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HRW – Human Rights Watch

Egypt: Campaign to Crush Artistic Freedom

(Beirut) – The Egyptian (<https://www.hrw.org/middle-east/n-africa/egypt>) authorities have arrested over a dozen people in a crackdown against artists, apparently prosecuting them for exercising their freedom of speech, Human Rights Watch said today. The government also has issued new decrees to severely curtail freedom of expression. Security agencies and recently created government entities have added layers of censorship to silence criticism of the government on television and in movies, theaters, and books.

Since February 2018, authorities have arrested or prosecuted an Egyptian poet, a prominent pop singer, a playwright, a belly dancer, and several actors and filmmakers solely for their work. The Supreme State Security Prosecution (SSSP), which oversees terrorism cases, or the military prosecution unit, have summoned these artists, some of whom face terrorism-related charges (<https://www.hrw.org/news/2018/07/15/egypt-intensifying-crackdown-under-counterterrorism-guise>). New regulations have heightened barriers for independent artists and nongovernmental organizations to organize public art events, and the main state censorship authority is expanding its offices around the country.

“The obsession with prosecuting artists for expression authorities simply dislike shows what a farce President Abdel Fattah al-Sisi’s claim is that his administration’s priority is ‘fighting terrorism,’” said Sarah Leah Whitson (<https://www.hrw.org/about/people/sarah-leah-whitson>), Middle East and North Africa director at Human Rights Watch. “It seems a key aim of al-Sisi’s government today is to brutalize and bully Egypt’s entire society into silence and submission, including the country’s creative class of artists.”

On July 31, a military court sentenced Galal al-Behairy (<https://af.reuters.com/article/egyptNews/idAFL5N1UR76I>), a poet, to three years in prison for “spreading false news” and insulting the military establishment.

Security forces arrested him on March 3, and held him incommunicado until he appeared before the SSSP on March 10. His lawyers said that he showed signs of severe torture (<https://www.englishpen.org/press/egypt-pen-publishes-new-work-by-imprisoned-poet-galal-el-behairy/>). The charges against him stem from his unpublished book, *The Finest Women on Earth*, which is critical of Egypt’s security forces. An investigation in a separate case before a civilian criminal court is ongoing against al-Behairy because of a satirical song he wrote, “Balaha,” which Ramy Essam, a singer who has publicly opposed the government, performed and which gained popularity on Egyptian social media networks. An arrest warrant (<https://artistsatrisk.org/2018/05/10/freegalal-international-music-council-released-statement-not-penalise-ramy-essam-galal-el-behairy/?lang=en>) in this case has been issued in absentia against Essam, who lives outside Egypt. They face charges under the abusive 2015 counterterrorism law (<https://www.hrw.org/news/2015/08/19/egypt-counterterrorism-law-erodes-basic-rights>) of “joining a terrorist group” and “abusing social media networks.”

On July 25, 2018, a military court for minor offenses sentenced a theater director, Ahmed al-Garhy; a playwright, Walid Atef; and four of their colleagues to two-month suspended sentences over a play at the Shooting Club in Cairo in February. The play featured the story of Suleiman Khater (<https://www.nytimes.com/1986/01/08/world/egyptian-who-shot-7-is-dead.html?sec=health>), an Egyptian soldier who shot and killed seven Israelis, including four children, near the Egyptian-Israeli border in Sinai in 1985.

Minister of Culture Inas Abdel-Dayem said that authorities did not grant permission (<http://www.bbc.com/arabic/middleeast-43301052>) for the performance, and that the ministry was investigating. Military prosecutors had ordered al-Garhy, Atef, and four of their colleagues (<https://www.egyptindependent.com/playwrights-appeal-sisi-release-suleiman-khater-members/>) detained since March 6, 2018, on charges of “spreading false news,” a source told Human Rights Watch, but the full verdict has not been made public yet.

On July 26, six United Nations special rapporteurs and experts condemned al-Behairy’s arrest and alleged torture (<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23409&LangID=E>) and demanded that the government end its crackdown on artistic expression.

The arrests and prosecutions came after al-Sisi said in a March 1 speech (https://arabic.rt.com/middle_east/929973-____-____-____-____-____/) that insulting the army or the police was “high treason” and ordered “all government agencies” not to allow such statements. “It’s not freedom of speech,” he said, without naming any specific incident.

The government recently has issued a raft of new decrees that establish additional layers of state censorship. On July 11, Prime Minister Mostafa Madbouly issued decree No. 1238 of 2018 (<https://www.madamasr.com/en/2018/07/21/feature/culture/more-hurdles-to-clear-what-the-states-decision-to-form-a-committee-organizing-festivals-means-for-the-future-of-artistic-events-in-egypt/>), which imposes severe restrictions on organizing “any cultural or artistic events... local or international, organized by government or non-government entities.” Article 2 of the decree obliges all event organizers to obtain an advance “license from the Ministry of Culture, following coordination with the relevant authorities in the State.”

On March 12, Abel-Dayem issued a decree to establish eight new offices (https://www.youm7.com/story/2018/3/12/____-____-____-____-8-____-____-____-____-/3690255) for the Central Authority for the Censorship of Works of Art (CACWA) in seven governorates. CACWA is the decades-old censorship agency that reviews and censors cultural productions, especially television shows, films, and theater productions. Before the decision, which was made following the pro-government media uproar against the play about Suleiman Khater, CACWA had offices only in Cairo and Alexandria.

The Supreme Council for Media Regulation, a media oversight body established in April 2017 whose head al-Sisi appoints, also possesses broad censorship authority, and established a “drama committee” (<https://www.elwatannews.com/news/details/3405301>) in December 2017 (http://scm.gov.eg/____-____-____-____-____-____-____-____/) to oversee and censor television dramas on Egyptian TV networks.

Article 67 of Egypt’s Constitution obliges state institutions to protect and support artists and creative expression. It explicitly prohibits jailing artists for creative expression and stipulates that only the public prosecution is allowed to initiate lawsuits that seek to suspend or confiscate an artist’s work or to prosecute artists. But in al-Garhy’s and al-Behairy’s cases, prosecutions began following complaints by pro-government lawyers to the prosecutors.

Egypt is a state party to both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The ICESCR states that any limitations should be “determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.” The Office of the High Commissioner for Human Rights has said that the right to artistic expression includes (<https://www.ohchr.org/en/issues/culturalrights/pages/artisticfreedom.aspx>) “the right of all persons to freely experience and contribute to artistic expressions and creations, through individual or joint practice, to have access to and enjoy the arts, and to disseminate their expressions and creations.” International law on freedom of expression prohibits laws that criminalize criticism of state bodies and institutions like the army or police.

“Al-Sisi’s government is bulldozing Egypt’s rich cultural and artistic community into cowed acquiescence,” Whitson said. “Egyptian artists have produced films, literature, and music respected and loved not just in the Arab region but across the globe.”

Cases against Egyptian Artists

Galal al-Behairy

Galal al-Behairy is a poet and song writer, arrested on March 3, 2018, after the release of his satirical song, “Balaha,” on accusations of insulting the president. The authorities sent him to a criminal court, along with others involved in the work. Prosecutors later (<https://pen.org/egypts-grim-blow-freedom-expression-human-rights-tortured-poet-galal-el-behairy-must-be-freed>) to examine al-Behairy for signs of torture, but authorities did not release the results or allow his lawyer to obtain a copy.

On May 6, the authorities referred al-Behairy to a military court for major offenses in a separate case, on charges that included insulting the military establishment, stemming from his unpublished book, *The Finest Women on Earth*. On July 31, the military court sentenced the poet to three years in prison. The first case concerning the song is ongoing before a civil criminal court, campaigners for his release told Human Rights Watch. A few days before his arrest, pro-government Egyptian media (<https://ar-ar.facebook.com/AhmedMoussaEG/posts/2018-02-28/954379428053205/>) began a smear campaign against him, and the minister of culture (<https://www.e3lam.org/2018/02/28/289535>) denounced him on live television. The poet recorded a video that was posted after his arrest (https://www.youtube.com/watch?time_continue=17&v=LJR320OSdHo), in which he expressed his fear of prosecution and asked for support. Pen International (<https://pen-international.org/news/open-letter-egypts-grim-blow-on-freedom-of-expression-and-human-rights-the-tortured-poet-galal-el-behairy-must-be-freed>) and Artists at Risk (<https://www.change.org/p/egyptian-regime-torture-beatings-and-prison-for-galal-el-behairy-for-ramy-essam-s-balaha-freegalal>) have initiated campaigns demanding his release.

Al-Behairy’s book has not been published, his lawyer said in press statements. His publisher withdrew from the deal (<http://www.elbalad.news/3191706>), citing concerns about the poet’s alleged offenses and published a letter apologizing to the authorities.

The African Charter on Human and Peoples’ Rights (<http://www.achpr.org/instruments/achpr/>), applicable in Egypt, prohibits trying civilians before military courts, but Egypt has tried tens of thousands of civilians before its military courts since October 2014.

Osama al-Hady

Osama al-Hady is a singer and guitar player, arrested in early March 2018. The State Security Prosecution had also investigated him on charges of joining a terrorist organization, allegedly because he was an administrator (<http://www.vetogate.com/3231913>) for singer Ramy Essam’s Facebook page for a period of time. He remains in pretrial detention.

Ahmed al-Garhy

Ahmed al-Garhy is a former writer and reporter on the satirist Bassem Youssef’s show *Al Bernameg*, which ended in 2014 (https://www.dw.com/ar/_____/a-17677765) after government pressure and threats. Al-Garhy also had a show that criticized corruption on a private television channel, but it (<http://www.shorouknews.com/news/view.aspx?cdate=18112017&id=f9f4f2b7-6c51-48e1-a150-f09e40e0e77e>) ended in 2017, after he spent 14 hours in a police station where he was warned to stop criticizing the government in his show, *al-Shorouk* newspaper reported. Al-Garhy’s play about Suleiman Khater was previously performed in 2016 at a state-owned theater without controversy. However, when it was performed at the Shooting Club Theatre in 2018, the club administration shut down the performance after two days, citing fears of insulting the military. A smear campaign (https://www.youm7.com/story/2018/2/28/_____/3672628) subsequently began against the play and those involved with it, to which al-Garhy responded that (<https://www.filfan.com/news/details/82457>) he supported the police and army, and that the play was critical of the Muslim Brotherhood, which the government considers a terrorist group.

Mo'men Hassan

Mo'men Hassan is a documentary filmmaker and journalist arrested on June 10, while he was working on a documentary about Suleiman Khater at a private production company. Authorities held him incommunicado for 29 days, according to his lawyer. He appeared on July 8 before the SSSP, facing charges of joining a terrorist group and spreading false news in case No. 441/2018 (<https://www.hrw.org/news/2018/07/15/annex-prosecutions-activists-and-journalists-under-egypts-terrorism-law>). His lawyer reported that guards gave him electric shocks during interrogations in which he was asked about the documentary. No trial date has been set.

Ahmed Tarek

Ahmed Tarek is a film editor who worked on the unreleased documentary film *-1095 – or Minus 1095*, which was sympathetic to former President Mohamed Morsy's administration. The authorities arrested Tarek in an early morning raid on his home in Giza on February 18. During the raid, security forces confiscated his computer and mobile phone, and officers interrogated him at home for an hour, then took him to an unknown location. Tarek was held incommunicado for four days, appearing before the State Security Prosecution on February 21, where prosecutors interrogated him without a lawyer. On March 1, the National Security Agency reported its investigation findings about the film to the prosecutors, accusing Tarek of "deliberately spreading false news (<http://www.almasryalyoum.com/news/details/1265403>)."

Subsequently, they ordered the arrest of Salma Aladdin, the film director, and the film's cinematographer, while extending Tarek's detention. Tarek has still not been referred to trial, but risks being indicted under the 2015 counterterrorism law in case number 467/2018 (<https://www.hrw.org/news/2018/07/15/annex-prosecutions-activists-and-journalists-under-egypts-terrorism-law>).

Ekaterina Andreeva, "Johara"

Police arrested Ekaterina Andreeva, a Russian belly dancer known by the stage name “Johara,” in February for not wearing shorts to cover her thighs while performing. Prosecutors charged Andreeva (<https://www.alaraby.co.uk/english/blog/2018/2/7/russia-belly-dancer-arrested-in-egypt-over-g-string-performance>) with “inciting debauchery” and “working without a permit.” Police released her on bail later. It is not clear if she still risks being charged with a criminal offense.

Sherine Abel Wahab

Prosecutors referred Sherine Abel Wahab, a pop singer, in November 2017 to trial before a criminal court for minor offenses because of a joke about the water quality of the Nile River (<https://www.theguardian.com/world/2017/nov/15/egyptian-pop-singer-sherine-abdel-wahab-to-face-trial-over-nile-comments>) she told on stage in a concert in the United Arab Emirates. The court convicted her of “stirring up a sedition” as stated in article 102 of the penal code and set a six-month suspended sentence, but an appeals court overturned the conviction in May 2018 (<https://www.youm7.com/story/2018/5/8/-/-/-/-/-/-/-/3784255>).

Street Children, a Satirical Group

In May 2016, authorities arrested six young men (<https://www.hrw.org/news/2016/06/23/egypt-free-satirical-youtube-group>) who were members of the Street Children, a group that ran a YouTube channel where they posted satirical videos commenting on Egypt's politics. Authorities released them months later on bail.

Rang al-Sobaki

A criminal court for minor offenses sentenced Rana al-Sobaki, a filmmaker, in January 2016, to a one-year suspended sentence (<https://www.shorouknews.com/news/view.aspx?cdate=18012016&id=d50559fe-acdf-4a5e-8f95-b3ae32290fbe>) and a fine of 10,000 Egyptian pounds (approximately US\$600) for her film, “Regata,” after convicting her on the charges of inciting debauchery. In April, an appeals court overturned (<https://www.almasryalyoum.com/news/details/937786>) her conviction.

Ahmed Naji

In February 2016, a criminal court sentenced the journalist and novelist for minor offenses to two years in prison and a 10,000-pound (US\$600) fine. Naji was jailed until December 2016, when the Cassation Court ordered his retrial (<https://www.youm7.com/story/2017/5/21/> - - - - -).

_____/3244888) in May 2017. His prosecution was based on his novel, *The Use of Life*, for which prosecutors charged him with “harming public modesty” for alleged sexually explicit scenes. On May 16, 2016, PEN America awarded Naji (<https://pen.org/advocacy-case/ahmed-naji/>) the PEN/Barbey Freedom to Write Award. After his release, authorities placed Naji under a travel ban. In May 2018, a Cairo criminal court lifted Naji’s travel restrictions and replaced the original sentence (<https://pen.org/advocacy-case/ahmed-naji/>) with a 20,000-pound (\$1,130) fine.

Recent Censorship of Films, Television Shows, Books

A March 2018 report (https://afteegypt.org/freedom_creativity/2018/03/25/14905-afteegypt.html) by the Association for Freedom of Thought and Expression, a local rights group, says that CACWA has routinely rejected or deleted (https://afteegypt.org/freedom_creativity/2018/03/20/11239-afteegypt.html) parts of works, citing the so-called protection of the “Egyptian family, its moral, religious and national values,” among other ill-defined phrases.

"Karma," a Film by Khaled Youssef

On June 11, CACWA withdrew the license for the film (<https://www.shorouknews.com/news/view.aspx?cdate=11062018&id=dcdb8878-0dfe-4e7b-b63e-58565caf69ee>), whose director, Khaled Youssef, is a member of parliament. The work highlights the relationship between Muslims and Christians in Egypt, as well as corruption, media reported. Following a campaign by Egyptian artists and intellectuals to overturn the ban, the censorship agency overturned the ban hours later. Youssef was a prominent al-Sisi supporter until he objected to the government's decision ceding the two Red Sea islands to Saudi Arabia in 2016 (<http://www.elfagr.com/2633733>).

"Before the Revolution," a Play

In March, CACWA banned the play (<http://www.alquds.co.uk/?p=899717>) from being performed at the Wasat al-Balad festival in Cairo because the producers refused to delete five scenes.

Cairokee, a Band

[illegible]

Ahl Iskandariya, a Television Series

[illegible]

Alef, a Bookstore

In August 2017, a government entity ordered 37 branches of Alef bookstore closed (<https://www.ultrasawt.com/> - - - - - - - - -/ - -/ - -/) and confiscated, without compensation, both buildings and contents, as the government listed the owner, Omar al-Shanity, among dozens of businessmen alleged to have ties with the Muslim Brotherhood, whose assets were being confiscated.

Al-Karama Libraries

[illegible]

Dar Merit Publishing House

In December 2015, and again in November 2017, police forces raided (<https://www.theatlantic.com/international/archive/2017/12/egypt-sisi-books-freedom-of-speech/547259/>) Dar Merit on allegations that it owned unlicensed books. Dissidents had frequently gathered there during and after the 2011 uprising, and its owner has frequently criticized the government.

Al-Fann Midan Street Art

In August 2014, two months into al-Sisi's first term, a police station in downtown Cairo canceled al-Fann Midan, an art festival that had been organized monthly since April 2011. The organizers were members of a coalition of independent artists created during the 2011 uprising. The organizers stated that they obtained a permit (<http://www.elfagr.com/1602370>) from Cairo governorate as has been the norm following the uprising, but they were surprised by police interference. The festival was not reopened. It included free theater performances, concerts, film showings, art galleries, and art workshops. Another music festival (<https://www.facebook.com/AshkalFestival/posts/639650403093100>), Ashkal, was canceled in November 2017. The organizers cited "reasons out of their hands."

New Layers of Censorship

On July 12, the official gazette published the prime minister's decree No. 1238 of 2018, on the organization of concerts and festivals. Article 3 creates the Permanent Supreme Committee for the Organization of Festivals and Celebration that includes representatives of the Interior Ministry. The decree set out near-impossible conditions to apply for permission to hold a concert or festival. The organizer must have assets worth at least 500,000 Egyptian pounds (approximately US\$28,000). Before the decree, organizers of concerts and festivals still had to get permission from the censorship agency, Musicians Union, Interior Ministry, and local municipalities if the concert or festival is held in an open space.

The Supreme Council for Media Regulation has also set overly broad criteria (https://www.tahrirnews.com/posts/888257/____+____+2018+____+____+____+2018+____+____+____) for presenting a play (https://www.tahrirnews.com/posts/888257/____+____+2018+____+____+____+2018+____+____+____), which include the requirements that the show should be free from “unjustified violence,” “defamation of the human being,” “scenes that carry sexual excitement,” and “scenes of smoking and drug abuse.” A committee established by the supreme council issued a report in which (http://scm.gov.eg/____-____-____-____-____-____/) it cited word-by-word scenes and dialogue that violated the guidelines. The committee also claimed that several TV drama shows “deliberately defamed the police” and humiliated women (http://scm.gov.eg/____-____-____-____-____-____/). The annual report also praised drama shows that discussed the role of security forces in defending the homeland. The committee has imposed huge fines of 250,000 pounds (https://www.youm7.com/story/2018/5/7/____-____-____-____-250-____-____-____-/3782400) (US\$14,000) per violation on the works that violated their guidelines.

ecoi.net summary:

Since February 2018, several artists have been arrested or prosecuted in connection with their work



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