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Freedom of the Press 2011 - Egypt

Status: Not Free

Legal Environment: 23

Political Environment: 24

Economic Environment: 18

Total Score: 65

Status change explanation: Egypt declined from Partly Free to Not Free as a result of a crackdown prior to and during the November 2010 parliamentary elections, which included legal harassment, spurious arrests, and violations of due process against journalists and bloggers. The pre-election period also saw satellite television outlets and text-message based news services banned; both are key outlets for disseminating independent views.

The crackdown on the media and professional and citizen journalists intensified in 2010 as the government imposed a series of restrictions and suspensions in the months leading up to the November parliamentary elections. The government ramped up its attempts to muzzle the press throughout the year, using a range of tactics including filing spurious charges, harassing and arresting journalists and bloggers, and violating due process, even as the Emergency Law continued to have a chilling effect, and regulatory bodies sought new ways to restrict freedom of expression and information. Meanwhile, the blurred line between professional journalists and political activists remained an ongoing challenge to press freedom.

Although Egypt's constitution devotes an entire chapter to defining the rights, responsibilities and authorities of the press, the Emergency Law that remained in place at year's end abrogates these freedoms by allowing the authorities to ban publications for reasons of national security or public order, and to try offenders in military tribunals with limited right to appeal. Article 48 of the constitution prohibits censorship, except under Emergency Law. Article 47 ostensibly guarantees the freedom to both express and publicize opinion via any technological medium, but approximately 35 articles in various laws specify penalties for the media, ranging from fines to prison time.

In addition to the Emergency Law, the Press Law and penal code provisions circumscribe the media, despite constitutional guarantees of press freedom. Even after the Press Law was amended in 2006, dissemination of "false news," criticism of the president and foreign leaders, and publication of material that constitutes "an attack against the dignity and honor of individuals," or an "outrage of the reputation of families" remain criminal offenses that are prosecuted selectively by the authorities. Penalties include

fines ranging from 5,000 to 20,000 Egyptian pounds (\$900 to \$3,600) for press infractions, and up to five years in prison for criticizing the president or a foreign head of state. During the year, dozens of defamation and other cases were filed against journalists and media outlets. For example, veteran journalist and government critic Ibrahim Eissa has faced numerous criminal defamation charges over the past few years; as of October 2010, the Committee to Protect Journalists (CPJ) reported that Eissa had had 65 cases filed against him in his career for violating Egypt's press law, 30 of which remained pending. Former newspaper editor Magdy Hussein, who had been imprisoned for political activism but should have been due for standard early release, was imprisoned for an additional year and fined after a 14-year-old defamation case regarding an interior minister was resurrected in July. Journalists have few professional protections and no right to access of information, and remain vulnerable to prosecution under these laws, although some journalists have asserted their independence and proved willing to stand up to the state.

Spurious and trumped up charges are also used to intimidate and silence journalists and bloggers. Award-winning digital journalist Wael Abbas was charged with selling communications services without a license, and because neither he nor his lawyers were ever informed of the trial date, he was sentenced in absentia to six months in prison and fined 500 Egyptian pounds (\$86). Although the conviction was ultimately thrown out, the threat of multiple charges for the same alleged crime and the ensuing legal battles exert a chilling effect on bloggers and journalists more widely. Imprisoned journalists and bloggers are routinely denied the right to due process and are subjected to ill-treatment and even torture. Authorities in Egypt continued to imprison blogger Hani Nazeer without trial despite six rulings by the administrative court requiring his release. Nazeer's lawyers reported that they were not allowed to see their client and said that he had been mistreated, a common claim by citizen journalists imprisoned for their writing. Nazeer was released in July 2010, but was arrested again under Emergency Law in October. Blogger Kareem Amer, who had been imprisoned in 2006 in a landmark case as a result of his online writings, was released in November 2010 after he had finished serving his four-year sentence, but reported being beaten prior to his release from prison.

Licensing of all media, including newspapers, is controlled by the government. The president heads the High Press Council, which must approve all new newspaper licenses along with the cabinet and security services. Meanwhile, the Egyptian Radio and Television Union (ERTU), which is under the control of the Information Ministry, is in charge of granting radio and television licenses. A draft audiovisual broadcasting bill that would assign penalties ranging from one month to three years in prison for "attacking social peace, national unity, public order and society's values" remained under consideration in parliament. The bill also provides for the creation of a national broadcasting regulatory agency headed by Information Ministry officials and members of the state security services. The agency would be empowered to withdraw news outlets' licenses arbitrarily. In 2010, satellite television stations bore the brunt of censorial and regulatory harassment. On October 19, the Information Ministry suspended 12 television stations carried by the state-owned NileSat service. According to Reporters Without Borders, the state-controlled satellite television operator also stopped transmission of at least eight additional stations not on the list. Twenty others received warnings. The stations allegedly broadcasted programs without the proper permissions, or were accused of inciting intolerance and extremism. Also in October, the National Telecommunication Regulatory Authority imposed several new rules aimed at restricting live coverage of election news, including rules effectively preventing live broadcasts by private production companies, which provide coverage to a range of international and domestic broadcasters.

Officials also stepped up interference over media content in other ways. On October 3, the popular talk show *Baladna Belmasry*, hosted by Ibrahim Eissa on the ON TV satellite channel, was pulled off the air. Two days later Eissa was fired as editor-in-chief of the independent *Al-Dustour* newspaper after the leader of al-Wafd party, Sayyid al-Badawi, paid \$4 million to buy the paper in a deal that unconfirmed media accounts claimed was brokered by the opposition party and the government to ensure the former a bigger gain in the elections. Eissa had refused the new owner's request not to publish an article by

opposition figure Mohammed el-Baradei, although al-Badawi claimed his termination was due to a labor dispute. Also in October, the information minister, Anas el-Feqqi, suspended a popular sports commentator on the government-owned *Nile Sport* station after he criticized the interior ministry for failing to maintain order when a sporting match got out of hand.

Approximately 1,000 activists, among them bloggers and citizen journalists, were arrested in the lead up to the election. According to Human Rights Watch, at least 10 journalists were arrested or detained while attempting to cover the elections. Journalists reported being barred from entering polling stations even when they produced the required permits, including Al Jazeera English correspondent Adam Makary, who was barred from six different polling stations. CPJ noted that police and security forces beat and detained journalists, confiscated and destroyed footage and notes, and posed as journalists in order to spy on civil society activists and the opposition (a technique which is commonly used to obtain information, according to reports). The independent *Al-Dustour* reported that journalist Buthayna Kamel was approached by someone posing as a journalist from *Al-Akhbar* that she suspected was in fact a state security officer due to his questioning of her in a manner inconsistent with a journalist.

Opposition journalists continued to face persecution in 2010 as intimidation and harassment of the press remained a problem even when elections were not a central concern. In January, 19 activists, including bloggers and journalists, were arrested by government forces while traveling to Southern Egypt to mourn the deaths of victims of prior sectarian violence against the Coptic Christian minority. Additionally, protesters and journalists were assaulted by security forces in Cairo in April after demanding an end to the 29-year state of emergency. Another blogger was tried in military court, despite the fact that he is a civilian, because he allegedly published false information about the military on his blog.

Although there are more than 500 newspapers, magazines, journals, and other periodicals in Egypt, this apparent diversity disguises the government's role as a media owner and sponsor. A majority of print outlets are still in the hands of the state, which also owns 99 percent of newspaper retail outlets, and individuals cannot own more than a 10 percent stake in any newspaper (although in practice this restriction is enforced unevenly). Editors of Egypt's three largest newspapers, *Al-Ahram*, *Al-Akhbar*, and *Al-Gomhorya*, are appointed by the president. Print media production and distribution is also controlled by the state. All terrestrial television broadcasters – two national and six regional – are owned and operated by the government through the ERTU. There are, however, four privately owned, independent satellite channels and several pan-Arab stations that attract wide viewership. The government supports state media directly and through advertising subsidies, and independent media face significant financial challenges. Lack of professionalism and low salaries that encourage bribery are a challenge to journalism in Egypt. The state-owned *Al-Ahram* newspaper, for example, altered a photo of President Mubarak's meeting with U.S. President Barack Obama to make it appear as if Mubarak was leading a group of dignitaries. The Photoshop trick was quickly revealed and ridiculed throughout the press and blogosphere.

Egypt does not filter internet access, although the government can repress internet activism using the Emergency Law. At the end of 2010, 26.74 percent of Egyptians accessed the internet regularly. Starting in 2009, authorities increasingly targeted citizen journalist bloggers at the airport and confiscated their equipment and data. In 2010, they continued to target these independent voices, confiscating computers, passports, and mobile phones of several citizen journalist bloggers, including Wael Abbas, Magdi Saad, Abdel Rahman Ayyash, and Ahmed Abu Khalil. Egypt has at least 55.4 million mobile phone users, making cell phones one of the most important means of communication and information exchange. Text message-based news services that have emerged over the past couple of years enable people to get headlines on their mobile phones, but on October 11, the Telecommunications Regulation Authority imposed new regulations requiring news companies to obtain a permit from the Ministry of Information and the Supreme Press Council in order to send mass text messages. The license could cost up to \$88,000, and restricts the ability of the public to obtain up-to-

the-minute information. The new regulations were widely seen as an attempt to restrict information prior to the November elections, and to make it more difficult to disseminate information and organize via text message.

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