terrorism." In seven cases examined by Amnesty International, NSA officials questioned detained journalists facing "terrorism"-related charges about editorial

content, staff members and freelancers, the identities of anonymous sources, institutional workflow and funding and their social media posts.

Amnesty International calls on the Egyptian authorities to end all forms of censorship, harassment and intimidation of journalists and to respect their right to freedom of expression. Egyptian authorities must release all journalists who are detained solely for carrying out their legitimate media work and exercising their right to freedom of expression. They must also conduct independent, full and impartial investigations into all allegations of enforced disappearance, torture and other ill-treatment of journalists with a view of bringing those responsible to justice in proceedings meeting international standards for fair trial. They must also either repeal the Law Regulating the Press and Media (180/2018) and the Anti-Cyber and Information Technology Crimes Law (175/2018) or amend them to ensure their full compliance with international law and standards. Authorities must also refrain from misusing anti-terrorism legislation against journalists exercising their right to freedom of expression.

The organization spoke to nine journalists who have previously worked or continue to work in private or state-owned media outlets in Egypt. Amnesty International conducted an additional 23 interviews with lawyers, relatives, friends and colleagues of detained journalists and previously detained journalists. In addition, Amnesty International researchers reviewed lawyers' complaints, official statements, court records, audio-visual evidence, news and NGO reports.

State control of the news narrative

Attacks on journalists and media outlets perceived to support the Muslim Brotherhood have been relentless since the ousting of late President Mohamed Morsi in July 2013.

However, the authorities appear to have adopted more pervasive tactics to fully control the country's flow of information and narrative, following critical media coverage of their controversial decision to cede the islands of Tiran and Sanafir to Saudi Arabia in April 2016.

In response to the media and public outcry, President Abdel Fattah al-Sisi made it clear in televised speeches that there was no room for dissenting voices, warning: "don't listen to anyone [in the media] but me" (24 February 2016) or "don't talk about this subject [the issue of Tiran and Sanafir] again" (13 April 2016).

On 1 May 2016, a few weeks after al-Sisi's second speech on the topic, around 40 heavily armed members of the NSA raided the Press Syndicate for the first time since its establishment in 1941 and arrested key media figures, conveying a chilling message of zero-tolerance toward any critical media coverage.

This sustained attack on freedom of expression in the media comes against the backdrop of the acquisition of most private Egyptian media platforms under the umbrella of Egyptian Media Group (EMG) in 2017 by the Eagle Capital company owned by the General Intelligence Service (GIS), according to an investigation by the independent Mada Masr media outlet, and the acquisition of D-Media company by "United Group for Media Services", which is also owned by the GIS according to an investigation by Reuters. This means that the GIS-affiliated companies currently own the vast majority of TV, radio, print and digital media platforms in Egypt.

PRE-EMPTIVE CENSORSHIP

Interviewed journalists recounted to Amnesty International witnessing more direct interference in their media work since 2016. The organization spoke to five journalists from different private and governmental media outlets, who described receiving pre-emptive instructions through WhatsApp groups on topics to be covered or avoided, the names of approved interviewees or guests and even what specific language to use. Amnesty International reviewed two samples of such messages.

In one such message, reviewed by Amnesty International, instructions addressed to editors-in-chief in January 2020 read:

"not to address any details related to the Plan [Trump's so called 'peace plan' or 'deal of the century'] or give a judgment regarding the Plan's violations of Egyptian and Arab principles regarding the Palestinian issue (...)" Barely any critical coverage of the plan appeared in Egyptian media, with the exception of a handful of independent online platforms. A journalist working in a governmental newspaper, who received this message, described his editor-in-chief as a "security officer" due to his regular communication and enforcement of what he described as "state policy":

"It is usually communicated in a subtle way. When he [editor-in-chief] cuts off an editorial discussion because it is "state policy," or when he asks us not to mention the ministers' names, to praise prisons conditions during official visits or to defame opponents, we directly understand where this is coming from."

The journalist added: "I cannot even imagine that someone could refuse to comply with these instructions, as even pro-government editors and journalists who did not implement their instructions to the letter lost their jobs, were interrogated or imprisoned."

CENSORSHIP AND SELF-CENSORSHIP

Amnesty International spoke to seven journalists who consistently described how the failure to fully regurgitate the state narrative has led to the removal of specific stories, the prevention of entire publications or the blocking of news websites. A private newspaper editor told Amnesty International that he received daily instructions from his editor-in-chief described as "security directives" to plan their self-censorship accordingly. He clarified: "we often abide by these instructions to avoid printing delays in case they remove any content. We keep back-up articles in case any unexpected content was removed." He told Amnesty International that security forces would more frequently ban content – both reporting and opinion pieces – during "politically- sensitive periods" such as during elections, the referendum on the constitutional amendments and the anniversary of the 25 January 2011 uprising.

In May 2019, the National Progressive Unionist Party (*Tagammu*), issued a statement saying that the Supreme Council for Media Regulation (SCMR), a state body mandated to monitor and control media¹, had banned Al Ahali newspaper from printing for three successive weeks following the editor-in-chief's refusal to remove an article critical of the authorities. In August 2019, Cairo University professor Mostafa el-Sayed posted on his Facebook page that the private Al-Shorouk Newspaper removed his article on poverty in Egypt telling him it was for reasons beyond the publication's control.

Since May 2017, the authorities have blocked at least 548 websites, including 126 news websites, according to monitoring conducted by the Association for Freedom of Thought and Expression, an Egyptian human rights NGO. Most of these websites have been blocked without judicial order or official decision by the SCRM, which was given sweeping powers to remove online content by Law 180/2018².

In September 2019, the government added the BBC-News and Alhurra to the list of blocked websites in response to their coverage of the wave of arrests following rare anti-government protests. In this case, SCRM publicly announced that BBC-News had been blocked due to its "inaccurate" coverage of the demonstrations. The block was lifted shortly thereafter.

On 9 April 2020, the authorities blocked Darb, a news website run by the opposition Socialist Popular Movement Party, a month after its launch. Since its inception, Darb had covered calls by activists and relatives to release prisoners of conscience amid fears over the spread of COVID-19 in prisons and criticism over the inclusion of human rights lawyer and former parliamentarian Zyad el-Elaimy and political activist Ramy Shaath on Egypt's "terrorism" lists.

RAIDS AND CLOSURES OF MEDIA PLATFORMS

Since 2016, security forces raided the Cairo offices of at least five media platforms, intimidating and detaining their employees and disrupting their services. In 2019, security forces raided the workspaces of independent media outlets Mada Masr and Masr al-Arabia in what appeared to be direct retaliation for published stories. The offending articles could not be read in Egypt without tools to bypass censorship as the two websites were already blocked in Egypt.

The raid of Mada Masr on 24 November 2019 took place four days after the publication of an investigative story where Mada Masr reported that the president's son Mahmoud al-Sisi had been sidelined from a powerful intelligence position for failing to adequately manage a number of issues.

On 24 November, nine plainclothes police officers raided the office of Mada Masr in Cairo detaining 16 staff and freelancers for around three hours. Security forces confined them to the newsroom, confiscated their phones and laptops and denied them access to Mada Masr's lawyers. The police searched their laptops, mobiles phones and work-related files and interrogated a number of staff individually.

¹ See section five: Legalizing media crackdown

² See section five: Legalizing media crackdown

Subsequently, authorities briefly detained three journalists, including the editor-in-chief Lina Attalah, at al-Dokki police station for around two hours. A day before the raid, four plainclothes security officers had arbitrarily arrested Mada Masr editor Shady Zalut from his home. They also confiscated his laptop, mobile phone and work-related files. Following a national and international outcry and high-level pressure, the four were released several hours following the raid. Egypt's public prosecutor claimed that the raid was based on a search warrant on the grounds of Mada Masr being a Muslim Brotherhood platform. According to staff present in the office during the raid, security forces failed to present a warrant and denied them access to their lawyer.

The raid of online news outlet Masr al-Arabia was also connected to a specific publication, namely a translated New York Times' story about alleged election rigging in Egypt published on 29 March 2018. Five days later, fifteen plainclothes police officers raided the office, detained staff for around three hours and searched their laptops. Subsequently, they closed and sealed the office and detained the website's editor-in-chief Adel Sabry. According to the managing editor Ahmed Abdelgawad, the raid was conducted under the pretext of inspecting software licenses, while he believes it was directly connected to the translation and publication of a piece titled "For as Little as \$3 a Vote, Egyptians Trudge to Election Stations".

The Ministry of Interior issued a statement about the arrest, accusing the office of operating without permission from relevant authorities. When staff presented papers affirming the website's legal status, the public prosecutor ordered Sabry's detention pending investigation on charges of "spreading false news" and "membership in terrorist group". At the time of writing, Sabry was still held in pre-trial detention and the office remained closed.

ARBITRARILY DETENTION OF "FORCES OF EVIL"

"There are no journalists imprisoned in Egypt in freedom of expression cases", the head of Egypt's Supreme Council for Media Regulation Makram Mohamed Ahmed.

Despite official statements claiming that detained journalists were only prosecuted on criminal grounds, Amnesty International has found that the detention and prosecution of at least 37 journalists stems solely from their legitimate work or the peaceful exercise of their right to freedom of expression. They include at least 20 journalists arrested and detained solely for carrying out their work. Seventeen others were detained for criticizing the authorities on their personal social media platforms.

The focus of interrogations by the NSA further shows that journalists' detentions were directly connected to their legitimate work. In seven of the cases documented by Amnesty International, during NSA interrogations, officials relentlessly interrogated detained journalists about their colleagues including those who publish anonymously, unnamed sources, institutional workflow, funding and their views expressed on social media. According to human rights lawyers, at least three of detained journalists were threatened with torture if they failed to disclose this information. Lawyers told Amnesty International that security officers had threatened their client with electric shocks and made them listen to other inmates' screams. In other two cases, security officers threatened to arrest and torture the family member of the journalist.

A review of the 37 cases documented by Amnesty International shows that journalists end up in prison in Egypt for one of the following reasons:

- **Reporting on human rights violations and uncovering other state wrongdoing**

A number of the journalists in the cases reviewed by Amnesty International had reported on a range of issues such as human rights violations, corruption, official interference in presidential elections.

On 16 February 2018, security forces arrested a HuffPost Arabic journalist Motaz Wadnan on charges of "membership in a terrorist group" and "publishing false news for the purpose of harming national security". Four days before his arrest, Wadnan had conducted an interview with Egypt's former top anti-corruption official, Hisham Genina, in which the latter criticized official interference in the presidential elections and human rights violations. Wadnan's family told Amnesty International that during his one-week enforced disappearance following his arrest, security officers subjected him to beatings at NSA's headquarters, as well as at al-Aqrab maximum security prison in Tora, where he continued to be detained in solitary confinement at the time of writing. Since his arrest, Wadnan has been on hunger strike three times to protest his prison conditions and intermittent denial of family and lawyers' visits and the lack of access to medical care. His family recounted how security forces forced Wadnan to end his first hunger strike by beating him and applying electric shocks with tasers.

The authorities targeted journalist Ismail al-Iskandarani for the investigative reporting he had done on the situation in North Sinai despite the repressive media blackout in the region. Iskandarani was deeply critical of the authorities in several articles

issued by Lebanese newspapers Al-Akhbar and Assafir Arabi on their operations in Sinai, including on the mass demolitions of homes and forced evictions and the commission of torture and extra-judicial executions in the name of countering terrorism, among other issues. On 29 November 2015, the NSA arrested al-Iskandrani at Hurgada airport upon his return from Germany. Police officers arrested him, and prosecutors interrogated him about his trips to different countries and searched his laptop.

On 22 May 2018, a military court in Cairo sentenced him to ten years in prison on charges of "obtaining and publishing military secrets", "publishing false news" and "membership in a banned group". His conviction followed 30 months of pre-trial detention. According to his lawyer, who attended the hearings, military prosecutors questioned him on his articles, his views on the political situation in Egypt, particularly developments in North Sinai, as well his methodology in conducting investigations. Prosecutors included his articles and political views as evidence against him and failed to present any information to link him to an act that would constitute a recognizable criminal offence in line with international law and standards. Military trials of civilians in Egypt are inherently unfair including because judges are serving members of the military subject to chain of command.

- **Engaging in political and human rights' activism**

Journalists are also targeted for their personal political and human rights' activism.

On 26 November 2019, plainclothes police officers arrested journalists Solafa Magdy, Hossam El-Sayed and Mohamed Salah from a café in Cairo. They confiscated their mobile phones, laptops and car. The following day, SSS prosecutors accused Magdy and Mohamed of "joining a terrorist group" and "spreading false news," while Hossam was accused of "membership in a terrorist group." According to their lawyer, when Magdy refused to reveal her mobile password, police officers hit her on the right arm and on one waist and verbally insulted her. During the NSA investigation, Magdy was questioned about her previous media work and sources of income, as well as on her activism defending her friend Esraa Abdelfattah, another detained journalist, activist and NGO director.

On 25 June 2019, Hisham Fouad, a journalist and labour rights' activist, and Hossam Moa'ans, a journalist and spokesperson for an opposition party, the Popular Current, were also arbitrarily detained for legitimate activities including participation in public affairs, peaceful expression and defending human rights. At the time of writing, they were held in pre-trial detention pending investigations by the SSS Prosecution on accusations of "spreading false news" and "terrorism"-related charges in the so-called "Hope Case" brought against at least 15 individuals targeted for their peaceful political activities.

- **Working for media institutions considered "hostile"**

Journalists were also subjected to arbitrary arrest solely for having worked as staff or freelancers in media institutions described by the SCMR's director Makram Mohamed Ahmed "as hostile to Egypt".

On 25 April, security forces arrested journalist and producer Ahmad Allam from his home. Two days later, the SSSP ordered his 15 days pre-trial detention on charges of "spreading false news", "joining a terrorist group", and "misuse of social media platforms". According to his lawyer, Allam was conducting freelance work for an Al-Jazeera documentary on the history of cinema, including selecting and contacting potential interviewees. During the SSSP investigation attended by his lawyer, prosecutors questioned Allam about the identity of individuals who offered him the freelance work, their meeting locations, the interviewees' names and the consultancy's remuneration.

Another prominent case is that of the Al Jazeera producer Mahmoud Hussein, who has been arbitrarily detained since 23 December 2016 in connection with his journalistic work. The SSSP charged him with "membership in a terrorist organization", "receiving foreign funding" and "publishing false news" and ordered his pre-trial detention. On 21 May 2019 a judge finally ordered his release on probation and the decision was upheld two days later. However, on 28 May the SSSP decided instead to charge him with "membership of a banned organization", "receiving foreign funding" and "working for international organizations" for a second time and ordered his detention again. Mahmoud's detention had already surpassed the two-year maximum term for pre-trial detention under Egyptian law.

On 4 February 2018, security forces arrested freelance journalist Mustafa al-Aassar at a checkpoint in Cairo, subjecting him to enforced disappearance for over two weeks before bringing him to the SSSP. Pro-government TV channel Al-Nahar broadcasted a voice recording, where al-Aassar can be heard inviting political science professor Hassan Nafea, who was also arbitrarily detained, to participate in an Al-Jazeera documentary. Al-Aassar's lawyer considers his work with Al-Jazeera to be the reason behind his arrest as prosecutors have not interrogated him since his initial hearing or presented him with any evidence of an internationally recognisable crime. At the time of writing, he remained in detention pending investigations on charges of "spreading false news" and "joining a terrorist group."

- **Expressing private opinions on social media**

Amnesty International documented the arrests of 12 journalists working for state-owned, pro-government media institutions for expressing their views on social media platforms. For instance, on 18 March 2020, security forces arrested Atef Hasballah, the editor-in-chief of AlkararPress website, from his home in Aswan and subjected him to enforced disappearance for nearly a month following a critical post on his Facebook page questioning official statistics on the spread of COVID-19 cases in Egypt. On 14 April, the SSSP ordered his 15 days detention pending investigations on several charges, including "joining a terrorist organization" and "spreading false news." According to his lawyer, who attended the SSSP interrogation, prosecutors questioned him about his previous media work and his critical Facebook post on the government's handling of the COVID-19 crisis.

In the middle of the night on 28 November 2019, around ten police officers in plainclothes arrested journalist Ahmad Shaker from his home in Qalyubia. Shaker, who works for the governmental Rose al-Youssef Newspaper, had shared a video on his Facebook page depicting him challenging the head of the Press Syndicate Daa Rashwan with a question about press freedoms in Egypt during a media event. According to a letter Shaker wrote in prison, reviewed by Amnesty International, he also suspected his detention to be connected to an article he shared on his private Facebook page. According to his lawyer, the article in question was issued by Mada Masr on 24 November 2019 regarding the raid of the website as NSA officers interrogated him on that specific article and asked him if he had worked for Mada Masr. Two days after his disappearance, he appeared in front of the SSSP to face accusations of "joining a terrorist group".

Dismissals and other harassment

Following the reported acquisition of most media companies by pro-government businessmen by 2017, independent and critical journalists were gradually side-lined from the media landscape, and in some cases dismissed or deported in the case of foreign nationals.

Other journalists also told Amnesty International that they left Egyptian media outlets fearing they could no longer maintain their professional integrity.

On June 2016, eight plainclothes police officers arrested Liliane Daoud, Lebanese national and former ON TV presenter, from her Cairo home and deported her to Beirut in what appeared to be retaliation for her critical reporting. Her show, *Al-Soura Al-Kamila* (The Full Picture), was the last of the political talkshows which continued to host critical voices. Her deportation took place 45 minutes after the termination of her contract with privately owned ONTV.

Even journalists working for state-owned institutions or positioning themselves as longstanding supporters of the authorities were not spared reprisals. The ministry of interior filed a complaint (No: 1170/2018) against TV host Khairy Ramadan for "defaming the police force and officers" after he featured a police colonel's wife complaining of low wages in the police force in an episode of his show "Masr Ennaharda", broadcast a state TV channel. Ramadan was briefly detained and questioned in relation to the complaint but was later released.

In June 2018, an administrative court dismissed director of Maspero TV Ali Abu-Hemila for a tweet on his personal account criticizing Egypt's concession of the islands of Tiran and Sanafir.

Legalizing media crackdown

The Egyptian authorities have enacted a number of laws facilitating their full control over print, online and broadcast media.

Egypt's 2018 media and cybercrime laws³ have enabled the authorities to censor and block media outlets, social media platforms and blogs and to criminalize media content on vaguely worded grounds of violating "public morality", "public order" and "national security."

³ The Law Regulating the Press and Media (180/2018) governs the establishment of private media platforms and the conduct of private and public media. The Law of the National Press Authority (179/2018), focuses on the organization of newspapers and news websites run by the state, while the Law of the National Media Authority (178/2018), focuses on the organization of TV channels and radio stations owned by the state. The Anti-Cyber and Information Technology Crimes Law (175/2018), known as the cybercrimes law, focuses on websites running content considered harmful to the national economy or national security.

Law 180/2018 granted the SCMR, established by presidential decree No. 158 of 2017, extensive powers over media without judicial oversight. The SCMR has the authority to control and prevent the publication of media content, grant and revoke licenses of media institutions, ban the activity of any media outlet and block websites, based on overly broad and vague "national security considerations." The executive authority has the power to appoint most of SCMR members putting in question its independence.

In March 2019, the SCRM issued a list of penalties for media institutions found to be in violation of Law 180/2018, including fines of up to EP25 million (nearly USD1.6 million) and the temporary or permanent blocking of websites. During the same year, the SCMR issued the "standards and media codes for newspapers, channels and drama" in an apparent effort to flesh-out interpretations of vague terms such as "public morality and order" and "national security."

The SCMR's codes of conduct instruct journalists not to publish or broadcast content inciting "debauchery and homosexuality" and "not exaggerate gender-based violence," which in addition to violating the rights to freedom of expression and information, constitute discrimination against LGBTI individuals and violate the right to remedy for survivors of gender-based violence. The codes of conduct further instruct journalists to only refer to official statements and information in their coverage of terrorist attacks and military operations, a provision in line with the draconian counter-terrorism law.

Amnesty International believes that the 2018 laws and related penalties and codes of conduct pose a major threat to right to freedom of expression, which is enshrined in Article 19 of the ICCPR and Article 9 of the African Charter on Human and Peoples' Rights, treaties to which Egypt is a state party.

While the Egyptian authorities often justify their crackdown on the rights to freedom of expression and to access information in the name of national security, General Comment no 34 of the Human Rights Committee interpreting obligations under Article 19 of the ICCPR confirms that any restriction to the right to freedom of expression including on "national security" grounds cannot serve as a justification "to suppress or withhold from the public information of legitimate public interest that does not harm national security or to prosecute journalists, researchers, environmental activists, human rights defenders, or others, for having disseminated such information."