

ARTICLE 19

Egypt: News websites and alternative voices

2014

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Executive Summary

In a country deeply polarized after three years of tumultuous change, Egyptian news websites have become very important media for free expression. This study looks at some of the pressures they are experiencing. News websites are among the most popular websites in Egypt. They represent an alternative to 'traditional' broadcast and print media, with their long histories of state control and supervision. Online news is a partially regulated space – freer than the traditional media but not as free from regulation as social media, such as Facebook and Twitter. But there are indications that the space for free expression on news websites may shrink in the near future, under pressure from a combination of new legislation and, reportedly, new surveillance tactics that may set precedents for the whole of the Middle East and North Africa.

Egypt's 2014 constitution provides guarantees for freedom of expression, and Egypt has ratified international treaties committing itself to international standards for free expression. But Egyptian law allows for many restrictions on free expression, some of which are not in conformity with those commitments. For a period of five decades, a state of emergency shut down dissent and sweeping laws from that era still provide severe punishments for vaguely defined crimes such as defamation or incitement. Before the 2011 revolution, these laws were enforced unevenly. But they helped to maintain a resilient and adaptable system of self-censorship. That self-censorship system was totally disrupted by the revolution and the explosion of internet news and social media which it set off. Since the uprising, a succession of Egyptian governments have sought to reinstitute the self-censorship system, adopting or proposing laws that restrict public protest and free association and that may define some forms of legitimate free expression as terrorism. These measures contravene Egypt's commitments to free expression, which arise from its ratification of international human rights treaties. They have helped push traditional media back towards self-censorship, and helped to extend the self-censorship system to news websites.

This study looks at a selection of news websites, which represent the main political viewpoints in Egypt today. It begins with an overview of the websites, categorizing them by traffic ranking, news values, legal and financial status, and political orientation. It then sets out the results from interviews with editors and journalists from these websites, discussing freedom of expression and experiences of censorship and self-censorship. The study covers the period from July 2013, when a military government took over, to September 2014. The journalists answered four main groups of questions:

- Do news websites offer a wider range of opinions than traditional media?
- How do government officials deal with journalists?
- How does censorship or self-censorship work?
- How much awareness do journalists have of changing media law?

The answers revealed certain aspects about the nature of censorship and self-censorship in Egyptian online media. The key findings were as follows:

- Online journalists believe news websites can disseminate a greater diversity of opinions than the increasingly homogenized voices of the traditional media. Free expression of alternative and dissenting voices is important at a time when Egyptian society is divided, but the legislative trend in Egypt is going the other way – towards a 'single voice,' as one editor put it.
- Officials seldom pressure journalists directly. In fact, most online journalists find it very difficult to get officials to take their calls and to confirm or deny facts. Most online journalists are not recognized as journalists and this makes it hard for them to establish relationships with officials.
- There is little direct censorship, but all editors and journalists deal cautiously with sensitive stories, such as the role of the military in the economy, sectarian tensions, or the Muslim Brotherhood – a movement whose political party came to power in 2012, but was deposed and then declared a banned terror organization in 2013. Some websites feel that the pressure is relatively limited – but others feel that new repressive laws are affecting them directly. Several journalists have been killed during protests and online journalists that work for websites not associated with a print publication are not able to get press cards. Press cards provide an extra measure of security for journalists and might grant them a modicum of safety during protests. Online journalists are therefore at higher risk and this means that protests are less likely to be covered. As well as the protest law, the crimes of incitement, defamation and support for terrorist organizations are used to restrict websites linked to the banned Muslim Brotherhood. These vague and sweeping laws frame a system that makes online journalists more cautious about reporting on dissent.
- Journalists are familiar with laws in place and see them as complex, open to interpretation and arbitrary. The overwhelming majority of interviewees, especially these from independent and Muslim Brotherhood affiliated websites, believe that it will be increasingly difficult to continue as a journalist in Egypt in the coming year.

Free expression is under threat in Egypt. Many online journalists are trying to keep up reporting on the country's diverse and polarized voices. They fear that new laws will pressure their websites into greater conformity with government views, and they believe that public conformity could worsen their country's divisions. The Egyptian government should ensure that its laws conform to its commitments to free expression and align with international standards.

1. The Context

News websites and Freedom of Expression in Egypt

News websites are a fast-growing media sector in Egypt, and they make an important contribution to Egyptian internet content. Alexa.com, a company providing web traffic data, found in October 2014 that three of the top ten most visited sites in Egypt were news websites. These sites are also important globally – in October 2014, alexa.com ranked youm7.com as the most popular news website in Egypt, and the 407th most popular website in the world. Egypt's Ministry of Communications and Information Technology found that about a third of internet users in the country read or downloaded online newspapers in 2011, the most recent year surveyed (MCIT 2014:8).

The experience of Egyptian news websites is only one part of the larger picture of freedom of expression and the internet in Egypt. News websites are expensive and complex operations, compared to the wide range of social networking, blogging and other interactive websites that allow millions of ordinary people to use the internet as a place for free expression. Several of these websites – such as facebook.com, youtube.com and blogspot.com – are ranked in alexa.com's top ten Egyptian websites. In Egypt, social media represents a very wide spectrum of views, and allows for a kind of self-publication, which is free of censorship and self-censorship. Anti-government activists sometimes express uninhibited anger at the government, and pro-government social media users also disseminate extreme views. 'No-one has yet been troubled for a tweet,' said one online journalist. Controlling the content of social media requires different techniques than those used for news websites.

Although social media sites make up an important part of the online media landscape in Egypt, this study solely focuses on freedom of expression for news websites between July 2013, when the military took over government, and September 2014, when most of the research was concluded. The experience of news websites is important for several reasons. First of all, the internet is changing the way that news is gathered and disseminated in Egypt. Second, no special laws are in place to regulate news websites – although free speech online is regulated or restricted by the same laws that regulate traditional media, including criminal laws on defamation or incitement. Third, extending content-control from traditional media to online media may help establish techniques of surveillance and censorship which will eventually affect social media, currently an unregulated space. Finally, the 2014 constitution envisages new regulation for print and digital journalism and other media. The constitution established a Supreme Council for the Regulation of the Media (Article 211) and National Organizations for the press and the media (including digital media), and since May 2014 the president has held meetings with these new institutions urging them to expedite the drafting of new laws relating to the media. So it is likely that Egypt will adopt legislation regulating digital media in the near future, and some news reports indicate that it will

intensify surveillance of the internet. This combination of legislation and surveillance may set precedents for the whole of the Middle East and North Africa.

Egypt's tumultuous changes

Since Egypt's January 2011 revolution, widely described as a revolution, Egypt has witnessed tumultuous changes. The uprising helped bring to an end President Hosni Mubarak's thirty years of rule, and led to the lifting of a state of emergency which had been in place almost continuously since 1967. President Mubarak was replaced by the Supreme Council of the Armed Forces, which ruled from February 2011 to June 2012. The military council organized parliamentary and presidential elections in 2011 and 2012. In June 2012, presidential elections were won by Mohamed Morsi. He was the chairman of the Freedom and Justice Party, linked to the Muslim Brotherhood, which for the previous six decades had functioned as an illicit but partially-tolerated opposition movement to a succession of military-dominated governments. President Morsi appointed a cabinet made up largely of independents and Islamists. In July 2013, after widespread demonstrations, the military deposed President Morsi and took over government. Egyptian security forces harshly repressed Muslim Brothers and others protesting against the takeover, and Egypt witnessed a wave of bombings and other attacks which were linked to Islamist elements and which killed both members of the security forces and civilians. The government drafted a new constitution, which was adopted by referendum in 2014. The government's leading military figure, Defense Minister Abdel Fattah el-Sisi, resigned from the army and was elected president in May 2014.

Freedom of Expression in Egyptian Law

Egypt's 2014 constitution

Freedom of expression in Egypt is guaranteed by the 2014 constitution. The constitution envisages laws to regulate the establishing and owning of broadcast media, press and digital media (Articles 70, 211 and 213) and it has a number of provisions related to freedom of expression. These include guarantees for

- Free expression of opinions (Article 65)
- Freedom of scientific research (Article 66)
- Freedom of artistic and literary creativity (Article 67)
- Freedom of the press, printing and the freedom of every citizen to establish visual, audio and digital media outlets (Article 67)
- A prohibition on censorship of Egyptian (but not foreign) newspapers (Article 71)
- A prohibition on the deprivation of liberty for crimes committed through publication or artistic creativity (Articles 67 and 71)

In January 2014, ARTICLE 19 published a commentary on Egypt's 2014 constitution¹. ARTICLE 19 argued that the constitution overlooked key elements of the right to freedom of expression as defined by international human rights law, and failed to provide explicit protection for freedom from censorship. The analysis pointed out that Article 65 of the constitution, which deals with the right to free expression of opinions, did not include a key element of freedom of expression in international law: the right to seek, receive and impart information and ideas. This element of international law has many implications for online journalists in Egypt, who face barriers accessing information as their requests for official corroboration of events are often ignored. The constitution allows public prosecutors to censor artistic and literary works (Article 67) and provides for press censorship in times of war and general mobilization (Article 71). It also provides for criminal defamation and other criminal offences related to harming the honour or reputation of others, in violation of international standards.

Constitutional restrictions on freedom of expression are not in conformity with Egypt's obligations in international law. International law envisages restrictions on freedom of expression, but it subjects those restrictions to many safeguards, which are meant to ensure that any restrictions on freedom of expression are set out in precise, workable and understandable laws; serve legitimate ends, as defined in the International Covenant on Civil and Political Rights, and are necessary and proportionate. These safeguards are discussed in more detail below: many of these safeguards are absent from Egypt's constitution. But before looking in detail at the gap between the commitments that Egypt has made to international standards of freedom of expression and the provisions of its constitution, an overview of Egypt's domestic law is needed.

The 2014 constitution in context

There are many continuities between the 2014 constitution and Egyptian legislation regulating freedom of expression. These laws were shaped by Egypt's political experiences in the twentieth century. In 1952, a group of army officers toppled the Egyptian monarchy and subjected Egypt's media to two decades of state supervision, control and ownership. After 1971, direct censorship was replaced with something more ambivalent. A new constitution guaranteed freedom of the press and new political parties were allowed to open their own newspapers. A press law adopted in 1996, still in force, guarantees 'responsible' freedom of expression. Like the 2014 constitution, it prohibits censorship and closure of newspapers, and also like the 2014 constitution, it provides for criminal penalties for offences linked to publication. Up till today, the penal code provides such criminal penalties for a range of offences that could potentially restrict freedom of expression. These include incitement to disorder, military disobedience or religious discrimination (Articles 171-178); defamation of the head of state, foreign heads of state, public officials and judges (Articles 179-187); and the spreading of false news and rumours (Article 179). Terms like 'incitement' and 'defamation' [insult] are not clearly defined.

The 1958 emergency law

The 1996 press and publications law provided only qualified rights to free expression, and these rights were further restricted by vague offences in the penal code which carried exemplary punishments. Even more restrictive was the Emergency Law (162/1958), which was first applied in 1967 and remained in force almost continuously until 2012, and then again for three months in 2013. The law gave the authorities extensive powers to suspend basic liberties. It allowed for prolonged arbitrary detention; trials for civilians in military courts whose procedures fall short of international standards for fairness; censorship and closure of newspapers in the name of national security; and the prohibition of strikes, demonstrations and public meetings.

Laws as a framework for self-censorship

Before 2011, a few journalists were prosecuted each year under these broad and vague laws. The laws functioned more as a framework with which the state could manage a regime of self-censorship, to communicate to journalists shifting 'red lines' that they were not allowed to cross. Self-censorship was a resilient and adaptable system, which could be reworked in the light of new technologies and economic change. For example, after 2000, Egypt saw new private newspapers and satellite channels, which changed the tone of reporting about politics and government policies. But the self-censorship system kept that reporting within the government's 'red lines'.

Access to capital as a framework for self-censorship

The self-censorship system was implemented through the government's sporadic enforcement of vague harsh laws on incitement or defamation. But the government also used access to capital as a means of managing content. New satellite companies and newspapers both needed significant investment. Investment came from entrepreneurs, many of whom shared economic interests with the government. This continuity of interests meant that new private media houses often reflected government policy. Journalists also sometimes share interests with the government. The Journalists Syndicate pays accredited members an allowance – perhaps the only professional association in the world to do so.

Challenges to the self-censorship regime: the internet and the Egyptian revolution

Internet blogs and news websites presented new means to challenge the system of self-censorship. Many of Egypt's first bloggers were linked to the Kefaya movement, which from as early as 2004 opposed government policies and the possibility that the president's son might inherit his position. Bloggers were theoretically governed by the same formal censorship regime, of penalties for vaguely defined crimes such as incitement or defamation. The first prosecutions targeting individual bloggers date from about 2004, when opposition activists began using the internet to disseminate their views. News websites linked to existing print publications often maintained the 'red lines' of the self-censorship system. But social media activists and bloggers transgressed them, presenting unprecedented video evidence of torture in state detention and other news stories that defied self-censorship. The government targeted individual bloggers for harassment and prosecuted some for incitement or defamation. They reportedly pressured some internet service providers to block access to opposition Muslim Brotherhood websites.

The self-censorship regime of the traditional media was totally disrupted by the Egyptian revolution of 2011. Social media activists and citizen journalists were at the forefront of this disruption, and they pushed traditional state and private media to reflect the revolutionary changes sweeping the country. In January 2011, the government resorted to a blanket internet shutdown, a severely disproportionate response to the crisis they faced.

Emergency law by another name

After January 2011, a succession of new governments sought to reinstitute the system of self-censorship across the media, and also to extend surveillance and control to online media, while simultaneously conciliating a public that had dramatically committed itself to the right to speak up and speak out. For example, pre-trial detention of journalists was *prohibited in*

August 2012, under President Morsi's rule. But physical attacks on journalists increased during his tenure, and the use of incitement and defamation laws continued². Contempt for religion cases also increased.

After the July 2013 military takeover, a state of emergency was imposed for three months³. When it was lifted, a November 2013 protest law was adopted which placed broad restrictions on freedom of assembly, and gave security forces wide latitude in the use of excessive and lethal force against demonstrators⁴. Other proposed laws on terrorism and civil association will, with the protest law, reinstate many of the powers of the 1958 Emergency Law. Finally, new regulations announced in July 2014 ended much of the autonomy of human rights organizations, subjecting all their activities and funding to a committee of security men. And an amendment to the penal code adopted in September 2014 created a potentially capital offence of accepting funding from foreign countries in order to commit an act 'harmful to the national interest, or compromising the country's sovereignty' (and other ill-defined aims).

New laws, which combine broad and vague descriptions of offences, with exceptionally severe punishments have proliferated in Egypt. They may restore the self-censorship system that was so badly battered by the explosion of free expression on the streets and online. The draft anti-terror law, if adopted, will extend state supervision and control over the internet. In January 2014, a draft version of a new anti-terrorism law circulated in the press, shortly after the country's leading opposition movement, the Muslim Brotherhood, was declared a terrorist organization. The draft law proposes to widen dramatically the scope of application of the death penalty and to undermine safeguards against torture. It also gives wide powers to the authorities to intervene in digital media, with penal provisions for people who use the internet to call for the use of violence, or 'to broadcast [material] that is intended to mislead the security or judicial authorities in matters [related to] the crimes of terrorism,' and gives public prosecutors the power to shut down a website that is used for these purposes⁵.

If adopted, the new anti-terror law could mimic the effects of the incitement and defamation laws in the penal code – broad, vague descriptions of crimes, which only need to be sporadically enforced in order to entrench an online self-censorship regime. In addition, the new Supreme Council for the Regulation of the Media has been tasked with drafting laws to regulate all media, including online journalism: the 2014 constitution called for the legal regulation of digital journalism. These new laws may help to reinstitute the self-censorship regime and extend it to the internet. Other initiatives may give the security services new ways of influencing online content. A number of press leaks since June 2014 indicate that the government has entered into a

contract with internet surveillance software company Blue Coat, working through an Egyptian subsidiary called See Egypt. All parties named in the leak subsequently denied the contract took place.

“They will try to control the new media in every way possible. They have been trying to intimidate bloggers, but did not succeed. They will try to do what it takes – so they will need multiple systems of censorship.”

News website editor

Freedom of Expression and Egypt's International Legal Obligations

International standards on freedom of expression

Under international law, the right to freedom of expression is protected by Article 19 of the Universal Declaration of Human Rights ('UDHR') and Article 19 of the International Covenant on Civil and Political Rights ('ICCPR').

In September 2011, the UN Human Rights Committee, the UN treaty monitoring body for the ICCPR, issued General Comment No 34, which constitutes an authoritative interpretation of the minimum standards guaranteed by Article 19 ICCPR⁵. In that comment, the HRC made it clear that States are required to guarantee the right to freedom of expression, including the right to seek, receive and impart information and ideas of all kinds regardless of frontiers. The right must be guaranteed for everyone, not just citizens, or recognized journalists.

The HRC further confirmed that the right to freedom of expression includes all kinds of speech, such as political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse, commercial advertising; and even expression that may be regarded as deeply offensive⁷.

The HRC also explicitly recognised that Article 19 ICCPR protects all forms of expression and the means of their dissemination, including all forms of electronic and Internet-based modes of expression.

As a state party to the ICCPR⁸, Egypt must ensure that any of its laws attempting to regulate speech comply with Article 19 of the ICCPR as interpreted by the HRC and that they are in line with the guidance from the UN special rapporteur on freedom of expression.

While the right to freedom of expression is a fundamental right, it is not guaranteed in absolute terms. Article 19 (3) permits restrictions on freedom of speech subject to the strict requirements of a three-part cumulative test:

1. Restrictions must be provided by law: this means that restrictive laws must be formulated with sufficient precision to enable an individual to regulate their conduct accordingly and must be made accessible to the public. Ambiguous, vague or overly broad restrictions on freedom of expression are therefore impermissible;
2. Restrictions must serve legitimate aims: the ICCPR sets out an exhaustive list of those legitimate aims: respect of the rights or reputations of others; the protection of national security, public order, public health, or public morals. As such, it would be impermissible to prohibit expression or information solely on the basis that they cast a critical view of the government or the political social system espoused by the government;
3. Restrictions must be necessary and proportionate. Necessity requires that there must be a pressing social need for the restriction. The party invoking the restriction must show a direct and immediate connection between the expression and the protected interest. Proportionality requires that a restriction on expression is not overly broad and that it is appropriate to achieve its protective function. It must be shown that the restriction is specific and individual to attaining that protective outcome and is no more intrusive than other instruments capable of achieving the same limited result. Restrictions must not jeopardize the right to freedom of expression itself.

When examining Egypt's laws regulating speech, however, it is clear that Egypt is in breach of its commitments under the ICCPR. While Egypt's restrictions on freedom of expression are generally written into law, these laws are overly broad and vague in breach of the requirement of legal certainty under international law. Moreover, although Egypt's restrictions on freedom of expression often serve one of the aims recognized as legitimate in international law, such as the protection of the reputation of others, the measures sought to be imposed are disproportionate

to the aim pursued. This includes, for instance, criminal defamation whose chilling effect on free expression is well-documented.

The applicability of the three-part test is not confined to traditional restrictions on freedom of expression; it also applies to new restrictions such as internet filtering and blocking. In this regard, the UN Special Rapporteur on freedom of expression has made it clear that cutting off users from Internet access, regardless of the justification provided, is a violation of Article 19 ICCPR.

Emergency laws

Under Article 4 of the ICCPR, States are allowed to derogate from their obligations under the Covenant, inter alia, to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law. States must also comply with certain procedural requirements, both internationally and nationally, in order to lawfully proclaim the existence of a public emergency, which threatens the life of the country. In addition, the UN Human Rights Committee has clarified that derogations based on a state of emergency must be exceptional and limited in time.

With a state of emergency lasting over 40 years between 1967 and 2011, it is obvious that Egypt breached its international obligations under international law. Worryingly, it appears that the Egyptian government is seeking to re-establish many of the draconian measures available under the Emergency Law 1958 through the new protest law and proposed legislation on anti-terrorism.

National security

In the context of national security, international standards are clear that any restriction on expression or information that a government seeks to justify on grounds of national security must have the genuine purpose and demonstrable effect of protecting a legitimate national security interest. In particular, governments must demonstrate that the expression or information at issue poses a serious threat to a legitimate national security interest.

In practice, this means that when restricting freedom of expression on grounds of national security, Egypt must define the precise nature of the threat it faces. It needs to show the necessity and proportionality of the specific action taken, i.e. establish a direct and immediate connection between the expression and the threat.

Moreover, any laws prohibiting incitement to terrorism must comply with the three-part test under Article 19 (3). International law recognizes that incitement to terrorist acts should be prohibited. At the same time, the lack of internationally accepted definition of 'terrorism' means that states have broad discretion in interpreting what kind of speech constitutes an incitement to terrorism. For this reason, the UN Special rapporteur on freedom of expression has elaborated on the specific requirements that any domestic criminal law prohibiting incitement to terrorism must meet in order to comply with three-part test. As a State party to the ICCPR, Egypt must ensure that any counter-terrorism legislation it seeks to adopt complies with these strict requirements.

2. Methodology

This study begins with an analysis of news websites that categorizes them according to different criteria: traffic ranking, news values, legal and financial structures, political orientation. The analysis was used to frame research interviews with journalists from 13 websites. All interviewees reside in and operate in Egypt, with the exception of the interviewees from Muslim Brotherhood's Freedom and Justice Party News Gate and rassd.com, a website linked to the Muslim Brotherhood. One rassd.com interviewee is currently in prison in Egypt, the other residing abroad. The study covers the period spanning from 30 June 2013 to 30 September 2014, a period which began with the ouster of President Mohamed Morsi by the Egyptian armed forces, and which saw the interim government's legislation measures, and the first three months of President Abdel Fattah el-Sisi's rule. Interviewees were anonymous and were not aware of each other's participation in the study. Interviewees went through a questionnaire grouped around four main topics:

1. Website content and capacity to disseminate alternative opinions;
2. Interactions with officials: relationships between the government and online journalists;
3. Censorship and self-censorship: laws and other pressures that exert control over content;
4. Awareness of media law and policy: how much of the law do journalists and editors understand.

The news websites contacted for this study were selected to represent a diversity of Egyptian news websites. These cover a diverse spectrum in terms of ownership structure, in size and age, in coverage, and in political opinions. Traffic ranking is not necessarily a key determinant of influence, as several of the most visited 'news' websites rely on clickbaiting and sensationalism, repeating each other rather than creating original content. How might government control over online news content be extended? Interviewees were asked whether journalists ever encountered security officials or were subject to forms of pressure from security officials other than direct censorship, in a way that might influence content. This is not an easy question to answer, because the omnipresent security apparatus cannot be readily disentangled from the rest of the state. One case of direct censorship was recalled by an interviewee, who said that in August 2014, a public prosecutor issued a gag order to target news websites regarding the killing of four people by the police on the northern Alamein desert highway .

3. News websites – an overview

Until 2010, online news space was dominated by online versions of offline newspapers and a few independent blogs. Contrastingly, the past five years have witnessed an explosion of news websites, one that accelerated in the aftermath of the 25 January 2011 revolution. These websites do not fit neatly into categories, so this section sets out several possibilities for categorization to help readers understand the characteristics of the sector.

Categorising news websites

Traffic ranking

One way of categorizing these websites is by readership size. Youm7.com, almasryalyoum.com and elwatannews.com are all in alexa.com's top ten websites, and youm7.com is in the global top five hundred. Traffic rates are set out in the table below.

News values

Another potential starting-point for categorization is news values - almasryalyoum.com and ahram.org.eg have a highbrow editorial approach and interpretive frame, while youm7.com and elwatannews.com both rely on sensationalist headlines, sometimes of dubious veracity, and owe much of their popularity to social media sharing. Some websites provide mainly local news, and this affects both readership and editorial approach. Portsaid-alyoum.com, a Port Said news website, is in the top three thousand websites in Egypt.

Legal status

Digital space is not specifically regulated by law in Egypt (although general legislation applies to the online space), which means that 'news website' is not a readily recognizable legal term. The companies and organizations offering news on the web have a variety of legal forms. Almasryalyoum.com, for example, was first established as a newspaper, Al-Masry Al-Youm, and legally speaking it is the webpage of a newspaper. Being linked to a printed newspaper means that staff can be accredited with the Journalists Syndicate – staff in most other news websites cannot. Journalists with press cards get a monthly allowance, and they can also use their cards to pass police cordons around demonstrations. Egyptian news websites, which are not linked to a printed publication, are often limited liability companies providing web services. Others are registered as partnerships between international and national companies. Still others are the websites of political parties, providing news services.

Political orientation

Categorizing websites by political orientation is a delicate task, particularly as political orientation can be ephemeral, and political appearances sometimes contradict the website's manifesto or claimed *raison d'être*. Nowhere is this more apparent, for instance, than with almasryalyoum.com. Once the masthead of independent media under Mubarak (when independent was a euphemism for 'opposition'), it has now quietly aligned itself with the pro-state media, only maintaining its readership thanks to its comparatively higher quality reporting, extensive network of correspondents, and user-friendly website, the latter in particular being something state-owned media have so far failed to achieve. It also occasionally publishes op-eds of diverging opinions, although significantly less than it did prior to the military takeover of 30 June 2013.

On the opposite end of the political spectrum lie the news websites linked to the banned Muslim Brotherhood and its linked political party, the Freedom and Justice Party (FJP). The weeks following the removal of President Morsi saw the closure of pro-Morsi television stations and newspapers. Many journalists were arrested and more than one year later, many remain in prison. Some were charged with offences such as defamation or endangering national security and some are detained without charge. The crackdown also hit many Muslim Brotherhood financiers, drying up funding for media outlets. The difficult financial environment means that the production of Muslim Brotherhood media has fallen dramatically, their social media accounts are less frequently updated, and their readership has dwindled. Nevertheless, their key websites still operate, oftentimes managed from abroad, with Istanbul, London, and Doha playing home for many of their journalists and spokespeople. The main representatives of this group are Rassd News Network, a Facebook page which evolved into a fully-fledged news website with a large number of correspondents, as well as the official websites of the Muslim Brotherhood and the FJP, in Arabic and in English.

Another group is the independent and the pro-revolutionary media. Largely composed of private initiatives spearheaded by young journalists operating on shoestring budgets, a few news websites strive to maintain journalistic ethics. They commend a relatively small, loyal readership amongst supporters of the January 2011 revolution and the independently minded public. Madamasr.com and yanair.net are two of the better known. Both are in the top two thousand websites, according to alexa.com.

News websites analysed for this study

| Name | Language | Traffic rank in Egypt | Comment |
|--|------------------|-----------------------|--|
| ahram.org.eg | Arabic | 41 | Main government-owned 'paper of record'. Large staff and wide network of regional correspondents. |
| almasryalyoum.com | Arabic | 8 | The largest independent print and online news source. Larger staff and wider network of regional correspondents |
| aswatmasriya.com | Primarily Arabic | 1,578 | A new media outlet, which began as a Thomson-Reuters initiative. |
| dailynewsegypt.com | English | 1,708 | Independent English-speaking print daily, most of whose readership is online. Focus on human rights. |
| dotmsr.com | Arabic | 234 | The newest portal in the list, dotmsr.com enjoys generous funding. Its editorial line is supportive of the state |
| english.ahram.org.eg | English | 41 | The English-language portal of ahram.org.eg , with different political stance and news values. |
| ikhwanonline.com | Arabic | 1,241 | The Arabic platform of the Muslim Brotherhood. Statements sometimes differ from those on the English website |

4. Journalists talk of their experience

| Name | Language | Traffic rank in Egypt | Comment |
|------------------|--------------------|-----------------------|---|
| madamasr.com | English and Arabic | 1,416 | An independent, pro-revolution media outlet, first launched in English. Freelance staff not accredited with the Journalists Syndicate |
| rassd.com | Arabic | 87 | Originally an independent project by Muslim Brotherhood youth, Rassd has become the main Muslim Brotherhood outlet. Many journalists have been imprisoned. |
| shorouknews.com | Arabic | 101 | A print newspaper and website that is seen as independent. |
| weladelbalad.com | Arabic | 24,961 | Welad El Balad addresses the lack of reporting from provincial towns by training local citizen journalists and publishing nine local weekly newspapers. Focus on community and agricultural news. |
| yanair.net | Arabic | 1,059 | An independent initiative by activist journalists, providing news alongside a large opinion section. Freelance staff not accredited with the Journalists Syndicate. |
| youn7.com | English | 41 | The English-language portal of ahram.org.eg, with different political stance and news values. |

Website content and alternative opinions

Each interviewee was asked to assess their publication's areas of strength and focus, which helped give a picture of editorial choices. Most of the news websites whose journalists and editors were interviewed cover political news from government and opposition; news about workers, strikes, budgets, energy and other economic affairs; news about social issues such as health and education; and news about culture. Most – like [dailynewsegypt.com](#), [yanair.net](#), [almasryalyoum.com](#), and [weladelbalad.com](#), saw politics as their main area of focus. But some had special areas of focus too – [dailynewsegypt.com](#) addresses human rights and women's rights, and [weladelbalad.com](#) addresses community news, focusing on rural and agricultural communities. [Almasryalyoum.com](#) interviewees said that they committed resources to covering the 2014 war in Gaza.

Many interviewees believed that they were presenting alternative opinions to readers. They saw news websites as a means to resist the homogenisation of traditional media coverage. Broadcast and print media have shrunk the space for different or opposing voices. Too many editors, they said, have mostly chosen to 'toe the government's line, which was 'a great loss for Egypt'. The need to present alternative opinions to readers was highlighted as 'necessary to quell Egypt's societal polarization', without being 'biased towards government or blindly defend opposition just because it is opposition'.

Some news websites have financiers whose economic interests align with the leaders of the government and broadly reflect the government line. But online news is a sphere where government control over content is still being extended slowly. An increase in content control will have many costs for diversity of opinion in Egypt.

"The main problem is that all the media echoes a single voice. I've never seen that before. During my long years of work, the media has never been so homogeneous, it always had multiple opinions. Today, government, independent or opposition media reflect the same opinion. This has to do with the current situation and the 'popular mood' and themes of nationalism, war against terrorism, etc. This is generally speaking, naturally there are exceptions."

Interactions with officials

How might government control over online news content be extended? Interviewees were asked whether journalists ever encountered security officials or were subject to forms of pressure from security officials other than direct censorship, in a way that might influence content. This is not an easy question to answer, because the omnipresent security apparatus cannot be readily disentangled from the rest of the state. One case of direct censorship was recalled by an interviewee, who said that in August 2014, a public prosecutor issued a gag order to target news websites regarding the killing of four people by the police on the northern Alamein desert highway¹.

Such direct pressure from officials is unusual. Interviewees were often less concerned about unwanted intrusion from officials and more concerned about the difficulties in getting access to state officials, especially when they sought to verify information. Interviewees were asked whether they fact-check and whether they reach out to government officials for quotes and additional insights. Some did not communicate with the government: journalists working for officially banned websites have given up trying to get responses from state officials.

But most interviewees said that they regularly reached out to government officials for quotes. Officials did not always respond. Several websites said they are totally unable to get hold of officials. For others, officials' responsiveness depended on the topic; and better-established or older websites indicated they do not face particular difficulties. More specifically, these websites' interviewees qualified their response by stating that government officials 'may accept or refuse to respond; this is another problem, actually a more important one than merely reaching out to them as they refuse to respond more often than they accept'. One pointed out that the rejection of their requests would likely stem from the fact that their website was new and still unknown. Some choose instead to rely on published statements and figures for opinion pieces, and regularly reach out to public sector administrations when required to produce original reporting. One interviewee said: 'government is a problem: they do not want to talk; when we get hold of them, they are not ready with a reply and sometimes provide us with wrong information'.

A journalist related an incident where government officials refused to respond to journalists challenging their version of events. The incident took place on 18 Aug 2013, four days after thousands of people protesting President Morsi's overthrow were violently dispersed from public squares in Cairo, at a cost of hundreds of lives. Forty-five detainees arrested during the forced dispersals were being held that day in a police truck outside Abu Zaabel prison,

north-east of Cairo. The inside of the truck was very hot, and after the detainees had spent six hours inside the truck, security forces lobbed teargas canisters into the truck, resulting in the deaths of 37 men. Some state media outlets said that the men had attacked a policeman and others said that armed members of the opposition had attacked the truck, although stories were conflicting, and some policemen eventually stood trial for the killings. One journalist interviewed said: 'I tried to do fact-checking on the case of the dead Abu Zaabel prisoners. I attempted to investigate on the situation that led to the deaths in the car. In the beginning, when the news broke, many people denied it, claiming it was prisoners who were trying to escape; I called someone I know and he confirmed that the prisoners had died in the car. Any further questioning from my part was met with silence, officials just refused to respond'.

Independent, news websites suffer additional obstacles in communicating with state officials, due to their legal status. Madamasr.com and yanair.net, for example, are registered as limited liability companies and not as newspapers. Interviewees from these websites agreed that 'a large number of government officials do not respond; those who do sometimes refuse to answer or request not to be quoted. Also, they will say "I want to deal with a paper, not a website". They only see print newspapers as legitimate. Electronic media would have to be pro-government if they want a response'.

So although news websites potentially offer a platform for coverage of dissenting voices in Egypt, the fact that they do not meet the restrictive definition of 'journalist' means that they are prevented from covering dissent in a professional way, by fact-checking with officials and making space for official rebuttals. Even for news websites with better access to public sector officials, the interviewees reported that they have 'lately, we have been facing the problem of sources refusing to speak in their own name and choosing to remain anonymous, even for benign questions, as people are increasingly afraid of stating an opinion. And this is a growing trend'. Although some interviewees attempt to promote the use of 'anonymous sources' in order to continue reporting while not disclosing their sources' personal information, this is undermining the quality of journalism all around, as tabloid websites would 'sometimes claim that they got the info from "an anonymous source" and make up quotes, which causes problems', as one interviewee put it.

Journalists working for news websites not linked to a print publication, alongside many trained and professional contractual, freelance and part-time journalists, are not accredited with the Journalists Syndicate. Not having a press card makes it difficult to investigate security matters and to report from outside Cairo. Most of the interviewees regularly covered protests and have attempted to investigate prisons, detention conditions, police brutality and the situation in Sinai. Covering these topics is dangerous, said many interviewees, who reported being

met with repression and harassment by security forces when they covered them. '[Our] journalists were arrested during field coverage, three times. One of them was a member of the Journalists Syndicate. Arrests of journalists is our greatest difficulty'. So although journalists do not encounter direct censorship from state authorities, they face many obstacles when seeking information, particularly if they are not recognized by the authorities as journalists.

The freedom to seek, receive and impart information and ideas through any media and regardless of frontiers is a key element of freedom of expression in international law. The 2014 constitution does not include these elements in its provisions for freedom of expression, although the 1996 Press law addresses them. The Press law has a section on journalists' rights, which says that: "Journalists have the right to obtain information and news from their sources, disclosed for publication in accordance with the law, whether these sources are government departments or public ones. Journalists also have the right to publish what they have obtained from [these sources]" (Article 8). These rights only apply to officially recognized journalists – and most news website journalists are not recognized.

Although these interviews found little evidence to suggest that officials directly influence content, the state manages to restrict freedom of information through other legal means. These include restricting access to information, restricting the definition of 'journalist', and thereby exposing non-recognized journalists to a draconian protest law, and at times targeting them with the deliberate use of lethal force. Many if not most killings and arrests of journalists take place during protests.

Censorship and self-censorship

In Egypt, some editors-in-chief are appointed by a state-controlled body, and some have an institutional line that is imposed on them. But all the editors and journalists interviewed for this study agreed that their news websites did not have an internal censorship policy, although all exercise caution in reporting on sensitive stories. For example, one interviewee said that the news website would be careful when journalists use strong words such as massacre or terrorist, as these convey personal views.

One interviewee, who had worked for several news websites, said that he was not much aware of state censorship. 'People censor themselves because they want to be close to the big guys. When I was an editor, nobody ever called me to tell me to publish or not to publish. Most of the red lines come from us.' He said that the most problematic stories to cover are 'sectarian tension or sexual liberty – they need a lot of editorial attention'. Another

editor listed the stories 'with the most red lines' as follows: Muslim Brotherhood, terrorism, detainees, the army and its role in the economy, and sectarianism. Other interviewees also reported that news websites were cautious about these topics. One said that, rather than censor journalists, their website could delay the publication of sensitive news stories, to limit the pressure that could potentially arise from their publication – an example of self-censorship.

Hostile online feedback is another form of pressure on content. Journalists interviewed differentiated between hostile feedback and more constructive criticism – hostile feedback is often orchestrated by paid commentators or microbloggers, and accuses journalists of insult or defamation, usually of the state or the president. Journalists tended to ignore this kind of feedback, and believe that it does not influence editors or investors in news websites.

When asked about internal censorship and self-censorship, some interviewees mentioned the fear that what they wrote might affect professional development. 'If you are an opponent and express your opinions, your opportunities will shrink – worse than Mubarak's days'. Another said 'I don't think we are in a situation where writing could get you threatened, or anything else – at the very most you might have a columnist who doesn't go with the editorial policy so you let them go'. One interviewee said that English-speaking newspapers are 'safer than Arabic ones. We don't get the same attention that Arabic news does. So we are sidelined when it comes to state oppression, and we rely on that'.

Not all interviewees feel 'sidelined' from state oppression. One interviewee is an opposition journalist is under investigation for his writings. He, his editor-in-chief and other colleagues have had their houses raided. A colleague of his was recently released from a six-month jail sentence. Another we spoke to is in exile. Another said the police admitted that they were eavesdropping on their phone.

Such forms of direct pressure and surveillance are not the only, or the main strategy for controlling news website content. The overall governmental strategy appears to be the reinstatement of the self-censorship regime, preventing the dissemination of dissenting voices through traditional or online journalism. Self-censorship operates not through 'censorship' laws, but a broader legal framework of repression that exposes journalists to harassment, arrest or even death. These threats prevent them from covering stories that are at odds with the government's version of events, and giving audiences to dissenting voices. The November 2013 protest law, which

granted security forces wide powers for repression of public protests and effective impunity for the use of excessive and lethal force, has had a direct effect on content, keeping activist journalists away from street politics, and keeping street politics out of the papers. Interviewees agreed that covering protests was a very dangerous occupation. 'The real danger is not writing, it is being on the street,' said one interviewee. Another said that he was covering street protests much less: 'Protests are much smaller and shorter. The risks to journalists are much greater than they were at the August 2013 Raba'a al-Adawiya protests [when hundreds of supporters of President Morsi were killed]. The November 2013 protest law means that you can get five years [of prison] for five minutes of protest, and being a journalist does not give you cover.'

The protest law has restricted online coverage of dissent. But it is not the only legal strategy of the government. Prosecutors still use the provisions of the penal code against the journalists who face the most targeted repression: those associated with the Muslim Brotherhood. These opposition journalists face physical attack and prosecutions for ill-defined offences, which carry very heavy penalties. Journalists working for these news websites have been arrested and prosecuted on charges such as incitement and support for a terrorist organization. Others are detained without charge. One interviewee for this research shared his thoughts from inside his prison cell in Cairo.

There's no freedom of expression in Egypt under the new military regime... After they closed Rassd's office and annulled our advertisement contracts, they came after us legally on criminal charges alleging the 'spreading of false news which could upset public safety, and seeking to tarnish Egypt's reputation abroad, etcetera'. Since my arrest on 25 August 2013, I've been on provisional detention despite the absence of any evidence against me. There's a large number of media professionals in lawsuit also imprisoned. [...] After the murder of many journalists last year, such as Mosaab Al Shamy, Habiba Abdel Aziz, Ahmed Assem, Mick Deane and Mayada Ashraf, and the arrest of many more journalists, it is obvious that the coming days will be more difficult for the press. It was wrong from the get-go – this is the State's policy vis-à-vis journalists and the media, and it won't change, this year or the next!

The self-censorship regime that shapes the experience of many Egyptian journalists was disrupted by the 2011 revolution and the rapid spread of social media that followed it. The government's legislative decisions and proposals over the past few months suggest that it is looking to restore that regime and extend it decisively to online journalists, by describing

new crimes that take place on the internet, that are described broadly and vaguely and that are punished severely. Article 21 of the draft anti-terror law that circulated in the press in late 2013 allows for prison sentences of up to five years for anyone who uses a website to 'directly or indirectly' promote 'membership' or 'knowing participation' in a terrorist organization. This kind of legislation is likely to make editors more cautious about the topic which they already recognize as one of the most sensitive – coverage of the illegal opposition in Egypt.

Awareness of Media Law and Policy

Many journalists expect that the newly established Supreme Council for the Regulation of Media will issue regulations governing the work of news websites. Many welcome some regulation of the sector and said they would be willing to register, in the hope that this would raise the standards of online reporting and increase the credibility and accountability of the sector as a whole.

Online journalists welcome registration but reject supervision

'There needs to be a place where this is documented; where you can know who owns a particular website. So if the registration is only putting names in a database, that's ok; if it's about getting approval, then no.'

'I [support] having a framework [for news websites], but I'm against anything that would constrain freedom. So far the framework of the new Council is that the goal is to organise, not to constrain. So if it's organisational, I'm all in favour. If it's for surveillance, absolutely not.'

'We would have no problem with registration. We're not doing anything wrong.'

But many are wary that the government will seek to limit the margin of freedom enjoyed online. Opposition and independent news websites are concerned that the new Supreme Council might devise a licensing system for news websites and allow political considerations to affect licence distribution. Several have stated they do not plan to let this hinder their work and will continue to work and publish regardless.

The legal and policy frameworks that affect journalists' work include the 2013 protest law, and elements of the penal code relating to incitement, defamation and terrorism. There is a clear divide between journalists who follow legislative matters (closely or even more superficially) and those who do not follow them at all. But all say they are familiar with the current laws, and that the laws in place are complex, open to interpretation and to arbitrariness. Most expect the situation to continue, as one said: 'This should change but not many people lobby for such a change. We need media laws to make it easier for small organisations to work, but I do not think this is going to happen soon'. The overwhelming majority of interviewees, and not only those from independent and Muslim Brotherhood affiliated websites, believe that it will be increasingly difficult to continue being a journalist in Egypt in the coming year.

5. Conclusion

New repressive laws that have been adopted or proposed since July 2013, when President Mohamed Morsi was overthrown, have de facto divided different news websites into three main clusters. Those supportive of the state have the most traffic and the most resources. Those affiliated to the banned Muslim Brotherhood face the harshest crackdown. They have faced vague and broad charges such as 'incitement' and 'support for terrorism', and many have gone to jail. Journalists from this cluster fear jail and physical assault. News websites that see themselves as independent or pro-revolutionary are tolerated, perhaps because their ability to influence street politics has been disrupted by the crackdown on protest, or because they do not have the capital that would allow them to compete with bigger websites. Many online journalists from these websites are not registered with the journalists syndicate, and this impedes their ability to properly practice journalism.

Interviewees from all three clusters used the same phrasing to describe the current state of (online) media in Egypt: a 'single voice' or 'single viewpoint' dominates, more than ever in recent memory. Many interviewees denounced the pervasive homogenization of reporting. This homogenization is partly a result of the spread of habits of self-censorship to digital space. Anticipated media laws and surveillance systems may make these habits spread deeper and wider in the future.

The irregular status of online journalists, makes them additionally vulnerable. Among the obstacles they face, fact checking and reporting on security matters are the most constraining. Government and public administration officials were pointed out as being often unreliable or dishonest sources, and at times highly reluctant to communicate with journalists on current developments. Security matters are a taboo in Egypt, with journalists often subjected to harassment, detention, physical assault or worse when attempting to report on protests, torture in police custody or North Sinai.

Direct censorship is rare, and at the moment, journalists can disseminate controversial views through social media if they are rejected by editors. But self-censorship is extending across the online media. Journalists do not feel comfortable reporting on topics that readers 'will not like'. The lack of access to information, a key element of the right to free expression in international law, makes it difficult for them to find supporting evidence for claims they make. Self-censorship has indeed been pervasive for decades in the country, a fact that makes it difficult to clearly disentangle ingrained behavior from new forms of self-restraint.

Finally, awareness of media policy and law is uneven among online media practitioners. Some journalists do not keep up to date with developments. Others monitor legislation, and are wary of tighter regulations, which may seek to stifle their freedom of speech.

News websites, along with social media, have played an important role in widening freedom of expression in Egypt. Online journalists await with some trepidation the new regulations that seem likely to be adopted soon. Any future regulation of news websites and digital space should be aligned with Egypt's international commitments to freedom of expression. Promoting freedom of expression can help Egypt navigate a difficult and polarizing period in its history.

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6. UN Human Rights Committee, General Comment No, 34, Article 19: Freedoms of opinion and expression, 12 Sep 2011, CCPR/C/GC/34
7. International law recognizes that incitement to terrorist acts should be prohibited. Security Council Resolution 1624 (2005) calls upon states to prohibit by law incitement to terrorist acts. There is no definition of 'terrorism' in international law, and many legal authorities, such as the special rapporteur on the promotion and protection of the right to freedom of opinion and expression, have expressed concern that the absence of a shared definition of terrorism gives states broad discretion in interpreting what kind of speech constitutes an incitement to terrorism. International law requires any restrictions to freedom of expression to be legitimate, precise, necessary and

proportional – but anti-terror laws are often broad and vague. Legal authorities such as the special rapporteur argue that any domestic criminal laws prohibiting incitement to terrorism must meet the three-part test.

“... any domestic criminal laws that prohibit incitement to terrorism must meet the three-part test of restrictions to the right to freedom of expression. This entails that incitement of terrorism: (a) must be limited to the incitement of conduct that is truly terrorist in nature, as properly defined; (b) must restrict the right to freedom of expression no more than is necessary for the protection of national security, public order and safety or public health or morals; (c) must be prescribed in law in precise language, including by avoiding reference to vague terms such as “glorifying” or “promoting” terrorism; (d) must include an actual (objective) risk that the act incited will be committed; (e) should expressly refer to two elements of intent, namely intent to communicate a message and intent that this message incite the commission of a terrorist act; and (f) should preserve the application of legal defences or principles leading to the exclusion of criminal liability by referring to “unlawful” incitement to terrorism.” (A66/290 para 34)

8. While it is possible to temporarily suspend some obligations under the ICCPR by derogating during times of emergency, there are strict requirements that must be met for this to be

acceptable under international law. One of these requirements, according to the UN Human Rights Committee, is that derogations based on a state of emergency must be exceptional and limited in time. Egypt's state of emergency lasted for so many years that it ceased being exceptional and became the norm. While there is currently no declared state of emergency in Egypt, new legislation is recreating similar conditions.