



Freedom of the Press... Between Unawareness of Laws and Political Movement

Journalists in the range of Lawsuits

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Journalists have always been in the middle of any incidents countries passed by as being the most vulnerable categories who address freedom of expression issues. So journalists are the most vulnerable to lose their freedoms or suffer from any political or social incidents. The political scene in the last decade had its impacts and results on journalists. The Forum for Development and Human Rights Dialogue issues its report on the freedom of the press to monitor the conditions of journalists during the last two years (2018 and 2019) within many inquires about the media scene in Egypt in addition to inquiries about the roles assigned to the National Press Authority, the National Authority for Media and the Supreme Council for Media and the return of the minister of media: do all these bodies and authorities provide real support for journalists and the Egyptian media scene? Or will they increase restrictions on media and freedom of the press?

The report reviews three main points:

***The first one** is about the legislative framework which organized the press work and its effect on journalists; the matter which requires serious accuracy to guarantee performing the press message with tranquility and in accordance with standards which allow journalists to perform their missions in combat corruption and criticize in favor of society. The Egyptian constitution of 2014 states the formation of three independent authorities to organize the conditions of media and progress it, prevent monopoly, organize licenses and run the state media. In June 2016, the constitutive law of these authorities was issued to be represented in the Supreme Council for Media, the National Authority for Media and the National Press Authority. This was followed by the presidential decisions of formation in April 2017 when the Founding Committee for Media Syndicate has been formed.*

***The second point** is about imprisonment decisions issued by the prosecution against journalists in violation with the law of press. The journalists are accused of crimes that drove them to imprisonment especially crimes with political nature. This shows that involved journalists in press institutions run by Muslim Brotherhood made these channels and media platforms' orientations dominated the published reports and have inciting accent. This was a direct cause behind arresting a number of them in addition to charging them with belonging to illegal group and inciting terrorism.*

***The third point** is about the problems of authorities and bodies concerned with the work of press and media such as the Supreme Council for Media, the National Authority for Media and the National Press Authority in addition to the decisions issued by them during the last two years and whether these decision made to regulate the morals and course of*



press and media work or they hypocrite the public opinion and the angry street because of some media personnel's practices.

Moreover, the report points out to the problems journalists were exposed to due to dissolving some press institutions and illegalized conditions of the workers in these institutions; the matter which lead to arbitrary dismissal of the protesters such as journalists in Al Alam Al Youm newspaper Al Sayed Mohamed, Mohamed Abd El Baqy and Sally Mohamed who sued lawsuits for compensation. Besides, some journalists were accused of beating such as lawsuit sued by the wife of the newspaper's owner – Emad El Din Adeeb – against the journalist Ahmed Abdo.

To sum up, although Egyptian institutions and street are stable now, yet journalists still lives within worry and instability. Also the syndicate does not really play a role in facing press institutions dissolution and journalists layoff. In addition, the syndicate board has not attempted to legalize the conditions of journalists and train them face variables of political and social condition in street, face economic situation of many press institutions or raise their legal awareness in regard to mistakes made by many journalists because of their unacceptable institutions' orientations in Egypt.

Firstly: Journalists Cases in 2018

This part shows the cases of journalists and media personnel which were monitored during 2018. The accusations varied from swear and slander, joining group violating constitution and law provisions, disseminating false news, closing channels and journalists' offices, offending judicial authority, taking photos without licensing or offending an official.

Here is a brief about each case according to their order as following:

- 1- Case no. 34474 of 2015, misdemeanor Tanta, recorded no. 102 of 2018 appealed/Tanta. Journalist name: Mohamed Ahmed Osman (Mohamed Trabya), the chief editor of Al Horaya Al Youm newspaper. Accusation: swear and slander, the journalist was sentenced to be innocent.
- 2- Case no. 9836 of 2016, misdemeanor Qasr El Nile, recorded no. 7 of 2016, downtown Cairo. The court sentenced the accused to be innocent.
- 3- Case no. 559 of 2018 supreme state security against journalists of Al Masry Al Youm regarding coverage of the last presidential elections. The prosecution of supreme state security decided in April 2018 to release them in addition to releasing the latest chief editor on bail of 10.000 EGP.



- 4- *Case no. 1696 of 2018 misdemeanor Port Fouad. The accused is the female journalist Nyara Al Gabry, the journalist in Al Fagr newspaper. On 18th October 2018, the court sentenced the accused to be innocent.*
- 5- *Case no. 205 of 2015, state security. The accused is the journalist Mohamed Ezz the executive chief editor of Al Masry Al Youm in Al Gharbia and journalist in Al Nahar newspaper. He was released on a guarantee of his residence/address in November 2018.*
- 6- *Case no. 24215 of 2018 misdemeanor Al Agouza. The accused is the journalist Ahmed Abdo in Al Alam Al Youm newspaper. He was released in October 2018.*
- 7- *Case no. 3943 of 2016 administrative/Agouza. The accused are the journalists Sara Said, Rehab Abd El Rahman and Mahmoud Badawy in Al Watan newspaper. They all were released.*
- 8- *Case no. 569 of 2015 supreme state security which was referred to military court. The accused is the independent journalist Ismail Al Iskandarani who was accused of disseminating false news about military institutions. He was sentenced with 10-year imprisonment by the military court on 22nd May 2018.*
- 9- *Case no. 4681 of 2018, misdemeanor Dokki. The accused is the journalist Adel Sabry the chief editor of Misr Al Arabia Website. He is still imprisoned.*
- 10- *Case no. 441 of 2018, state security. The accused are number of journalists. The case is known as “media axis” of Muslim Brotherhood or case of “Makamlin 2” (continued 2).*
- 11- *Case no. 5210 of 2016 appealed Qasr El Nile. The accused is the female journalist Rahma Samy and others who were accused of swear and slander. The court sentenced them with a fine of 5.000 EGP for each one and a fine of 10.000 EGP for them all.*
- 12- *Case no. 4783 of 2016 misdemeanor Nasr City. The accused is the media personnel Ahmed Mosa the announcer in Sada Al Balad Channel who was accused of swear and slander along with the judge Ahmed Al Zind the previous minister of justice and Mohamed Abo El Enien. The court sentenced the accused to be innocent in February 2018 and refused the civil lawsuit.*
- 13- *Case no. 5802 of 2016 misdemeanor Nasr City. The accused is the media personnel Ahmed Mosa who was accused of swears and slanders along with lawyer Samir Sabry, Tarek Mahmoud and Mohamed Abo El Enien. The court sentenced the accused to be innocent in February 2018 and refused the civil lawsuit.*



14- Appeal no. 10437 cassation/misdemeanor. The accused are Said Break and Hamada Gafer the reporters in number of news websites who were released after cassation as being accused of impersonating a journalist and practicing the job without license.

15- Case no. 29446 of 2014 Al Montazah recorded with no. 272 of 2015 East of Alexandria. The accused is the photographer Ahmed Fouad who works for Karmoz news Website. The court sentenced him to be innocent along with other nine accused.

16- Case no. 5768 of 2018 misdemeanor Al Atareen in which the journalist Mai Al Sabagh and the photographer Ahmed Mostafa in Emirati Al Bayan Newspaper. The journalist was released on bail of 2000 EGP and the photographer was released on bail of 1000 EGP.

17- Case no. 18864 of 2016, misdemeanor Qasr El Nile, the accused are Mohamed El Baz the chief editor of Al Bawaba News at that time and the journalist Rasha Yehia. Cairo Criminal Court sentenced the termination of the lawsuit by conciliation.

18- Case no. 6265 of 2017, misdemeanor Qasr El Nile. The accused is the journalist Mohamed EL Baz, the head of the board and chief editor of Al Dostor Newspaper. The court sentenced firstly by fine of 10.000 EGP.

19- Case no. 478 of 2014, misdemeanor Al Sayda Zienab recorded with no. 1 of 2014 South Cairo. The accused are Abd El Halem Kandil the chief editor of Sout El Oma Newspaper, Ahmed Hassan El Sharkawy a journalist in the Middle East News Agency, Tawfik Okasha the head of Al Faraeen Channel and Abd El Rahman Yousef Al Karadawy previous presenter. The public prosecution accused them of offending judiciary and judges. The cassation court approved the three-year imprisonment sentence against them in the case known in media as “accusation of offending judiciary”.

20- Case no. 1170 misdemeanor/downtown Cairo. The accused is the media personnel Khairy Ramadan. He was released on bail of 10.000 EGP with pending investigations.

21- Case no. 4542 of 2018 misdemeanor October. The accused is the journalist Mohamed El Ghati on LTC Channel. The court fined him with 100.000 and one EGP plus 10.000 EGP as compensation in the misdemeanor of swear and slander.

22- Case no. 651 of 2018, urgent appeal/Cairo. This case was sued by the lawyer Mohamed Hamid to close the office of BBC in Cairo. Firstly, the court stated the non-jurisdiction of the case.



- 23- Case no. 15060 of 2016 misdemeanor Qasr El Nile. The accused are the journalists Hamdi Al Zeem and Mohamed Hassan. Cairo Criminal Court released them on 13th June 2018 with precautionary measures.
- 24- Case no. 20914 of 2017 misdemeanor Dokki. The accused are Mohamed Al Ameen the founder of Al Watan Newspaper, Dr. Abd El Fattah Al Gebaly the head of the board, Mahmoud Muslim the chief editor, the journalist Mohamed Yehia the head of sports department. In September 2018, the court sentenced him to be innocent.
- 25- In cases from 25 to 47, Giza Criminal Court decided in lawsuits sued by the head of Al Zamalek Club Mortada Mansour against Mohamed Al Ameen the owner of CBC Channel and Al Watan Newspaper, Mahmoud Muslim the chief editor of Al Watan Newspaper, Abd El Fattah El Gebaly the head of the board of the newspaper and other journalists in the same newspaper. In 2016, the court sentenced the non-jurisdiction of the case.

Secondly: Journalists Cases in 2019

This part shows the cases of journalists and media personnel which were monitored during 2019 whether these cases are old, new or witnessed developments during 2019. The accusations varied from swear and slander, joining group violating constitution and law provisions, disseminating false news, closing channels and journalists' offices, offending judicial authority, taking photos without licensing or offending an official.

Here is a brief about each case according to their order as following:

- 1- Case no. 11962 of 2018 misdemeanor October. The accused is the media personnel Mohamed El Ghati. In 16th October 2019, the court of misdemeanor in 6th October sentenced him in absentia for one year with work and a fine of 3.000 EGP in addition to one year observation.
- 2- Case no. 441 of 2018/state security. The accused is the female photojournalist Zienab Abo Awna in Al Watan Newspaper, the circuit 23 released her with precautionary measures.
- 3- Case no. 2210 of 2014/ Al Agouza felonies recorded with no. 59 of 2014 north Giza. The accused are the journalist in Rasd network Sameh Mustafa and the announcer of Amgad channel Mohamed Al Adly. They were arrested in August 2013 and the court sentenced in the presence of the parties with 5-year aggravating imprisonment.



- 4- Case no. 2332 of 2014 Ismailia. The accused is the journalist Abd Allah Shosha the reporter of Al Amgad Satellite Channel. He was sentenced to be innocent along with other 13 accused after five years of provisional detention and condemning other the other accused.
- 5- Case no. 8609 of 2019/ misdemeanor Dokki. The accused are Ahmed Sabry the chief editor of Sada Al Balad website, the two journalists in the website Ahmed Salem and Islam Maqlid. The prosecution of Al Dokki released the producer Ahmed Al Sobky on bail of 1.000 EGP and released the two journalists with guarantee of their residence/address.
- 6- Case no. 1974 of 2018 workers/Giza sued by the journalist Al Sayed Mohamed against Al Alam Newspaper. The court sentenced the lawsuit as if it were not there¹.
- 7- Case no. 1984 of 2018 workers/ Giza which is a compensation for arbitrary dismissal for the journalist Sally Mohamed in Al Alam Al Youm Newspaper. In May 2019, the court sentenced the lawsuit as if it were not there.
- 8- Case no. 225 of 2019 workers/Giza which is a compensation for arbitrary dismissal for the journalist Mahmoud Abd El Baki in Al Alam Al Youm newspaper. In 29th May 2019, the court sentenced the lack of litigation since Al Akhbar Al Saeeda Company is not there.
- 9- Case no. 24575 of 73 (K) sued by Samira Al Dighadi as the head of the board of LTC Channel against the head of the Supreme Council for Media. The court sentenced the cancellation of the appealed decision.
- 10- Case no. 238 of 2019/ misdemeanor Al Azbakaya sued by the lawyer Tarek Al Awadi against the chief editor of Al Masaa Weekly Newspaper Khaled Al Sakran. The accused was fined 15.000 EGP for the first charge, 15.000 EGP for the second charge and 10.000 EGP for the third charge. There was no conciliation session held

¹ This incident began when journalists in "Al Alam Al Youm" Newspaper, who are 45 journalists, were surprised on 8th October 2018 to be arbitrarily dismissed by the newspaper. This was because of the crisis happened in 2018 when a number of journalists in the newspaper went to social insurance when the newspaper's owner told them that he/she wanted to close the newspaper. Yet they got surprised that the company owning the newspaper was stopped retroactively since 31st August 2014 which is illegal, as the syndicate of journalists should be notified and the employees with the stoppage decision to adjust their conditions. So some of the inspectors of social insurance went to the newspaper to prove that work is continuing the matter which contradicts with what is proven in the insurance office. After the insurance inspectors left, the newspaper administration wrote down names of some journalists and dismissed them, in addition to the incident of battery against one of the journalists and reported the incident no. 8723 of 2018 in the police station/Al Agouza to prove the arbitrary dismissal. Yet they were surprised with the report against them by as assaulted one member of the newspaper board. The journalists submitted complaints in labor office to prove the incident of arbitrary dismissal. After that the labor office referred the complaints to the competent court.



between the lawyer and the newspaper. In July 2019, the conciliation session was held by head of journalists.

- 11- Case no. 1152 of 2011 state security. The accused is Mahmoud Hussein Gomaa who is media personnel in Al Gezzera Channel. He was provisionally detained after that Cairo Criminal Court (in another circuit) decided to refuse the appeal and released him. Yet on 27th May 2019, he was taken to the prosecution of state security and he was investigated without his lawyer in case no. 1365 of 2018 state security and was detained for 15 days then was referred to Tora prison.
- 12- The report no. 2888 of 2019/ administrative October third police station. The accused is the journalist and media personnel Medhat Essa of disseminating false news. The prosecution appeal was refused and the accused was released on 2nd September 2019. He was arrested in August 2019 and detained for 4 days.
- 13- Case no. 34150 of 2015 felonies/ Nasr City recorded with no. 2985 East Cairo. The accused is Mahmoud Abd El Shakor Abo Zid (Shokan) the photojournalist in Demotex Agency. He was sentenced to 5-year imprisonment by Cairo Criminal Court.
- 14- The cases from 14 to 20 with the number 7782, 7081, 7745, 7086, 6239, 6210 and 6674 of 2016 in which the accused are the Eng. Mohamed Al Ameen Al Watan newspaper founder, Dr. Abd El Fattah Al Gebaly, the previous head of the board, Mahmoud Muslim, the chief editor and journalists in Al Watan newspaper. The misdemeanor court in Dokki sentenced them to be innocent.

Thirdly: Provisionally Detained Journalists

- 1- Hisham Fouad, syndicate member of Al Arabi Newspaper and the Russian News Agency. He was arrested in June 2019 and was investigated in case no. 930 of 2019 as was accused of various accusations. He is still in provisional detention.
- 2- Hossam Mo'nis, syndicate member of Al Karama Newspaper. He was arrested in June 2019 and was investigated in case no. 930 of 2019 as was accused of various accusations. He is still in provisional detention.
- 3- Ahmed Shagr, syndicate member of Rose Al Yousef Newspaper. He was arrested in December 2019 as was accused of various accusations. He is still in provisional detention.



- 4- *Mustafa Al Khattib, syndicate member/reporter of Associated Press in Egypt. He was arrested in October 2019 in case no. 448 as was accused of various accusations. He is still in provisional detention.*
- 5- *Hassan Al Qabani, syndicate member of Al Karama Newspaper. He was arrested in September 2019 as was accused of various accusations. He is still in provisional detention.*
- 6- *Khaled Dawood, syndicate member of Al Aharam Newspaper. He was arrested in September 2019 in case no. 448 as was accused of various accusations. He is still in provisional detention.*
- 7- *Islam Mosadq, not a syndicate member a freelance/independent photographer. He was arrested in September 2019 in case no. 1338 of 2019 as was accused of various accusations. He is still in provisional detention.*
- 8- *Sayed Abd El Ellah, not a syndicate member, independent journalist. He was arrested in Suez in September 2019 in case no. 1338 of 2019.*
- 9- *Hossam El Sayyad, not a syndicate member, independent photographer. He was arrested in November 2019 as was accused of various accusations. He is still in provisional detention.*
- 10- *Sulafa Magdy, not a syndicate member, independent photographer. She was arrested in November 2019 in case no. 448 of 2019 as was accused of various accusations. She is still in provisional detention.*
- 11- *Esraa Abd El Fattah, not a syndicate member. She is a journalist in Al Tahrir Newspaper. She was arrested in October 2019 in case no. 488 of 2019 as was accused of various accusations. She is still in provisional detention.*
- 12- *Mohamed Oxygen, not a syndicate member independent photographer. He was arrested in September 2019 in case no. 1356 of 2019 as was accused of various accusations. He is still in provisional detention.*
- 13- *Adel Sabry, a syndicate member chief editor of Misr Arabia Website. He was arrested in April 2018 in case no. 4861 of 2018 as was accused of various accusations. He is still in provisional detention in Al Qanatar Al Khariya prison.*
- 14- *Motaaz Widnan, not a syndicate member/ independent journalist. He was arrested in September 2018 in case no. 441 as was accused of various accusations. He is still in provisional detention in Al Qanatar Al Khariya prison.*



- 15- *Ahmed Kamel, a syndicate member in Al Aqarya Newspaper. He was arrested in November 2018 in case no. 488 of 2018 as was accused of various accusations. He is still in provisional detention in Al Qanatar Al Khariya prison.*
- 16- *Mohamed Abo Zid, not a syndicate member a photographer in Al Tahrir Newspaper. He was arrested in November 2018 in case no. 441 of 2018 as was accused of various accusations. He is still in provisional detention.*
- 17- *Ahmed Abo Zid Al Tinoby, not a syndicate member/ independent photographer. He was arrested in December 2017 in case 977 of 2017 as was accused of various accusations. He is still in provisional detention.*
- 18- *Ahmed Bayomy, not a syndicate member/ independent journalist. He was arrested in December 2017 in case no. 977 of 2017 as was accused of various accusations. He is still in provisional detention.*
- 19- *Badr Mohamed Badr, a syndicate member. He was arrested in March 2017 in case no. 316 of 2017 as was accused of various accusations. He is still in provisional detention.*
- 20- *Mahmoud Hussien, not a syndicate member/ a reporter of Al Gezzera Channel in Egypt. He was arrested in December 2016 in case no. 1152 as was accused of various accusations. He is still in provisional detention.*

Fourthly: Sentenced Journalists

- 1- *Magdy Ahmed Hussien, a syndicate member and chief editor of Al Shaab Newspaper (suspended). He was sentenced to 5-year imprisonment as accused of belonging to terroristic group and inciting violence. He is detained in Torra prison.*
- 2- *Mohsen Radi, journalist in Al Adala and Al Hurrya Newspaper (suspended). He was arrested in September 2013. He was sentenced to 20-year imprisonment in the case known in media as “Violence in Benha” in addition to life imprisonment in the case of stopping Qalub road.*



Recommendations

- *It is necessary to start awareness program for employees in press field to share experience in legal dealing with publishing issues inside press institutions.*
- *Implementing programs to provide legal protection for journalists by networking with national bodies and authorities concerned with media and press.*
- *Providing specialized programs to raise the journalists' awareness in regard to legal standards of journalism so that they will not be cheated by political orientations inside their institutions.*
- *Implementing community advocacy campaign to raise awareness regarding the importance of journalistic work and journalists' role in combating corruption issues and their right to permissible criticism.*
- *Launching community advocacy campaigns to activate legislations protecting journalists against imprisonment according to law.*