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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 June 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Media under attack: The status of freedom of expression under military rule in Egypt

The Cairo Institute for Human Rights Studies (CIHRS) draws the attention of the UN Human Rights Council to the worrying rise in the nature and scale of violations targeting the media sector in Egypt under the rule of the Supreme Council of the Armed Forces (SCAF). Throughout the last year and half, documented human rights violations included direct violent attacks against media professionals, legal measures against journalists and bloggers – in some cases leading to prison sentences – storming offices of independent media outlets, closing down satellite channels, imposing restrictions and interfering in the editorial policies of certain papers, dominance of certain media sectors, and preventing some programs and presenters from airing. These violations are fostered by an atmosphere of legal impunity aided by an arsenal of draconian laws, which are yet to be reviewed or amended.

1. Journalists, reporters, and citizens using cameras to document certain violations committed by the army and police in the context of mass protests occurring in Egypt since the revolution were subjected to flagrant attacks, at times leading to severe physical harm and including brief detention periods. Media professionals covering events on the ground were directly targeted during the Mohamed Mahmoud clashes in Tahrir last November, when a considerable number of journalists were shot, beaten, assaulted, or detained, and many had their equipment confiscated. As an example, Ahmed Abdel Fatah, a reporter with al-Masry al-Youm, was shot with a pellet in the eye while covering the clashes. According to his testimony, the officer who shot him appeared to be directly targeting him because of the camera he was holding. Another example is that of Hassan Shahin, a journalist with el-Badeel online newspaper, who was attacked, beaten, and dragged by military officers while covering the crackdown on the sit-in in front of the Cabinet in December 2011. At the time, Shahin was attempting to assist a female protester who was also being brutally attacked by the army.

The violence used against journalists includes attacks by government-affiliated thugs, as security forces often depend on such groups to break up protests and sit-ins. In May 2012, Reporters without Borders reported that over 30 media workers were assaulted and/or detained by army officers and/or thugs during the dispersing of al-Abbaseya protests, in what was described by the group as “systematic use of violence against media personnel.” Some of the testimonies documented reveal repulsive patterns of torture used against some of the media workers who were covering the protests.

2. Due to the crucial role played by independent traditional and alternative media in exposing human rights violations in the country, further restrictions and threats were imposed on media workers, as well as on online activists and bloggers. Maikail Sanad received a sentence of three years imprisonment by a military court for publishing an article on his personal blog in March 2011 criticizing violations committed by the army. It was not until late January 2012 that Sanad was released, following his hunger strike, his refusal to deal with the military judiciary on grounds that civilians should not be tried in military courts, and immense public and international pressure for his release.

Additionally, some independent media venues presenting views differing from the official state narrative were targeted. The office of Al Jazeera Mubashir Misr satellite channel was

stormed,¹ its equipment confiscated, and it was prevented from broadcasting. These steps were taken under the pretext that the channel violated Law 13/1979 regulating the Egyptian Radio and Television Union and pertaining to obtaining working permits and authorization to use live broadcasting equipment. Many questions arise about the purpose and timing of these actions, especially since a considerable number of other channels do not have such permits and because the channel went back on air shortly after this incident. Shortly thereafter, two other channels, Al Hurra² and Channel “25”³, were also stormed by military soldiers while broadcasting on October 9, 2011; as the channels were showing live footage of violations committed by army officers against a protest predominately organized by Copts in front of the state-owned television building Maspero, which resulted in the death of over 27 protesters. It is believed that at the same time, Maspero was broadcasting false information regarding the incident and directly inciting the public against Coptic protesters. Additionally, in September 2011, an official order was issued sanctioning new satellite channels from obtaining permits to operate in Egypt.

SCAF also resorts to using indirect tactics while dealing with the media in attempts to force self-censorship to limit criticism against it. Talk show host Reem Maged and blogger Hossam al-Hamalawy were both summoned for questioning before the military prosecution following a show where al-Hamalawy directed harsh criticism to the political performance of the military council during the transition phase. The investigations did not result in any legal action taken against the two media workers. Similarly, talk show host Dina Abdul Rahman was prevented from presenting her daily show, and it was alleged that the owner of the channel was forced to exclude her from the show after she criticized an advisor to the military council. Similarly, she was prevented from continuing her show in another channel, after claims that the channel had to change its “editorial policies.” Yousri Foda, a famous Egyptian journalist and talk show host, decided to temporarily take his show off the air in October 2011 in protest of what he called pressure against those who “believe in the goals of the revolution in both direct and indirect ways to impose self-censorship.”⁴ He further explained that “sometimes indirect pressure is much worse than direct pressure.”⁴ Similar attempts also resulted in allegedly banning certain issues, and sometimes articles, of printed and online newspapers like Al Fagr, Sout Al Umma, and Egypt Independent.

Moreover, the Ministry of Information continues to tighten the grip of the executive on the policies of media institutions and establishments. It further enables state-owned television, Maspero and media outlets to be the voice of the executive, disseminating its views and disregarding standards of professionalism and objectivity. Several Reform attempts from anchors, presenters, directors and other media workers within Maspero were contained, either through referring or threatening to refer them to internal investigations, censoring content, or blocking certain material from airing. This was vivid in both Nile News and Nile Culture Channels belonging to Maspero.

3. On the legal front, legislation that directly hinders freedom of the media continues to threaten the situation of freedom of expression in Egypt. For example, Article 178(III) of the Penal Code undermines the right to free speech by imposing freedom-depriving penalties or monetary fines for posting or distributing pictures liable to “defame” the state’s reputation. Articles 179 to 186 impose prison sentences or monetary fines on anyone who

¹ Video footage showing the storming of Al Jazirah Mubashir Egypt office:
http://www.youtube.com/watch?v=qfJRr_DcNMY.

² Video footage showing the storming of Al Hurra Channel office:
<http://www.youtube.com/watch?v=vz9FSmrU4Ws>.

³ Video footage of storming Channel 25 office.

⁴ Yousri Fouda on “The Hard Talk Show” on BBC:
<http://www.youtube.com/watch?v=Mx2Qti5ynuM>.

criticizes, insults, or defames any of a number of public office holders like the President of the Republic, any president or representative of a foreign country, or a judge. Article 183 additionally penalizes, by imprisonment or monetary fines, anyone who insults or offends the People's Assembly, the Shura Council, the Military, or any other statutory or public offices. This article was used in the case against activist Asmaa Mahfouz, who appeared before military prosecution on the charge of "offending and cursing the military and inciting people to carry out assassinations and armed resistance against its members." These accusations were based on a statement that she posted on her Twitter account.

Furthermore, Article 188 of the Penal Code criminalizes publishing rumours or false news "in bad faith". The Press Law 96/1996 imposes prison sentences for acts criminalized under the Penal Code. The crime of "spreading false news" was also included under the provisions of the emergency law, when it was renewed in September 2011.⁵ Law 76/1970 regulating the Press Syndicate places arbitrary conditions on the registration of journalists in the Syndicate and the issuance of licences to practice the profession, which in turn limits the Syndicate's abilities to provide the necessary protection to workers in the field from potential attacks and harassment from the security services.

CIHRS asks that the members of the UN Human Rights Council remind the government of Egypt of its international obligations pertaining to protecting media freedoms and freedom of expression in general. We particularly ask of the Council that it refrains from its shameful silence on the continuous and escalating human rights violations in the country.

We additionally call on the Government of Egypt to ensure the following:

- immediately ban all kinds of violence and restrictions practiced against the media sector in Egypt. This includes ensuring freedom of broadcasting channels, and issuing newspapers;
- allow broader space for liberties so that journalists are able to conduct their work freely, including by abolishing restrictions placed on the circulation of information;
- conduct a thorough review of the Penal Code, the Press Code, and other legislation pertaining to freedom of expression and the media and ensure that all liberty-depriving penalties and other restrictive clauses are removed;
- ensure accountability for all those who were involved in violations against media workers, particularly ones that included torture, arbitrary arrests and inflicting severe physical harm.

⁵ The 31 years old state of emergency was revoked as of May 31, 2012.