

Egypt

	2014	2015		
Internet Freedom Status	Partly Free	Not Free	Population:	87.9 million
Obstacles to Access (0-25)	15	14	Internet Penetration 2014:	32 percent
Limits on Content (0-35)	12	13	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	33	34	Political/Social Content Blocked:	No
TOTAL* (0-100)	60	61	Bloggers/ICT Users Arrested:	Yes
			Press Freedom 2015 Status:	Not Free

* 0=most free, 100=least free

Key Developments: June 2014 – May 2015

- Self-censorship has risen among online journalists and social media users alike (see **Media, Diversity, and Content Manipulation**).
- Cybercrime and antiterrorism laws were proposed over the coverage period, criminalizing several broad online offenses and sparking fears that the laws could be used to crack down on human rights activists and government critics. The antiterrorism law was enacted in August 2015 (see **Legal Environment**).
- Two online journalists were sentenced to life imprisonment in in April 2015. Abdullah al-Fakharany and Samhi Mustafa, respectively the executive director and cofounder of the news website *Rassd*, had been in detention since the dispersal of a pro-Mohamed Morsi sit-in in August 2013 (see **Prosecutions and Detentions for Online Activities**).
- At least two users were handed prison sentences for insulting religion online, and LGBT users faced arrests for YouTube videos under the crime of “inciting debauchery” (see **Prosecutions and Detentions for Online Activities**).
- Extralegal attacks by angry mobs for religious speech—sometimes with the complicity of local security forces—remains a security concern for ordinary users. In May 2015, 18 members of 5 Christian families were expelled from their homes after one man allegedly published a Facebook post insulting the prophet Mohamed (see **Intimidation and Violence**).

Introduction

The internet is increasingly seen as a “security threat” in Egypt, including by newly elected president Abdel Fattah el-Sisi.¹ Internet penetration has improved very slowly in the country, which has been plagued by political uncertainty and economic strife since the 2011 revolution that ousted longtime president Hosni Mubarak. Space for political opposition has dwindled both under former Islamist president Mohamed Morsi, as well as under President el-Sisi, who as defense minister and head of the armed forces removed Morsi from power in June 2013. A new constitution was passed by referendum in January 2014, and presidential elections that May brought el-Sisi to power with over 90 percent of votes. Since then, he has been ruling by decree, given that there is currently no parliament.²

Despite the existence of nominal guarantees in the constitution, the legal environment has tightened following the 2013 coup. Restrictions on freedom of assembly were passed in November 2013,³ and in September 2014, a new law made it a potentially capital offence to accept funding from foreign countries in order to commit an act “harmful to the national interest, or compromising the country’s sovereignty,” a broad term that activists and journalists worried could apply to critical reporting or online campaigns against human rights abuses. Nongovernmental organizations (NGOs) also face increasing pressure under strict laws requiring them to register with the authorities and obtaining approval for receiving foreign funding.⁴ In addition, new cybercrime and antiterrorism laws were proposed that included harsh penalties for broadly worded crimes applicable to online activities, such as setting up websites that could be construed as being related to terrorism.⁵ The antiterrorism law was passed in August 2015, despite fervent criticism from local activists and the international human rights NGOs.

Journalists and social media users continue to be prosecuted for political, social, and religious speech. In April 2015, Abdullah al-Fakharany and Samhi Mustafa, respectively the executive director and co-founder of the news site *Rassd*, were sentenced to life in prison for their coverage of the violent dispersal of a pro-Mohamed Morsi sit-in in August 2013. They were detained during that month for “disturbing the peace,” but a judge later increased the charges to “spreading chaos,” “spreading false information,” and “forming an operations room to direct the Muslim Brotherhood to defy the government.”⁶ At least two users were handed prison sentences for insulting religion online, and LGBT users faced arrests for YouTube videos under the crime of “inciting debauchery.”

Meanwhile, extralegal attacks by angry mobs for religious speech—sometimes with the complicity of local security forces—remains a security concern for ordinary users. In May 2015, 18 members of 5 Christian families were expelled from their homes after one man allegedly published a Facebook post insulting the prophet Mohamed. Finally, confirmation that the government possesses surveil-

1 “Al-Sisi: the internet is a new terrorist threat, and we seek to implement general principles for its use,” *Al Watan*, March 28, 2015, <http://bit.ly/1ODXp8P>

2 “Egypt election: Sisi secures landslide win,” BBC News, May 29, 2014, <http://www.bbc.com/news/world-middle-east-27614776>.

3 David D. Kirkpatrick, “New law in Egypt effectively bans street protests,” *The New York Times*, November 25, 2013, <http://nyti.ms/1EY7Lyj>.

4 David D. Kirkpatrick, “Human Rights Groups in Egypt Brace for Crackdown Under New Law,” December 26, 2014, http://www.nytimes.com/2014/12/27/world/middleeast/human-rights-groups-in-egypt-brace-for-crackdown-under-new-law.html?_r=0.

5 Amira Al Hussaini, “Egypt’s Anti-Terrorism Law to Target Internet,” *Global Voices*, January 31, 2014, <http://bit.ly/1VaZPgS>.

6 “Egypt sentences three journalists to life in prison,” Committee to Protect Journalists, April 11, 2015, <https://cpj.org/2015/04/egypt-sentences-three-journalists-to-life-in-priso.php>.

Egypt

lance malware and the establishment of the “High Council for Cybersecurity” has led to increasing concerns over the government’s security-centered approach to regulating the internet, which flouts human rights standards and is setting the stage for more restrictions on internet freedom in advance of parliamentary elections slated for the end of 2015.

Obstacles to Access

Poor telecommunications infrastructure, frequent power blackouts, and relatively high costs continue to pose obstacles to universal internet access in Egypt. The government’s control over the internet backbone and the dominant ISP dampens market competition and allows the authorities to shut down networks during sensitive political events.

Availability and Ease of Access

The development of Egypt’s information and communications technology (ICT) sector has been a strategic priority since 1999, when former president Hosni Mubarak created the Ministry of Communications and Information Technology (MCIT) to lead Egypt’s transition into the information age.⁷ Since then, ICT use has increased rapidly, with internet penetration growing from 20 percent in 2009 to 32 percent by the end of 2014, according to figures from the International Telecommunication Union.⁸ Mobile internet users via mobile phones or USB modems accounted for roughly 46 percent of all internet use, with ADSL use at around 34 percent. Egypt’s mobile phone penetration rate was 111 percent in January 2015, amounting to over 95 million mobile subscriptions.⁹ Although these figures are promising, there are a number of obstacles hindering access to ICTs, including an adult literacy rate of only 74 percent,¹⁰ poor telecommunications infrastructure in rural areas and urban slums, and flagging economic conditions.

Broadband, though cheaper than in some neighboring countries, is more expensive thanks to a dominant state-owned internet provider. An unlimited 1 Mbps connection costs US\$20 (EGP 140) per month, whereas in Morocco, for instance, a 4 Mbps connection costs US\$12.¹¹ Moreover, most providers implement a cap on high-speed internet, under what has been marketed since 2007 as a “fair use policy.” The fair use policy has been implemented even on supposedly unlimited connections, causing speeds to slow drastically.

Furthermore, the overall poverty of Egyptian households impedes access to broadband internet.¹² Telephone lines are not universal, with large segments of the country unconnected to the landline telephone grid. Even when they are, the phone infrastructure, based on antiquated underground copper lines, frequently does not allow for speeds above 1 Mbps. In the ITU’s ICT Development In-

7 Ministry of Communications and Information Technology (MCIT), “Telecommunications,” Accessed May 14, 2015, <http://bit.ly/1F9U4w6>.

8 “Percentage of Individuals Using the Internet – 2000-2014,” International Telecommunication Union, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

9 MCIT, “ICT Indicators in Brief,” February 2015, <http://bit.ly/1OaNicj>.

10 The World Bank, “Literacy rate, adult total (% of people ages 15 and above),” 2012, <http://bit.ly/1BUA0pA>.

11 Joey Ayoub, “#InternetRevolution: For a Better Internet in Egypt,” Social Media Exchange, March 6, 2014 <http://bit.ly/1K3tUgK>.

12 World Bank, “Egypt, Arab Rep,” <http://data.worldbank.org/country/egypt-arab-republic?display=default>.

Egypt

dex, a composite index which compares developments in ICT across countries, Egypt ranked 89th out of 166 countries in 2013, two steps back from the previous year.¹³

Restrictions on Connectivity

The Egyptian government has centralized internet infrastructure and fiber-optic cables into highly controllable “chokepoints.”¹⁴ In addition, virtually all of Egypt’s telecommunications infrastructure is owned by Telecom Egypt, a state-owned company. The arrangement makes it easy to suspend internet access or decrease speeds, as was the case during the 2011 revolution. From January 27 to February 2, 2011,¹⁵ authorities disabled the country’s Border Gateway Protocol Routes, shutting down all internet traffic in less than one hour.¹⁶ Telecommunications companies were then ordered to cut mobile internet and text-messaging services under the terms of strict agreements they had signed with regulators. At the time, state intelligence agencies claimed that “foreign intelligence [was] using communication technologies to plan terrorist actions.”¹⁷

ICT Market

The Egyptian mobile phone market is divided between three companies. Mobinil, founded by construction magnate Naguib Sawiris, is now 99-percent owned by the French company Orange. The company had over 33 million subscribers by end of 2014. Vodafone Egypt, around 55 percent of which is owned by Vodafone, had over 39 million subscribers. Finally, Etisalat Misr, of which the UAE company Etisalat (UAE) owns 66 percent, had 22 million subscribers.¹⁸ The state-owned company, Telecom Egypt, obtained a license for a new mobile telephone company in April 2014 but has yet to launch service. In the fixed-broadband market, Telecom Egypt (under the banner TE Data) controls 63 percent of the ADSL market.¹⁹ Egypt’s main ISPs, also known as Class A ISPs (Etisalat Egypt, LINK-dotNET, Vodafone data) lease lines from TE Data and resell bandwidth to over 200 smaller ISPs.

Regulatory Bodies

Mobile service providers and ISPs are regulated by the National Telecommunications Regulatory Authority (NTRA) and governed by the 2003 Telecommunication Regulation Law. The NTRA’s board is chaired by the ICT minister and includes representatives from the defense, finance, and interior ministries; the state security council; the presidency; workers’ unions; as well as public figures, experts, and other military figures.²⁰ Officially, the NTRA is responsible for regulating the telecommunications industry²¹ and furthering ICT development through projects like the “eMisr” National Broadband

13 International Telecommunication Union, *Measuring the Information Society Report 2014*, 2014, <http://bit.ly/1FI0BfF>.

14 James Glanz and John Markoff, “Egypt Leaders Found ‘Off’ Switch for Internet,” *The New York Times*, February 15, 2011, <http://nyti.ms/nTX2HK>.

15 Erica Chenoweth, “Backfire in the Arab Spring,” Middle East Institute, September 1, 2011, <http://bit.ly/1W8Refh>.

16 Iljitsch van Beijnum, “How Egypt did (and your government could) shut down the internet,” *Ars Technica*, January 30, 2011, <http://bit.ly/1i2l5qS>.

17 Ameera Fouad, “Saying no to mobile phones,” *Ahram Online*, February 2-8, 2012, <http://bit.ly/1NfDWi>.

18 Mohamed Alaa, “Mobile clients grow in December, Mobinil biggest winner,” *Daily News Egypt*, March 2, 2015. <http://bit.ly/1EWMa3M>.

19 International Telecommunication Union, “Telecom Egypt Data S.A.E. (TE Data),” accessed July 2015, <http://bit.ly/1MmT7TF>.

20 National Telecom Regulatory Authority, “Board Members,” accessed April 16, 2013, <http://bit.ly/1Lcl2TJ>.

21 National Telecom Regulatory Authority, “NTRA Function and Role,” accessed April 16, 2013, <http://bit.ly/1URa4oH>.

Egypt

Plan outlined in late 2011.²² The NTRA also conducts analysis of the telecommunication market and publishes research to encourage investment. However, there have been some reports revealing the NTRA's ties to online control and surveillance activities. Through its control of the mobile subscriber database, it has been accused of monitoring mobile and social media applications.²³

Limits on Content

*Authorities in Egypt do not engage in blocking or filtering of online content, and news sites are rarely contacted by the government to remove content. Access to social media is freely available and the use of services such as Facebook, Twitter, and YouTube remains widespread. However, self-censorship is increasingly pervasive, even among online journalists. Political turmoil in the country has created a highly polarized environment in which individuals are less comfortable expressing their opinions online. Recent laws criminalizing online activities and heavy jail sentences against online journalists affiliated with the Muslim Brotherhood have had a chilling effect on independent reporting and digital activism.*²⁴

Blocking and Filtering

Egypt does not block access to political, social, or religious content online. YouTube, Facebook, Twitter and blog-hosting services are freely available. Lawsuits to ban pornography or social media platforms have taken place over the past years, with mixed success. In March 2015, during the government-organized "Egypt Economic Development Conference" (EEDC) in Sharm el Sheikh, the website of Human Rights Watch was reportedly blocked within the conference premises. Access was reestablished after a journalist tweeted about it.²⁵

A new cybercrime bill, approved by the Council of Ministers in April 2015 and awaiting the president's signature as of October 2015, would create new legal requirements for internet service providers. Under article 19, the police and public prosecutor would be able to submit a request to block websites containing "quotes numbers, photos, videos, and any other material" deemed a threat to national security.²⁶ A court would have to rule on the request within 24 hours. Police may also bypass the court order in "cases of emergency." Internet providers refusing to implement a blocking ruling will be punished by a jail sentence of no less than three years and a fine ranging from USD 80,000 to USD 160,000; however if that refusal to block a website leads to "the death of one or more persons, or damage to national security," the sentence will be life imprisonment and a fine of USD 450,000 to USD 3 million.²⁷

Egyptian courts have consistently ruled to ban pornographic websites.²⁸ Rulings by administrative

22 National Telecom Regulatory Authority and MCIT, "eMisr National Broadband Plan," 2011, <http://bit.ly/1Jfca17>.

23 Ahmed El Bermawy, "NTRA deny monitoring social media and SMS," [in Arabic] *Masress*, January 20, 2013, <http://bit.ly/1KihDid>.

24 Mohamed El Dahshan and Rayna Stamboliyska, *Egypt: News Websites and Alternative Voices*, Article 19 and Heliopolis Institute, (London: Free World Centre, 2014) <http://bit.ly/1KramwE>.

25 Amira Al Hussaini, "Human Rights Watch Website Temporarily Blocked at Egypt the Future Conference," *Global Voices Advocacy*, March 16, 2015, <http://bit.ly/1V0RAaB/>.

26 Ragab Saad, "Opinion: Egypt's cybercrime bill poses a threat to freedom of expression," *CS Monitor*, April 29, 2015, <http://www.csmonitor.com/World/Passcode/Passcode-Voices/2015/0429/Opinion-Egypt-s-cybercrime-bill-poses-threat-to-freedom-of-expression>.

27 "Al-Sherouk publishes the text of the draft cybercrime law," [in Arabic], *Al-Sherouk*, 16 April 2015, <http://bit.ly/1Y3RHB7>.

28 "Egypt's court orders ban on porn websites," *Ahram Online*, May 20, 2015, <http://bit.ly/1Oqs61j>.

Egypt

courts in 2015 and 2009 were not implemented; a separate court case from 2013 decided against a ban on online pornography.²⁹ Previously, the ban was estimated to cost as much as EGP 100 million (USD 14 million),³⁰ with a significant effect on internet speeds. Civil society organizations have objected to the threat of a ban, both on grounds of freedom of expression but also because of the high expense. Nevertheless, several ISPs have implemented the court's decision on a voluntarily basis, offering a "safe internet service" to subscribers.

In May 2014, a lawyer pressed charges against the prime minister and the minister of telecommunications to demand that Facebook be banned, arguing that the website is used to spread immorality, rumors, and falsified news detrimental to the state. Given how easy it is to create an account, the lawsuit adds, it is possible to create pages falsely representing state agencies, such as Egypt's General Intelligence and the Supreme Council for Armed Forces, or public officials. In response, the State Litigation Authority stated that blocking Facebook would impede on citizens' constitutional rights, pointing that millions use the website to share photos and express their opinions. It also added that even Saudi Arabia has not blocked the website. A ruling was due for mid-2015.³¹

Voice over Internet Protocol (VoIP) services are not restricted, even though it is technically prohibited to make international calls from mobile networks under Article 72 of the Telecommunications Law, which forbids the "by-passing [of] international telephone calls by any means whatsoever."³² Thus, VoIP calls through services such as Skype and Viber can only officially be placed over fixed-line or Wi-Fi networks, not through 3G.³³ The debate over VoIP flared up in June 2013 after the National Telecommunications Regulatory Authority (NTRA) announced the establishment of a committee to "monitor" communications on free messaging apps WhatsApp and Viber, pending a potential decision to block or restrict them. The NTRA's declaration said that the rationale was economic,³⁴ though political and security motives cannot be discounted given how regularly the fact that Viber was originally developed by an Israeli company was mentioned in the press. The committee never issued a recommendation on the subject. On November 3, 2013, responding to one newspaper's allegations, the NTRA denied that it was considering imposing charges for Viber, WhatsApp, and BlackBerry Messenger use.³⁵

Content Removal

Instances of direct government pressure on news sites to remove content are rare, but online journalists did report receiving a directive to refrain from reporting on an event in August 2014. A public prosecutor reportedly issued a gag order targeting news websites regarding the killing of four people by the police on the northern Alamein desert highway. This was the first instance of a media gag order that applied to online media alongside print.³⁶

29 "Egypt prosecutor orders Internet porn ban," *Daily News Egypt*, November 8, 2012, <http://bit.ly/1KihwTP>.

30 "New case on banning porn websites in Egypt adjourned," *Ahram Online*, June 1, 2013, <http://bit.ly/1Oqs61j>.

31 "Ruling in the Facebook blocking lawsuit" on July 2nd, [in Arabic] *Al Masry al Youm*, May 3, 2015, <http://bit.ly/1EYaLdX>.

32 Telecommunication Regulation Law No. 10 of February 2003, www.tra.gov.eg/uploads/law/law_en.pdf.

33 "Egypt banks VoIP services from operators such as Skype," *BBC News*, March 24, 2010, <http://bbc.in/1V0pZkD>.

34 "Egypt considers banning Viber, WhatsApp," *Ahram Online*, June 8, 2013, <http://bit.ly/1KO112u>.

35 "NTRA: Viber, WhatsApp, BBM are free and cannot be priced," *Al Masry al Youm*, November 3, 2013, <http://bit.ly/1KaMFeZ>.

36 Mohamed El Dahshan and Rayna Stamboliyska, *Egypt: News Websites and Alternative Voices*, Article 19 and Heliopolis Institute, 2014, <http://www.article19.org/data/files/medialibrary/37780/Egypt-Report-for-Web.pdf>.

Media, Diversity, and Content Manipulation

Self-censorship is on the rise in the country. At a time when traditional media is suffering from what several independent newspaper editors have referred to as unseen level of homogeneity, online media is also struggling to maintain its independence.³⁷ A survey by researchers at Northwestern University in Qatar found that only 25 percent of Egyptians agreed in 2015 that “The media can report the news independently without interference from officials,” down from 27 percent in 2013. Egypt ranked lower than Lebanon, Qatar, Saudi Arabia, Tunisia, and the UAE. Similarly, the amount of people who agreed “It is okay to express unpopular ideas on the internet” fell from 48 to 45 percent.³⁸ However, it did not appear that surveillance was having an effect on self-censorship, as the number of Egyptian individuals worried about government monitoring fell from 29 to 26 percent, the lowest figure of the six countries surveyed.

Online journalists have complained that while the state does not often exert pressure on news websites to censor, self-censorship is rife. Many are reluctant to cross redlines on sensitive topics, which include sectarian tensions, sexual liberty, the Muslim Brotherhood, detainees, and the military’s outsized role in the national economy. A provision in the August 2015 antiterrorism law criminalizes the publication of any information regarding militant attacks that contradicts official government statements, punishable by two years in prison.³⁹ Those working for English-language outlets enjoy greater editorial freedom, while Arabic-language reporters fear that critical reports will affect their long-term professional prospects. Many experience online harassment from paid commentators. Those working for outlets affiliated with the Muslim Brotherhood face heavy prison sentences and can be accused of supporting a terrorist organization.⁴⁰

The Egyptian blogosphere has lost much of its vitality over the past few years. Attacks against bloggers have had a chilling effect; the increased popularity of Facebook and Twitter in the aftermath of the 2011 revolution has also led many key writers to focus their attention and content creation there. Registering a local .eg domain requires the submission of personal data and copies of a national ID, as well as a commercial registry for top level domains. Online websites are not recognized by the state as news outlets, unless connected to a print newspaper, making it tough to gain access to sources or fact-check information with officials. The Egyptian president has met occasionally with the editors-in-chief of the main news outlets, often admonishing them for not towing the line.

The economic viability of independent news websites is constantly under threat, as exemplified by the string of closures and financial difficulties experienced by most. The landscape is dominated by the online versions of state-owned newspapers or those benefiting from the backing of government-connected financiers.⁴¹ The most widely read news outlets, per the most recent Alexa ranking, are primarily tabloids and news portals aligned with the government.⁴²

37 Mohamed El Dahshan and Rayna Stamboliyska, *Egypt: News Websites and Alternative Voices*, Article 19 and Heliopolis Institute, (London: Free World Centre, 2014) <http://bit.ly/1KramwE>.

38 Northwestern University in Qatar, “Media Use in the Middle East, 2015 - A six-nation survey”, April 2015, <http://bit.ly/1Y41J5f>.

39 “Draft Terrorism Law (full text),” [in Arabic] *Al Masry Al Youm*, July 4, 2015, www.almasryalyoum.com/news/details/768074.

40 Mohamed El Dahshan and Rayna Stamboliyska, *Egypt: News Websites and Alternative Voices*, Article 19 and Heliopolis Institute, (London: Free World Centre, 2014) <http://bit.ly/1KramwE>.

41 Leslie T Chang, “The news website that’s keeping press freedom alive in Egypt,” *The Guardian*, January 27, 2015, <http://bit.ly/1BuOn6k>.

42 Alexa, “Top Sites in Egypt,” accessed May 17, 2015, <http://www.alexa.com/topsites/countries/EG>.

Egypt

Digital Activism

Digital activism and political organizing have been largely subdued over the past year due to fears of arrest, harsh jail sentences, and even murder by police forces while attending protests. A November 2013 law has effectively banned protest and given free rein to police in cracking down on demonstrations.⁴³ Given the strong overlap of online and offline activism, especially for political activists, the chilling effect and the overall political disappointments that many have endured since 2011 have led to a decrease in political engagement, both on the streets and in writing. For instance, the website WikiThawra, the most reliable resource tracking numbers of imprisoned protesters, stopped operating in mid-2014, largely due its organizers' disappointment in the current political situation.⁴⁴

Violations of User Rights

While the Constitution formally guarantees freedom of speech, several new laws are threatening the expression of free ideas, both in the personal and the professional realm, with severe sentences. New cybercrime and antiterrorism laws were considered over the coverage period, with the latter passed in August 2015. Both laws include harsh penalties for online activities, which activists and observers warn could be used to prosecute dissidents and opposition political parties. Several users have been prosecuted over the coverage period for laws related to spreading chaos, insulting religion, or inciting debauchery. The monitoring of cyberspace by the authorities remains a high concern, and many worry that the establishment of a new High Council for Cybersecurity may lead to an increase in state surveillance against political opponents.

Legal Environment

The constitution, in effect since January 18, 2014,⁴⁵ contains articles that address and nominally guarantee freedom of the press, stating that Egyptians "have the right to own and issue newspapers and establish visual, audio and digital media outlets." According to Article 70, "the law shall regulate ownership and establishment procedures for visual and radio broadcast stations in addition to online newspapers." This wording implies that even online sources of information could be regulated and their owners may be required to seek government approval in order to operate, as is currently the case with newspapers. Article 71 states that censorship is forbidden "in any way" and no individuals should be punished for publications. However, exceptions are made for "times of war or general mobilization," with crimes delineated for "incitement to violence," "discrimination amongst citizens, or impugning the honor of individuals."⁴⁶

Article 211 outlines the establishment of a "National Media Council" tasked with regulating "the af-

43 David D. Kirkpatrick, "New law in Egypt effectively bans street protests," *The New York Times*, November 25, 2013, <http://nyti.ms/1EY7Lyi>.

44 Thomas Hughes and Emad Mubarak, "Censorship in Egypt: Online and offline," *Mada Masr*, November 30, 2014, <http://bit.ly/1P0Jrju>.

45 Draft Constitution of The Arab Republic of Egypt, December 2, 2013, Trans. by International IDEA, <http://bit.ly/1eLPdiF>.

46 The full text reads, "It is prohibited to censor, confiscate, suspend or shut down Egyptian newspapers and media outlets in any way. Exception may be made for limited censorship in time of war or general mobilization. No custodial sanction shall be imposed for crimes committed by way of publication or the public nature thereof. Punishments for crimes connected with incitement to violence or discrimination amongst citizens, or impugning the honor of individuals are specified by law."; Miriam Rizk and Osman El Sharnoubi, "Egypt's constitution 2013 vs. 2012: A comparison," *Ahram Online*, December 12, 2013, <http://bit.ly/1boZjtj>.

Egypt

fairs of radio, television, and printed and digital press, among others" (Article 211) and ensuring that the press maintains a commitment to "professional and ethical standards, as well as national security needs." Furthermore, Article 57 states that private communications "may only be confiscated, examined or monitored by causal judicial order, for a limited period of time, and in cases specified by the law." Judicial warrants are needed in order to enter, search, monitor, private property such as homes as specified in Article 58. However the constitution continues to permit the trial of civilians under military courts, to the anger of political activists.⁴⁷ Most of those trials occur outside of the capital and away from the public eye.

During the coverage period, two legislative proposals posed a grave threat to internet freedom in the country: the antiterrorism bill, first proposed in late 2013,⁴⁸ and the cybercrime law. The anti-terrorism legislation classifies a larger number of crimes as terrorism and provides for the establishment of a "Terrorism Prosecutor's Office," which would likely be subject to fewer checks and appeal provisions than normal courts. One provision would allow the police to monitor internet traffic and social media activity to "prevent their use for terrorist purposes."⁴⁹ Furthermore, Article 27 calls for a minimum sentence of five years in prison for "setting up a website with the goal of promoting ideas or beliefs inciting to the use of violence, broadcasting information to mislead the police or judicial authorities on terrorism cases, or exchanging messages and issuing orders between terrorist groups or organizations."⁵⁰ Setting up a group with the intention of "advocating by any means the obstruction of provisions of the constitution or laws" is punishable by life imprisonment or the death penalty, a charge that, activists pointed out, could apply to any peaceful political party or advocacy group.⁵¹ Finally, journalists face heavy fines for disputing official accounts of attacks by militants.

The antiterrorism bill was initially tabled for changes after coming under heavy criticism from the international community;⁵² however, the assassination of Prosecutor General Hisham Barakat on June 29, 2015 resulted in the draft being approved by the cabinet in one week⁵³ and ratified by the president in August 2015.⁵⁴ Previously, President el-Sisi issued a separate law in February 2015 broadening the definition of "terrorist entities" to include anyone who threatens public order "by any means," and allowing the state to draw up lists of alleged terrorists or terrorist organizations.⁵⁵ The law was met with wide skepticism from legal and rights activists, who criticized that the loose wording of the law could allow the state to consider political parties, student unions, political movements, and human rights organizations as terrorist organizations.⁵⁶

A new cybercrime law was approved by the Council of Ministers in April 2015 and awaits ratification by the president. The harbinger of this law was the 2014 constitution itself, which stated in article 34

47 "Egypt panel approves 'conditional military trials of civilians,'" *Ahram Online*, November 21, 2013, <http://bit.ly/1EY7StE>.

48 "Draft Terrorism Law (full text)," [in Arabic], *Al Masry Al Youm*.

49 Al Hussaini, "Egypt's Anti-Terrorism Law to Target Internet."

50 Ibid.

51 Cairo Institute for Human Rights Studies, "Egypt's draft anti-terrorism laws constitute greatest threat to civil liberties in 37 years," IFEX, April 30, 2014, <http://bit.ly/1KraMDe>.

52 José Gonzalez, "Egyptian draft anti-terror laws pose a threat to freedom of expression," Canadian Journalists for Free Expression, May 5, 2014, <https://cjfe.org/resources/features/egyptian-draft-anti-terror-laws-pose-threat-free-expression>; Erin Cunningham, "Egyptian draft laws to widen 'terror' definition drawing fierce criticism," *The Washington Post*, April 22, 2014, <http://wapo.st/1QAuyBA>.

53 Mai El-Sadany, "Yet Another Terrorism Law," The Tahrir Institute for Middle East Policy, July 6, 2015, <http://bit.ly/1KO98Cb>.

54 "Egypt's al-Sisi imposes strict anti-terrorism laws," BBC News, August 17, 2015, <http://www.bbc.com/news/world-middle-east-33955894>.

55 Sarah El Deeb, "Egyptian president issues new anti-terrorism law," *Yahoo News*, 24 February 2015, <http://yhoo.it/1Kid3k9>.

56 Enas Hammad, "Egypt's terrorism law whittles down opposition," *Al Monitor*, March 2, 2015, <http://bit.ly/1KIYSig>.

Egypt

that “The security of cyberspace is an integral part of the economic system and national security. The State shall take the necessary measures to preserve it, as regulated by Law,” which led free speech activists at the time to warn of a potential crackdown on online freedom of expression. The draft law criminalizes insulting citizens or the state on the internet or on social media, as well as falsely attributing a website or email to someone else. It will also be used to combat incitement, terrorism, religious intimidation, and the use of personal photos and videos for blackmail. It allows law enforcement agencies to submit requests to block websites they deem to be a threat to “national security,” which has traditionally been used as an excuse to enforce censorship on political opponents, journalists, and activists. Article 98f of the law could also be used to prosecute dissenting political voices and human rights defenders on vague charges such as publishing news, information, or false rumors, if found to disturb public security, insult the president, mock monotheistic religions, or harm national unity or social peace. Penalties included in the draft law go up to life imprisonment without parole.⁵⁷

Prosecutions and Detentions for Online Activities

Egyptians continue to face stark penalties for their online activities. The most concerning development over the past year was the sentencing of two online journalists to life imprisonment. At least two other users were given prison sentences for Facebook comments deemed to insult religion. Egypt’s LGBT community is also increasingly harassed by the police, including through the use of fake online dating profiles to entrap and arrest individuals for the crime of “debauchery.” Finally, well known activist and blogger, Alaa Abdel Fattah, was sentenced to five years in prison for allegedly organizing a protest and assaulting a police officer in 2013 in a trial that many believe is politically motivated.

On April 11, 2015, a court in Cairo sentenced Abdullah al-Fakharany and Samhi Mustafa, respectively the executive director and cofounder of the news website *Rassd*, to life imprisonment. Mohamed al-Adly of the television station Ambad TV received the same sentence. The three had been held since August 25, 2013, when they were arrested after the dispersal of the pro-Mohamed Morsi sit-in at Rabaa Al-Adaweya square in Cairo. They were originally charged with “disturbing the peace,” but in February 2014 the General Prosecutor increased the charges to “spreading chaos” and “spreading false information” in the coverage of the dispersal.⁵⁸ They were also charged with “forming an operations room to direct the Muslim Brotherhood to defy the government,” linking the news outlet to the Brotherhood, which has been banned as a terrorist organization.⁵⁹ The trial took place before one of nine circuits allocated by the court of appeals to hear cases related to terrorism cases and those affecting “national unity and peace.”⁶⁰

Numerous users were prosecuted for religious statements made online. On January 10, 2015, Karim Al-Banna was handed a three-year sentence on charges of “contempt of Islam and insulting the divine.” Al-Banna had declared his atheism on his Facebook page and was publicly harassed. He had

57 Ragab Saad, “Egypt’s Draft Cybercrime Law Undermines Freedom of Expression”, Atlantic Council, April 24, 2015, <http://bit.ly/1Eofymg>; For a near-complete copy of the draft law, see, “Al-Sherouk publishes the text of the draft cybercrime law,” [in Arabic] *Al-Sherouk Newspaper*, April 16, 2015, <http://bit.ly/1Y3RHB7>.

58 Committee to Protect Journalists, “Egypt sentences three journalists to life in prison,” April 11, 2015, <http://cpj.org/x/5ff0>.

59 “Egypt sentences three journalists to life in prison,” Committee to Protect Journalists, April 11, 2015, <https://cpj.org/2015/04/egypt-sentences-three-journalists-to-life-in-priso.php>.

60 Human Rights Watch, “Egypt: Scant Evidence for Mass Convictions,” April 19, 2015, <http://bit.ly/1QAs322>.

Egypt

been arrested in November 2014 while filing a police report related to the harassment he faced.⁶¹ After being released on bail pending appeal, he did not attend his retrial and is reportedly in hiding.⁶²

On February 16, 2015, Suez Canal University student Sherif Gaber was given a one-year sentence for contempt of religion on campus and atheist statements online. Following an argument with a professor in class, the professor printed and distributed posts from Gaber's Facebook page where he discussed religion. He was reported by staff and students to the president of the university, who filed a legal complaint against him. Later, he was arrested from his home and reported having been subjected to torture while in custody.⁶³

The coverage period has also witnessed a renewed attack on the Egyptian LGBT community, both online and offline. In March 2015, it was reported that the police had arrested seven individuals believed to be transgender for the crime of debauchery, after using fake online dating profiles to organize a meetup.⁶⁴ In September 2014, gay dating app Grindr disabled a geolocation feature in Egypt and displayed pop-up messages warning its Egypt-based users that the police was using the app to organize sting operations against LGBT users, urging them to be careful when sharing personal data and location.⁶⁵

On December 28, 2014, a 25-year-old transgender woman going by the nickname of Malooka Aldlouah was arrested along with another individual living with Aldlouah. Police stated that she came to their attention through YouTube videos showing her dancing, even though new videos had not been posted for over a year. The arrest has been wildly publicized with tabloids calling Adlouah, "The Most Dangerous Shemale in Egypt," and the ringleader of a homosexual prostitution network.⁶⁶

Adlouah was not the only one arrested for a YouTube video. On May 25, 2015, belly dancer Reda El-Fouly was arrested and referred to a misdemeanor court on charges of "inciting debauchery and immorality" after appearing in a racy low-budget video clip uploaded to the internet. Her boyfriend Wael El-Sedeky, who appears in the clip and directed it, was also charged but remains out of the country.⁶⁷

Finally, the legal harassment of Alaa Abdel Fattah, a prominent blogger and leading figure in the 2011 revolution, continues. On February 23, 2015, Abdel Fattah was sentenced, along with 24 other defendants, to prison for five years for a brief protest on November 26, 2013 against newly passed legislation that criminalized assembly and protests without government permission. Two days after the protest was dispersed with teargas and water cannons, police raided Abdel Fattah's house, assaulted him and his wife, and arrested him. Abdel Fattah was accused of organizing the protest on Twitter.⁶⁸ The trial was highly politicized. After his original arrest and subsequent release for retrial, he and another defendant were barred entry to the court proceedings during which they were sen-

61 Emir Nader, "Egyptian court sentences man to 3 years in prison following declaration of atheism," *Daily News Egypt*, January 11, 2015, <http://bit.ly/1Y3Qf1O>.

62 Emir Nader, "Student in hiding after prison sentence for atheism," *Daily News Egypt*, March 14, 2015, <http://bit.ly/1OQsWm2>.

63 Emir Nader, "Egyptian student given prison sentence for atheist Facebook posts," *Daily News Egypt*, February 17, 2015, <http://bit.ly/1MwvZQD>.

64 Kashmira Gander, "Egyptian police arrest seven in 'transsexual' string," *Independent*, March 6, 2015, <http://bit.ly/1iq0wVU>.

65 Joana Saba, "Grindr warns Egyptian LGBT users of possibility of arrest," *Daily News Egypt*, September 27, 2014, <http://bit.ly/1QcFK6o>.

66 J. Lester Feder and Maged Atef, "25-Year-Old Trans Woman Is Latest Target Of Egyptian LGBT Crackdown," *Buzzfeed*, December 29, 2014, <http://bzfd.it/1KatYrI>.

67 "Egypt prosecution charges video dancer with 'debauchery,'" *Ahram Online*, May 25, 2015, <http://bit.ly/1gmmoj4>.

68 "Alaa Abdel Fattah: Egypt jails activist-blogger for five years," *BBC News*, February 23, 2015, <http://bbc.in/17MgxII>.

Egypt

tenced (in absentia) to 15 years in prison; they were then arrested from outside of the courthouse.⁶⁹ Alaa is currently in a high-security prison.

Surveillance, Privacy, and Anonymity

Surveillance and monitoring are a wide concern in the country, given the tense environment in which numerous users have been arrested for their online activities. On June 1, 2014, *al-Watan* published a leaked document that revealed the Egyptian Ministry of Interior was looking to purchase technology to conduct real-time monitoring of social media and communication apps such as Facebook, Twitter, Viber, and WhatsApp.⁷⁰ In a “call for tenders” document, the government requested a Social Networks Security Hazard Monitoring System to penetrate public and private communications in order to monitor for a long list of ‘hazards’ and ‘destructive ideas’ online. The list was broad and included things such as “calling for normalizing relations with enemies,” “spreading myths and claims of miracles,” “spreading rumors and intention misrepresentation of facts,” and “pornography, looseness, and immorality.”⁷¹ A coalition of human rights organizations filed a lawsuit in June 2014 to call for a halt to the tender.⁷² It was later reported that “SEE Egypt,” a reseller of Blue Coat technology in Egypt, had been contracted to provide the monitoring tools.⁷³ The company reportedly listed the ministries of interior and defense as its clients,⁷⁴ which it subsequently denied, though news articles reported quotes from an official press release posted to its homepage.⁷⁵ The company removed its website altogether for several days.⁷⁶

Egypt is known to already possess sophisticated surveillance tools. In February 2014, researchers from the University of Toronto’s Citizen Lab identified the Egyptian government as a user of “Remote Control System” (RCS), a spyware technology.⁷⁷ Produced by the Milan-based company “Hacking Team,” RCS is marketed as “the hacking suite for governmental interception” and can capture data on the target’s computer; monitor encrypted internet communications; record Skype calls, emails, messages, and passwords typed into a browser; and remotely turn on a device’s webcam and microphone. RCS operates by infecting a target’s device, most likely through phishing; data stolen is transferred through multiple ‘hops’ to anonymize the packets and distance the spying government. Researchers identified Egypt-based endpoints for the reception of data channeled by RCS, indicating it was operational under the current military-led regime. In July 2015, a leak of Hacking Team documents confirmed this, with invoices showing that the Egyptian Ministry of Defense, and possibly

69 Patrick Kingsley, “Egyptian activist Alaa Abd El Fattah jailed for organising protest,” *The Guardian*, June 11, 2014, <http://bit.ly/1rwHfRk>.

70 Patrick Kingsley, “Egypt’s police seek ability to monitor social media for signs of dissent,” *The Guardian*, June 2, 2014, <http://bit.ly/1tBXAna>.

71 According to an unofficial English translation, the list also includes “blasphemy and skepticism in religions; regional, religious, racial, and class divisions; throwing accusations; libel; insulting sarcasm; calls for the disregard of societal pillars; encouraging extremism, violence and dissent; mobilizing for demonstrations, sit-ins and illegal strikes; educating about making explosives as well assault, chaos and riot tactics; fishing for honest mistakes, stalking intimacies; and taking statements out of context”. For the full text of the tender, see <http://www.elwatannews.com/news/details/495659> [in Arabic]; Ministry of Interior, *Social Networks Security Hazard Monitoring Project Booklet*, <http://bit.ly/1NzJt7>.

72 Association for Freedom of Thought and Expression, “Administrative court lawsuit to stop social media surveillance,” June 19, 2014, <http://afteegypt.org/uncategorized-en/2014/06/19/7953-afteegypt.html?lang=en>.

73 Sheera Frenkel and Maged Atef, “Exclusive: Egypt beings surveillance of Facebook, Twitter, and Skype on unprecedented scale,” *BuzzFeed*, September 17, 2014, <http://bzfd.it/1KxkLLI>.

74 SEEgypt, “SEE Customers...,” www.seegypt.com/selected%20customers.asp.

75 See cached version of Seegypt press release, September 18, 2014, <http://bit.ly/1Ln5IF9>.

76 Scott Long, “Meet the Businessmen Who Want Egypt’s Internet Users Jailed, Tortured, and Killed,” *A Paper Bird* (blog), September 25, 2014, <http://paper-bird.net/2014/09/25/meet-the-businessmen/>.

77 Bill Marczak, et al., “Mapping Hacking Team’s ‘Untraceable’ Software,” Citizen Lab, February 17, 2014, <http://bit.ly/1kPD00Y>.

Egypt

other institutions, paid EUR 737,500 (\$845,000) to the company through a third-party intermediary.⁷⁸ Previously, protestors who broke into one of Egypt's intelligence agencies found documents showing that the government had received surveillance and hacking products from Gamma and Narus, a subsidiary of Boeing.⁷⁹ There is no independent oversight authority to monitor the use of internet surveillance by the police.

Several regulations on SIM card registration or the use of anonymizers restrict the ability of Egyptians to use the internet anonymously. Mobile phone customers must provide their National ID numbers to their providers. On July 20, 2014, the NTRA issued additional guidelines compelling mobile companies to ensure their customers register, promising stricter oversight and a review of mobile operators' databases to ensure compliance. Consequently, during the course of 2014, operators directed to present themselves in person to a company outlet to review their data. The Cairo Chamber of Commerce has suggested that a main cause for the laxity in registration has been due to actions of resellers, whom mobile operators provide with unregistered lines and subsequently fail to oversee. This had led vendors to complete paperwork with fake names and ID numbers, or with the data of previous clients. The issue took an additional sense of urgency with the growing use of mobile-detonated explosives in Egypt over the past year.⁸⁰ On January 27, 2015, the Cairo Court for Urgent Matters ruled that unregistered lines should be suspended.⁸¹ The Court of Appeals confirmed this ruling on April 27.⁸²

Encryption is also restricted within the country. According to the Egyptian Telecommunications Law, "telecommunication services operators, providers, their employees and Users of such services shall not use any Telecommunication Services encryption equipment except after obtaining a written consent from each of the NTRA, the Armed Forces and National Security Entities, and this shall not apply to encryption equipment of radio and television broadcasting."⁸³

Cooperation between private companies and the government in handing over user data is thought to be extensive. ISPs and mobile operators are obliged to maintain a database of their customers and allow government access to their databases. In the past, details emerged that mobile operators Vodafone, Mobinil, and Etisalat had to sign terms of agreement that bound them to cooperate with government officials when requested to tap any conversation or monitor any discussion. In an interview, Mobinil founder Naguib Sawiris stated that under the company's terms of agreement, the government had the right to cancel any or all mobile services in the absence of cooperation.⁸⁴

78 Emir Nader, "Egypt's purchase of hacking software documented in new leaks," *Daily News Egypt*, July 6, 2015, <http://bit.ly/1J1X35m>.

79 Evgeny Morozov, "Political Repression 2.0," *The New York Times*, September 1, 2011, <http://nyti.ms/1VXH9lf>; Karen McVeigh, "British firm offered spying software to Egyptian regime – documents," *The Guardian*, April 28, 2011, <http://bit.ly/1LcwvDQ>.

80 "Mobile Branch: Lines' fake data are the cause of terrorist explosions," [in Arabic] *Youm 7*, April 20, 2015, <http://bit.ly/1M6IS2S>.

81 "The economic court rules to prevent and suspend non-registered mobile lines," [in Arabic] *Al Borsa*, January 27, 2015, <http://bit.ly/1M6IFgi/>.

82 "Court of appeals confirms the ruling on forbidding the sale of unregistered mobile lines," [in Arabic] *Al Shorouk*, April 28, 2015, <http://bit.ly/1EXWo9u>.

83 Telecommunication Regulation Law No. 10.

84 Stephanie Baker and Mahmoud Kassem, "Billionaire Facing Death Threats Says Egypt Risks Becoming Iran," *Bloomberg Markets* (blog), *Bloomberg Business*, October 26, 2011, <http://bloom.bg/rXPGQE>.

Intimidation and Violence

In a continuing trend, this year saw several sectarian attacks in retribution for Facebook posts deemed to insult religion. The perpetrators of this type of violence are rarely held accountable, with the police or judiciary turning a blind eye and sometimes targeting victims rather than aggressors. In late May 2015, 18 members of 5 Christian families from a village in Upper Egypt were expelled from their homes after one man allegedly published a Facebook post insulting the prophet Mohamed. Groups of villagers gathered outside their houses and demanded they leave the village, all under the approval of security forces. According to the TV presenter who broke the story nationally, the man accused of writing the post is in fact illiterate.⁸⁵

Technical Attacks

Technical violence is not widespread, with only a few instance of hacking and defacement reported during the past year. In April 2015, hacker forums reported that some minor Egyptian government websites had been defaced, with the photo of former president Morsi posted on the homepage.⁸⁶ In March 2015, it was uncovered that an Egyptian intermediate certificate authority had issued unauthorized digital certificates for several Google domains, allowing it to potentially act as a “man-in-the-middle.”⁸⁷ The company, MCS Holdings, had issued the certificates from CNNIC (the Chinese Internet Network Information Center), under the pretense—according to the latter—that they would only be issued for domains held by MCS.⁸⁸ Upon discovery, Google blocked the certificates with a CRLSet push, an emergency failsafe measure designed to revoke unauthorized certificates. MCS, which defines itself as “one of the major security products distributors in Egypt and the Middle East” issued a statement saying it was a “human mistake.”⁸⁹ Google noted that there was “no indication of abuse” and that it was “considering what further actions are appropriate.”

In December 2014, Egypt established the High Council for Cybersecurity (HCC) to protect vital national infrastructure from cyberattacks. The HCC is mainly composed of representatives from various ministries, the central bank, and the intelligence service, and is headed by the minister of communications and information technology. Reports of hacking were very prominent in 2013, with the websites of *Rassd* and the April 6th Youth Movement attacked. Some activists have expressed concerns that the HCC could be used to monitor the political activities of government critics, particularly since its by-laws have yet to be established.⁹⁰

85 “Host: 5 Christian families forced from homes over after member accused of insulting Prophet Mohamed,” *Egypt Independent*, June 1, 2015, <http://bit.ly/1FlnhUP>.

86 “Hacker Armies” discussion forum, <http://www.aljyosh.com/vb/showthread.php?t=54299>.

87 Joel Hruska, “Google discovers new security holes in SSL — is the entire system fundamentally flawed?” *ExtremeTech*, March 24, 2015, <http://bit.ly/1M6ErW2>.

88 “Maintaining digital certificate security,” *Google Online Security Blog*, March 23, 2015, <http://bit.ly/1N90jhF>.

89 Mideast Communication Systems, “MCS response to Google Blog,” March 25, 2015, www.mcsholding.com/MCSResponse.aspx.

90 Amr Abdelatty, “Egypt’s cybersecurity council prompts privacy concerns,” Rani Gena, trans. *Al Monitor*, January 15, 2015, <http://www.al-monitor.com/pulse/en/originals/2015/01/egypt-cyber-security-council-privacy.html#>.