

**Freedom of Expression in Egypt**  
**Remarks Prepared for Delivery**  
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Thank you to Chairman McGovern, Congressman Wolf and the Commission for holding this important event and for inviting Freedom House to participate. It's quite timely given that President Mubarak will be in the U.S. later this month meeting with President Obama. It's important that the U.S. government be prepared to raise ongoing concerns about limitations on freedom of expression in Egypt.

I am honored to be here with Saad Eddin Ibrahim, a true inspiration to all of us engaged in efforts to expand human rights around the world. While we are enriched by his presence in the U.S, his ongoing exile from Egypt and pending legal threats against his organization contradict assurances by the government of Egypt that they are committed to political reform. I am also pleased to be on the panel with Dr. Ayman Nour, who was recently released from jail where he served time for having the temerity to challenge Mubarak in the 2005 presidential election. Along with many others, Freedom House spoke out against the detention of Dr. Nour and urged that all charges against him be dropped.

My testimony will review the findings from two Freedom House surveys that deal with freedom of expression in Egypt. As you know, Freedom House has been monitoring press freedom in all countries of the world for more than two decades now through our annual *Freedom of the Press* survey. We officially released our 2009 edition at the Newseum in Washington last week. Recently, Freedom House developed a new survey which provides a more detailed assessment of freedom of expression on the internet, *Freedom on the Net: An Assessment of Internet and Digital Media*. This report includes a chapter on Egypt in addition to 14 other countries.

Egypt presents an interesting case in that it is an example of a country in which the government, which has now been in power for 28 years under a continued state of emergency, attempts to place legal impediments to restrict the Egyptian press, but does not completely succeed in stifling press freedom. While the government has shown itself willing to use the emergency law, harsh press laws and other aspects of the penal code to intimidate, arrest, and imprison journalists, it can not entirely limit access to information within the country. This is partly because of the persistence of Egypt's journalists and bloggers, who to continue to push the envelope by taking on topics that were taboo in the past, and partly because of the country's desire to expand economic growth, which means

allowing its citizens greater access to the internet and to international media available through satellite.

Unlike China, which imprisons many more journalists and has the resources and the determination to invest heavily in technological methods of censoring the internet, Egypt relies heavily on its ability to encourage self-censorship within the society. Journalists and editors within Egypt are discouraged from taking risks in what is reported by the very real possibility of government intimidation, arrest or imprisonment. While the government still owns 90% of the print press, Egypt is home to over 500 newspapers, magazines, journals, and other publications, which has provided a diversity of content unprecedented in the past. Perhaps most importantly, Egypt has witnessed an explosion in the blogosphere, with thousands of Egyptians, both citizens and trained journalists alike, providing information and analysis and pushing the limits of what the government will tolerate.

Allow me to delve more into detail into the findings of our two surveys.

Freedom House's annual Press Freedom Survey evaluates press freedom by answering a series of questions under **3 areas** that historically have been used to place restrictions on freedom of expression:

- Legal Environment
- Political Environment
- Economic Environment

Freedom House evaluates press freedom on a one hundred point scale. Countries like Finland, Norway and Iceland are on the top of the scale, while Turkmenistan, Burma and North Korea are at the bottom.

Interestingly, while press freedom worldwide declined last year, our survey has nonetheless shown a trend of improved press freedom in Egypt over the past five years. In 2003, Egypt's score stood at 76 out of a worst possible 100, placing it solidly in our "Not Free" category. Egypt's score improved both in 2004 and 2005, largely due to the general public's increased access to an array of satellite television stations and to the internet, helping to erode the Egyptian government's monopoly.

In 2007, Egypt improved enough to move into the "Partly Free" category. The improvement in our ratings was due to increased access to nongovernmental sources of information, combined with the willingness of activist journalists and bloggers to courageously push the envelope of what they wrote. It is important to note that these upgrades occurred despite a continuation and in some cases an increase, in government harassment, repression, and imprisonment of journalists. The Egyptian government has continued to use defamation legislation, the Emergency Law passed after the 1981 Sadat assassination, the Press Law and other provisions of the penal code to limit freedom of expression in the country.

In the survey we released on May 1, Egypt's rating for 2008 declined slightly to 60 points, although it remains in the "Partly Free" category. The Egyptian government increased pressure on journalists who challenged the political order, criticized government policy, or wrote about corruption – threatening heavy fines, and imprisonment.

In the three areas we examine, Egypt fares most poorly in terms of the **Legal Environment**:

- In February, Information Minister Anas al-Fiqi introduced a pan-Arab regulatory framework for satellite television stations at a meeting of the Arab league information ministers in Cairo. The document, entitled "Principles for Organizing Satellite Radio and TV Broadcasting in the Arab Region," was adopted by the Arab League's Council of Information Ministers and clearly targets independent and privately-owned stations that have aired criticism of Arab governments by forbidding content that would have "negative influence on social peace and national unity and public order and decency" and would be "in contradiction with the principles of Arab solidarity."
- In June 2008, the government drafted a new broadcasting bill to parliament which would introduce penalties of between one month and three years in prison and would threaten free speech by making it possible for journalists to be prosecuted for "attacking social peace, national unity, public order and society's values." The bill also provides for the creation of a national broadcasting regulatory agency to be headed by information ministry officials and members of the state security services, which would be empowered to withdraw a news media's license arbitrarily.

There were also several developments reflecting increased **Political** pressure in 2008:

- In March, a Cairo court sentenced Ibrahim Issa, editor of *Al-Dustur* newspaper to six months, on charges of "publishing false information and rumors" about President Mubarak's health. In September, a Cairo appeals court upheld the conviction, sentencing Issa to two months' in prison. The court said that Issa's articles were likely to disturb public security and harm the country's economy. Reacting to the political fallout, Mubarak pardoned him in October.
- In August, Al Khalifa Misdemeanors' Court in Cairo convicted Dr. Saad Eddin Ibrahim, director of the Ibn Khaldun Center for Developmental Studies and a professor of sociology at the American University in Cairo, in absentia of harming Egypt's reputation, damaging national security and defaming the image of Egypt and sentenced him to two years in prison for writing articles urging the U.S. to condition aid to Egypt on human rights reforms. Dr. Saad would be likely be arrested immediately if he returned to Egypt.

In the **Economic** sphere, issues remain with respect to media ownership:

- 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. The government maintained its tight hold on media ownership, 90 percent of the print press remains in the hands of the government. Egypt's three largest newspapers, *Al-ahram*, *Al-akhbar*, and *Al-gomhorya*, whose editors are appointed by the president.
- In April, police raided the offices of the Cairo News Company (CNC), which provides technical support to broadcasters, and confiscated its transmission equipment. The raid came after Al-Jazeera broadcast CNC footage of social unrest in Mahalla al-Kobra, including scenes of protesters tearing down posters of Mubarak. In October, the Court of Misdemeanors in Boulaq fined Nader Gohar, CNC's owner and director, 50,000 Egyptian pounds for "holding wireless telecommunication equipment and mobile satellite broadcasting units," and another fine of 100,000 Egyptian pounds for "establishing and operating an unauthorized telecommunication network."

Given the extremely important role that the internet has come to play in providing Egyptians access to information, I will also say a few words specifically about internet freedom.

Freedom House's first *Assessment of Internet and Digital Media* evaluates internet freedom by answering a series of questions under **3 areas** relevant to the environment for internet consumers:

- Obstacles to Access
- Limits on Content
- Violations of User Rights

As with overall press freedom, Freedom House also characterizes the internet as "Partly Free" in Egypt with a score of 45 on a 0-100 scale, with 100 being worst.

While the Egyptian government has aggressively and successfully sought to expand access to the internet as an engine of economic growth, its security services and allied individuals have increasingly attempted to curtail the use of new technologies for disseminating and receiving sensitive political information. This is usually done through "low tech" methods such as intimidation, legal procedures, detentions, and real-world surveillance of online activists.

In terms of **obstacles to access**, Egypt performs fairly well with the main impediments primarily stemming from the financial costs related to usage. Specifically, Freedom House found that:

- 14% of the Egyptian population (10.7 million people) use the internet regularly. Broadband internet is widely available but is prohibitively expensive to a population where 40% of people live on less than \$2 a day.
- More than 200 internet service providers (ISPs) operate in Egypt and most lease bandwidth from two companies, Link.net and TE-Data. There have been no reports of ISPs being denied registration permits.

In terms of **limits on content**, here Egypt also performs relatively well:

- The Egyptian government does not engage in widespread censorship on the internet and over the past four years, the blogosphere has exploded in Egypt.
- These blogs have played a key role in advancing political organizing and advocacy in Egypt through Facebook and other social networking sites.
- In 2007 this advocacy paid off when a Cairo court convicted two policemen for beating and raping a bus driver based on video evidenced first obtained by blogger Wael Abbas who posted the video on YouTube.
- Bloggers have also played a key role in focusing public attention on the problem of sexual harassment of women on the streets of Cairo. As a result, dozens of governmental and civil society organizations have begun to advocate for an end to the problem and the police have begun to take action.

In the category of **violations of user rights**, however, Egypt performs far less well.

- While Egypt's constitution upholds freedom of speech and the 2003 Law on Telecommunications requires a judicial warrant for surveillance, articles of the penal code and the 1981 Emergency Law give security agencies broad authority to monitor and censor all communications.
- Constitutional amendments passed in 2007 paved the way for future counterterrorism legislation that could uphold Emergency Law provisions allowing for widespread surveillance.
- It is difficult to gauge the extent to which Egyptian security services monitor internet and mobile-phone communications, but the surveillance is believed to be far-reaching. Among the evidence pointing to this conclusion are the recent detention of two activists for using Facebook to organize strikes (see below), and the anecdotal reports that police often appear in advance at the sites of protests that were planned by text messages and e-mail. The legal environment allows for such surveillance, and indeed the security services have sought to perpetuate the impression that their monitoring is pervasive.

- To date, only one person has been sentenced to prison in Egypt for his online activities, but security services have used detentions and harassment, and in some cases torture, to intimidate online writers.
- In 2007, Abd al-Karim Nabil Suleiman (widely known as Karim Amer) became Egypt's first blogger to be sentenced to prison for his online writings. A court in Alexandria handed Suleiman a four-year prison term on charges of "insulting Islam" and "insulting the president." Lantos Human Rights Commission member Congressman Mark Kirk should be commended for his persistent efforts to secure Karim Amer's release.
- Security forces arrested Isra Abd al-Fattah for using Facebook to call for a general strike on April 6, 2008. She was held for two weeks, despite a prosecutor's decision to dismiss charges of "inciting unrest," before her eventual release on April 23.
- Others have received less-publicized threats and low-level harassment. This focus on legal repercussions and extra-judicial intimidation for online activity is the primary method of state control of an otherwise relatively open medium, and although recent, appears set to increase.
- On an encouraging note, in December 2007 an administrative court judge issued a decision rejecting a request by a fellow member of the judiciary to ban 51 Egyptian websites, including those of several human rights organizations. In his decision, the judge emphasized the importance of respecting freedom of expression, including on the internet.

On a separate note, I would also like to emphasize the point that the Egyptian government's restrictions on freedom of expression are not limited to within its borders. Over the past two years, Egypt has played a key role on the international stage in support of UN resolutions to ban "defamation of religions," attempting to make any idea that questions a religious tenet or offends a person's religious sensibilities illegal.

In conclusion, I would like to wrap up by stating that Egyptians do enjoy some levels of press freedom and access to information, but they do so largely in spite of legal and political impediments. It is our hope that the courage demonstrated by Egyptian journalists and bloggers will be matched by genuine openings from the Egyptian government.