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Freedom of Expression in Egypt 2004-2007

On the Edge

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**THIS FOUR SECTION STUDY HAS BEEN MADE
WITH THE SUPPORT OF THE EMBASSY OF
SWITZERLAND IN CAIRO**

Dedication

To **the Egyptian Women** who walk out seeking their bread and liberty,

To **Female Workers** in Mehalla El-Kubra who stood in the frontline calling for fare wages and human work conditions,

To **Female Journalists** who were about to be raped on 25 May 2006 when they walked out calling for democracy in Abdel-Khaleq Tharwat Street and at the stairs of the Syndicate of Journalists,

I dedicate this study.

Negad

Special Dedication

To **Prof. Said El-Nagger** and **Ambassador Naguib Fakhry** who tough me that what is right is right even with a minority of followers and what is wrong is wrong even with a majority of followers, hoping I have abided by their advice.

Negad

Foreword

Lawyers for defending freedom of expression and the right to formulate societies.

How they were and what they become

Since 2002, United Group has been planning to establish a network of lawyers in most or all the governorates of Egypt whose mission would always be defending the freedom of expression and the right to formulate non-governmental organizations continuously. Such mission would necessitate, in the first place, promoting the lawyers' legal and technical knowledge in all such fields.

Supported by Swiss and Dutch Embassies, Norwegian Fund for Supporting Non-Governmental Organizations (NGOs) and United States Agency for International Development, we can say that such network not only appeared to light, but also it presented some of its work activities. Such activities would always stand out as a proof that if the exerted efforts were invested in the best course, they would form a strong core for defending freedom of expression in a country witnessing a progress in freedom sometimes and retreat in many other times.

Since the United Group was established in 2000 as a law and legal councils firm supported by a long history background extending from 1941 when lawyer Karima Ali Hussien, one of the first five female graduates of Faculty of Law Fouad I University, established her office downtown Cairo, she has

been working on developing its objectives and visions from a law firm aiming at rendering special service to its clients to a law firm realizing its role in its society and the legal profession which it carried its flame ever since.

Therefore, she decided to activate two non-profit organizations, according to their field of work and requirements, with a separate management and budget to work on two main objectives:

First: To support the legal profession by promoting the capacity and efficiency of lawyers in different new fields. In order to achieve such objective, Research and Training Department organized a number of specialized training courses starting from dealing with the provisions of intellectual and industrial properties Law and ending with a various trainings on dealing with non-governmental societies Act No. 84 of 2002, the articles of penal code outlawing some of the methods of expression, acts protecting, or rather not protecting, freedom of believe as well as training lawyers on how to deal with the applications of the act of performing political rights, ...etc.

Second: To work on publishing legal studies to reveal the defects in the Egyptian legislative structure which would help the supporters of change to get ample information about their mission. In such course, a number of important legal studies were published and drafts for effective laws were submitted as well. During the last period, United Group offered, either directly or in its capacity as a legal council, more than five drafts the most important of which were a draft for outlawing

and restricting children employment, another draft suggesting amendment for regulations of Act No. 84 of 2002 concerning non-governmental organizations, a draft for performing political rights and a draft for information circulation, ... etc.

The study which we are concerned with is one of the outcomes of such blessed network. It is the second part of a study entitled "The Guillotine & The Pit" the first part of which was issued in the Winter of 2004 to cover the situation of different types of freedoms starting from the year 2002. This is, however, the second part covering the period from 2004 till the end of 2007.

The title which we chose for this study, since its first part was issued, describes the situation of freedom of expression in our country with a view towards the laws controlling such freedoms and the social environment surrounding them. While the free opinion in our country suffers legal and social oppression due to the disappearance of discussion virtue and total absence of difference culture, the cost of free expression of opinion in our country is very much costly because anyone who dares to say his opinion would be, actually, make himself a mark for material and moral assassination or even a mark for freedom restriction.

It is important in such forward to clarify three basic points:

1. The objective of such study is to form an attempt to give a complete picture of freedom of expression in Egypt from 2004 to 2007 same as what we presented in the first

part which covered the period from 2002 to 2003. Therefore, the study teamwork was not concerned with giving detailed cases, except in very limited occasions, as such details could be found in the monitor reports published by many societies, establishments and legal centers. The objective of the cases referred to in this study was to give indicating and revealing examples for the situation of freedom of expression in our country.

2. This part, similar to the first part of the study, would be concerned in details with the developments on the legal structure of freedom of expression in the period of this study. Such interest in legislative development is not merely a result of the United Group being a legal firm, but it is rather that the law in itself is a reflection of the situation of the society. Moreover, it is rarely to find laws which are accurately and deliberately drafted that would not result in openness in society and adjustment for its members' relationships.
3. In addition, the second part which we are concerned with is a trial with all efforts to overcome all the defects of the first part as it gives growing areas for freedom of expression in vocational and workers syndicates. It also points out the positions of students' unions and highlights the position of the Orthodox Church towards freedom of expression considering all such points which were not duly covered in the first part.

However, I admit that we have to thank the Swiss Embassy in Cairo who supported the first part of such

study and hereby continues such grateful support in the second part without which we could not have been able to issue the second part of "The Guillotine & The Pit" however was our wish and compassion towards working in it.

Honesty also obliges us to state that all the opinions listed in such study is the responsibility of the main researcher and to a smaller degree that of his assistants as according to the set rules of the relationships between scientific and civil foundations and granting bodies. Moreover, the latter can not intervene in the technical details of the work. Accordingly, it is not allowed to ask about its results or the included opinions and thoughts therein. Same applies to the United Group, Attorneys-at-Law and Legal and Economic Counsels.

However, the United Group owns thanks to all who supports its works in various fields and it believes at the end that the private sector can not be aiming only at profit as it has its pioneer role in development which it has to play and should be supported by the state to shoulder such responsibilities.

**Lawyers Network for defending freedom of
expression and the right to formulate societies.**

**Support, Research and Training Unit for Non-
Governmental Organizations
United Group, Attorneys-at-Law and Legal
Counsels**

Introduction

"Freedom of expression is the core and peak of all freedoms, for any one who wishes this country to awaken and assume its position between all nations, he should defend freedom of expression and tolerance as without such tolerance there would be no home and without such freedom there would be no freedom." These good words served as the conclusion of the first part of "The Guillotine & The Pit" and an introduction to the second which words express the importance of freedom of expression and its position between other rights and freedoms. In our own estimation, freedom of expression is the key for all other freedoms as it allows citizens to enjoy and defend them. Without freedom of writing, organizing and peaceful expression of opinions and thoughts, it would be difficult, if not impossible, to defend the right of life, safety of the body, justice, independence of judicial authorities or other civil, political, economic or social rights.

The first part of the study entitled "The Guillotine & The Pit" concerning freedom of expression in Egypt 2002-2003 achieved an outcome that exceeded the expectations of the publisher and the researchers who worked on it. The welcoming attitude which it found, the praise it enjoyed and even the innovation of some of its conclusions, inferences and recommendation had a good effect in pushing the issue of freedom of expression in its broad meaning to the core of political and ideological discussions. It was also given the deserved attention from Egyptian researchers and thinkers aided by the issuance of the first part of "The Guillotine & The Pit" in 2004 and exactly following the issuance of the report of

Human Development in the Arab World in 2003 published under the title of "Towards the Establishment of a Knowledgeable Society". This good coincidence was an additional reason for stressing the importance of freedom of expression and its necessity towards catching the huge gap between us and the international development which the latter report uncovered and drew a 'road map' towards catching it.

Though some viewers consider such studies as being used as a pressure tool on the Egyptian and Arab governments, as the case may be, in order to present political concessions in different fields or to intervene generally in our affairs, it is very easy to refute such idea. The Egyptian and Arab governments have to stop violating its citizens' rights as there is no good in a governor who neglects such rights, because who neglects the rights and freedom of his citizens can easily violate the same rights and freedoms of his country. Therefore, criticizing oneself to find out defecting points is the only way to straighten the regime, whereas hiding defects would lead to committing mistakes as the fact stands out that anyone who is silent from telling the truth is indeed a silent demon. In addition, the Islamic culture allows straightening the ruler even by sword if he was not straight. It was told that Omar Ibn El-Khattab (May Allah be pleased with him) asked people after his election, when he stood on the tribune of Muhammed, may Peace and Blessing of Allah be upon him, to reform him if he bended, then one of the Muslims stood and said: "we swear to Allah if you bended we would reform you by our swords". Omar Ibn El-Khattab did not deny this

but he rather thanked Allah that there is one of his people who will reform him by sword if he bended.

I can not conclude this introduction without thanking my colleagues in the United Group, some of whose names are listed at the beginning of this study, who helped me throughout this work. I also thank my friends from outside the United Group who cooperated with me and who managed in a little period to get all what I requested of information and numbers in a country where information is scarce.

However, special thanks are due to the teamwork of the report of "Human Development in the Arab World 2003: Towards the Establishment of a Knowledgeable Society" and its chief researcher and great thinker Prof. Nader Fergany who opened by such excellent report the door to restore esteem to freedom of expression in the Arab world which have been long forgotten and almost got buried under piles of ignorance and despotism.

Finally, the best conclusion for such introduction would be what El-Kawakby said in his famous book about despotism, "Tyrant usually trembles from life sciences such as theoretical wisdom, mental philosophy, nations' rights, civilian politics, detailed history and all other sciences which would tear off the clouds hiding the sun which burns heads."

Also prophet Muhammed Bin Abdullah "May Peace and Blessings of Allah be upon him" said: "Spread knowledge and teach others till all people know, as knowledge would never

end except when it is kept in secret"¹ except for the words by Imam Aby Hanifa El-No'maan, (May Allah have mercy on him).

May Allah Guide us all to truth and keep us on the straight path; He is All-Powerful and has Supreme Control over everything.

Negad El-Boarey

Barrister

Maadi on 30 April 2008

¹ Told by El-Bokhary – In Saheh El-Bokhary – The book of 'How knowledge end by the death of men of science' – quoted from the report of "Human Development in the Arab World 2003".

Preface

Summary of the Study, Conclusions and Recommendations

"This is the best we can see. If anyone gets something better, we would accept it."

Imam, Aby Hanifah El-No'maan

"As I resolved that the origin of all problems is political despotism and its cure is the legislative consultation, I believe that each issue will be settled after 30 years of research."

Abdul-Rahman El-Kwakby

(May Allah have mercy on him)

Natures of despotism and Results of Slavery

Introduction

These pages are considered a summary in English for a study in more than 1800 pages in Arabic language issued on three parts. The translation is divided into three chapters: the first serves as a summary of the study which includes what we consider as main headlines referring to certain points in each chapter of the study's ten chapters. The second chapter is the conclusion of the study regarding freedom of expression in Egypt in general during the period from 2004-2007. The third chapter includes the main recommendations of the study, which, in fact, did not give new recommendation different from what we submitted in the first part issued in 2004.

Chapter I

Summary of the Study

This chapter presents a review for the ten chapters of the study, noting that this review disregarded many details. However it presents at the end what we can consider the most important points included in each chapter of the study.

- The first chapter discusses the positions affecting freedom of expression in Egypt 2004-2007. It described freedom of expression during this period as both positively and negatively affected by the international political environment which affected Egypt. The effect of such environment spread out to include the whole Arab arena.

It is taken for granted, from our point of view, that the political changes which occurred on the international level shortly after the events of eleventh of September 2001 lead to important changes on both regional and internal levels. It played an effective role in influencing the situation of freedom of opinion and expression in Egypt. Such changes acted as a main incentive for using various tools of expression courageously and effectively during the years covered by the study. The study reviewed the position of USA of freedom of expression in Egypt during the same period and regarded such position as decisive towards development of freedom of expression. The year 2006 witnessed the beginning of their retraction from supporting freedom of expression and democratic development in the Arab communities in general and the Egyptian one in particular, which led to retract the

relative progress which was witnessed during the years 2004-2005. The study referred the reason behind the support of the USA and European Union to freedom of expression to the fear of the growing power of the Islamic political streams after the bitter experience of the Palestinian elections which resulted in Hamas securing a majority in the parliament. Accordingly, it was qualified to formulate the Palestinian government. Also the unexpected results in Egypt parliamentary elections which resulted in Muslim Brotherhood group securing 88 seats in the parliament. In addition, the need of America and Europe for Egyptian efforts in some of the pending files such as Hamas control of the authority over Gaza District, South Sudan, Darfur problem, situation in Iraq and confrontations of Iranian expansion which allowed the Egyptian political regime to conclude barter agreement between its position in such cases and the West position towards freedoms of expression in general.

The study reviewed in its first chapter the initiations of the United States and Europe to promote democracy and to use economic aid to make appositive effect towards democracy and human rights cases which pushed forward a good improvement in its position during the years 2004, 2005 and 2006.

The first chapter also reviewed the Arab initiations, either governmental or non-governmental organization ones, to improve democracy and human rights situation in the Arab world and Egypt in its center. It also regarded that the invasion of Iraq and toppling of Saddam's regime as the first subsequent of the eleventh of September earthquake which

represented a precedent case in the Arab modern history for a multinational forces to attack an Arab country, topple its government, arrest its general staff, eliminate the established regime including its armed forces, police forces, ministries, authorities, ...etc. and invite the runaway opposition to assume power². The study pointed out that the objective behind the international press agencies broadcasting for the image of the huge statue of President Saddam Hussein falling and beaten by shoes by the angry citizens was to convince many Arab leaders that it is time for change and it would be better if they did it themselves. Along with the high international motivation, many initiations were submitted by the Arab leaders for political reform in the area as a kind of balance with reform initiations adopted by the United States and European Union. The first chapter presented four basic notes on all such initiations as follows:

First: All or most of these initiations occurred in one year, from January to December 2004, which attracted attention, as from one side it witnessed the start point of the campaign of the United States of America and Europe supporting democracy in the area and it is the year which followed the issuance of the most important Arab report regarding democracy in the area (i.e. Arab World human Development Report³). Such a report was considered as the first and most important document which diagnosed the problems of the

² President Saddam Hussein was the first one to invade an Arab country, topple its government, arrest its officials and announce annexing this country to him when he invaded Kuwait in the nineties of the past century (20th century), changed its name to Kut and declared it as the 19th governorate of Iraq.

³ This report was published at the end of the year 2002. According to its conclusions the United States of America released its first initiation to support democracy in the Arab world (i.e. Partnership initiation in the Middle East in its first version which was known first as Powel Initiation as attributed to Colin Powel the Secretary of States the then.

Arab World accurately and referred it totally to the absence of democracy. This undoubtedly confirms that the problem of freedoms in the Arab World would not be solved unless it attracted the international attention. Without such attention, the ship of freedom in the Arab World would never reach its port and would sail without harboring as long as the world was uninterested to the issue of the freedom in this part of the world except for a little period and as a result of accidental events.

Second: The Arab initiations for analyzing the root of the problem were not much different in essence as it was different in ways of expression and terms. Important terms such as deeply penetrating people participation, support election systems, independence of judicial authority, granting freedoms of expression, supporting value of tolerance and other important terms were repeated in various forms and expressions in all initiations including the initiation issued by the Arab summit. This confirms, however, that during this year there has been the first complete agreement between all of the leaders of the political and cultural actions in and outside the area regarding diagnosing the problems and the steps that should be taken to solve same. This demolishes the opinions which repeat from time to time that the political reform is imposed from abroad and that there is also an outside agenda that has been imposed on us.

Third: It is now confirmed that the Arab leaders did not want to carry out any actual reforms in the structure of the political system and that all the former initiations were merely a bending till the storm passes. As soon as it passes, they

returned to their habits of restraining opposition, suppressing freedom of expression and evading their responsibilities which they promised. We recall the regretting conclusions of **the parallel forum of the civilian society organizations held in Rabat in February 2006** because, "Most of the Arab World governments did not reach the level of commitments it undertook in the issue of political reform". Such commitments were expressed in "Tunisia Declaration for promoting Democratic Dialogue" issued from the Arab summit in Tunisia 22-23 May 2004 and other declarations and documents issued from a number of conferences held and sponsored by these governments. In fact, time proved that the promises of the Arab governments are of no value and can not be relied on.

Forth: The Arab civil society failed in dealing with the exceptional weakness point which the Arab regimes witnessed and instead of strengthening its international relations with the forces which, for their own targets, may meet its objectives, it yielded to the Arab governments' extortion. Therefore, the cultured and Arab civil organizations wasted the years 2004 and 2005 in a futile discussions concerning reform from outside or inside the country and whether we initiated reform or it was imported from abroad. So they were used up by the cunning Arab tyrant regimes in useless discussions and sayings till the international enthusiasm in democracy was exhausted. Afterwards, it turned to them and destroyed them.

This part of the first chapter concluded that the regional Arab environment was full of discussions and initiations

during the years from 2004 to 2007 and when the sun beam appeared, it was clear that all these initiations had already gone with the wind. By the end of 2007, the issue of democracy returned to its start point in the year 2002 with speeches about democracy and procedures to stabilize tyranny in an amazing way that could never be found except in this part of the world.

The first chapter reviewed the internal conditions affecting freedoms of expression in Egypt during the period from 2004 to 2007 and confirmed that the internal political situation and the Egyptians' wish to get actual gains helped in a way or another the international position supporting democracy in Egypt. It also confirmed that the despair suffered by the Egyptian community and doubts concerning plans executed to facilitate Mr. Gamal Mubarak takeover of the reign, as a successor to his father, facilitated the start of a new era that could not be ignored. The first chapter followed up the elevation of Mr. Gamal Mubarak in the National Party and the following disappearance of some leading characters that were dominant in the governing National Party. It also surveyed the trials of the Egyptian political system to cope up with international and internal pressures on it and the invitations of the National Democratic Party to opposition parties to start a new session of discussion in September 2003 to guarantee the soundness of the party performance. Such discussion ended up in failure as a result of the insistence of the National Party to monopolize power without even accepting formal participation by opposition parties. The first chapter concluded the vitality of the Egyptian political situation from a number of phenomena including the

establishment of the Egyptian Movement for Change in 8 August 2004 under the slogan: **(No to Extension, No to Bequeath)** which included eight Egyptian parties (i.e. El-Wafd, El-Tagamo'a, El-Nassery, Labor, Al-Omma [Nation], EL-Geel [Democratic Generation], Egypt 2000 and Al-Wefaq Al-Qawmy [National Accord] to form a union called National Agreement for Political Reform. Such a union held a parallel conference to the Annual Conference of the National Party in 21 September 2004 and declared its objectives for political reform and the approval of the parties committee to establish El-Ghad Party (Tomorrow Party) under the leadership of the parliamentary Prof. Ayman Nour as well as amending article 76 of the constitution to allow for the first time electing the president in Egypt from a number of candidates.

The first chapter, however, noticed that such great political activities such as revival of freedom of expression; demonstrations becoming a daily activity, intensified political discussions and suggestions aiming at improving the situation, **President** Mubarak run through his election's campaign opposite to Ayman Nour, the president of EL-Ghad Party, and No'man Gom'a, the president of El-Wafd party. Such activities retracted gradually during the years 2006 and 2007 till it almost disappeared by the end of the year 2007. Though those two years witnessed an amendment for about one third of the constitution including 34 articles, beginning of workers syndicates' elections and elections of the Egyptian Syndicate of Journalists, this gradual retraction is attributed to some reasons including:

1. The shocking results of the parliamentary elections in November-December 2005 in which Muslim Brotherhood organization secured eighty eight seats in the parliament. Though such number was not far from the expectations for them to secure about fifty seats, especially after their good performance during the legislative elections held in 2000, however, it participated in spreading an international atmosphere of apprehension regarding what any fair parliamentary elections in Egypt would result in. The Egyptian government managed to do a wide campaign to warn from rushing in international calls to accelerate the political reform especially after Hamas took over the Palestinian Legislative Council after the elections held at the same period in addition to the decrease of international pressures on Egypt gradually as a result of the United States need for Egypt to play a role in some regional outstanding files including situation in Gaza District, Iraq, Sudan and others. The Egyptian regime managed to introduce itself as a friend to the United States of America and Europe in an antagonizing environment.
2. The absence of imagination in the Egyptian opposition parties for failing to renovate its defending methods and to submit positive suggestions made use of international pressures in a positive way which followed the promises of the Egyptian government to consider international pressures to impose democracy as a sort of foreign interference, moreover its inability to attract Egyptians to join its team as a result of its futility and constancy of

its leadership, disappearance of its dignity for the citizens as a result of its internal conflicts from one way and its subordination to the Egyptian Government from the other and its struggles to get small profits from those parties.

3. Amendments to the constitution which caused a real shock, depression and feeling of absence of actual reaction to their suggestions and trials to achieve a real and peaceful reform in the structure of the political regime for those aspiring a real political reform. Regardless of the argument about the fifth article to which citizenship principal was added, its meaning and consistency with the second article which states that the Islamic Sharia (jurisprudence) is the principal source of legislation, the abolition of article 88 concerning judiciary supervision on elections, addition of article 179 which grants the president of the state the right to refer suspects to any court including the military court on the plea of fighting terrorism. Moreover, it removes constitutional safeguards requiring the government to obtain judicial warrants when arresting or detaining them. Those two regulations were shocking and frustrating to the political forces which found determination from political regime to proceed on controlling the political process which was called the process of "Tunising the country"⁴.

⁴ "Tunising" referring to Tunisia as president Zain Al Abdeen Bin Ali managed to perform formal political reforms in 10 years including a limited and studied representation for the opposition in the parliament, formal presidential elections between more than one candidate and establishing independent civil organization related to the state in front of real independent civil organizations.

4. Public shocking feeling concerning new mechanisms invented by the National Party to degrade his opponents while being covered by the state's power whether by publishing newspapers that assassinate its opponents morally or launching some of its affiliated lawyers to file political claims against editors-in-chief of opposition newspapers for whom certain judges are selected. Such claims ended up in the imprisonment of five of the most important editors-in-chiefs of opposition newspapers in Egypt including Anwar El-Hawary (El-Wafd editor-in-chief), Ibrahim Eisa (El-Dostour editor-in-chief), Adel Hamouda (El-Fagr editor-in-chief) and Wael El-Ibrashy (Sawt El-Omma editor-in-chief).

This chapter proved that "in spite of those findings, right of expression recorded a victory by the end of the year 2007. It became established at the public as a right that can not be given up or negotiated which appeared in the demonstrations organized by workers of Mehalla factories, employees at Real Estate Tax Authority and residents on El-Qurasia Island. Such demonstrations ended up in real gains which can not be under estimated for the participants as when prominent people exercise its right of expression it is expected, however, when people decide to exercise their right of expression and achieve gains for themselves. Therefore, this would be an indicator that can not be ignored.

It has always been noticed that the economic conditions affects freedom of expression. When economic conditions flourish, society conveys its freedom of

expression in arts and literature, becomes interested in the printed media such as newspapers and publications and consequently they become more interested in freedom of expression and news reporting. On the other hand, when economic conditions get worse, the public becomes interested in different types of expression including demonstration, strikes; especially those for work gains, as well as audible and visual media as an amusement and news reporting for groups which can be attained at a little cost. Furthermore, when economic conditions improve, the public becomes more interested in practicing their right of expression which can not be reached in inadequate economic conditions. The first chapter added generally that the Egyptian economy experienced a tangible improvement during the period from 2004 to 2007 more than its performance during the period 2002-2003. This contributed to increase concerns towards different types of freedom of expression and observing the indicators of such increase of interest and rates of economic growth such as: increase of life expectations at birth from 1:70 in the report of 2004 to 6:70 in the report of 2005; increase in the individual share from gross national income according to purchasing power of the US\$ from 3793 according to the report of 2004 to 4151.5 according to the report of human development of 2005.

Moreover, the rate of students' registration in the primary, secondary and high education increased from 72.1% in the report of 2004 to 74.2% in the report of 2005 noting that the rate of reading and writing from the age

of 15 and up decreased from 69.4% in the report of 2004 to 65.7% in the report of 2005⁵. However, the first chapter detected some problems which affected people's practice of their rights including freedom of expression such as unemployment range which increased to reach 10% during the fiscal year 2003/2004. The same range did not change during the fiscal year 2005/2006 to reach unemployment range to about 9.6% and increase of poverty problem in spite of increase of the individual medium share of the national income from LE5742.1 according to the report of human development of 2004 to LE6142 according to the report of 2005. This average would be deemed low especially if we paid attention to the bad distribution of the national income as the richest 20% of the population gets 43.6% of the national income, whereas the poorest 20% of the population gets only 8.6% of the national income which reflects a differential in social classes, bad distribution of the income, treasures centralization, spread of welfare disbursements in front of poverty spread and increase of the powers of Egyptian businessmen in political life either in executive authority or in the parliament. Finally there is the problem of corruption regarded as one of the basic problems which affect freedom of expression and according to the indicators of the International Transparency Organization Egypt got a low level of impartiality and transparency amounting to 2.84 which reflects spread of corruption in it.

⁵ For more information about the progress of human in Egypt, refer back to the report of Human Development of 2004 – Decentralization for Rational Rule – and the human development report of 2005 – Choosing our Future towards a new social decade – publisher: United Nations Development Program and National Planning Institute

Regarding social and cultural environment, the first chapter detected the increase of spinsters' problems, marriage age, divorce rates as well as spread of shocking accidents related directly to unemployment which result directly in poverty and dependence on the family and the related favoritism, rude and unmannered discrimination between citizens of the country according to their social origins and the relations of their relatives to public authorities and influential people. Such disordered environment participates in the vast difference between social classes appearing in the huge income of one class and the minor income of another, spread of poverty and the most extremist religious thoughts, hegemony of forbidding mentality on the Egyptian cultural environment which makes the cost of serious discussions and free opinions high to the extend of fear of paying same. In addition, public religiousness spreads as a type of the formal understanding of religion by limiting it to a way of clothing, eating, walking and speaking without studying thoroughly the essence and the meaning of religion nor the causes of commanding same. The Egyptian society witnessed also spread of clinics for the medicine of the age of Prophet Muhammad concerning legal opinions of drinking camels' urine and other anti-science prescriptions trying to recall the sense of the past and to live in it. This led, however, to the truth that a large scale of the society abandoned modern life to that of the first century of the Hejri calendar and followed the people of this century in every thing starting from clothing to the way of speech. The first chapter confirmed that the forbidding mentality and the attempts of banning thinking and expression were dominant in the public

discussions in Egypt characterized by quick and violent temper. Religious and political arguments were characterized as well by mixing religious explanations and interpretations in raising political and social issues leading to abandoning clarity and entering into the areas of symbolism. In addition, social, political and cultural aspects were concealed in favor of empowering religious factors mixed with chauvinist attitudes resulting in putting all cases inside the circle of forbidden and lawful, nationalism or traitors. In such atmosphere, complex problems, its historical backgrounds and political aspects were eradicated and turned into a problem concerning legal opinion reproducing old jurisprudence or religious opinions and regarding it as an ordinance some times or as an analogy other times.

Regarding the second chapter concerning the constitutional position towards freedoms of expression, this chapter proved that despite of the two amendments on the Egyptian constitution during the period from 2004 to 2007, the first of which on article 76 of the constitution concerning the election of the president of the state and the second on 34 articles of the constitution. However, the support of freedoms of expression was not included in such amendments.

The second chapter mentioned a number of notes on the way of amending the constitution in the two times as follows:

First: This flow of constitutional amendments occurred after long refusal from the executive authority in spite of all attempts to submit ideas concerning constitutional amendments which were presented by independent thinkers

and political parties, the government did not accept to discuss any of these ideas.

Second: The manner in which amendments were requested was closer to a revolutionary one surrounded by secrecy, rush and haste. As we mentioned before in the first chapter of this study, **President Mubarak** anticipated the national dialogue sessions between National Democratic Party and the eight parties of the national accord (El-Wefak) decided to be held on 31 January 2005 by statements to the journalists on 30 January 2005 in which he considered that the call for constitution amendment would allow chaos in the country as a null and void claim. As a result of such statements, **Safwat El-Sherif, the secretary general of the National Party** was able to get a temporary concession from such parties about the request to amend the constitution to be submitted after the referendum on the Presidency of the state planned on September of the same year. However, after less than one month from his statements refusing to amend the constitution to allow presidential elections from several candidates, President Mubarak requested amendment for the same reason which was considered a surprising action for lots of people including his reign supporters. Same applies for the second wide amendment of the constitution on 2007.

Third: The constitutional amendments were not duly discussed and the decision thereof was rushed and hasty.

Fourth: Despite that the constitution in its article No. 189 grants one third of the members of the parliament, beside the President of the state, the authority to request amendment of

the constitution. However, the parliament requested amendment of the constitution only one time in 1980 during the three times in which 1971 constitution was amended.

Fifth: Such amendments did not revise the constitution from a major defect that is referring the issues of organizing the fundamental rights of the Egyptians to law, especially the issue of freedom of expression, which is the most important criticism not only to the current constitution but also to the previous constitutions.

Sixth: Although the main objective behind the constitutional amendments according to **President Hosni Mubarak** was to: "allow more freedom for the citizens"; the amendments did not tackle this objective as no real amendments were carried out on the third chapter regarding the public rights and freedoms which starts with article 40 and ends with article 63. On the contrary, such rights and freedoms mentioned in the constitution were diminished by adding article 179 which allows the executive authority to be free from all guarantees mentioned in the same constitution and to oppress the public rights and freedoms of the Egyptians with the pretext of fighting terrorism.

The second chapter described the constitutional amendments as "Much Ado about Nothing". It also declared some reservations regarding form and others regarding content. As for the form, the experts of constitutional law agreed that the drafting of this article is defective because there is no article of any constitution which consists of six hundred and fifty six words, especially that all former or following articles are not

that much. As for the **content**, some objections were expressed including that it made the nomination conditions too difficult for any independent individual or party authority. Moreover, the committee formed by article 76 in its new form which is in charge of managing the operation of presidential elections and made its decisions in the power of constitution that can not be appealed before any authority. It was also responsible for setting regulations and rules ...etc. This committee has been formed from five judges including its president as well as five of the public figures three of which are selected by the People's Assembly and two by the Shura Council. Therefore, it is indeed a political committee that is actually controlled by one controller for both councils (i.e. National Party in our case) who is biased. In addition, the immunity of the decisions of this commission from judicial supervision is in itself a breach of article 68 of the constitution. This constitutional text included an exception from its regulations for a certain period as it states, "As an exception from the regulations of the previous article, each political party may elect in the first presidential elections held after enforcing this article a member of its supreme board before 10th of May 2005 according to its memorandum of association". It is known that constitutions set general rules and does not include exceptions for certain periods from the rules which it decided as this would be considered as a defect in the legal structure of the constitution which was not found in any constitution of the world or Egypt itself. In addition to all these facts, the constitutional text approved the principal of the previous supervision on the constitutionality of the law of electing the president of the state in a country adopting the

principal of the following supervision to judge the constitutionality of laws.

As for the second amendment on the constitution, the study proved that it did not tackle the so called forgotten freedoms of expression either by mentioning it or by modifying its shy existence in the constitution, referring hereof to the right of circulating the information, banning supervision on audio and audio-video works and the right to strike. In addition, some of these amendments were just in form as those on articles 1, 56 and 76. For example, the addition of the word citizenship in the first article only originate a literal amendment in spite of the propaganda which showed it as a key to discharge the sectarian congest in Egypt which reached its peak since the last days of President **Mohamed Anwar El-Sadat** who made the amendment of the second article of the constitution by making Islamic Sharia (jurisprudence) the main source of legislation instead of making it a main source of legislation. As for article 56, no actual amendment was effected as it kept all the defects it had since it was enforced and all what the amendment did was to omit one of its rules stating "to support the socialist behavior amongst its members". Such amendment necessitated omitting all that is related to socialism in the latest amendments on the constitution. Accordingly, there is no meaning for such expression in all that is related to the freedom of forming syndicates or expanding its interests in protecting the rights of its members.

However, the most important point in the constitutional amendments is what was considered by the second chapter

of the study as a retreat from supporting freedom of expression. We can refer hereto to the amendments on the articles five and eighty eight as well as replacing article No 179 composing the provisions of the socialist public prosecutor by another article carrying the same number and regulating provisions for fighting terrorism. For example, the amendment carried out on article 88 of the constitution forms a real retract and a dangerous setback for freedom of expression through political participation in general elections. It was also known before the amendment that the text stated that casting the ballots should be carried out under the supervision of the members of judicial authorities including Civil and Administrative Jurisdiction, Administrative Prosecution Authority and State's Litigation Authority. However, such amendment retracted the right to supervise casting the ballots from judges to grant it to an administrative committee in which judges form a minority.

Regarding article 179 which was added on the pretext of fighting terrorism, it forms, according to the description of the second chapter, a political disaster and a disgrace that would be inflicted on every one who has participated in the amendment of this constitution. This article abolished the enforcement of the three articles which dealt with rights and freedoms of expression and deemed as the back bone of the Egyptian constitution, i.e. article 41 protecting citizens from unlawful detention, 44 concerning entering houses without permission and 45 concerning protection of the secrecy of mail correspondences and telecommunications.

It also granted the president of the state the right to refer any of the terrorism crimes to any judicial body which he thinks appropriate including military jurisdiction aiming at replacing the temporary Emergency Code with a permanent Emergency Code with the pretext of fighting terrorism.

However, the second chapter did not ignore the positive amendments for the constitution which were included in one article only (i.e. article 62) as it cleared the way towards changing the elections system easily so that it would help to choose a better elections system and accordingly to consolidate the political parties, prevent elections' bribes, encourage political arguments and allow the possibility of imposing a quota for women in any new elections' code without being afraid of pleading it as unconstitutional or claiming that such temporary positive concession is a breach of equality rule stated at the constitution.

Concerning the position of the Supreme Constitutional Court from freedoms of expression 2004-2007, the second chapter proved that there were no big contributions of the Supreme Constitutional Court in the field of freedoms of expression during the period covered by this study unlike previous periods which witnessed a strong court ruling defending freedoms of expression in all its forms. This was attributed to the fact that the Constitutional Court does not confront the constitutionality of laws from one side and the litigants can not attend before it directly to judge on the constitutionality of the legal text applied on the case. The court is informed with the constitutional litigations by referring the applicable laws on the raised issue if it decided, either by itself or according to

a pleading submitted by one of the litigants or both of them, that it breaches a provision of the constitution. However, this chapter proved a number of principals set by the Constitutional Court which confirm guaranteeing public freedoms which is not new to the court although some of them is not related directly to the freedoms of expression but was raised in litigations related to subjects connected with freedoms of expression in a way or another.

First Principal: The constitutional legislator should observe the principals of equality of opportunities in any legal provision issued by him and that any provision which is discriminative turns it unconstitutional regardless of its importance.

Second Principal: No legislative provision is allowed to breach freedom of opinion and expression in any way and under any pretext or plea.

Third Principal: Any excess in penalty in criminal provision is deemed as an assault on individual freedom and breaching to the regulation of article 41 of the constitution.

Fourth Principal: The actions penalized by law criminally have to be crystal clear, otherwise it would be unconstitutional.

Fifth Principal: The Constitutional Court is not qualified to observe the agreement between some provisions of the constitution and other provisions.

The second chapter concluded that, "There are no positive effects either on the freedoms of expression specifically or public freedoms generally as a result of the constitutional amendments which occurred during the years 2005 and 2007. On the contrary, we can say that public freedoms and rights, the most important of which is freedom of expression, are in an imminent danger especially after the addition of article 179 concerning fighting terrorism and immunizing the decisions of the presidential elections committee against appeal before any authority according to article 76 of the constitution.

The third chapter of the study reviewed the legislative attitude towards freedom of expression. This chapter is deemed as one of the longest chapters of the ten chapters of the study regarding the number of its pages. It examined through three basic sections the attitude of Egyptian legislation towards freedom of expression during the period from 2004 to 2007 then the freedom of expression inside the juristic authority itself during the same period and finally the viewpoint of the Egyptian courts towards freedom of expression through analyzing some of the provisions of civil and administrative jurisprudence in the different fields of freedom of expression.

As for the legislative situation, the study concluded that nothing was new generally to the structure of the Egyptian legislation during the period from 2004 to 2007. However, during the period of this study, three laws related to different freedoms of expression were amended, i.e. political parties code concerning the conditions of forming political parties, the authorities of parties committee and its formation, Penal

Code regarding abolishing imprisonment penalty in some cases of publishing newspapers by the addition of an article penalizing inciting inequity, fighting discrimination and verifying some legal drafts and finally the law of practicing political rights regarding creating an "independent" committee to supervise elections in order to replace judicial supervision and apply amended article No. 88 of the constitution. A new law was issued too during the same period to organize the issue of electing the president of the state to enforce the amendment of article 76 of the constitution according to which the president of the state is now chosen by election from various candidates instead of the referendum system on one name selected by the parliament. During the same period, the emergency case was extended as the parliament approved such extension for two years or till a law for fighting terrorism is passed, whichever is sooner.

The study presented a number of notes of the issued legislations as follows:

Concerning the code of forming political parties, the study proved that two additional restrictions were added by the Egyptian legislator on the freedom of forming parties which can be demonstrated in a special way. The first restriction was that: **"The party should not be founded on its principals, programs, performance of its activities or choosing its leaders or members on a religious, class, ranking, geographical basis or on the basis of making use of religious feelings or discriminations because of sex, origin, religion or belief"**. While the study considered that preventing formation of parties on a sectarian basis is a

positive issue, it also considered that preventing its formation on class or sectarian basis is in itself unnecessary restriction on the freedom of forming already registered parties. The second amendment was to increase the required number to establish a political party from fifty members to one thousand members. The study added that "Although the number of one thousand is not deemed a big one for a country like Egypt with its population exceeding seventy seven millions, however, the effects of the emergency case continuous for twenty seven years is not much helping to build a strong political action, in addition to various breaches which accompany elections and the monopolization of power by one party in Egypt. All such points turn the number of one thousand members from ten governorates as an impossible condition which may not be so in a different environment and climate."

As for the amendments on the law of practicing political rights, the study reviewed them and proved some notes including: domination of the non-judicial members on the judicial members in forming the special committee entitled to supervise elections, forming the general secretary of the committee from the representatives of the executive authority, there is no any obligation on the state's authorities to help the committee or any penalty in case of abstaining from helping it as well as the incapability of the committee's functions. As for the electoral lists, law granted it the authority of setting the rules of preparing electoral lists, its content and the way of checking, revising, reviewing and updating same as well as following them. Therefore, the actual preparation of the electoral lists remained in the hands of the Ministry of

Interior; also the committee is not responsible for dividing electoral districts.

As for the amendments of the Penal Code regarding abolishing imprisonment penalty in some cases of publishing, the study hailed it although it considered it as a small incomplete step. It added: "The Egyptian law recognized discrimination for the first time and penalized it in an attitude matching with the international conventions and agreements signed by the Arab Republic of Egypt. This attitude was considered by the study as a true move in the concept of legal protection against discrimination as it combines all types of discrimination. It also penalized discrimination against any human being not only the Egyptian citizens or the inhabitants of Egypt.

The study also considered the amendments obliging general prosecuting authority and courts to cooperate with the journalist in proving the truth of actions which he might attribute to the person whenever he requests same as facilitating and helpful to prove the innocence of journalists and the like who use newspapers to express their opinions. In addition, these amendments restored the responsibility of the editor-in-chief to its origin as he is no longer responsible except when the claimant of civil right proved that the editor-in-chief has breached his responsibility of censorship. It also abolished imprisonment penalties in some articles of the Penal Code related to publishing namely articles 182, 185, 303 and 306 as one of the long awaited positive points. However, the duplication of fines has indeed emptied the provision

from its real meaning and made this step a right incomplete one.

However, the study proved some problems in this legislative amendment which were behind unaccomplished good results.

First Problem: Is concerned with the fine as despite that the legislator has abolished the penalty of imprisonment in four articles, three of which represents the dominant percent of publishing cases in the Egyptian courts, however, it duplicated the fine to amount sometimes to twenty thousand Egyptian Pounds. And in addition to the fact that the range of the wages of Egyptian journalists does not exceed LE300-LE500 and that 46% of the Egyptians live below poverty line, this would clarify that this penalty is deterring for any journalist or broadcaster who thinks he can perform his mission or even any normal citizen who wishes to use newspapers as a media for expressing his opinion in the current events.

Second Problem: It is regarding the imprisonment penalty in publishing cases, as the civil penalties in this type of crimes are still in force in the Egyptian law and the penal Code still penalizes the crimes of expressing opinion through publishing in newspapers by imprisonment and fine as the Penal Code still includes many articles which penalize expression of opinion through writing by imprisonment.

Third Problem: The legislator stressed in the issued law on publishing what he called impudent prints and penalized it

by imprisonment even for publishers for those prints. The study added that, "The legislator included the publishers to control newspapers especially that the phrase "impudent prints" is a wide one which we hoped to be revised and omitted by the publisher instead of including journalists under its provision by adding publishing to the elements of the crime."

Fourth Problem: The legislator added a new article to the Penal Code penalizing issuance of newspapers without permission by imprisonment and fine. This is the added article which carries the number 200 bis despite of the complexity of issuing newspapers. The legislator did not define the word newspapers and whether it is deemed necessary for penalizing an action for the newspaper to be issued on regular basis or no and after how many issues the newspapers is considered to be issued on regular basis.

Fifth Problem: The legislator added a new article to Penal Code carrying the number 200 bis "A" according to which the newspaper is deemed jointly responsible for the financial penalties which has been ruled against the journalist if the crime was committed by the editor-in-chief or the responsible editor in a clear breach of the principal of subjective penalty.

Regarding the law of presidential elections No. 174 of 2005, the study considered it actually as a referendum in the shape of election and also that the law which was deemed as an enforcement of article 76 of the constitution and used some times the same wording made it very difficult to run for presidential elections either this nomination was from an

individual or a party authority. The committee, formed by article 76 in its new shape, is responsible for administering presidential elections with its decisions having the power of constitution and can not be appealed before any authority as well as being authorized to set regulations and rules. The committee is formed of five judges including its president as well as five of the public figures three of whom are selected by the people's assembly and two of them by the Shura Council. Therefore, it is indeed a political committee controlled by the one who controls both councils. The study noted that the law restricted the flow of information about the tendencies of the public opinion according to the regulation of article twenty three that, "Any survey concerning the presidential elections that is published by media should include complete information about the body which carried out the survey, the body financing same, the questions included in it, the volume of the sample, the place thereof, the method in which it was carried out, methods of collecting its data, the date of effecting same and the possible percent of mistakes in its results by assuming that this provision would cause media to abstain from publishing information related to the results of surveys related to vote tendencies in elections, which is deemed as a restrain on circulation of information and opinions. Finally, the law minimized the possibility of the candidate to receive support from his supporters according to the regulation of article 27 stating that: "Any contribution, financial or in kind support for the elections campaign from any judicial person is prohibited."

The Second section of the third chapter dealt with freedom of expression inside the judicial authority 2004-2007 by

reviewing the conventions and the successive functions thereof. The study presented a number of criteria on which basis the jurisprudence freedom of expression and forming societies can be evaluated confirming that this is conditioned that the jurisdiction has to conduct, while practicing their rights, in a way to keep the dignity, uprightness and independence of jurisprudence which can be decided according to customs, traditions and judicial precedents. The study added that, "Guaranteeing judges' right to express opinions and forming independent private professional organizations is deemed as a cornerstone of jurisprudence independence". It also submitted a historical approach for the conflict between jurisprudence and executive authority as well as presenting the continuous trials from the part of the executive authorities to interfere in the jurisprudence affairs and proving this with the assault on the late Abdel-Razek El-Sanhouri the chairman of the council of state on 1954 and the jurisprudence massacre on 1969. It also surveyed the Judges' Club, its establishment, history and attitudes in defending dependence of jurisprudence, some times the tense relations and other times the normal relations with the successive Ministries of Justice even with the current Minister of Justice Mamdouh Marei⁶. Also the trial of Ministry of Social Affairs to control the Judges' Club and assume it a non-governmental society subject to the law No. 84 of 2002 plus the cases considered by the study as an application of the stick and carrot policy against the Club.

The study fully illustrated the roots of the problem of the judges' supervision of elections and how the judicial

⁶ The current Minister is the one at the date of writing this summary, i.e. 1st of May 2008.

authority related it to the independent of jurisprudence in general and the community arguments in particular. It also referred to different stages of the conflict and its roots.

The study presented a picture of the ways of the judges' demonstrations on the autocracy of the executive authority by using sit-ins, protests and demonstrations to convey their requests to the public opinion and the reaction of the executive authority towards the same.

The study also reviewed the refusal of the judges to extend their service period to seventy years and the reasons thereof. Then the assault of police forces on one of the judges and injuring him badly. At the end of this chapter described by the study as: "It was neither an exposition of the problem between jurisprudence and the states nor a detailed exposition of the events in which judges practiced their rights of expression as the subject is huge so that it can not be exposed in a few pages. However, we can say that the idea which deserves to be contemplated is to which extent the judge is allowed to practice his right of expression, is the expression of his opinion limited on specified subjects or he has the right, like others, to express his opinion in any subjects, thoughts and other issues. In other words, if the judge expressed his opinion in an issue and then the same issue was presented to him as a case to decide upon; how would he act? And is this issue limited to press statements and scientific writings or he can use unusual methods, for the judges, to express opinion such as demonstration and sit-in? They are all questions pending for answer now and can not be delayed.

The study pursued the most important attitudes of the Egyptian jurisprudence towards freedom of expression as follows:

1. Concerning freedom of belief and religious freedoms in general as the attitude of the Egyptian Council of State, in its two stages, did not widely change during the period from 2004 to 2007 as the provision of the Council of State followed a number of principals on which such provisions are based.

The first principal which was adopted by the jurisprudence of the Council of State is to differentiate between freedom of belief and freedom of practicing religious rituals as the first is allowed as long as the belief is kept secretly, not declared on public and its rituals are not practiced in public if he beliefs in a religion other than Islam.

The second principal is that the Council of State does not recognize conversion between religions except when it is from any other religion, sect or belief into Islam whereas the opposite does not apply.

The third principal is that the Council of State approved of the existence of a punishment for apostasy in Islam in the provisions of the Supreme Administrative Court. It also considered that it is entitled to refer to religious opinions concerning apostasy issue.

The fourth principal is approving to change the individual's religion in his ID is carried out only because of the importance of some data in dealing with the society such as those data related to nationality, religion, marriage and divorce. Such approval is not to be considered as admittance for such person for what he did as the apostate is not approved according to the principals of the Islamic Sharia and the established provisions of the Supreme Administrative Court and Court of Cassation, however, it is carried out in application of the requirements of the modern state.

The study added: "According to the aforementioned four principals, it could be said that the idea of freedom of belief is still annoying in the conscience of the Egyptian Council of State. Concerning its latest rulings regarding adding a dash beside the religion entry in the ID card for Bahá'ís and noting in the entry of religion for converter to Christianity that they were formerly Muslims refers indirectly to discrimination between those citizens and other citizens. The Council of State, while issuing such rulings, was keen not to refer that it means approving of the principals of freedom of expression as set out in the Egyptian constitution, but because it has been subjected to some practical aspects in order to let those dealing with such citizens to their current religion when dealing with them. However, the strangest point is that the Council of State did not commit to the established international conventions approved by Egypt is considered applicable as one of the state's laws according to the provisions of article 151 of the

constitution and giving the Egyptian jurisdiction the upper hand over the international convention and considering the established customs that the apostate from Islam is not approved as more powerful than jurisdiction than jurisdiction for Egyptians.

The fifth principal is that the Administrative Court and the Supreme Administrative Court are not embarrassed to refer to legal opinions which give their provisions the religious touch by resorting to the provision of the second article of the Egyptian constitution which states that the Islamic Sharia is the principal source of jurisdiction.

Regarding freedom of belief in the rulings of misdemeanors court, the study reviewed the charge of contempt for religions described in Article 98 of the Penal Code and concluded that the Egyptian criminal jurisdiction is not hiding its strictness towards such charge as it deems any prejudice to the Islamic religion or discussing its beliefs or its scholars as a sort of contempt and degradation for Egyptian religion. However, the Egyptian courts consider any prejudice to the figures of Islam, including the Orthodox Caliphs or the followers or discussing their thoughts as contempt for Islam against which they should be penalized although they are not alive and even if the discussions were on their actions rather than their personalities. Also any discussions or ideological endeavors, even from Muslim intellectuals, are deemed contempt for Islam if they were not approved by Al-Azhar El-Sharif.

2. On the contemporary, the attitude of the Council of State towards freedom of expression through participation in the elections was clear as it presented a number of important principals to protect such right including:

The first principal is that freedom of nomination and election is a right granted by law and no one, even the party to which the candidate is following, can deny him such right.

The second principal is that the candidate for the parliament represents the people and not a certain electoral district. Therefore, he has to be enlisted in one of the electoral lists wherever such electoral district is located and as long as no obligation emerged which necessitate canceling his registration by law.

The third principal is that the condition of good reputation, even if it were not mentioned explicitly in the laws regulating the membership of parliamentary councils and organizing the political rights, however it is deemed a general condition required for every one who assumes an executive or parliamentary position as being considered a general condition presumed in every person and on the top of them the one who shoulders public parliamentary work as a representative of people.

The forth principal is that casting ballots should be carried out in public under the supervision of the society and the civil society organizations have the right to

observe its work alone and independently. Such observation should include all the stages of casting ballots till the counting of votes which necessitate allowing such organizations to attend this stage.

The fifth principal is that it is the right of the candidates and others to put video cameras outside and inside the sorting committees to facilitate the supervision, to support democracy and to follow the principal of transparency.

The study added that the fourth and fifth principals related to the rights of civil society organizations to observe and supervise elections either through independent watchers or through installing video cameras to observe the counting of votes signified a revolution in the work of civil society organizations for which no rights of supervising elections or counting votes were granted. It also set important rules and precedents regarding the rule, message and importance of the civil society and the reasons of its existence as well as the values of transparency and the publicity of elections which are used by the civil society in arguments with its governments which refuse any supervision on elections.

3. Regarding the right to organize through civil societies, the study included a number of important judicial principals including:

The first principal is to dissolve the society on the grounds of a gross breach of law or violation of general order and manners, such grounds are not based of speculation or guessing but on truth and assurance. Also if the administrative body neglected a substantial procedure, i.e. to ask for the opinion of the concerned union before the issuance of the decision of dissolving that would result in the unlawfulness of the decision.

The second principal it is the right of the society to work in more than one field of the fields specified by the regulations of the law after taking the opinion of the concerned unions and the approval of concerned administrative authority. The administrative authority is not granted the right to refuse the registration of the society if none of the abovementioned cases in article 12 of the societies' law applied on it. Therefore the decision of the administrative authority refusing the registration of the society violating the provisions of law and must be revoked⁷.

4. Concerning the position and attitudes of the Egyptian Criminal Jurisdiction from freedom of expression in newspapers, the study proved a number of important principals set by the Egyptian jurisdiction as follows:

4-1 The Egyptian jurisdiction inclined in general to praise the value of the freedom of journalism and called for activating the charter of the press honor.

⁷ Supreme Administrative Court at the hearing session of 17 July 2006 in appeal No. 5192 of 50JY supreme.

- 4-2 The Egyptian jurisdiction adopted the criterion of good intension and does not consider it as one of the motives but rather one of bases of the crime.
- 4-3 The Egyptian jurisdiction elaborates in proving the right of criticism and accepts that the degree of criticizing the person increases with respect to the degree of shouldering responsibility.
- 4-4 Extending the range of the public employee mentioned in the law to the public person and granting newspapers the right to criticize him.
- 4-5 In criticizing a public employee, the charged has to prove the truth of every action attributed to the accused.
- 4-6 The general claims in the crimes of swearing and defaming are finally judged by disclaim.
- 4-7 Resorting to evasion in the rhetorical style is dispraised and does not exempt from punishment.
- 4-8 The interpretation of the article is not a fact which the court of cassation does not interfere in but the court of cassation observe the interpretation of the competent court to acknowledge the legal results which are based on the interpretation of the court.
- 4-9 The Egyptian jurisdiction stresses on any assault directed to the president of the State.

4-10 The Egyptian jurisdiction does not presume that the secret to be publicized except when the competent court does this even if the secret was known to the public.

4-11 It is not a condition that the comment on a charged in a claim before jurisdiction includes any swearing or defaming to be penalized. Also the disclaimer of the victim would be of no value in the charge of influencing justice.

5. The study proved the advanced position of the Egyptian jurisdiction towards freedom of expression on the worldwide web "internet" as it considered freedom of expression as a supreme value that should not be limited by the limits stated in article 19 of the International Covenant on Civil and Political Rights and the Egyptian constitution. Any other limit on such freedom would be unconstitutional.

- In one of its longest chapter, i.e. the fourth chapter about 185 pp., the study approached the legislative organization and its attitude towards expression through reviewing the position of the members of the parliament towards the legislations organizing freedoms of expression presented to them and issued by the parliament during the period from 2004 to 2007. The study also approached the discussions of the members concerning the decision of the president to extend the emergency case and

finally their discussions for some attitudes related to freedoms of expression by using some supervisory tools such as interrogation, questioning, request for public discussion and others. It is known that the period of 2004-2007 is **the period covered by the study includes the end of the eighth legislative chapter extending** from the year 2000 till 2005 as well as the beginning of the ninth legislative chapter planned to be finished by the year 2010. The fourth chapter, following an introduction concerning the history and development of the parliament, reviewed the formation of the parliament within the **eighth legislative chapter** in which 221 electoral districts were represented due to the absence of El-Raml electoral district in Alexandria governorate during the first and second phase according to a judicial ruling to suspend elections in it. Therefore, the number of winning candidates in this elections 442 candidates; 388 of them to the governing National Democratic Party with the percent of 87.78%⁸, 37 independent representatives with the percent of 8.37%⁹ and 17 members representing opposition parties with the percent of 3.84%¹⁰.

⁸ The list of the winning candidate from the National Party included 338 representative in the parliament divided into three ranks as follows:

- 172 Representatives were included in the lists of the Party's candidates in the elections (with the percent of 38.9% of the total number of the elected members of the parliament).
- 191 Representatives ran for elections as independent candidates after being excluded by the party from the lists of its candidates (with the percent of 40.9%).
- 35 Representatives ran for elections as independent candidates who have not been members of the National Party and joined the Party after winning the elections.

⁹ Muslim Brotherhood Organization succeeded in reserving 17 seats in the parliament which is the first time for the Organization manage to reserve such number without entering into coalitions with other parties as the case on 1984 and 1987.

The parliament in the ninth legislative chapter¹¹ consisted of 311 seats for the governing National Democratic Party, 88 seats for the prohibited Muslim Brotherhood Organization whereas the independent candidates got 24 seats and the opposition parties collectively reserved only 9 seats, noting that no elections were held in the eighth electoral district in Alexandria governorate, sixth electoral district in Qualioubia governorate, fifteenth electoral district in Dakahlia governorate, first and seventh electoral districts in Kafr El-Sheikh governorate and the fourth electoral district in El-Fayoum governorate.¹²

The fourth chapter reviewed the detailed discussions of the members concerning the extension of the emergency case, the constitutional amendment of Article No. 76 and the constitutional amendment of other 34 Articles of the constitution including amendments of the laws of Political Parties, the law of Practicing Political Rights and the Penal Code concerning some of the publishing cases. Finally, it listed the detailed attitudes and positions of the members of

¹⁰ The seats for the opposition were distributed as follows:

- 7 seats for El-Wafd Party.
- 6 seats for El-Tagamoa'
- 3 seats for El-Nassery
- 1 seat for El-Ahrar

¹¹ 26.2% of the registered [people in the electoral lists] participated in the elections upon which the parliament was formed in the ninth legislative chapter representing 26.1% of those who have the right to vote. The total number of the candidates was 5177 as 4423 independent candidates, 444 from National Party, 150 from Muslim Brotherhood Organization and 160 from opposition parties. For more information: National Council for Human Rights, the Council's Report for Parliamentary elections November – December 2005, page 85.

¹² This piece of information is till 10th of March 2008, i.e. at the middle of the third round of normal meeting of the ninth legislative chapter as the round ends by the end of June each year.

the parliament from the governing party, the opposition parties or independent members according to the minutes of the parliament. The study proved the positions of the opposition in the Egyptian parliament as being oppressed, persecuted and trying in vain to join in discussions and present attempts. However, the majority that is either led by the National Party or following it refuses even to listen to it and does not consider any of their suggestions as acceptable. In such case, we can say that the opposition in the parliament is of no importance same as lots of structures and buildings which have no value in work. In fact, none of the opinions of the minority were acceptable in all of the important constitutional amendments and the law of the presidential elections except for some amendments which were presented by the government only by powerful opposition personalities who are supported by the government such as Prof. Zakareya Azmy, whereas none of the opinions of the opposition in parliament forming more than 20% of its members were considered as the opposition in the parliament is granted freedom same as that granted to it in the society, i.e. freedom of speech with out ability to affect or act.

Regarding the members' usage of the parliamentary tools in issues related to different freedoms of expression, the fourth chapter discussed the members position towards a number of important issues including:

- Freedom of Belief: In order to evaluate the attitude of the parliament towards freedom of belief, the study reviewed the attitude of its members towards two basic issues, i.e. the position of the Pope Maximos I who tried

to establish an Orthodox Church to work beside the old Egyptian Orthodox Church presided by the Pope Shenouda III and the issue of Al-Azhar signing of the Vatican Declaration on religious freedom. The study noted that the position of the members of the parliament towards those two cases is much degraded and that they don't respect neither freedom of belief nor and freedom of practicing religious rituals to the extent that one of the female members of the parliament, a Christian who raised the issue, said that she called the State Security Investigation Bureau who told her that the case was over. It was crystal clear that there is an agreement between the Christian members of the parliament, no more than two female members, and the Muslims to suppress any call for freedom of belief as well as religious freedoms in general. Such issue was very much clear in the discussions of the members of the Vatican Declaration on religious freedom which was signed by Al-Azhar as the phrases of religious humiliation spread out as well as the accusations of infidelity for those who sign on such declarations and claiming that any one who covert from Islam should be killed. So the parliament was full of phrase and religious sayings all of which are against freedom of belief.

- **Freedom of media and arts in general:** In order to evaluate the attitude of the parliament towards freedom of media and arts, the study discussed their attitude towards the appearance of a girl, on a T.V. show the official Egyptian channel, who got pregnant through a

common law marriage from one of the young actor who refused to ascribe the baby to himself. **It also reviewed the parliament attitude towards the two cinema movies, i.e. "Yacoubian Building" adapted from a novel carrying the same name by author: Alaa El-Aswany.** Also "Da Vinci Code" adapted from a novel carrying the same name by author Dan Brown, and supervision on the satellite channels and the parliament attitude towards an interview made by Mr. Mofeed Fawzy with the former member of Shura Council Mamdouh Ismail who was accused of gross negligence which led to the death of thousands of people in El-Salam Ferry and ended up with his flee to London. Although the study proved its notes on each issue, we can conclude totally that the mass of Muslim Brotherhood members did not present but only one request for information concerning the interview between Mr. Mofeed Fawzy and Mr. Mamdouh Ismail, though it was not related to religion, however, most of the discussions of other issues were presented by members following the National Party or independent members affiliated with the national trend. The main note was that all discussions were tending to limiting freedom of expression either by preventing the move, increasing the restrictions on the freedom of satellite channels. However, in all cases, the trend of the discussion was inevitably leading to this as the parliament with all its members either those of the National Party, El-Nassery party or independent members are against freedoms expression through satellite channels, cinema or arts in general. Also the

government which does not respond to the parliament in the legislative issues obeys and flatters it in the religious issues which were clear in the reply of the Minister of Culture on the issue of "Da Vinci Code" movie in which he was disguised in the clothes of a man of religion rather than a man of politics. Also the position of Zakareya Azmy in the parliament from the subject of the T.V. show in which he put on the clothes of a preacher and defendant of Egyptian traditions.

- **Regarding the right of civil societies to freely work and receive finance, the study reviewed the discussions of the parliament concerning the aid offered by the United States of America to five Egyptian organizations, i.e. The Middle East Partnership Initiative (MEPI).** The study proved the case was raised in the parliament by the representative of El-Wafd Party; Mohamed Abd El-Aleem Dawood and the representative of El-Tagamo' party; Abu El-Ezz El-Hariri who criticized the rights organizations. Also that the then Minister of Social Affairs defended receive of such aids in one of the parliament tragedies. The study noted some notices including that the attack on the Civil Society Organizations who received the aid was from the opposition who thought that it would be out of curtesy to the Egyptian government as the elections were close and those members thought that the Egyptian Government would be unsatisfied with the activities of such organizations as it work in the field of supporting democracy and peaceful circulation of power. Therefore, they took the initiative of attacking it

to be somehow favored by the government. However, their speculations were mistaken this time and two of them lost their seats in the parliament and the third relinquished the membership of El-Naserry Party and joined the National Party¹³. Also the government was more rational and concentrated in its reply to the opposition so it adhered to the fact that there are laws which control receiving aids and that the amount distributed to those organizations is very small in comparison to what other organizations receive. Therefore the request for information did not include information, whereas the government's reply was sequent and logical. We can not claim in advance that the request for information did not offer information as actually they could have communicated with such organizations for enough information about the issue and the programs carried out by them which are supposed to basically serve weak opposition parties. Finally, the two requests of information uncovered the distress of the civil organizations who not only suffer from legal restrictions laid by the governments, but also suffers from ingratitude of different political forces whom it enable to perform its role in the public life. This helped to spread frustration in the activists of the civil work who find themselves lots of times "lost"; a government does not wish to transfer the society to a democratic one and an opposition attacking who offers her help in work for special interests or political short sightedness.

¹³ Both Oub El-Ezz El-Harir and Mounir Fakhry Abdel-Nour lost their seats, whereas Hayder Boghdady joined the National Party.

- **Concerning the parliament attitude towards the practical applications for freedom of opinion and expression, the study reviewed the attitudes of the members towards a reportage published by El-Masry El-Youm newspaper concerning negligence in Kasr El-Aini hospital and the case of a student called Alaa who wrote in an essay exam a political subject criticizing Egyptian weakness before the United States of America and Israel as well as the parliament attitudes towards the Denmark Cartoons and finally the parliament attitude towards the declaration announced by the Minister of Culture regarding females Hejab/veil in Egypt. The study proved a number of notes regarding the attitude of the members of the parliament especially concerning the issue of the Minister of Culture which we mention literally as the study concluded at the end of the reviewing the discussions: "We do not think that the aforesaid needs a big comment as it clarifies the disastrous situation to which freedom of expression has reached. However, we can not leave this point before demonstrating some notes."**

First note: All those who spoke blamed the Minister for speaking in religious issues thought he is not competent, whereas, they all considered themselves as competent.

Second Note: They declared it frankly that Egypt is a religious country who is governed by the Islamic Sharia and that any trial to interpret this Sharia according to the modern

aspects is completely refused. The government agreed with them when it declared through Minister Mofeed Shehab that it has resisted those who wanted to abolish the second article of the constitution while the constitutional amendments were under consideration.

Third Note: That all the members, either from the majority or the opposition confirmed that Hijab/veil is an indication of good manners and that the unveiled women is disobedient and does not have good manners.

Fourth Note: All the members confirmed that no right is granted to any one to have his opinion in the issue of Hijab as they considered it as a part of religion though it is merely a kind of clothes with no religious value according to different religions which does not call for specific clothes with specific characteristics but it rather calls for decency in clothes for men and women¹⁴.

Fifth Note: The members used indecent words in describing the minister to the extent that the chairman of the assembly had to omit it from the minutes of the session.

Sixth Note: All such clamor did not result in any thing which proves that the parliament in Egypt has no powers, but only a place for speaking and discharging feelings.

- The fifth chapter of the study was specified for the attitude of the religious establishments towards

¹⁴ **DISCLAIMER:** This is the opinion of the writer himself and the translator transferred in into English for scientific fidelity only.

freedoms of expression. It was mentioned at the beginning of this chapter that the Egyptian religious establishment with its two branches; Islamic and Christian, formed somehow a basic tool of oppression for freedom of expression through literature and arts ... etc. In addition, the said establishment with its two branches created a social atmosphere that is qualified for restricting freedoms of expression in its different forms as well as calling for the most deteriorated religious interpretations. Therefore, it turned into a supporting stick for the tyrant country in order to pass its different decisions because of the absence of the democratic atmosphere that is based on plurality. In other words, the coalition between political tyranny, official and non-official religious reaction was the distinguished mark for the period covered by the study. The chapter also reviewed **Al-Azhar regulatory law and its regulations through describing some of the unclear items of the articles of the regulation thereof. It referred to the provision of Article 39** of this regulations which specify a department entitled "**Researches & Publications Department**" whose functions are specified by Article 40 so as to review the Holy Quraan, give licenses to print and circulate it as well as **reviewing Islamic works and writings for those discussing Islam and giving opinion regarding its publication, circulation or presenting..**". It considered that the last phrase mentioned at the end of Article 40 of the regulations of El-Azhar law is the cause of the raised confusion concerning the role specified for the Islamic Researches Compound to play and whether it has some sort of an "authority" on the literary and

artistic works in general or it is simply usurping such role.

The study referred clearly that "the regulations of Al-Azhar law was issued by a presidential decree on 1975, i.e. 14 year after the issuance of Al-Azhar Regulatory Law itself issued on 1961. Therefore, the said regulations were issued in a political, cultural and ideological atmosphere completely different from the political, cultural, ideological and legal atmosphere in which the law itself was issued¹⁵. In addition, during the period of the issuance of the regulations Al-Azhar was led by one of the most fundamental scholars, i.e. Prof Sheikh Abdel Halim Mahmoud (may Allah have mercy on him). Such rigid atmosphere prevailing during the seventies of the previous century in addition to the pressures from the Sheikh of Al-Azhar the then resulted in issuance of such regulations carrying such extraneous phrase which was not mentioned in the original law.

The study discussed the ministerial decree No. 4392 of 2003 issued by the minister of Justice upon which the minister granted ten of the Al-Azhar scholars the authority of judicial control. Such action demonstrated that the propaganda which accompanied the issuance of the Egyptian Cultural

¹⁵ The period of the sixties of the previous century during which Al-Azhar Regulatory Law was issued -was known as the period of great renaissance in the fields of literature, culture and different arts. The same period also witnessed activation of translation movement, writing, cinema and theatre as well as establishing the Egyptian television during the same period. To sum up, when Al-Azhar law was issued it aimed only to establish a scientific committee to review the Holy Quraan and guarantee that no fraud would occur as well as spreading out the correct Islamic thoughts especially abroad in Africa, Asia and other countries who got its independence from occupation. The Egyptian foreign policy relied also on Al-Azhar El-Sharif delegations to guarantee a strong political existence in such countries. Whereas the regulations were issued on 1975 during the period known by ideological retardation as the Wahaby thoughts managed not only to penetrate Al-Azhar, but also the Egyptian community in general.

Association revealed the cultured sensitivity regarding any interference from Al-Azhar in any issue related to publication as a result of Al-Azhar scholars' abuse of their authorities and their trials to control the Egyptian cultural situation on the pretext of defending Islam which is supported by lots of Al-Azhar scholars and their supporters. The study quoted Sheikh Abdel Sabour Shahin, who previously issued the legal opinion charging Prof. Nasr Hamed Abu-Zaid with infidelity, saying: "the legal authority has the right to ask Islamic Researches Academy to control issues and evaluate researches dealing with Islam. Although such decree worried some of secularists or extremists of different ideological trends, the existence of such decree would be better, according to him. He also considered the possibility of some trespasses to occur, the Academy interference would prevent such a mess which would allow for non-specialists from secularists to write against the prophet of Allah, may Peace and Blessing of Allah be upon him, and against the Islamic Sharia especially that they are preferred and have a massive existence in the cultural corner and they have means of publication and good style. Prof. Shahin also confirmed that the existence of controlling authorities who organize creation movement would work as a guide for non-specialist Muslims."

The study also reviewed in the first section of this chapter the positions of the Islamic establishment having a direct effect on freedom of expression through using its legal authority to request banning the circulation of a certain book or omitting a certain scene for an artistic work, confirming that Al-Azhar do not do this by itself but upon the request of

many official authorities. It also quoted Sheikh Abdel-Zaher Abu-Ghazala, Manager of General Administration for Researches, Writing and translation in the Islamic Researches Academy, saying: "The academy does not have the confiscation authority as it only gives opinion concerning the books offered to it whether it contradicts with the fixed facts of the Islamic belief or what the nation has agreed upon, whether it includes swearing and defaming for the Prophet Muhammed (PBUH), other Prophets, the Companions of the Prophet or the family of the Prophet or whether it includes swearing, defaming or humiliation for the public figures. Concerning the bodies which request such opinion he added: "The bodies that request opinion from the academy is the author himself, the security authorities concerned with the religious culture, general prosecution, jurisdiction, customs, border ways or the supervising police on publications and press. Usually one of the university professors or Al-Azhar scholars writes a report about the book. If the report included a request of confiscating the book and not only making a partial omission, the Sheikh of Al-Azhar assigns another person to write another report and if the two reports matched, the final decision would be issued to ban the book.

The study described what Sheikh Aly said that: "it reveals the real ordeal of freedom of expression in Egypt which made the authors themselves request supervision on their creation to avoid responsibility if they published their books and was charges afterwards with contempt for religions or defaming the Prophet, his Companions or others. Such charges might not only lead to their imprisonment for five years, but they could also be assassinated physically or morally in a society

where the most extremist religious trends have the upper hand. Moreover, it is more worth of noticing that such declarations reveal a long queue of governmental authorities who ask religious establishment for help on supervising freedoms of expression as demonstrated in details by his eminence sheikh Abdel-Zaher El-Sakka to clarify that it includes administrative bodies following the civil state and applying the civil law, however, at the end it return to the religious establishment to get its opinion in artistic or administrative works which are strange and unknown to the establishment. This confirms, however, that Egypt is moving to the way of religious state with a wider pace than expected by the most pessimistic people as simply a religious state mean that the final decision would only be for religion without paying attention to law, constitution or other international covenants concerning human rights".

The study accused Al-Azhar El-Sharif that it is: "presenting, because of its ideological positions, the legal cover for Muslim Brotherhood Organization, being a political organization with religious reference which the government is trying to control its spread in the society with the excuse of keeping the civility of the state! This would lead to reveal the direction in which Egypt is moving and by which hands it would be controlled at the end." The study presented evidences for its claims as well as examples for the books and artistic works which Al-Azhar asked for confiscating same after offering a summary for each book, audio or audio-visual works, the opinion of Al-Azhar and the final last word about it.

Concerning the attitude of the Islamic establishments which indirectly effecting freedom of expression that was referred to in the study as "Fatwa¹⁶ Market" in which it reviewed the most important legal opinions issued by Al-Azhar of Egyptian Dar El Afta or the legal assembly for cooperation of workers according to the Holy book and the Sunna of the Prophet.

The study said that the Islamic Researches Academy gained its authority from growing social acceptance which helped to increase the space of readable, audio, visual-audio media which produced what could be called as Fatwa Market. Such legal opinions are about every thing and any thing, banning every thing and limiting largely the allowed space for expression. It is led by a group of "Sheikhs" some of them wearing modern clothes and other wearing Al-Azhar usual uniform. Some speaks in a modern language and others using classical Arabic. Some letting their bread grow and others are shaved. However, they all of the type described by Mohamed the messenger of Allah, may Peace and Blessing of Allah be upon him, as over-strict.

The study reviewed in detail the legal opinions concerning acting, singing, listening to music, sculpture and shaping all of which are directed to prohibition as music, singing, acting, sculpturing and shaping are prohibited and all of them are either calling for blights, inciting for vice, leading to blasphemy or spreading impudence and pornography by demonstrating this issue in details and presenting questions and the Sheikhs reply on them. The study reviewed also the

¹⁶ Legal Opinion

legal opinions prohibiting the criticism of public figures, especially the legal opinion of the Sheik of Al-Azhar on 8 October 2007 in which he lashed the journalists who criticized the president of the state or other officials and charged them with accusing people falsely and spreading rumors.

Concerning the attitude of the Islamic establishment from other religions and sects, the study reviewed its attitude towards Bahá'ís adding that Al-Azhar issued a fatwa, legal opinion, saying: "It is prohibited to have any other religion in Egypt except for Islam, Christianity and Judaism as any other religions are unlawful and breaches public order. The fatwa referred specifically to the Bahá'í sect as being "a kind of dangerous ideological epidemics against which the state as to unite to face and wipe out. It also quoted Prof. Mahmoud Hamdy Zakzouk, the Minister of Awqaf¹⁷ his direct accusation for Bahá'ís of spying for the benefit of Israel as he sent a message to the parliament in which he said: "It was proved that the Bahá'í assemblies in the Arab countries are dens for spying in favor of Israel. Therefore, an Egyptian decision was issued on 1960 to dissolve such assemblies for being convicted by spying in the favor of Israel. A similar decision was issued also in Iraq which mentioned that the United Nation acknowledgment of Bahá'ísm as a universal sect was a reaction to the pressures exerted by Masonry and Zionism."

On the attitude towards Christians, the study added, "Although the prevailing official speech based on the idea of solidarity of the two elements of the nation, working together

¹⁷ Endowment

for the national unity, crescent and cross unity and other notions and slogans, the close scope would show that the situation is not the same as Christians complain from intensified contests in their beliefs from prominent Islamic figures some of who belongs to official or semiofficial religious establishment, even if he made such contexts in his own name. The study reviewed the articles of Prof. Mohamed Omara, an Islamic prominent writer and a member of the Islamic Researches Academy, in a number of issues of El-Akhbar newspaper in May 24 of the Gregorian calendar as an example for such contexts. It also presented some of the books published by the state's authorities and challenge Christian creed such as "Signs of Glory of Mohamed's Message and Good Omens thereof in the Books of the People of the Book"¹⁸ which was published by General Authority for the Book.

The second section of the fifth chapter was assigned for reviewing the attitude of the Orthodox Church towards freedom of expression as it reviewed firstly the history of the Orthodox Church. The study described the position of the Christians saying, "In the last three decades, the Christians turned to be citizens twice: the first for the church which bear their responsibility and negotiates with the state on their behalf, the second was before the state which deals with all Egyptians, either Muslims or Christians as being citizens who is still immature politically. This was clear in the settlement of the sectarian incidents which increased during the last years in El-Odesat 2006 of the Gregorian calendar¹⁹ and Bamha 2007

¹⁸ Christians and Jews

¹⁹ For more information about El-Odesat problem, you can check the report of the Association of Human Rights Legal Assistance regarding "The facts of what happened in Darb El-Nasara in El-Odesat village – Luxor city- January 2006 <http://www.ahrla.org/rep-ar/rep-odysat/widnes.html>

of the Gregorian calendar²⁰. The church replaced the Christians in negotiations with the state authorities and the Christians were out as aliens for the benefit of accord of the state and the church as they lost their properties and the scene was over after holding a customary session in which they abandoned all the rights of citizenship after the law was set aside. It also described the current situation as, "The scene at the beginning of the twenty first century was as follows: an Islamic establishment trying to dominate the destiny and movement of the society including Christians and another Christian religious establishment which accepts the same and wants to play the same role in the Christian society only. They are two establishments trying to control the religious atmosphere and may by the earthly one too each on its own way and within the available space. Both cases occur with the consent and the approval of the political authority which considered keeping the balance between both establishments as a center for its control and autocracy of the society.

The study reviewed the attitude of the church towards freedom of artistic creativity especially in the field of psalms by presenting examples of the church fighting for any insertion of any psalms of protestant features. The study explained the mechanism and formation of the committee of ecclesiastic works, the Christian equivalent for Islamic Researches Academy, its branches in different governorates, the general committee for revision that is the most powerful committee composing of priests and professors of the High

²⁰ For more information regarding the problem of Bamha village in Al-Ayat district, please check the fact finding report concerning the subject that was issued by three Egyptian human rights organizations under the chairmanship of Association of Human Rights Legal Assistance published at <http://www.hrinfo.net/egypt/ahrla/2007/pr0517.shtml>

Institution for Coptic Studies and Clerical College for checking scientific aspects in the Holy Book, the church history, the beliefs and the rituals, specialized professors who are professional and qualified for artistic revision at different artistic institutions either in directing, acting, decorations, audio engineering and music distribution.

Such committee watches and dramatic movie before it is publication, i.e. the scenario text to check its conformity with the Orthodox beliefs. Afterwards, it checks it after being directed to avoid any practical or artistic mistakes which might occur while shooting the movie. Such processes means that this commission checks the scenario text before admitting it then it checks the movie after shooting it for the cinema before final approval. The Censorship Committee on Artistic Works cooperated with such committee to censor artistic works dealing with Christian belief or Christian subjects which could be authorized for public show. The study gave some examples on Christian censorship on freedom of expression either in the movie "I Love Cinema" or the movie of "Da Vinci Code". It further describes the extremist Christian attitude towards the movie of "I Love Cinema" saying, "The church attitude towards the movie of "I Love Cinema" reached its dramatic peak in the mid of August 2004 of the Gregorian calendar when lawyer Naguib Gebraeil accompanied by lawyer Mamdouh Nakhla and priest Morcos Aziz headed to the Islamic Researches Academy to submit a memorandum in which they asked for Al-Azhar opinion in the said movie according to law No. 10 of 1961 of the Gregorian calendar which grants Al-Azhar the right to censor artistic works. Naguib Gebraeil declared after meeting with

Sheikh Ibrahim El-Fayoumi, the secretary general of Islamic Researches Academy, that he will request from the administrative court which is hearing the case of the movie to oblige censorship committee to send a copy of the movie to Islamic Researches Academy that is working in the light of principals prohibiting prejudice to God and religions which confirms the agreement of the two establishment on the same agenda, i.e. confiscation."

The study approached also the attitude of the church towards freedom of belief by citing the case of the priest's wife who converted to Islam called Mrs. Wafaa Constantine as an example. It concluded that such case uncovered that "the value of freedom of belief is missing in the Egyptian society with its two elements is no more than a lady trial to convert from Christianity for family reasons which created a feeling of defeat for a large sector of Muslims accompanied by a similar feelings of prejudice and discrimination at the large majority of Christians. Therefore, such problem left behind it negative feelings for both the majority and minority towards each other as well as confused feelings of the state itself as at the time where Christians considered that the state's authorities are pressurizing them, a sector of Muslims assumed that the state is practicing an organized favoritism for the Christians against Muslims who are defended by nobody and there is no patriarch to seclude himself for them.

Media played its role in deepening the crisis instead of solving it and instead of speaking about freedom of belief it focused on the cases of conversion from Christianity to Islam in stories and novels which it published not as a type of

freedom of belief, but rather to mitigate the feelings of defeat at a large sector of Muslims. The study reviewed some of the attitudes of the church towards freedom of thinking and expression by citing the two examples of the writings of Father Matta El Meskeen (or Matthew the Poor) and Watani newspaper as example for the Church fed up with such type of freedoms.

The church included the writings of Father Matta El Meskeen among the western and foreign thoughts which must be faced and discussed in the conferences of “consolidating belief” which is characterized by a large gathering in the Coptic Orthodox Church and supported by Saint Bishoy the secretary of the Holy Academy. Regarding the attitude of the church towards Watani Newspaper, it fed up with the trials of the newspaper to be work as an independent Egyptian media tribune and not as a Christian one. It also examined the moments of attraction and pushing and the trials of the church to constraints and economical restrictions on Watani newspaper as a punishment over publishing subjects refused by the church. The study concluded, “the conclusion of the problem of Watani newspaper is that the church establishment deals with its own living space same as the Egyptian State or the Islamic religious establishment deal with each own living space. However, the result is the same as the satisfaction with the rule of subordination. The case is not media or press issue as it is a cultural issue at the first place related to the relations of “giving and banning” more than it is related to the issues of freedom of expression, conscience and belief.”

- The study discussed in one of its longest chapters, i.e. the sixth chapter, freedom of expression in journalism and freedom of journalism to express. The first section of the chapter reviewed the facts of the printed and electronic Egyptian newspapers.

The study mentioned that from the type aspects, there are national newspapers owned by the state, other party newspapers owned by political parties and finally newspapers issued by joint stock companies and owned by such companies. The study also tackled the points of strengths and weaknesses in each type of newspapers and the problems of each of them as the national newspapers suffer from being subordinate to the state from the administrative aspect. Therefore, its accounts and financial statements suffers from overlapping, non transparency and the absence of practical censorship whereas it is requested to pay for charges such as taxes and public utilities such as electricity and water, its returns practically obeys internal censorship only on the basis of the authorities granted to its board of directors and general assembly. In spite of the fact that such press establishments follow the Shura Council who controls it through High Council for the Press, the actual management authorities are on the hands of the chairmen of the boards of directors and editors-in-chief. Accordingly, the national press establishments are neither managed on an economic system, i.e. for the purpose of achieving profits, nor on a social system, i.e. for the purpose of achieving public benefit. Therefore, financing such establishment is a permanent structural problem that made most of them debited for the state and incapable of payment. There is also a collective

request to drop such indebtedness which reached more than 7 billion Egyptian Pounds. On the other hand, party newspapers suffers from absence of administrative discipline as a result of the unrest of Egyptian political parties themselves, most of them is lost in debts whereas some of its editors suffer from arbitral dismissing. Moreover, some of the private newspapers (independent ones) managed to realize profits, gained a public readership leading to realizing good distribution and increase in economic returns based on the returns of distribution and advertisement along with presenting a committed and professional journalism as much as possible. Other private newspapers depended on editing policy based on excitement and suspense regardless of the content which increases the returns of distribution and attracts advertisers who seeks newspapers of the highest distribution rates. Finally some private newspaper resorted to blackmailing and mix between advertisements and editing to be able to cover its expenses.

The study demonstrated some problems, regardless of the division of newspapers, which seems to be common and effecting freedom of expression inside newspapers and freedom of newspapers to expressing its opinion including:

- 1- Ownership and Administration Problem: As the close relation between ownership and administration turns many newspapers to media tribunes for the owner which is committed to advertise and defend it at the mean time.

- 2- **Licenses issue:** As getting licenses for new newspapers is very a difficult issue to the extent that some newspapers are issued with foreign licenses and work as foreign newspapers.
- 3- **Editing Policy and continuous training:** That is absent almost from all Egyptian newspapers as it is rare to declare an editing policy for the newspaper or to arrange courses for continuous training for its journalists.
- 4- **Professional Honor Charter:** As there is no subjective system for following up, estimating and judging in the professional organization for Egyptian press.

Regarding the situation of the printed press, the study observed the flexibility of the High Council for the Press in granting licenses for new newspapers in comparison with its previous positions as the newspapers, magazines and publications which were granted licenses from the High Council for the Press during the period from December 2003 to December 2007 according to the statement issued by the High Council for the Press in January 2008 is estimated by 125 newspapers, magazines and publications representing 32.68% from the total number of newspapers, magazines and publications issued by license from the council during the period from 1981 to December 2007. The study added that according to the way of issuance, the newspapers issued on a weekly basis occupied the first place in the number of newspapers which were granted license during the period of

the study which reached 58 newspapers representing 46.28% of the total number of licensed newspapers during the said period including 17 newspapers to be issued on a monthly basis temporarily till the required financial supplies and press and editing capabilities required for it are provided. The newspapers issued monthly came at the second rank which reached 21 newspapers with the percent of 16.52% of the total number of newspapers, two of which are issued quarterly and one newspaper issued twice a year temporarily.

The third rank was occupied by the newspapers issued each six months amounting to 19 newspapers and representing 15.70% of the total number of newspapers. On the fourth rank the newspapers and magazines issued each quarter which reached 15 newspapers representing 12.39% of the total number of newspapers. The daily newspapers came in the fifth place which amounted to only four newspapers representing 3.31% of the total number of newspapers.

As for the type of the newspaper, the specialized newspapers and magazines ranked first with 28 magazine and newspaper including five specialized newspapers for kids, whereas scientific newspapers and magazines was on the second rank with 28 magazine and newspaper. On the third rank appeared party newspapers and magazines amounting to 26 newspapers and magazines including 14 newspapers inside Cairo and other 12 newspapers outside Cairo.

Upon reviewing the classification according to the issuing body or the owner of the newspaper, magazine or publications, non-governmental and scientific organizations

occupied the first rank of the issued newspapers and magazines amounting to 38 newspapers and magazines representing 31.58% of the total number of licensed magazines during the period of the study. Private companies issuing private newspapers and magazines recorded the second rank with 29 newspapers and magazines. On the third rank appeared newspapers and magazines issued from political parties whereas, newspapers and magazines issued from universities, faculties and educational and research institutions recorded the fourth rank with 16 newspapers and magazines and the fifth rank was reserved for newspapers and magazines issued from professional, ideological and cultural unions and chambers of commerce with five newspapers and magazines.

On the other hand, the study reviewed the High Council for the Press suspension of a number of newspapers including "Afaq Arabia" (Arab Horizons) and El-Ghad newspaper "Tomorrow". Regarding the situation of electronic press, the study reviewed the signs of the development and growing of internet in Egypt which reached 7 million users by the end of 2007 putting Egypt as the first Arab country in using the internet.

Although the study could not exactly specify the number of entries on the worldwide web, however it depended on two sources one of which confirms that the number of entries is 280 entries and the second thinks that it exceeded the number of five hundred entries. Such entries are called alternative press and it is characterized by the highest degree of freedom and variety and capability, as digital press, to follow up news

updates as it manages to cover the event and publish it while it is occurring. However, the most important characteristic of such press is the ability of the readers to participate in criticizing the story, comment on it and publicly discuss the same. The two sources added, "It is not necessary to be satisfied with alternative press which gives the reader a more effective role. We can form public press in which there is no difference between the reader and the writer with a diminished role of the publishers.

The influence of entries and digital press increased and the digital journalists, as they are called, became more capable to directly affect public opinion and be distinguished with events which could not be covered by normal newspapers. On the 9th of August 2004, the first union for electronic press was founded in the Egyptian syndicate for journalists. Such union held a conference concerning the relationship between electronic and paper journalism. Afterwards, the activities of this union were less intense.

The second section of this chapter discussed the position of Egyptian journalists and reporters confirming that they work in a hard atmosphere by being exposed to hard penalties included in the Penal Code, even after the amendments carried out in 2006, which reached all what they write about or publish. Meanwhile, they cannot reach information which would enable them to actually and effectively document for what they publish because of other enforced laws. Both journalists and reporters suffer such problems either in printed or digital press. The study added that the legal position of the journalist did not basically change as the

Egyptian Penal Code still forms a rigid environment for prohibition to the extent that an Egyptian famous lawyer described it in one of his researches entitled: "Legal Organization for Freedom of Expression and Publication" saying, "I think that if the state's authorities were serious in applying the former regulations, all pens would have stopped, all tongues would have been muted and their possessors would have been in jail."

Publication through internet is subject to the general rules of criminal responsibility if such publication related to one of the press crimes stated in the fourteenth chapter of the second book of Penal Code. Therefore, the judge has to bear in mind the artistic rules of publication on the worldwide web because of the absence of a special law regulating publication through such webs, in spite of the large number of users, and to consider what is published on this web as published on public according to the definition of publicity mentioned in article 171 of the Penal Code which was referred to in previous articles.

Although many articles of the Penal Code deal with what is published, however, the Egyptian legal structure does not only include law regulating the circulation and publication of information, but also include tens of laws which prohibit circulation of information on public on the pretext of keeping classified documents. This led, actually, to prohibit access of the public to some information or prohibiting certain groups of those who have access to the information from circulating or publishing it. The study further noticed that the general

plan of the Egyptian legislation in the field of information is as follows:

- Prohibiting information flow to the public even if such information were not secret or even threatening the national security according to any definition as it prohibits and bans possession of any information which the legislator considers are dangerous to the government, not the state, if it were included in a book, newspaper, movie or CD, ... etc.
- The legislator depended on loose drafts to blockade information as he uses expressions such as the 'State's Dignity', 'Harming its Political and Military Status', 'National Security' and 'Higher Politics'.
- The basis in the Egyptian legislative plan is prohibiting publication of information and the exception is publishing it.
- The Egyptian legislator sanctioned publication of information after long periods reaching to a maximum of fifty years in some times and minimum of twenty years other times without adopting a system for classifying information.
- The Egyptian legislator prohibited some categories, such as employers, from spreading any information even after quitting service and without limited period. The Egyptian legislator allowed presidents of each body to decide the optimum method for keeping information.

- The Egyptian law and legislation expanded in his definition for secrets.
- The penalties on circulating information are rigid criminal penalties.
- The Egyptian legislation does not include neither a mechanism for acquiring information nor judicial supervisory methods to appeal the decision of denying information.

In spite of such rigid legal atmosphere, Egyptian journalists are not sufficiently aware of their legal rights and responsibilities. We can further say that the laws related to smearing, defaming and swearing are the most breached laws by journalists which is a direct result of the absence of clear legal divisions in such regulations between permitted criticism and smearing, defaming and swearing. Therefore, there is a pressing need for reviewing legal texts in this concern as well as arranging comprehensive training courses for tackling issues related to public figures and employees in addition to the limits of dealing with private lives which would be required for those who deal with such cases either from judicial boards or investigation authorities.

Regarding the economic and professional position for newspapers, journalists and news publishers, the study confirmed the following:

1. The Egyptian journalists need for training and continuous professional development of their

capabilities as the newspapers, as previously demonstrated, are not concerned with training and the negative stance of the Syndicate of Journalists towards caring about developing the professional abilities of its members in a fast developing professional atmosphere.

2. The low wages of journalists either in national or party newspapers in comparison with the exerted effort and the importance of their role despite of the trials of the High Council for the Press to fix a minimum range for wages many times. However, each time the wages were not only less than what is expected, but also less than the prevailing level of prices.
3. The absence of clear editing policies through which the journalist can specify his choices and professional trends.
4. The absence of syndicate protection for many of the working journalists whom the syndicate refuses to accept as members for ambiguous reasons.

Meanwhile, the national newspapers suffer from corruption according to the reports of Central Administration for Financial Supervision on national newspapers establishments, and the parties following the Egyptian Central Auditing Organization (CAO) and the Financial & Economic Committee of the Egyptian Press Establishment formed by the Shura Council. These reports demonstrated symptoms of bad financial positions mingled with clear corruption in the

national press establishments which were proved in the study in details.

As for the scientific standard of the journalists, the study proved it to be very degraded because the study in the faculty of mass communication is a theoretical one, whereas the practical part starts only in the fourth year of the faculty in the graduation project through which students are ordered to work in groups to produce a newspaper or a magazine for journalism department or T.V. or radio program for Radio and Television department. Therefore, such shortage in practical training is attributed to bad financial capabilities of the students, shortage in financial credits of the faculties in addition to the absence of respectable newspapers or T.V. channels which would accept to offer practical training for the students. The case is different in private universities which offer better capabilities than that of governmental universities which helps in turn to arrange more and better practical training.

Along with the huge increase in the number of departments of mass communication, limited chances and little number of newspapers which offer real chances, it could be demonstrated that the relations joining faculties with media community and media contemporary position are weak and that there is no strong relation which connects the academic part with the practical one. In general, the study stated that it is not conditioned that the workers in the journalism field be graduates of faculties of mass communication as only 35% of the journalists working in this field, either they are members

of the syndicate or no, did not acquire a university degree from faculties of mass communication.

According to a survey for a study, the Egyptian journalists give great attention to training courses which directly concentrate on journalist and media work because of their wish to increase their awareness of modern skills and methods of such field in addition to interest in courses which increases the skills of the journalist. For example, the percentage of journalists who participated in training courses about journalist work 42.1%, whereas, the percentage of journalists who participated in computer courses was more than 51.4%. On the other hand, the journalists' interest in courses about legal awareness as only 13.1% of them declared participation in such courses. Moreover, only 60.7% of journalists who participated in the courses managed to name three courses and the bodies organizing same as the most important arranged courses was courses for developing the skills of journalist work (about 21% of the journalists), courses in increasing the level of political analysis (about 27% of the journalists) and courses in legal awareness, computer and internet skills (about 24% of the journalists).

Concerning the syndical positions and work relations for Egyptian journalists, the study confirmed that one syndicate for journalists in Egypt would not manage to include all workers in the field of journalism. It further quoted that Mr. Ragaa E-Merghany, former deputy manager of Syndicate of Journalists, who said, "The current law of the syndicate issued on 1970 tried to cope up with the period of the sixties when the state's establishments monopolized newspapers'

ownership rights, management and issuance. The political regime controlled the economic and political balances of the state and the related social requirements such as graduates employment and guaranteeing work opportunities ... etc. Therefore, the legal organization for the journalist work conditions in general and the registration and membership in particular were a subjective result of the materialistic and cultural positions prevailing the then and an expression of the image of the society and the maximum of professional aspirations and syndical requirements for such phase. This would indicate that both the legislator and the syndical was not much occupied with presupposing positions or problems which are not actually occurring or to codify the probabilities which could develop or no. Backed with the philosophy of the law based on the principal of "one syndical system for one profession" and the rule of stipulating registration in the syndicate lists as a precedent condition for practicing the profession or as an official permit to practice it, articles of the law perceiving reality as a fixed board of algebraic relations between permanent players and fixed data. However, the reality full of development possibilities and supported with political, economic and social probabilities moves towards expanding and varying types of journalist ownership and practicing as since mid seventies, there was a new horizon of different levels for forming a new map for journalist work market, relation between authority and journalism and inconsistent concepts in professional and syndical work."

The law of Syndicate of Journalists ignored more than 40% of the journalists who actually practice journalism who are not registered in its lists. The reason behind unregistering those

journalists is that newspapers do not present lists of in training journalists as they would be obliged two years later to employ those journalists and accordingly bear social insurance for each salary paid to the new journalists due to the fact that they are the employers in addition to the deducted part from the salary of the journalist in favor of the Social Insurance Authority. Therefore, the journalists, who were not registered in the syndicate lists, entered a period called marginalization period as they were easy to be pressured and to be put in worse work conditions than others. Accordingly, editors turned at the end to a flexible tool that complies with the requirements of the administration regardless of any professional considerations.

Ragaa E-Merghany, former deputy manager of Syndicate of Journalists, admitted that, "The syndicate approved a special legal interpretation for the articles and regulations of registration which produced new restrictions on registering journalists instead of looking for possible legal and syndical ways out. This was clear in stipulating that the applicant for registration should be employed or have employment contract in an authorized²¹ newspaper to be registered at the in training lists. This demonstrates that the syndicate replaced the conditions of registration in the in-training lists with those of the employed lists to form a block in the face of all journalists. Accordingly, the ways were closed at the first gate of syndicate membership and to be far inflexible, it insisted that the employment contract should be open or with no specified period though the law did not stipulate this. He

²¹ It means to have a license to be published according to the regulations of Act 96 of 1996 "Press Authority"

justified this saying, "It is not reasonable that the syndicate resorted to this without cause or only to be more inflexible as there must be a composition of subjective and objective features and pressures which led to such result including the syndicate thoughts that it is an objective of the government, the legitimate fears of politicizing the syndicate, penetration of non-professionals and overflowing it with employees from media and advertising governmental authorities, to avoid pressure on the limited sources of pensions and aids, to guarantee the legal rights of the members when they are dismissed or prohibited from work, defending the "National Formulation" for membership and syndical elections and finally the spread of electoral trend among the members of the syndicate where the following phrase was dominant "Come and close the door behind you as the privileges cake is not sufficient for every body".

Regarding work relations inside Egyptian newspapers, the study described it in general that "random and unprofessionalism are dominant" as there is no "fixed or established mechanisms" inside press establishments for holding responsibility. Also the domination of political attitude over professional one, the wide and unlimited authorities for editors-in-chief, the absence of mechanisms for holding them responsible for their professional, economic or administrative failure and finally the absence of specified criteria for promotion or to control their domination over their subordinates resulted in what is called in professional sociology as "Ideology of Profession Groups", i.e. the undeclared ideology governing work relations inside press establishments.

The third section dealt with Egyptian press and the manners and customs of work honor. The study specified twelve basic criteria through which the level of the newspapers observation for the criteria of professional performance as follows:

First Criterion: Non-documentation of information which includes:

- Publishing anonymous information referring to persons by general description without specifying names in a way that could be generalized on many characters.
- Inaccuracy: Through publishing exaggerated information and facts or publishing headlines not related to the edited material or publishing the same material repeatedly in the same issue or in a following issue of the same newspaper.

Second Criterion: Not respecting the private lives of citizens.

Third Criterion: Not respecting religions either by contempt for them or provoking sectarianism.

Fourth Criterion: Spreading quackery and superstitions.

Fifth Criterion: Non commitment with the right of rebutting and correction.

Sixth Criterion: Not complying with public manners and taste: Through publishing what is impudent or spreading inappropriate terms, expressions and photos.

Seventh Criterion: Not observing the manners of publishing crimes' news through:

- Publishing the photos of juveniles, their names as well as the accused in eccentric crimes, focusing on them and accentuating them as general phenomena in the society.
- Exaggeration in publishing details of the crimes.
- Taking sides with or against the accused.
- Commenting on crimes which are heard before courts.

Eighth Criterion: Not separating between advertisement materials from edited ones.

Ninth Criterion: Advertising about cigarettes and tobacco without referring to their harms or to their percentages of nicotine as well as advertising alcoholic drinks.

Tenth Criterion: Using women and children in advertisements abusing them.

In the light of such criteria and according to the reports of the High Council for the Press, the number of comments increased in 2005 compared with the years 2004 and 2006, except for the report of 16 August – 30 September 2006.

Whereas the comments reached in 2005 19637 comments, it reached the number of 15027 comments in 2006 and on the last rank was the year 2004 with 13949 comments. The reasons behind the increase of the number of comments on the year 2005 is referred back to the constitutional amendment carried out this year and the accompanying sad events in front of Syndicate of Journalists due to holding presidential elections at the same year and mix between advertising and edited materials. In addition, some accusations spread out that some of the candidates in the presidential and parliamentary elections who financed advertising materials to be mixed with edited materials. It was also noticed that the percentage of journalism practicing during March, April and May were the highest ones during this period as in March it 9.59%, in April 9.29% and in May 9.58%. On the other hand, the number of comment declined during June and July by 6.61% and 6.56% respectively, whereas other months varied between 8% and 9%. It was also demonstrated that the national daily newspapers ranked first in the percentage of comments with a high percent amounting to 39.21%. At the second rank, it was the comments on private newspapers with 28.49%, whereas the third rank was reserved for newspapers issued by foreign licenses amounting to 13.94% and the fourth rank the comments on party newspapers amounting to 10.52%. The abovementioned four groups, i.e. national daily newspapers group, private newspapers group, group of newspapers issued by foreign licenses and party newspapers group, possessed about 92% of all the comments on Egyptian newspapers whereas, other journalist groups got the remaining 8% divided as follows: 2.63% for local newspapers, 2.30% for general newspapers, 1.63% for national weekly

newspapers and finally 1.29% for newspapers issued in foreign languages.

The category of not observing the manners of publishing advertisements got the highest number of comments amounting to 58.28% of the total number of comments for the period of the study, i.e. more than half of the comments on all categories of the study. The category of non-documentation of information ranked second with the percent of 23.95% of the comments, which is a big percent in comparison to other categories. Therefore, the two categories of not observing the manners of publishing advertisements and non-documentation of information possessed 81.23% of the total number of comments, which is a very big percentage.

It was demonstrated that there is increase in using improper terms and phrases indicating swearing and defaming colleagues especially during the period from June to August 2006. For example, it was noted that some journalists resorted to types of personal slandering and physical and moral offenses in their professional relations to their colleagues.

Furthermore, pro-rights organizations demonstrated twenty-five advertisements that were published as edited materials for dominant countries although the regulation of registration in the lists of Syndicate of Journalists in Egypt states that working on advertisements is deemed as one of the reasons which deprive the member, i.e. journalist, from a condition of the conditions of active membership in the syndicate, however, the High Council for the Press accused the Syndicate of Journalists many times of not holding

responsibility for its members who breach the article of Journalist Honor. Yahia Qelash, the secretary general of the syndicate referred such phenomenon, i.e. mixing advertising with editing, to the deteriorating Economic conditions of the Egyptian newspapers and the declined wages for journalist clarifying that the syndicate has no thing to do unless she received official complaints accusing any of its members of working on the advertisements. Furthermore, many editors-in-chief and chairmen of governmental and party newspapers refused to comment on the criticisms against their newspapers for mixing advertisement with editing. Yet, Mohamed Barakat, El-Akhbar editor-in-chief, commented on the accusations of the report of the pro-rights organization saying, "The pro-rights organizations receive financial aids from foreign bodies and we do not pay attention to what it publish as it work according to the agenda of the countries financing them".

Meanwhile, Mohamed Aly Ibrahim, the editor-in-chief of Al Gomhureya newspaper, said, "The registering materials (advertisements) is something known in the international press which is not limited to the companies or the economic features as many ministers publish paid advertisements as interview with them to clarify their point of view in certain case noting that "it has been customary accepted in Egypt to have those subjects in a different form from the edited subjects as we not necessarily have to mention that they are 'registering subjects' or 'advertisements'. The editor-in-chief added, "The Egyptian press law did not specify a means to differentiate between advertised and edited materials and did

not stipulate writing the phrases 'registering subjects' or 'advertisements' on the paid advertisement. He further added, "I, as an editor-in-chief, can not refuse an advertisement which would benefit the association financially, unless there have been security reasons or the like. Such opinions demonstrated the level to which Egyptian press has deteriorated as the editors-in-chief are boasting for publishing such advertisements and insist on their opinion without paying attention to the right of the reader or the journalism code of honor.

The study demonstrated also examples for the level of the Egyptian newspapers breach for the basis and manners of journalism in handling some local and international issues such as the press covering of Bahá'í issue, the controversial remarks of Pope Benedict regarding Islam and the military parade of the students affiliated to the Muslim Brotherhood Organization in Al-Azhar University. It further confirmed that all such coverage has been unfair, biased and breached in many cases the journalism code of honor.

The seventh chapter of the study discussed the freedom of expression through arts and literature, the first section of which was further specified for the legislative structure of censoring artistic works and foreign publications. It was noted that no change occurred on the findings of the first part of the study "Freedom of Expression in Egypt 2002-2003" either for artistic works inside Egypt or abroad, even it has not greatly changed since the thirties of the past century and till today.

The study quoted Wael Abdel-Fattah, the specialized Egyptian journalist in cinema affairs, saying, "I always consider that the censorship started before cinema and it will remain in our society greater than cinema as long as we consider it 'good' and 'gentle' which checks audience before they sleep and keeps the cinema away from any problems that would bother anyone. Is it an absolute belief in the censorship positive role in keeping social balance? It could be as when censorship practices its role in adjusting creation to be suitable for the authority of whatever type either political, social, religious or capital authority, it would gain social acceptance and respect from a society which view a great value in abolishing or sieging thoughts which are different from the dominant thoughts. There is also the game of keeping the stability of the society which mutated censorship from unpleasant deed to a heroic one especially for conservatives, illiberal and holders of constant and established thoughts. Accordingly, censorship reaches to its utmost positive attitude when it glorifies authority and its myths and acquires legitimacy and social necessities as it omits erotic scenes, protect creators from exceeding the limits with their thoughts. It puts creativity on the bar of the public order by fixing the length of the kiss, the clothes of the heroine and the part of her body which would appear on the screen. It plans relationships and achieves stability. Therefore, it has to be allied with the owners of the only freedom in Egypt nowadays, i.e. men of religion and stars of corruption who can protect their privacy by a political power which puts them behind the red line which no body can approach or bears what happens in the society. Everything is sacred from big names to the stars, from social relation to a place like

church as if the human has vanished and only authorities exist." The study noted that breaching any of the censorship laws could make the one who breached it subject to penalties reaching imprisonment for two years in some cases which uncovers the legislator's wish to control this type of arts and hold his grip over it to limit his freedom of expression.

Despite that the stipulations of the law do not state checking the content of books, publications and prints before printing if it were printed and published in Egypt, however, in emergency cases the same conditions do not apply on foreign prints which are subject to censorship. Furthermore, the General Administration for Censoring Foreign Prints has the right to prohibit it from entering Egypt or to sequester its issues as according to article 9 of the publications law No. 20 of 1936, the council of ministries has the right to prohibit any publication issued abroad, reprinted, spread and circulated inside the country. According to this regulation, the prohibition could be made without giving reasons as the law did not state specified conditions on which the issuance of the prohibition decision could be based on and leaving the whole issue to be decided according to the administration estimation, therefore, the door would be wide open for it to control it. The study concluded that, "It could be demonstrated that the legislative structure of censoring artistic works and foreign prints is so far rigid, illiberal and put many restrictions and obstacles before freedom of expression in arts and writings.

As for the second section of the seventh chapter, it reviewed some cases for artistic works such as movies, plays, T.V.

serials or foreign publications which were either completely sequestered or faced troubles, while it was under production, with the authorities censorship on artistic works. Such problems ended up in prohibiting it or arranging some amendments to be convenient for the censorship restrictions in contrast with the will of its creators. The study concluded that the freedom of expression through artistic and literary creation witnessed many stresses during the period of the study while the world was pursuing freedom of opinion and expression and giving way for creation. The Egyptian as well could not cope with the global development and was far from understanding the mentality of the Egyptian citizen which vastly changed during the past five years.

The study concluded also that the authorities do not act voluntarily except concerning political books or those books referring to the president himself or the future of the Egyptian political regime, that is, in most of the cases, in compliance to security authorities, according to an internal decision or the opinion of the censor. Concerning novels, stories and books, the censorship does not react unless it was covered by the approval and consent of the society, either through articles in newspapers or discussions in the parliament... etc. The study presented some examples of the reactions of censorship towards the cinema works which were prohibited saying, "We can refer to a number of cinema works that were either prohibited or impeded during the period of the study which indicates that the society has become less open and that the successive fundamental pressures were affecting the freedom of expression more than those of the government itself. It further concluded the following notes:

First Note: Approaching men of authority in general, such as police officers or deputies of general prosecutor, forms a red line identified by the censorship except for some of the well known artists such as Yusuf Shahin and Adel Emam who were able to cross this line. Others, however, were not able to approach these characters as they wish. Furthermore, approaching the president of the state in general has the same restrictions, unless the president appeared in the image of a fair man, the one who solves problems for his people and the like.

Second Note: Approaching religion, presenting new interpretations or opposing established interpretations for its texts is not allowed and leads to big confusion in the decisions issued from censorship. Accordingly, censors take the safe side and prohibit such interpretations.

Third Note: As a result of the stretched sentences in the censorship law, the censors and even the advisory committees formed by some general censors could not manage to reach the right decision all the time as its decisions were resulted from its cultural or social backgrounds from one side and its conception for the position of some influential powers in the society from the other side either it were religious powers, political powers or other powers.

Fourth Note: Most of the movies which faced many impediments were displayed afterwards without causing any problems.

The study further reviewed many of censorship problems regarding theatre, television scenarios and other creativity media.

The third section of this book reviewed the street theatre and independent cinema as examples for creators to escape the pressures of censorship. Such independent cinema has some important characteristics and features including:

- It is limited to documentary movies and short stories except for two trials: “**Drop of Sugar**” directed by Hatem Farid and “**Ethacy**” directed by Ibrahim El Batot. As for the two movies “**Clefty**” and “**City**” they are for two directors who work in commercial cinema and produced their movies in form of independent movies.
- Resorting to digital technology as a mediator through which cinema works are produced so as to minimize production costs to suit the low budgets of the movies. The digital revolution is expected to affect the future of independent cinema.
- Aspiration to be different. However, many trials for independent cinema was not different or distinguished from prevailing commercial cinema as for the choice of subject or visual aesthetics.
- Investing the documentary features of digital video recording such as being easy to carry and record the dropped and unofficial information. Also minimizing shooting locations and avoiding renting locations which

increases costs. This resulted, however, in avoiding building decorations in an artistic attitude close to that of reality cinema.

- In most of the cases, the three taboos, i.e. religion, sex and politics were trespassed, noting that the sex taboo was one of the most important and frequent taboos that were trespassed unlike that of politics which was included only in a few trials.
- Most of the independent movies primary concern was the individual and expressing limited individual issues without paying attention to the social problems or even the marginalized groups, except for women's problems in many movies by female directors who were concerned with women issues. This was referred to the reality that most of the movie makers belong to an upper social and economic class who were educated in foreign schools or studied abroad.
- The low number of actors and using professional actors in limited cases as there is usually amateur acting cadres for independent movies who help each other in acting, writing, directing or volunteering²².

The study further demonstrated the problems which faces this type of cinema such as financing and shooting in the street, i.e. which required approval from the Ministry of Interior. As for displaying movies, the independent cinema

²² <http://www.islamonline.net/arabic/arts/2006/03/article17.shtml>

faces the problem of cinema houses reservations on some of its subjects or scenes.

- The eighth chapter of the study demonstrated freedom of expression through peaceful political gatherings as one of the most important methods of expressing opinion. The chapter covered this method through an introduction and five chapters including demonstration of the legal opinion regarding peaceful gathering, the different forces which appeared to express itself through peaceful gathering and the cases in which it expressed its right through peaceful gathering such as internal politics, regional politics and religious issues.

Regarding the legal frame organizing freedom of expression through peaceful gathering, the study said that no changes occurred to the constitutional and legal position of freedom of expression through peaceful gathering during the period of the study extending for four years from January 2004 to the end of December 2007. It further reviewed the most important political phenomenon during such period; that is the new protest movements which appeared in the course of important changes in the political arena, the most important of which was the amendment of article 76 opening the door for the first presidential multi-elections in the history of the country and the propaganda arising concerning the restrictions imposed on this movement which was supposed to be a huge step towards circulating power as one of the basis of democracy.

The study concluded the most important characteristics of the new protest movements as follows:

1. Such movements erupted from outside the cadres of traditional opposition though such cadres supported these movements with some of its leaders, members and regulatory basics. Also some leaders of the parties and political forces participated in founding these new movements.
2. Such new opposition movements included generations that did not form a part of the traditional opposition. Many of the members of these generations did not have political field experience as well; however, it found a suitable place for itself in one of those movements.
3. The new opposition movements included generation which were brought up and loaded with the cultures of the civil society which indicates that such organizations succeeded in consolidating the political awareness in many sectors of the society in spite of the imposed siege.
4. These movements adopted unusual forms of political movements including demonstrations in the streets as a basic mechanism of political work and managed to narrowly get its right that is granted by the constitution, i.e. peaceful demonstrations, despite of facing many troubles from security forces in some of the organized demonstrations. Moreover, such movements depended

on modern technology such as unprecedented means of communication including internet, mobile and others²³.

The study reviewed many protesting movements which can not be accurately counted with Kefaya (Enough!)²⁴ at its top which became one of the most important opposition forces on the political arena and gained international reputation though it has been founded only two years ago. It is also widely known outside Egypt as well as new branches or different organization inside different categories of the society such as the movements of Journalists for Change, Doctors for Change, Workers for Change and Writers, Artists and Intellectuals for Change. In addition to Kefaya, tens of movements appeared inside Egypt including National Coalition for Democratic Transformation presided by Prof. Aziz Sedki, People's Campaign for Change (Freedom Now), National Alliance for Reform, People's Front for Saving Egypt (Peace), Change Movement and Egyptians Without Borders and the last movement Shayfeen (We See You) which commenced its activities with supervising the presidential and parliamentary elections. In addition to the movements inside the country, a number of organizations appeared abroad the most prominent of which was Save Egypt Front located in London and others.

These movements are not governed by accurate regulations as they are more likely to be deemed as political organizations most of which only have an organizer and a number of

²³ Prof. Waheed Abdel-Mageed a basic researcher, report of national campaign for supervising parliamentary elections 2005 – First chapter (Elections Environment 2005).

²⁴ Egyptian Movement for Change

leaders. Therefore, such groups are neither included in the frame of political parties governed by the law of Political Parties nor considered as non-governmental organizations which are regulated by the law of non-governmental organizations. Such unrestricted position grants them freedom, good ability to maneuver and free it from many restrictions in the laws of non-governmental organizations and parties. Regarding these movements, the study had some observations as follows:

The first observation: Most of these movements were founded during 2005 and 2006, i.e. the two years which witnessed wide political movements started with the amendment of article 76 of the constitution, the referendum on the amendment, the presidential elections and the parliamentary elections.

The second observation: The requirements of those protesting movements are almost identical as they are excluded in limiting the presidency term in two rounds that are not to be extended or allowing general freedom beside some group requirements which change according to the concerns of each group.

The third observation: All these protesting movements organized at least a demonstration or sit-in in addition to participating with other forces in organizing demonstrations or sit-ins.

The fourth observation: The middle class and vocational represented the backbone of these protesting movements.

They also formed its attitudes and transformed its voice to the world through the worldwide web (internet). This, however, confirms that the growing of the middle class and the maximization of its interest in politics can motivate the society. The study further illustrated a total of twenty movements by summing up each movement and its influence as follows:

1. Egyptian Movement for Change “Kefaya” (Enough!)
2. The Movement for Academic Independence (March 9)
3. The Movement of Workers for Change
4. The Movement of Youths for Change
5. The Movement of Doctors for Change
6. The Movements of Writers and Artists for Change
7. The Movement of Egyptian Mothers
8. The "White Ribbon" Movement
9. National Coalition for Democratic Transformation
10. The Movement of Journalists for Change
11. The Movement of Lawyers for Change
12. The Group of Democratic Engineers
13. The Movement of Unemployment Volcano (Frustration)
14. People’s Campaign for Change
15. Stop Mubarak Movement
16. Egyptians Without Borders
17. The Movement of Children for Change²⁵
18. National Alliance for Reform
19. People’s Committee for Citizen’s Right – South Sinai
20. Committee for Protecting Insurance Rights.
21. Egyptians Against Torture
22. 5 September Group

²⁵ www.Alquads.co.uk/index.asp?faames2005/02107-031529.htmstrogtitle=ff

23. Egyptian Judges Movement

The second section of this chapter reviewed political protests during the period from 2004-2007 by giving some examples confirming that the Egyptian Movement for Change supported by other protesting movements such as Movement of Youth for Change, Movements of Writers and Artists for Change and others and supported other times by 'banned' Muslim Brotherhood Organization, 'broke up' Labor Party or even Egyptian communists or others have been the main motivation behind many protests and shouldered the responsibility of leading or calling for most of the protest which occurred in Egypt during the period of the study especially in main cities.

The study further proved that the security authorities terminated the demonstrations or limited their effects either through closing streets, physical pressures on the demonstrators or making an abortive blow by arresting the organizers or the callers for the demonstrations. However, in other cases, such means did not work as the organizers of the demonstration organizers to effect their intentions either through small groups which meet together forming big ones or through using alternative methods to reach the place of the demonstration or taking shelter in the building of Syndicate of Journalists. The study noted that some of the demonstrations were faced with more power to abort them such as the demonstrations of solidarity with judges which faced an obvious barbaric assault from police forces, whereas, the judges demonstration itself was protected by police forces to prevent anyone who is not judicial profession to join it. On the

other hand, some of demonstrations were facilitated by the government such as the demonstrations about the national occasions were not faced by any intrusion from executive authority except for some of these demonstrations called for and organized by Muslim Brotherhood Organization not because of refusal of organizing the demonstrations but rather because of the attitude towards the banned Muslim Brotherhood Organization.

The study added that since the beginnings of the year 2005, all the Egyptian governorates were witnessing protests and demonstrations from Cairo to Alexandria and El-Arish in the East North I the demonstration in which a group of the representatives of the civil society organizations, the people and villagers of Serando village and some of members of the parliament in front of the Supreme Court in Cairo on 17 March 2005. The second demonstration occurred in El-Arish the capital of North Sinai governorate on 18 March 2005 in which thousands of El-Arish people participated most of whom were ladies as the relatives of the detainees after the events of Taba 7 October 2004. The third demonstrations was organized by members of the Muslim Brotherhood organization in front of the parliament on 27 March 2005.

The study further demonstrated the protests and demonstrations and gave detailed documentation for each. It also presented some observations on the political demonstrations organized by Egyptian Movement for Change along with some other forces which appeared at the then. Such observations were as follows:

1. The limited number of demonstrators as the number of demonstrators, in any protest demonstrations, did not exceed tens of demonstrators and in some cases it reached one hundred or one hundred fifty demonstrators who repeatedly appeared in these demonstrations. This clarifies that the political demonstrations did not succeed in attracting neither the normal citizens nor many politicians who regarded them as wasted time in vain.
2. The forces which called for these demonstrations were basically the Egyptian Movement for Change accompanied by some of youth members of El-Ghad party, the wing of Prof. Ayman Nour and some times other protesting movements. However, most of these movements no longer participate in political protests being satisfied with peaceful gatherings which call for professional requirements. For example, the attitude of the March 9 Movement - Movement for Academic Independence – which refused basically to participate in any activities which are not related directly to improving the positions of academic professors. It refused to join any political wing to it even for supporting it as well.
3. Such protests did not include specified requirements that could be applied or negotiated, however it was limited to general requirements such as refusing bequeathing or protesting against unemployment. The limited number of participants in such demonstrations helped to make the situation worse as its organizers

failed in connecting their political requirements with the economic and social status of the Egyptians.

The study added that we can not ignore the harsh treatment from security forces with such demonstrations in many times, despite of the little number of demonstrators, such as violence of security forces and sexual abuse against demonstrating female journalists contributed in citizens abstention from participating in them in spite of sympathizing with its organizers and participants by giving example of unjustified violence against judges demonstrations. The study demonstrated also the sexual abuse against female journalists **on 25 May 2005 as an example for hired violence assaulting peaceful demonstrators** considering this day as a distinctive day in the Egyptian political life and was called in Egyptian political writings as "Black Wednesday" for four reasons:

First Reason: Such incident has been an indicator to the new course of Egyptian government in fighting political opposition to the regime of the Egyptian president as in spite of using police forces in an apparent way, it used groups of former criminals and some of the ladies registered in police stations in theft, robbery or others and releasing them on demonstrators so as to appear as if the crowds following the National Democratic Party are engaged in fight with those of opposition parties.

The second reason: Some of the non-governmental organizations managed by leading members in the National Democratic Party participated in financing these immoral incidents through either procuring financial resources or

transporting those assailants in trucks or big buses on which the name of the organization is inscribed.

The third reason: The way in which assaults were carried out, by sexually abusing the female journalists, indicated that it was a trial to prohibit women from participating in protests.

The fourth reason: The way in which assault was carried out did not allow knowing the names of the assailants which led to preserving the case in the reported statements by the General Prosecuting Authority for failing to know the personalities of those assailants and ordered the bureau of investigations to follow investigations.²⁶

The study demonstrated the creation of the journalists of Arab Horizons newspaper for a new way of expression by peaceful gathering protesting closing their newspaper. They memorialized the anniversary for closing their newspaper same as Egyptian memorialized their deceased by listening to Quranic verses and received condolences from their colleagues. They also raised a market for vegetables on the stairs of the Syndicate of Journalists when pedestrians were surprised to see journalists holding punches of rockets,

²⁶ The people's reaction on such incident was both spontaneous and originality as some of the youth who were angry from what happened on 25 May 2005 on the website of 'Egyptian Awareness' electronic newspapers to gather on Wednesday 15 June 2005 from 6p.m. to 8p.m. in El-Sayeda Zaynab square to pray for God to get their revenge from those who raped women in the repressing incidents on the day of the referendum.

They said in their call published on Monday 13 June 2005 that, "Our requirements are still valid, i.e. discharging the Minister of Interior, suiting manager of Cairo security forces, the generals and officers who colluded with the rapists by coordination between Egyptian Ministry of Interior and the governing party because if we were silent now, violence would be used against all Egyptians and raping them would be an established way in the authorities dealing with change movements and with the simple citizen who is only concerned with earning his living.

lemon, tamarind and Subia²⁷ offering them for sale on the streets. They also offered radish, red beet, tomatoes, cucumber, bread and mint starting from twelve o'clock noon on Monday 16 October 2006 to be their most creative way to express their demonstration on the continuation of the crisis for more than 7 months. Actually, a group of pedestrians gathered to see the journalists who offered their goods to them and some of them offered to purchase some of these goods. The study traced also the **protests of religious attitude such as Muslims protests against the offensive Denmark cartoons against Prophet Mohammad, may Peace and Blessing of Allah be upon him, and how the executive authority participated in them to the extent that some of they protests were led by Governors and faculty deans.** It further traced the demonstrators who walk out protesting the controversial remarks of Vatican Pope against Islam considering them as a war against Muslims as the Pope delivered a lecture at the University of Regensburg in Germany saying, ""Show me just what Mohammed brought that was new, and there you will find things only evil and inhuman, such as his command to spread by the sword the faith he preached".

The study also reviewed the demonstrations protesting the declarations of Farouk Hosny, the Minister of Culture, to El-Masry El-Youm (Egyptian Today) newspaper saying, "Hijab/Veil is a step backward for Egyptian women". Hosny said, "Women with their beautiful hair are like flowers and should not be covered up" and "religion today is linked only to appearances, while every woman's veil should be inside

²⁷ A home made drink, based on barley, sultanas, cardamom, cinnamon and sugar

her, not outside." He further added, "Egypt has to return to being as graceful as it used to be and stop imitating Arabs who had considered Egypt as a piece of Europe", "We were brought up by our mothers who went to universities and work without hijab, so why should we step backward."

Regarding the Christian protests, they were against the exchanged violent incidents with Muslims for what was called by the Christians as forced Islam on Christians, especially girls. They were followed by the demonstrations because of the priest's wife called Mrs. Wafaa Constantine who converted to Islam.

The study made some observations on religious protests such as:

- 1- The popular reaction to this type of demonstrations is much greater than that of the political demonstrations, as it was clarified before that political demonstrations are characterized by poor participation of the crowds, whereas thousands participate in religious protests. This is traced back to the fact that Egyptians, even if they have abandoned politics, could be gathered under religious slogans may be for the dominance of religious attitudes which invaded Egypt since the seventies of the previous century, the state's use of religion in many times to distract people to other issues, the media load in such cases is much greater or because the government, its representatives or followers are those who organize such demonstrations in most of the cases.

- 2- The reaction to religious requirements and trying to find fast solutions for them is much faster in many cases than political requirements.
- 3- The counteraction of security forces towards such demonstrations is much less than theirs to political demonstrations, they even reacted positively to these demonstrations and secured their march.

As for the demonstrations protesting regional events, the fourth section reviewed them as follows:

1. Assassination of Sheikh Ahmed Yasin
2. Israeli aggression on Lebanon
3. Israeli aggression on Bet Hanon
4. Israeli aggression on Ghaza and Palestinian Territories
5. Qana Massacre in 2006
6. Execution of Saddam Hussein

The ninth chapter of the study reviewed freedom of expression through right to slowdown performance of the work or to abstain from it.

It also reviewed workers' protests during the period of the study which represented a real phenomenon that gave a new life to the tense Egyptian society.

The study demonstrated that since January 2004 and till the end of the year 2007, i.e. the period under study, the strikes and protests of the workers continued and increased as a result of the appearance of the effects of applying

privatization policy, minimizing expenditure on utilities, freezing the minimum range for wages, corruption of the wages and salaries system along with the increase in living costs, the increasing control of the capital on the regime in Egypt which resulted in the appearance of new facts and legalizations and accordingly granted businessmen a chance to monopolize and to be favored. On the other hand, it made a new field that is difficult for workers to live in by depriving workers of their gains, clothes, housing, food and beverage in addition to the unemployment which affected the whole family. It also witnessed increase in economic and social differences between social classes. Therefore, the workers protests increased violently as the protests and strikes did not stop to the extent that it reached 266 protests in the year 2004, 202 protests in the year 2005 and 222 protests in the year 2006.

The study considered such increase in protests and strikes in such period, especially on 2006 and reached its peak in 2007 is a mere indicator for the failure of syndical organization in performing its role in defending workers rights and the workers losing faith in syndicates as it is related to the state, its leaders approach from decision makers, gaining financial and material benefits from such relation as far as there is no longer any insurance source for its position except for their relations to the political regime. The workers protests showed the passive attitude of the syndicates towards workers protesting movement with very little exceptions as most of the protests occurred without the approval of the syndical organization, whose role was confined to denounce the strike or disavow it and consider it a crime. However, the best attitude of these syndicates was to mediate between

administration and workers which often occurs after deterioration of the situation.

The successes of the workers protests had many effective social reactions as new groups joined it. As in addition to the journalists and lawyers, the ever enemies of the regime, judges, doctors, engineers, many intellectuals, drama writers, teachers and employees joined workers protests to the extent that strike became the closest weapon which movements has to claim their requirements as the workers syndicate was able to surpass arbitral legislative restrictions of the labor law No. 12 of 2003. All such strikes occurred without the workers being subject to these arbitral rules, succeeded and all strikes days were deemed work days.

The study reviewed in the introduction the legal position of work strike in Egypt that was followed by workers protest in the four years starting from 2004 to 2007 in three consecutive chapters. The first chapter handled protests in public sector, whereas the second chapter dealt with strikes in general works sector and finally the third chapter regarding protests of the private sector. Each of the abovementioned three chapters demonstrated numbers of protests, its forms in each sector and divided them on the years of the study by reviewing its causes and approaching the most important and famous ones.

Regarding the constitutional and legal position of work strike to slowing down its performance, the study confirmed that it did not change since the first part of the study "Freedom of Expression in Egypt 2002-2003" in spite of amending the

constitution for two times in less than two years in 2005 and 2007. However, all such amendments did not tackle the position of strikes which was ignored by the Egyptian constitutional legislator since the constitution of 1923 till that of 1971. As for the Egyptian Penal Code, we would say that it classifies strike as a crime as article 123 thereof states to "penalize employees or workers who agree on abstaining from work or leave their works without reason with imprisonment and fine even if such strike did not result in any damages. The penalty confirmed resignation from work if three persons resigned. On the year 1946, law No. 146 was issued to aggravate penalty even if the employee resigned from work if the number of resigned employees were three or more as it considered it a strike. Accordingly, Penal Code added to the crimes of expression of opinion a new crime for resignation from work! Afterwards, law No. 24 of 1951 was issued to aggravate penalty to make imprisonment for one year instead of six months and finally, this article was amended to raise maximum level of the fine to one hundred pounds²⁸ instead of fifty pounds. The last amendment confirms the Egyptian underestimation of international charters as it was issued after signing on the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights which valued freedoms of expression in general and supported right to strike in particular. On the other hand, the Egyptian legal structure does not recognize the right to strike except for professional causes as the unified labor law No. 12 of 2003 granted it with difficult conditions to the extent that it could be said that such law restricted the right to strike, for some

²⁸ Egyptian Pound

categories at least, and did not grant it. According to article 124 of the Penal Code, still in force, it penalized only the strike carried out by public sector employees, i.e. employees of the state and the like. **However, workers in private sector were not included in the regulations of the Penal Code, therefore, they had the right to protest by strike. Meanwhile, the new labor law restricted right to strike for the workers in the private sector by conditioning the agreement of syndicate organization on the strike by a majority of two thirds. It also banned strike during the enforcement of work agreements. As for state's employees, the new labor law prohibited actually the right to strike according to article 194 thereof stating "Strike or calling for it is prohibited in strategic or vital facilities on which work suspension would jeopardize national security or basic services extended to citizens". Therefore, it granted the Prime Minister the right to specify such facilities. Accordingly, he is practically able to consider any facility following the state is one of the facilities which provide basic services to the citizens if he could not assume them as a part of the strategic facilities which would lead to having the employees in the government and the public sector been subject to the regulations of article 124 and the following articles of the Penal Code.**²⁹ It could not be demonstrated that the right to strike is now granted to them especially in the light of the parliament discussions for article 149 of the new labor law which clearly confirmed the government refusal for any specification or definition of some

²⁹ For example, the failure of the strike which the Medical Syndicate tried to call for in order to solve the growing problem of doctors' wages, as the government referred to the decision of the Prime Minister prohibiting strike in strategic facilities. Therefore, it led to doctors' frustration, failure of their plans and break up between their members. Please refer back to Prof. Adel Saif El-Dawla, of El-Badeel (Substitute) newspaper on Friday 28 March 2008 "Ikhwan (Members of Muslim Brotherhood Organization) court Government on the account of Doctors – Undeclared Agreement between Hamdy El-Sayed, El-Erian and Rizk Barakat from policies committee and State Security Police.

sort for the strategic facilities or those presenting basic services for citizens as it stressed that the authority of specifying such facilities on which strike is prohibited for its employees would be in the hands of the Prime Minister himself and away from the supervision of the parliament.

The first chapter traced workers protests in the public sector within the period starting from 2004 to 2007 during which workers' protests reached 541 protests in the former four years. It further considered that the year 2007 is the highest year in the average and number of workers' protests which reached 255 protests, i.e. representing 47% of the total number of the protests during the four years of the study, whereas 2006 witnessed 80 protests, i.e. 14.8%, 80 protests for the year 2005 and finally 126 protests for the year 2004, i.e. 22.3%. Accordingly, the year 2007 witnessed a great period in workers protests in the public sector.

As for the types and forms of workers protests during such period, assemblage got the highest percentage with 255 assemblage representing 47%, followed by 165 sit-ins representing 30.5%, 95 work strikes representing 17.6% and finally 56 demonstrations representing 10.35% which indicates some issue:

1. The workers of the public sector prefer assemblage and gathering to call for their rights and consider it the first step towards protest, whereas demonstration comes in the last phase as it matches political protests rather than workers ones.

2. Workers try in general to make a balance between arranging protests to call for their rights while they are keen at the mean time for their work and think a lot before making any form of the protests that could endanger them to lose their jobs. This, however, urges them to use assemblage as a first step that is followed by sit-ins and finally work strikes in the third place.
3. Workers are smart enough not to resorts to work strike frequently as a form or type of protests that would escalate the issue. Therefore, work strike is the big threat used by workers to pressure decision makers to fulfill their requirements.

By analyzing the different forms of work protests, especially assemblage as the most frequently used form of protests, it is demonstrated that the year 2007 had 121 assemblage with the percentage of 47.45% of the total number of assemblages during the four years of the study against 26 assemblage in 2006 with the percentage of 10.2%, 40 assemblage in the year 2005 representing 15.7% and finally 38 assemblage on 2004 representing 15%. This indicates that the year 2006 is the year of the minimum assemblage for workers in public sector followed by the year 2004 then 2005.

Regarding sit-ins, the year 2007 recorded the highest ranks with 81 sit-ins representing 49%, whereas the year 2005 recorded the lowest rank in using sit-ins with 15 sit-ins representing 9%. Also the year 2004 recorded 44 sit-ins with the percent of 26.67% and finally the year 2006 with 25 sit-ins with the percent of 15.2%.

As for strikes, the year 2007 recorded the highest rank with 36 strikes representing 37.9%, followed by the year 2004 on the second rank with 24 strikes representing 25.3%. However, during the year 2005 and 2006, the number of strikes was close with 17 and 18 strikes representing about 19%.

Despite the fact that the year 2007 recorded the highest ranges of strikes, however, upon calculating the percentage of the number of strikes to the total number of strikes in 2007, it is clear that the percent of strikes is the least one during the four years of the study by 14.1% against 19% in 2004, 22.5% in 2005 and finally 21.25% in 2006.

Meanwhile, demonstration was the least form of protests which are used by the workers as the year 2004 recorded the highest range with 20 demonstrations representing 35.7%, followed by 2007 with 17 demonstrations representing 30.36%, then 2006 with 12 demonstrations representing 21.4% while the year 2005 recorded the least ranges with 7 demonstrations representing 12.5%.

Such figures refer that along with the development and maturity of protest movement for public sector workers, the minimized their use of demonstrations as a method of protesting by considering it useless in their case and they have to use other methods of protesting.

As the public sector one of the sectors which includes millions of workers who witness many different forms of protests

which reached in 2004 (126) protests varying between 37 assemblage, 45 sit-ins, 24 strikes and 20 demonstrations.

Such protests occurred in many governorates on the top of which is Cairo governorate with 47 protests, 5 protests for El-Gharbia, 2 protests for each of the following: Qakuibia, Fayoum, Hurghada, Ismaelia, Port Said and Sharkia, 3 protests for each of the following: Behira, Kafr El-Sheikh, Alexandria, Qena and Monofeya, 4 protests for each of the following: Sohag, Suez, North Sinai, Giza and Dakahlia and one protest for each of the following: Luxor, Aswan and Minia.

The reasons for protests of workers at the governmental authorities and governmental sector varied as the highest range of protests in such sector reached 31 protest because of non-disbursement of financial dues, followed by 24 protests because of arbitrary dismissal, by 16 protests because of not contracting with the workers, 3 protests for each of ousting from residency and requesting wages and salaries, then 3 cases for selling the property in an auction or liquidating it, one protest for arbitrary transfer, then two protests for not settling academic qualifications of workers, depriving them from their rights, interrogating them, suspending from work, as well as officials' interference in works, followed by one case for not giving meals, decreasing wages, refusing to submit work, depriving from vacations' allowance, deterioration of workers' positions, suspending decisions, removing leased cafeterias, committing violations, insufficient wages, threatening with imprisonment, not granting flour quotas to grinding mills, forcing to work in areas out side

specialization, the administration plotting against personnel, dismissing workers from their homes, transforming workers from permanent work contracts to temporary ones and settlement of personnel position.

Meanwhile, protests reached in 2005 (80) protest which varied between 40 assemblage, 15 sit-ins, 18 strikes and 7 demonstrations, whereas, the first half of 2005 witnessed 39 protests varied between 22 assemblage, 8 strikes and 1 demonstration.

January witnessed 9 protests as well varying between 6 assemblages, 2 strikes and one sit-ins, while February witnessed 10 protests varying between 6 assemblages, 3 sit-in and one demonstration, also March witnessed 7 protests varying between 3 assemblages, 2 sit-ins and 2 strikes and 7 protests in April represented in 3 strikes and 2 assemblages and finally June with only one strike.

On the other hand, July witnessed the highest range of protests with 14 protests varying between 7 assemblages, 3 strikes, 3 sit-ins and one demonstration, while December witnessed the least range with 2 strikes for protesting.

During the first half of the year 2005, the reasons behind workers protests in the governmental sector varied as the strongest reason was because of non-disbursement of dues with 29 protests; 14 protests for not contracting with workers, 5 protests for arbitrary dismissal, 3 protests for arbitrary transfer, 2 protests for committing violations, one protest for administration arbitrate decisions, deducting from salary,

refusing to transfer the employees from general employees to temporary ones, issuing imprisonment rulings, changing subordination from one authority to another, ceasing water and electricity utilities from houses of pensioned workers, transferring temporary workers to workers against compensation, issuance of a law which threatens to imprison doctors and not renewing contracts for some workers.

Workers protests amounting to 17 protests because of non-disbursement of financial dues varied between 9 assemblages, 4 sit-ins, 3 strikes and one demonstration.

Such protests were concentrated during the first half of the year 2005 in a number of governorates including Cairo with 9 protests, Behira 4 protests, 3 protests for Sohag and Giza, 2 protests for El-Fayoum, Qualiubia, Alexandria and Gharbia and one protest for Minia, Matrouh, Aswan, Beni-Suif, Suez, Dakahlia, Port Said, Kafr El-Sheikh, Monofeya, Qena, Sharkia and all over Egyptian governorates.

The study considered the year 2006 as a major change in protests as the protests of each sector varied between 81 protests in the governmental sector represented in 18 assemblages, 30 sit-ins, 21 strikes and 12 demonstrations, whereas, the strongest protest for the workers of the governmental sector resulted from non-disbursement of financial dues which reached 22 protests, followed by 12 protests for bad or arbitrary administration, 11 protests for not contracting with personnel and decreasing wages of workers, 2 protests for not settling employment degree followed by one protest for arbitrary dismissal and arbitrary

transfer, canceling contracts, non-existence of a syndicate for workers, absence of private health insurance system, issuance of a proposal to employ temporary workers without protection, arbitrary state authorities, incorporation of companies, deducting from salary and minimizing the degree of employers.

July also witnessed the highest range of protests which reached 10 protests represented in 5 assemblages, 2 sit-ins, 2 strikes and one demonstration, whereas November witnessed the lowest range of protest as they reached 4 protests represented in 2 assemblages and 2 strikes.

Protests continued to increase in 2007 which witnessed a huge leap in the amounts, types and forms of protests in comparison to previous years as it recorded 255 protests in the governmental sector varying between 121 assemblages, 81 sit-ins, 36 strikes and 17 demonstrations. Meanwhile, July witnessed the highest range of protests amounting to 37 protests represented in 18 assemblages, 13 sit-ins, 5 strikes and one demonstration, while November witnessed the lowest range of protests amounting to 10 protests represented in 2 assemblages, 5 sit-ins and 3 strikes.

The reasons for protests of workers at the governmental sector varied as the strongest protest resulted from non-disbursement of financial dues amounting to 87 protests, followed by 30 protests for not contracting with employees, 24 protests for bad and arbitrary administration, 22 protests for arbitrary transfer and dismissal, 6 protests for discrimination and favoritism between workers and executives, 5 protests for

not employing, 2 protests for each of abolishing contracts, decreasing personnel wages, non-employment, deducting from salary and deprive of promotions and finally one protest for each of the following: deprive from work by the system of special contracting system, not arranging a social insurance, abolishing one of the articles regarding partnership, not renewing contracts, forcing to work in spite of being ill, hiring a club belonging to workers, disbursing salaries automatically, canceling electricity authority, dominance of some authorities outside work, privatization of some authorities, ending service, canceling one of the allowances, trying to takeover an annex following the administrative building, transferring workers from permanent workers to workers by contracts and violating their rights, distribution of workers after dissolution of administration, resigning new contracts, ending the contract of the authority with the company, performing tests and exams for teachers, suspending syndicate activities, removal from the special cadre, dismissing the president of the authority, transferring technicians under the pretext that they are executives and employing recent groups of graduates.

As for the work protests in the public works sector, the second section of the ninth chapter of the study that the total number of its workers' protests during the period from the year 2004 to the year 2007 reached 439 protests, while the year 2007 recorded the highest percentage of the protests as the workers of public works sector organized 214 protest representing 48.7% of the total number of the protests of the last four years followed by the year 2006 when 79 protests were organized representing 18% then the year 2004 when the

workers organized 74 protests. Meanwhile, the year 2005 is considered the year that witnessed the least number of protests in comparison to the four years of the study with only 72 protests.

During such period, the types and forms of protests varied between demonstrations, assemblages, strikes and sit-ins. However, the numbers indicate a certain balance between assemblage and sit-in and dominance for them both on other different forms of protests organized by the workers of the public sector workers as the number of sit-ins 156 during the four years representing 35.5%, while assemblage was close with 155 assemblages representing 35.3%, followed by strikes as 80 strikes representing 18.2% were organized and finally demonstrations with 46 demonstrations representing 10.5% which indicates that the workers of the public works sector think that assemblage and sit-in would fulfill their requirements and form a huge pressure on administration authorities followed by strike in a later phase which is considered as an escalation to the issue and finally there is demonstrations which are not preferred by the workers.

The sit-ins organized during such period, reached 156 sit-ins as the year 2007 reserved the biggest share with 72 sit-ins against 32 sit-ins in 2006, then 29 sit-ins in 2005 and 23 sit-ins in 2004 which represented the smallest share of the four years.

The numerical analysis for assemblages during the period 2004-2007 is not much more different than that of the sit-ins as the year 2007 get, of the second time, a lion's share of the assemblages with 79 assemblages which exceeds the number

of assemblages during the whole period, while the number of assemblages was close during the previous three years with 26 assemblages during 2006 and 25 assemblages during 2005 and 2004.

On the other hand, the number of strikes during the year 2007 reached 42 strikes recording the highest range, while the year 2004 recorded only 10 strikes.

The demonstrations varied during the four years between 21 during 2007, 14 during 2004, whereas the year 2005 was the least year in the number of demonstrations organized with only 5 demonstrations.

During the year 2004, the public works sector organized 74 protests varying between 28 sit-ins, 25 assemblages, 10 work and food strikes and 14 demonstrations. Meanwhile, April witnessed the highest range of protests with 11 protests varying between strikes, demonstrations, sit-ins and assemblages. Same number of protests was witnessed during October varying between 5 assemblages, 2 demonstrations and 4 sit-ins.

On the other hand, January was the quietest month with a minimum range of protests represented in one strong sit-in affected by the workers of Societe Egypto Francaise Du Caoutchouc SAE, SEFC, whereas, December witnessed 9 protests divided as 4 assemblages, 2 sit-ins, 2 demonstrations and one strike. Meanwhile, August witnessed 7 protests divided as 4 assemblages, 2 demonstrations and one strike and 5 protests for September including 1 assemblage, 2 sit-ins,

one strike and one demonstration; and finally 6 protests during July including 2 strikes, 3 demonstrations and one assemblage.

The reasons for protests of workers at the public works sector varied during the past six months, the strongest of which were 11 protests resulted from arbitrary dismissal, followed by 30 protests resulted from non-disbursement of workers' dues such as bonuses and allowances, followed by 5 workers' protests resulted from the application of early retirement system, two protests for selling and liquidating the company, ousting workers from their houses, non-disbursement of wages and salaries, deterioration of work environment, worker's injuries during work and one protest for ruination and corruption of the company as well as charging one of the workers with a murder and issuance of arbitrary administrative decisions.

The study proved the relative retraction of the protests in 2005 in the public works sector with 72 workers' protest in the public works sector divided on assemblages, strikes, sit-ins and demonstrations against 74 protests during the year 2004. Such protests were divided on 29 sit-ins, 25 assemblages, 13 strikes and five demonstrations.

Meanwhile, January witnessed the highest range of protests with 19 protests varying between 8 sit-ins, 10 assemblages and one strike. Also February witnessed 5 protests varying between 3 strikes, one demonstration and one sit-in.

March was the quietest month in 2005 with a minimum number of protests, i.e. only 2 protests as one assemblage and one sit-in, whereas April witnessed 9 protests divided as 4 assemblages, 4 sit-ins and one strike and May witnessed 5 protests including 3 sit-ins and 2 strikes. As for June, it witnessed 4 protests including 2 assemblages and 2 sit-ins. The reasons for protests of workers at the public works sector varied during the first half of the year 2005, the strongest of which were 17 protests resulted from non-disbursement of dues followed by 9 protests for closing quarries, selling and liquidating the companies, then 5 protests resulted from arbitrary dismissal, 2 protests for expelling from residence and arbitrary administration, then one protest for each of the following: not contracting with workers permanently, forcing early retirement, declaring sale of the share of the union to shareholders and requesting transfer of subordination, administration corruption, extending leaves for workers, suspending from work and decreasing annual profits. On the other hand, most of the protests of the second half of the year resulted from non-disbursement of financial dues with 7 protests, followed by 6 protests for arbitrary administration, 3 protests for closing or liquidating the company, referring to early retirement and administrative breaches, 2 protests for not contracting permanently and finally one protest for arbitrary transfer, postponing promotions and refusing to arrange insurance of workers against disablement, illness and arbitrary dismissal.

Meanwhile, the public works sector arranger 17 protests because of non-disbursement of dues which varied between 4 assemblages, 9 sit-ins, 1 demonstration and 3 strikes, whereas

protests because of arbitrary dismissal varied between 3 assemblages, 1 sit-in and 1 strike.

Such protests concentrated during the first half of the year 2005 in different governorates including Cairo (9 protests), Alexandria (6 protests), Ismaelia (3 protests), New Valley, Qena and Beni-Suif (2 protests), Gharbeya (3 protests), Qualioubia, Aswan and Red Sea governorates (1 protest).

Other 7 protests were arranged by the public works sector because of non-disbursement of due amounts which varied between 3 sit-ins, 2 assemblages, one demonstration and one strike.

During the year 2006, the protests continued in the works sector to reach about 222 protests varying between 47 strikes, 79 sit-ins, 24 demonstrations and 72 assemblages. The protests of workers in the public works sector reached 79 protests divided as 32 sit-ins, 26 assemblages, 15 strikes and 6 demonstrations.

Again the reasons behind such protests from the workers of the public works sector varied as the non-disbursement of financial dues caused most of such protests, followed by arbitrary administration, selling factories and companies, non-application of the early retirement system, expelling from residence, not contracting permanently with workers, forcing to take an early retirement, arbitrary dismissal, threatening with preventing promotions, selling and closing the lands of the company, approving work hours in a wrong way, not promoting in jobs, prevention from insurance privileges,

wearing of buses for transporting workers and minimizing salaries to half of it. Meanwhile, August recorded the highest range of protests with 14 protests varying between 5 assemblages, 5 strikes and 4 sit-ins. while November witnessed, on the other hand, the minimum range of protests, i.e. only 2 protests represented in one assemblage and one strike.

However, the protests which retreated on 2006 increased again in 2007 as such year witnessed 214 protests in the public works sector varying between 79 assemblages, 72 sit-ins. 42 strikes and 21 demonstrations with June on the top of its months with 22 protests represented in 9 assemblages, 9 sit-ins, 9 strikes and one demonstration and January as the quietest with only 3 protests represented in 2 sit-ins and one strike.

The strongest protest during the first half of this year resulted from non-disbursement of due amounts which represented 59 protests, followed by 12 protest for not contracting permanently with the workers, 22 protests for arbitrary administration, 8 protests for decreasing salaries, 3 protests for compelling early retirement and liquidation of the companies, 2 protests for arbitrary dismissal and finally one protest because of deducting from salary, insurance authority abstaining from returning insurance files to workers who reached retirement age, refusing to renew the contract of leasing the factory, the company abstention from payment of insurance premiums, not settling work status, refusing the decisions of the Minister of Solidarity, ending housing allocation for pensioned workers and taking over of the funds

of the union of the shareholders from workers. In addition, there were 3 protests for liquidating the company and administration's violations followed by 2 protests against deduction from salary, no equality in salaries and restoring the administrative residence. Finally, one protest erupted because of arbitrary dismissal, non-availability of funds to run the factory, deprive from the privileges of optional early retirement, compelling to have early retirement, selling the lands of the company, not adjoining the company to the executive body, not allowing early retirement, increasing the rental value of the companies headquarter, minimizing wages, demolishing the factory, not specifying employment ranks and incorporating the company.

The study discussed in the third section of the ninth chapter the workers' protests in the private sector as the years from 2004-2007 recorded 376 protest including 135 assemblages representing 36% of the total number of protests during such period. On the other hand, demonstrations represented the minimum range as the workers of the private sector arranged only 42 demonstration during the four year period representing 11.2% of the total number of the protests. As for sit-ins, the workers gave it a second place after assemblage as they carried out 116 sit-ins during such period representing 30.1% of the total protests followed by work strike with 83 strikes during the past four years representing 22.1%.

The study noted that the year 2007 was the highest year ever of worker's protests in the private sector with a much farer percent than other years as the workers organized 183 protests out of 376 protests representing 48.7%, i.e. close to the

total number of protests organized in the private sector during the past three years. On the second rank there is 2006 with 76 protests representing 20.2% of the total number of the protest organized during the period of the study, followed by the year 2004 with 67 protests representing 17.8% of the protests and finally the year 2005 with a minimum range of protests as workers organized only 50 protests representing 13.3%.

Again, assemblage has been the most used form of the protests organized by the workers of the private sector with 135 assemblages. Meanwhile, the year 2007 witnessed the highest ranges of organizing protests with 68 protests representing 50.4%, i.e. the number of the assemblages during the last year is higher than that of the three past years together. On the other hand, the year 2006 represented the least range by only 20 assemblages representing 14.8% followed by the year 2004 with 22 assemblages.

As for sit-ins, i.e. the second option for workers of the private sector to pressure on administrative and official authorities in order to fulfill their requirements, the year 2007 witnessed a huge leap in the number of sit-ins which reached 59 sit-ins representing 51%, whereas the year 2005 had the minimum number of sit-ins in comparison to the four years with only 9 sit-ins representing 7.8%, followed by the year 2004 with 22 sit-ins and finally the year 2006 when 26 sit-ins were organized representing 22.4%.

In spite of the fact that the workers of the private sector do not prefer strikes as a way of protesting, the past four years

witnessed 83 workers strikes with almost half this number being organized during the year 2007 with 39 strikes, followed by the year 2006 with 21 strikes, whereas the two years of 2005 and 2004 were close with 12 strikes in 2005 and 11 strikes in 2004. Accordingly, it could be demonstrated that the number of workers strikes in Egypt has been growing during the past few years.

As for the least used form of protests, i.e. demonstrations, the total number of the demonstrations organized during the four years was 42 demonstrations, i.e. an average of 10.5 demonstrations per year, most of which (17 protests) were organized during the last year, followed by the year 2004 with 12 demonstrations, while only 4 workers demonstrations were organized during the year 2005.

During the year 2004, the total number of the protests by the workers of the private sector was 67 protests, i.e. the least range of protests in the three work sectors. It is notable that the protests of the private sector workers has the highest ranges of the protests of workers in the three sector during the four years starting from 2000 to 2004 which clearly retracted to reach 57 protests during the year 2000, 52 protests during the year 2001, 49 protests during the year 2002 and 45 protests during the year 2003.

Such retraction of the range of the protests of the private sector workers than other sectors could be referred to the wild attack against the rights and privileges of the private sector early after the issuance of the law³⁰ which is continuous ever

³⁰ The writer did not specify which law he means.

since as most of the owners of factories and companies and the liquidation of their workers before applying the law. On the other hand, the workers of the public works sector and those of authorities and government protested for their rights, privileges as well as liquidation and close of their companies.

The protests of workers of the private sector varied between 22 sit-ins, 21 assemblages, 11 work and food strikes and 13 demonstrations.

August also witnessed the highest range of protests with 11 protests varying between 4 sit-ins, 4 demonstrations, 2 assemblages and one strike, whereas July and September witnessed the minimum range of protests with 4 protests for each as 2 assemblages, one strike and one demonstration. Meanwhile, January witnessed a minimum range of protests with only one sit-in; however, it was very strong by the workers of Nile Printing Co. because of non disbursement of their salaries.

The year 2005 witnessed a continuous retract in the protests of the private sector workers as fifty workers protests were organized in the private sector varying between assemblages, strikes, sit-ins and demonstrations. Such protests were divided into 25 assemblages, 9 sit-ins, 12 strikes and 4 demonstrations, while January witnessed 3 protests represented in 2 strikes and one sit-in, 6 protests in February divided into 2 assemblages, 2 strikes, one sit-in and one demonstration, 3 protest in March into 2 assemblages and one sit-in, 6 protests in April divided into 5 assemblages and one demonstration, 5 protests in May divided into 2 strikes, one

sit-in and 2 assemblages, 3 protests in June divided into 2 sit-ins and one demonstration and finally August witnessed the highest range of protests with 8 protests divided into 3 assemblages, 3 strike and 2 sit-ins. Meanwhile, December witnessed minimum range of protests with only 2 protests; i.e. one sit-in and one demonstration.

The reasons for protests during the first half of the year 2005 varied noting that the strongest of which were 29 protests resulted from non-disbursement of workers' dues, followed by 3 protests for closing a factory, an establishment or an exhibition, 12 protests for inflexibility of the administration, one protest for arbitrary dismissal, threatening of dismissing workers, ending a rental relation, corruption of the officials, requesting increase for bonuses, getting yearly vacations and initiating a claim of occupancy, followed by 2 protests for arbitrary dismissal and one protest for dismissing workers from insurance, closing the company and transferring the factory.

The workers of the private sector performed 29 protests because of non-disbursement of their dues which varied between 11 assemblages, 5 strikes, 10 sit-ins and 3 protests because of arbitrary and corrupted administration, 2 protests for closing the company or deduction, one protest for arbitrary dismissal, closing the youth exhibit, inflexibility of the transportation system, initiating claims of occupancy, threatening to evacuate stores and refusing to arrange insurance on workers, finally 3 strikes because of the inflexibility of the traffic authority. The protests included many governorates including Cairo (8 protests), Alexandria (4

protests), Ismailia (4 protests), Suez (2 protests), Monofeya (1 protest), Qualioubia (2 protests), Gharbia (2 protests), Port Said (1 protest), Sharkia (1 protest) and Giza (1 protest).

The study traced the increase of the private sector workers during the year 2006 with 76 protests varying between 20 assemblages, 26 sit-ins, 21 strikes and 9 demonstrations, the strongest of which, i.e. 16 protests, were resulted from because of the non-disbursement of due amounts, followed by 7 protests for arbitrary administration, 4 protests for arbitrary dismissal then the protests against unjustified repealing cars licenses, increasing charges of drivers, suspending insurance on factory workers, wasting financial rights of the workers, selling the company and spread of bird flu.

However, the year 2007 witnessed a leap in the protests of the private sector workers with 183 protests varying between 68 assemblages, 59 strikes, 39 sit-ins, and 17 demonstrations, with June on the top of the months regarding number of protests with 28 protests divided into 9 assemblages, 9 strikes, 9 sit-ins and one demonstration. On the other hand, the minimum range of protests was on January and February with only 9 protests for each represented in 8 assemblages, 4 sit-ins, 3 strikes and 3 demonstrations.

The protests of the private sectors varied as the strongest of which, i.e. 37 protests, were because of the non-disbursement of financial dues, followed by 13 protests for arbitrary administration, 10 protests for arbitrary dismissal, 6 protests for liquidating or closing the company, 2 protests for forcing on resignation, one protest for each of offering shops on

public auctions, tearing down the station, small salaries, unsettlement of insurance position, the administration refusal to form a syndical committee, canceling carts, deprive from promotions, decreasing the number of workers, dismissing workers from insurance authority, transferring the workshops to areas with incomplete utilities, retraction from the decision to minimize the pension age of the traders, not-licensing workshops, imposing fines on violating cars, incorporating companies, workers refusing the investor's laying hands on the headquarter of the company, transferring the 2 fish markets, withdrawing the licenses of cars, suspending call centers' licenses, violations in the syndical committee, transferring permanent workers to temporary ones, not allowing the tok-tok³¹ to work inside the towns and confiscating it, liquidating the company, dismissing the workers from the insurance system, decreasing salaries, not arranging permanent contracts, selling the lands of the company, refusing early retirements and eliminating shops.

The workers of private sector organized 37 protests because of non disbursement of dues varying between 13 strikes, 12 sit-ins, 11 assemblages and one demonstration. They also carried out 13 protests because of the inflexibility of the administration varying between 5 assemblages, 5 strikes and 3 sit-ins. They also arranged 10 protests because of arbitrary dismissal varying between 4 assemblages, 4 sit-ins and 2 demonstrations, 6 protests because of liquidation or closure of the companies varying between 4 sit-ins and 2 strikes, 2 protests because of forcing to resign represented in two assemblages.

³¹ A three-wheeled motorcycle with a cabin for passengers.

Workers organized one protest for each of the following issues: offering shops on public auctions, tearing down the station, small salaries, unsettlement of insurance position, the administration refusal to form a syndical committee, suspending work in companies, ending houses allocations for pensioned workers, taking over of the funds of the union of the shareholders, canceling carts, deprive from promotions, decreasing the number of workers, dismissing workers from insurance authority, transferring the workshops to areas with incomplete utilities, retraction from the decision to minimize the pension age of the traders, not-licensing workshops, imposing fines on violating cars, incorporating companies, workers refusing the investor's laying hands on the headquarter of the company, transferring the 2 fish markets, using workers without arranging insurance for them, withdrawing the licenses of cars, suspending call centers' licenses, violations in the syndical committee, transferring permanent workers to temporary ones, not allowing the tok-tok to work inside the towns and confiscating it, liquidating the company, dismissing the workers from the insurance system, decreasing salaries, not arranging permanent contracts, selling the lands of the company, refusing early retirements and eliminating shops. Such protest varied between 11 assemblages, 8 sit-ins, 6 strikes and 3 demonstrations.

- **The tenth and last chapter is one of the longest chapters of this current study, discussing the right to organize as one aspect of expression rights.**

The chapter starts with a statement that "the legal and actual status of the different forms and means of organization did not witness any change and remained unaltered as it was in 2003 to the end of 2007. Restrictions are not limited to the process of issuing a permit, regulations allows government administrative entities or any other entity representing the states or the ruling party wide scope of powers to intervene in the business of civil society establishments and organizations, so far that this intervention limit their freedom and restrain them from reaching out for their purposes. The autocratic legal system helps to maintain the civil society organizations, including political parties, national societies and professional syndicates, weak and unable to actively contribute in the reformation process, transformation to freedom and independence from the authority of the state. The autocratic legal system also prevents the emergence of free civil society organization capable of proceeding on based on its independent resources, through the liberation of social powers and unifies them around civil society organization to serve the advancement of the country.

Over the three chapters of this chapter, it discusses the freedom of organization and expression at the levels of political parties, labor and professional syndicates and union federations, societies and national and private organizations.

The first chapter states that the political parties did not witness any advancement enforcing its participation in Egyptian political life during the period of the study extending from 2004 to 2007. The fact that around one quarter

of the parliament members are independents not affiliated to any party indicates how the party life still suffers many defects and deficits. The afore-mentioned percentage include 88 members affiliated to the Islamic Brotherhood, a political unauthorized group, which is also one proof of the dilemma, by which the Egyptian political parties undergoes. The degeneration of the society's interest in political parties and the decrease of their popularity and importance reflected on their impact and political influence in society. However, the period from 2004 to 2007 and upon the approval of the Political Parties Affairs Committee, witnessed the emergence of 7 new parties, which reflects a tangible progress of the committee's approach and methodology. These parties are:

Party	Year
Al-Ghad (Tomorrow)	2004
Free Social Constitutional Party	2004
Egypt's Youth	2005
Peace Democratic	2005
Conservatives	2006
Free Republican	2006
Democratic Front	2007

By the emergence of these parties, the number of parties in Egypt rose to 24, some were established upon the approval of the committee and other by judicial orders³². Meanwhile, the Parties Court rejected in 2007 the requests for the establishment of 12 political parties; some of them have been struggling for 10 years now; these parties are as follows:

³² For more information and reference, check <http://www.sis.gov.eg/Ar.Default.html>

- Al-Karamah Al-Arabia (Arab Dignity)
- Al-Wasat
- Al-Amal Democratic Development
- Democratic Reform
- Egyptian National
- Freedom Democratic
- Al-Salam International
- Nahdiat Misr
- Nahdit Misr Al-Kananah
- National
- National Free Party
- National Alliance

The study period coped with the introduction of a constitutional amendment on an article concerning Egyptian political parties and other amendments on political parties law. We will address in detail in this study the legal restrictions on political parties work, especially those imposed by the committee. We will analyze its approach, work and the most important decrees issued by the committee and the Parties Court over the period of the study. Then, we will conclude the study by analyzing the major issues resulting from the monarchy at the level of these parties for a long time, in phenomena resembling the parental authority.

As its first subject, this chapter discussed the political parties' law and its amendments and concluded that the current law does not support the parties' work or establishment. Furthermore the entity to decide any complaint is but an administrative entity with judicial powers, as it is composed

of judicial and administrative elements, therefore, it may not be considered as a court.

The second subject in the first chapter addressed the stance of the Political Parties Affairs Committee towards the establishment of new parties. It is stated that the committee rejected many applications, however, over the period of the study, it approved 7 new parties including Al Ghad and the Democratic Front; both have elite political leadership. In general and based on the analysis of the reasons behind rejecting some parties, the reasons were found to be the resemblance of the programs of the rejected parties with those of the currently existing parties.

Meanwhile, Al Wasat Party was rejected for slightly different reasons, following to presentations from its founders' agents; the reasons were as follows:

- The program and approach contradicts with the Constitution, as it stated that the people are the source of powers and that the Constitution is of the nation's not the state.
- The program violates one of the requirements of the political parties law, which asserts the necessity of maintaining national unity and social peace; the party calls for the change of the regime from the state's to the nation's, thus violating an essential condition for incorporation.

- The principles of the party excites separation and sectarianism as it seeks to apply Islamic jurisdiction to all Egyptians, regardless of their religion and adopts Islamic methods and approaches for all political, economic, cultural and religious aspects, except the freedom to practice religious rituals.
- The program stated that religious authorities would have a role in choosing the nation's representatives, meaning that religious scholars would practice politics; they will have rights and powers to run the government as members of the religious institute, Christian or Islamic. The party turns out to be a religious and sectarian party, which is prohibited by law.
- And the favorite and common reason; the party program on political, economic and social aspects and its policies are already or currently being adopted by other existing parties and it does not have a unique mark.

As for the third subject covered in the first chapter, parties court; the study stated that the parties court justifies its rejection to a party as it is not different than other parties.

During the period of the study, this court issued a number of judgments, perhaps the most important of them was the one issued on 6/1/2007, as they court rejected 12 parties based on the afore-mentioned reason and the issuance of law 177/2005 amending some of the provisions of law 40/1977 concerning political parties, effective as of July 8th, 2005, the amendments included requirements for parties establishment. One of the

requirements was that the application must be signed by 1000 founders at least, distributed on at least 10 governorates; 50 members at least in each, while it stipulated before this amendment that the application should be signed by 50 founders. The court stated, then, that said amendment are enforceable to all legal centers and organizations under establishment and incorporation as the applicants were not subject to the old provisions, so they cannot request to act according to it and ignore the amendment. Notification sent to the committee requesting the approval on a party does not give the notifying party any legal rights or excuse said party from compliance with the new amendment. The court stated that non of these parties may can benefit from the previous provisions as said parties did not get a legal status empowering them to benefit from the law before amendment. The acquisition of a certain legal status is subject to conditions and prevailing legal status. The amendments were made to overcome the deficits of the current system and its negative impacts on the country.

The court added that appealing the decision issued by the committee, makes it the competence of the court to decide. It is decision is not related to the soundness of the committee's decision but extends to include if the applicant is in compliance with the requirements of the law, therefore, the court must consider all regulations, inputs and valid legal principles at the time of deciding the claim.

As for Al Karamah party, it was rejected based on formalities as it was submitted post the appeal date.

The study stated "the decision of the court is not based on legal basis but it is politically governed to control the establishment of political parties. The administration forces the court to find procedural issues not related to the party's ability to introduce new policies or visions and competing for the public good. Therefore, political reform without reforming parties is useless. Most of the 24 parties, currently existing, are either established by an executive decree or by judgments issued by the parties court.

The fourth subject discuss the internal dilemma as they depend on unchangeable leadership, authority circulation is rare, which consider it as an attempt of separation that should be confronted and excluding people behind it from the party. Moreover, the party elites are old and lack interactions with younger generations. Most of the party leaders exceeded the age or are 70, except for the current president of Al Wafd Party who is still in his 50s.

The study addressed some of the reasons that lead to the incompetence of political parties other than the legal and security factors. The study outlined them in the constant leadership conflicts and elaborated on the dissociation cases taken place in Al Ghad and Al Wafd parties, the monopoly of decision making, parties formations dependence on family relations, weakness of recruitment channels, the fragility of elections systems, and reluctance to prepare new leaderships. The study depicted the late elections of the Democratic Front, Al Nasiry and Al Tagamoe parties.

The second chapter of the tenth chapters on freedom of organization and expression at the level of labor and professional syndicates, it was divided into two subject one for the professional and the other for the labor syndicates.

The first subject portrays the legal status of professional syndicates. The activities of the professional syndicates escalated from 2004 to 2007 that the journalists and doctors syndicates and the Bar led all demonstrations demanding change and political reform. Some of the boards of these syndicate cooperated with the political movements calling for change. The study affirmed that the professional syndicates have been in a middle position between pure political work and service and social services. So it is difficult to deal with them as parties and at the same time their role is not limited to normal syndicates. Mostly, syndicates played complicated and interwoven roles with economic, professional, political and service implications. It could be easily stated that despite the special stance of the syndicates in Egypt, it is difficult to deal with them on party or political background or electing their leaderships based on ideological or political criteria, ignoring skills and professional assistance, they provide to their members.

The study referred to the general aspects of the legal system organizing syndicates; namely law 100/1993. This law organizes elections within professional syndicates. The study pointed out its main provisions, problems, opinions of some syndicates, unanimously agreed that it must be cancelled as it prevents the active participation in general meetings.

The chapter listed the syndicates that witnessed elections during the period of the study and the issues they faces:

- The Bar
- Social Workers
- Journalists
- Musicians
- Actors
- Sports professions

... and stated comments and results.

The study introduced the Engineers syndicate as an example of the syndicates under receivership. The receivership was imposed on the second of May 1995, until the issuance of a sentence of the Administrative court on Sunday, 3/2/2008 to perform elections. The court based its judgment on several principles and facts as follows:

1. The competence of the President of South Cairo Court to specify the dates of the professional syndicates elections as per the provisions of law 100/1993 and its amendment Law 5/1995 concerning the guarantees of the democracy of professional syndicate organizations.
2. The judicial committee was reluctant in answering the request of the engineers to specify a date for their syndicate.
3. Receivership does not deprive the judicial committee of its powers concerning appointing the elections date.

4. Filtering the list of members is a subsequent not a precedent step or else it would mean extending the procedures to an indefinite period.

The study introduced some recommendations to develop the performance of the professional syndicates and develop their role in supporting the democratic advancement. These recommendations aim at achieving a higher degree of democracy and participation to support the syndicate independence in face of the state and the parties. The study evaluated the status of the syndicates, where no elections took place so far and highlight the reason behind this default and remedy them. Finally, the recommendations aim at saving the syndicates from the struggle and affiliation to legal and illegal groups or association and protect them against official or unofficial intervention of the government. Despite the degeneration of the syndicates' political role over the past years, it is still one of the main and legal channels to practice politics on a wide scale.

The study set an entire subject to present the disadvantages of law concerning the labor syndicates and their legal status, as follows:

1. Labor syndicates are subordinated to the supervision of the competent minister, the minister of Workforce and Training, the administrative entity and manpower directorate, where this labor syndicate is located.

2. Deprive the syndicate committees from their powers and assign them to general syndicates and Labor Unions.
3. The ministerial decrees empowered the minister of Workforce wide powers to intervene in the affairs of the labor movement.
4. The law banned the members to the syndicate organizations from establishing societies, groups, saving or colleagues funds under the provisions of the private societies and associations or any other similar law.

The study commented on the labor elections in November 2006, by stating that said elections were behind expectations as they suffered violations, marking them as the worst elections ever in the history of Egyptian syndicate work. These elections were planned to be the most democratic to be presented as a proof of democratic change in Egypt and as a major change in the official syndicate organization.

The irony was so intense between the desired image and the actual one, as they were made under extensive security presence and led to worsen the Egyptian syndicate status. For the first time, labor syndicates elections became an important event, covered with party and independent newspapers and satellite channels, which made it impossible to hide the violations that took place.

The study confirmed that old age penetrated the structure of labor syndicates and is not limited anymore to its leadership

only; most of these leaders draw fake work contracts to maintain their capacities and positions. Privatization, passed and supported by labor union, which was not accustomed to reject any government policies, afflicted the basic structure of the union, which was based on the public sector as of the 1950s and which acquired its power from the complete domination of the state and its entities on all the aspects of the Egyptian society. The strong relationship between the syndicate and managements made the laborers mistakenly consider the syndicate an integral part of the state. Social and economic status changed, the penetration of the public sector diminished. Meanwhile, the private sector extended its domination on the new industrial cities and some vacant areas in the old cities. The laborers of the private sector came to represent a big part of the Egyptian working class. However, all of them are not part or member to the only and official syndicate organization, the General Union of Egypt's Labor Syndicates.

The study stated that the current syndicate does not only suffer the lack of vividness and democracy, but also suffers an organizational structure crisis. Its traditional membership decreases by the sale of the public sector units, as mandatory affiliation made by law 35/1976 and its amendments is useless.

The study expressed that the major violation in the labor syndicates elections is the violation of the private sector laborer who are no under the umbrella of the current syndicate organization for the time being and at the same time, they are not allowed to form any other syndicate. The

violation is not pertaining to nomination and voting rights but is embodied in eliminating a major part of the Egyptian labor force from participating in nomination or voting, from the entire election process.

The study discussed the violations that have accompanied the election process as of the resolutions issued by the general union and the relevant minister about the elections to the announcement of results. The study commented on these resolutions, "delaying the appointment of election date to the twelfth day of the month of October, 50 days before the supposed date of expiration. While the general assembly of the General Union held on Wednesday evening, 18/10, approved resolutions organizing the electoral process, which is supposed, in accordance with article 41 of the Labor Syndicates General Union Act, to be organized by a decision of the competent minister; Minister of Manpower and Immigration, following the approval of the Union. Although the Minister of Manpower has issued such decisions on 19/10 and was published in the Official Gazette on the same day also, which would be interpreted that the decisions were drafted earlier, to make it look as if the General Union general assembly is the entity that issued such decisions? This was an attempt to amend the image of the syndicate work organization and pretend that it is free of any government domination, which is untrue as the ministry has a holistic supervision on elections. Statements were issued claiming that the elections would be made under the supervision of the workers, themselves, without any intervention from the administrative entities!

The study recorded the absence of guarantees of impartiality or integrity and the presence of the violation of the candidates' right to oversight the voting and counting processes, in addition to other abuses and violations, which the study counted as follows:

- 1. Deprive the candidates from nomination by hiding the membership certificates to be attached to the nomination application.**
- 2. Direct elimination of candidates.**
- 3. Intervention of security and administrative bodies**
- 4. Corruption of voting and votes counting**

The third chapter discussed the freedom of organization and expression on the level of student unions, private and national societies and associations. This chapter is divided into two subjects; the first about student unions and the second about the national societies.

The study on student unions discussed its actual situation and the effectiveness of the role of student unions in the current period. The study stated that 25 years have elapsed since the executive authority and ruling party nationalized the Egyptian universities. Security entities have taken control of the Egyptian universities and intervened in the management of its affairs, through the appointment of its management and the faculty deans, thus depriving the faculty members from selecting the faculty deans or universities presidents through

election. This limited elective positions to persons loyal to the executive and the ruling party, which led to deprive students of their right to exercise any political or social independent activity within the university as the executive authority claimed that it tries to reject the politicization of student work. This negatively impacted the political life in Egypt and the youth participation in the management of the country's affairs. Meanwhile, the government allowed its party to exercise political and social activities. The executive regulation of the Universities organization Act, issued by virtue of the Presidential Decree No. 265 of in 1979 on the organization of universities, imposed unprecedented restrictions on the freedom of independent action by setting administrative entities and assign them the right of interfering in students union activities; limited to participation in recreational, social, and sports activities and formality participation in managing the unions' funds, wasted on phony activities. These regulations deprived the students from choosing their representatives. Over the 1980s to date, security and administrative intervention managed to eliminate the remaining heritage and legacy of the Egyptian student movement.

The study displayed the legal procedures governing student union elections and procedures, and the most restrictions on student work in accordance with 1979 Regulations, including:

1. Article 318 which sets method for the formation of student unions from regular nor irregular college and university students.

2. Article 319, which sets out the goals of unions, however, its drafting was vague, holds a great deal of ambiguity and causes confusion. It has loose phrases such as the development of spiritual values and inspiring the collective spirit and discovering the students' talents. Said goals are wide and could have more than one meaning.
3. Articles 320, 321, 322, 323, 324 and 325 limited the work of the union's board to achieving the goals of unions, through five committees; Houses, Sports, Arts and Cultural, Public service and Scout, Social Activity and Trips. They also determined the competence of each committee, which was limited to promoting activities, inspiring the spirit and the development of interactions. The amendment rejected any activity that is political in nature as is evident in the terms of reference of the committees.
4. Article 328 assigned the management of the unions to the dean and faculty staff, not the students.
5. Article 322 formed the so-called Students' Activities Coordination Council, under the auspice of the vice-President of the university for education affairs and the membership of the chiefs of colleges and institutes unions, the Head of the Technical Authority for Youth Care, who will be entrusted the Treasury. So, the regulations empowered the management of the union affairs to the staff and youth care staff, affiliated to High

Education Ministry, in the absence of any role for students.

6. Article 332 warned of the formation or establishment of any organizations or formations on the basis of social, political or ideological principles in universities. It also warned that any activity of union councils and committees on the basis of social or political principle shall be banned. It also imposed a serious condition as it prevented the organization of any seminars, lectures, exhibitions, or conferences or invite any speakers within the college, without the prior consent of Dean or Vice President of the university. It also nullifies and invalidates any decision issued by any union board, if said decision is in breach with the regulations. The university president or his deputies or faculty deans, or deputies have the right to suspend any resolution adopted by any union board. The regulations, thus, violated the students' right to run their union and assign higher powers to the administration, without any legal proof. Not only that, but also said regulations restricted unions from exercising the most basic activities without direct intervention of the university administration.

Over the period covered by the study, the study listed the abuses and violations in the elections of students' unions and commented that "The write-off of candidates is the most major administrative interference in the electoral process, the majority of the students who suffer the write-off is the students belonging to certain political trends, specially, those affiliated to Islamic groups. This proves that writing-off

decisions are issued by security and is alien to students' affairs. The same happen with the refusal to register certain houses, although they meet the registration requirements. Security and administration use different violent actions such as summoning undesired students to security quarters or use some of the students themselves to assault their colleagues, in addition to the direct assault on them by security men.

The study also discussed the student's attempts to form and independent student's union. It depicted this idea and elaborated on it as "It started with students associated with Islamic Brotherhood. 2007 elections witnessed the participation of various political trends in this experiment, by which the students gave an example of fair administration of unofficial electoral process. The results certified the integrity of the experience as Islamic Brotherhood affiliates reaped only 60% of the seats in Cairo Student Union, and 30% at Helwan, and other different ratios Ain Shams, Al-Azhar, Mansura and Zagazig. The students of the free union announced that they would elect the President of the Free Student Union for the first time in Egypt since 1979. The students conducted the elections on Tuesday, 21/11/2006 at the Bar in Cairo, in the presence of the students and representatives of the Free Union at 12 universities; Cairo, Helwan, Ain Shams, Al-Azhar, Mansura, Zagazig, Kafr Al-Sheikh, Alexandria, Menoufiya, Banha, Tanta and Beni Suef.

Said elections process was scheduled to be held at the University of Cairo, but given the position of security and administrative refusal of these elections, forced the situation of conducting it off university premises to avoid any damages

to students or the process. Then elections and vote counting were held under the auspices of Gamal Taj Din³³, Dr. Mohamed al-Beltagui³⁴ and Dr. Medhat Asim as guests. The elections were attended by the secretaries and assistant secretaries of 12 universities in Egypt where elections were held, the result was declared, stating the victory of the student Amr Abdel Bari, from Mansoura University as the Assistant Secretary-General of the Free Union with 18 votes and the victory of student Amr Hamed Hussein, Cairo University, as the Secretary-general of the Free Union with 17 votes.

As for the actual situation of the national societies (NGO) over the period from 2004-2007, it was addressed in the second subject. The study stated that that the position of the NGOs did not change in any form, whether concerning constitutional protection or at the legal level. The NGOs were not addressed in the wide constitutional amendments in 2007, their constitutional status remained unchanged. Moreover, Law 84/2008 did not undergo any amendments to give greater freedoms for NGOs to make them more liberal and free from the control of the administrative bodies. In practice, dealings with the Ministry of Social Solidarity and security did not witness any improvement. with In general, it can be said that NGOs are still restricted and captive by laws and regulations, fighting against tyranny of the departments of the Ministry of Social Solidarity on one hand, and security pressures on the other; sometimes, they succeed, and others they fail.

³³ Member to the Bar and is affiliated to the Islamic Brotherhood

³⁴ People's Assembly member for the Islamic Brotherhood

The study said that the problems that faced the NGOs during 2004-2007, have not changed and can be summarized as follows:

1. Problems of association which is summed up in four main things, the headquarters and its issues, number of copies to be submitted to notarization, rejection for security reasons and the exclusion of the founding members.
2. Problems of the Committee resolving conflicts between the association and the administration (Article 7).
3. Problems raised by the delegation of employees to work in these associations.
4. Associations do not get the exemptions and privileges offered them by law.
5. Funding and its crises
6. Problems that are related to the formation of the board
7. Wide administration authority to resolve the association

The study provided examples and explanations for each problem of these problems. The problems faced by private associations of legislation other than the law in 2002 to 84 have been exclusively study the problems of dealing with the tax law for 91 new law in 2005.

It also discussed the problem facing the association as a result of weak administrative structure of the Ministry of Social

Solidarity, and its lack of understanding of the law, giving way to internal decision and the execution thereof, even if they breached law.

Chapter II

Study Conclusions

It can be said that the 10 chapters of this study with its more than one thousand pages, depict the status of free expression in Egypt and marking its fixed, unchanged status, whether legally or the way the society looks towards freedom of expression. During the period covered by this study, initiatives to support democracy, elite discussions, demonstrations, strikes, elections and constitutional amendments, yet all remained the same in practical application of a proverb saying "Much ado about nothing".

The chapters of this study point out a number of basic conclusions:

1. The Egyptian society, in general, lacks deliberation traditions and suffers weak culture of discussion between official and unofficial political groups. Internal discussion at the level of parties is the mere reflection of the repetition and memorization policy as a result of education methodology and religious preservations. Education and religion resulted in repeating phony statements regardless of the facts and conditions.
2. The fragility of democratic traditions in general, escalation based on personal loyalty, obedience, and not to debate, which an essential rule in the cultural life of Egypt.

3. The social education of the Egyptians, whether they were involved in partisan life or underground organizations depending on the acceptance, compliance, submission and obedience to leaders, as well as the traditional social parental tendency, whether represented in the family or the clan in the countryside. This parenthood pattern became the main framework of the political life of Egypt.
4. The suffering of the Egyptian society from the tyranny of the majority particularly in cases of constitutional amendments. Despite the fact that democracy means to resolve as many issues as possible in accordance with the majority. However, they understand the sovereignty of the people as an unlimited authority. However, limits must be established, for the decisions of the majority does not necessarily spring from wisdom but they sometimes are the result of negotiations and bargains to achieve a certain interest at a specified point of time. The success of any society lies in its ability to protect and maintain freedom and allow a space for the personal opinions to flourish and so individuals can express their opinions and help people involve into organizations working to achieve the public interest for the society.
5. The Egyptian legislature does not take freedom of expression into account; despite frequent talks about freedoms and their guarantees in Egypt, however freedom of expression does not occupy the Egyptian legislature .

6. In Egypt everything starts with the president and ends by him. This means that a whole country is acting upon the will of one individual, whosoever said individual is or whatsoever his capabilities are. So, if this individual said it was not permissible to talk about amending the Constitution because it constitutes a threat to national security, then his vision is unchallengeable. Meanwhile, if the same person suddenly decides that it is necessary to amend the Constitution, many people will not stop to question Why? So goes the President alone, the engine driving the country into the direction that he sees fit; sometimes he is taking the right decision, but his mistake means a lot. We can consider some of the leader who achieved glorious things for their people, but one mistake destroyed all. Despite frequent talk about the state of institutions in Egypt, the constitutional amendments had revealed that there is one resolution center. Therefore, any opinions contradicting the president's are vain and useless. Despite the huge number of reports, studies and views that accompanied the constitutional amendments stage, but none of them were considered or seriously discussed. Committees formed to hear suggestions about the veracity of those amendments proved this, for example all parties agreed on reducing the percentage of parliament members needed by any candidate to run for presidency, no suggestion was approved except the one imposed by the government. The unilateral nature of decision-making in Egypt did not only damage the freedoms of expression as transferring it to a punch of unreal freedoms, but it leads the country to many catastrophes and force the

elite not to try to put solutions to the problems of the country or contribute in the decision-making process, which in turn leads to the weakness of belonging to the homeland.

7. Despite the feeble nature of the partisan life owing to pressure on the movement of political parties, those parties participated in the Egyptian political scene and played a secondary role. Instead of getting its freedom and cancel restrictions limiting their activities, the constitution deprived them of their freedom and kept them only to give a deformed democratic image to the state.
8. Instead of politically confront with political movements of religious authority and asserting the civilian nature of the state, allowing the growth of parties and open political climate so as to support the dark and traditional ideas of those movements, the constitutional legislator is trying utmost effort, energy and experience to exclude parties from the party scene. Through political texts contradicting the Constitution. These movements can be fought only by through political actions, without seeking refuge from security or laws.
9. The Egyptian constitutional legislator had continued issuing confusing and contradicting constitutional texts, or adding whatever laws desired by the state, so as to free the state from any control or monitoring. It is detailed in these chapters this situation and referred to Article 76 and Article 179 of the Constitution, a classic

cases, which makes the constitution lack consistency and integration.

10. The Islamic Research Academy (IRA), affiliated to Al-Azhar Al-Sharif, is extending its role to control areas, which were not previously exposed to intervene, having proved its controlling authority of books and publications, through its recommendations to the administrative bodies to ban such books from public distribution. It extended its authority over what is published in newspapers, as the case was with the religious annex of Al Ghad newspaper. It is a new trend in controlling the expression of opinions and a method of terrorism against men of thought. We think it will be expanded in the future and will extend its surveillance on what is written in the press along with books and pamphlets, specially, upon its success to discharge the executive editor of Al Ghad newspaper of his position and forced the newspaper to offer its apologies.
11. The IRA has already surpassed its lawful role, from tracking publications on Islam to check their validity to filing complaints against thinkers and innovators, demanding the Attorney General to issue criminal penalties against them. This is a new plan al-Azhar for the control of creativity. The study said that already Azhar Shiekh as head of the Islamic Research Academy had twice made to inform the public prosecutor against individuals using their right to expression, providing communication to the Attorney General against Dr. Nawal Saadawi on the occasion of the novel "God" and

threatened to submit his resignation, if an action is not taken, and against the chief editor of Al Ghad on the occasion of the Religious Supplement of the newspaper. It is a kind of intellectual terrorism not only directed against innovators and men of thought, but also against the investigating authorities, which must be influenced by the official status of Sheikh Al-Azhar during investigations in his claims, specially those of religious nature.

12. The IRA had become a so-called wall buffer against any attempt to discuss Islamic history, and it provides a sainthood slowly to the persons who are not sacrosanct, for example, one could not be publish criticizing ideas against Aisha, Mother of Belivers, may Allah be pleased by the believers, or Caliph Uthman ibn Affan may Allah be pleased by the believers, or even Amr ibn Al-Aas or Mu'awiyah ibn Abi Sufyan, the well-known Umayyad caliph. It could be argued that it constitutes not only a an intervention with the freedom of creativity, but also against scientific research, and that has nothing to do with the holy Koran and the Sunnah. This intervention has taken this action as it gradually began preventing debate over television series then moved to prevent discussion by newspapers, and from issuing prevention recommendation to submit police communications against those who discuss Islamic history.
13. Al Azhar has rejected any discussion of the Wahhabi doctrine, a doctrine adopted in Saudi Arabia, that is called for extremism in the understanding and

interpretation of the Koran. Aside from our view of this doctrine or any other one, we believe that the strict Wahhabi interpretation dominated and stormed Al-Azhar, which make it become a follower of some extremist doctrines instead of showing the tolerant face and grace of Islam³⁵. Al-Azhar rejects any discussion of Wahhabi doctrine in order to protect it against criticism, and also refuses to discuss any views against the Shiite doctrine so as not to negatively affect the doctrine of the Sunnis. Moreover, Al-Azhar preclude discussion of any doctrinal views contrary to current understanding of the current sheikhs and religious scholars even if it came from specialists. Jamal al-Banna's book "Responsibility for the failure of the Islamic State", in which he dealt with a number of thorny issues, insinuating that model. Thus, Al-Azhar Institute, which was established as a scientific academy stood like a stumbling block in the way of intellectual debates of different doctrines and opinions, insisting that the Egyptians should not know but Islamic fundamentalist Wahhabi ideas and nothing else.

14. Al-Azhar's control of the freedom of expression extends even to the poetry and literary stories that it should not have any jurisdiction. An example of their funny recommendations and objections, is their rejection to a study on the poetry of a well-known poet called Abdel-Wahhab Al Biaty, as it carried the title two prayers in love, as it dealt with prayers as praying to the beloved

³⁵ You can review the guillotine recommendations and enlightenment, Part 1, Freedom of Expression in Egypt, Problems and Solutions, 2002-2003, PP. 107-108

not the Creator, which is contrary to the fundamentals of religion.

15. The IRA - affiliated to Al-Azhar Al-Sharif - provide indirect support for extremist fundamentalist groups by preventing publications that show the falseness of their ideas. It prevented the publication of a former fundamentalist notes, a biography of a former radical, who moved from extremism to the grace of Islam. "Paradise Breathe" is a novel about the events of September 11, and "Thank you bin Laden", a collection of essays, books and other publications showed that Jihad Salafi fundamentalist currents had invaded Al-Azhar intellectually and many of the ideas that prompted the anomalous giving thousands of Egyptian youth to join the ranks of armed groups find roots inside Al-Azhar.
16. The IRA has extended its control over the issues relating to other religions; we can consider "Religious Counseling" book, a model as it was prevented for contradicting the Sunna about the descending and ascending of the Christ. It is strange as Al-Azhar wants to impose its beliefs on the followers of other religions.
17. Other than that, the control and activity of the Islamic Research Academy clearly shows the political balance, and the desire to support the authority or supporting political trends with a religious background. We have demonstrated in this study how Al-Azhar, considered that the books which incite to join the Muslim

Brotherhood are good books, must be widely printed and disseminated. It prevented the publications of modern Islamic scholars in support of the Muslim Brotherhood movement, but at the same time preventing a book about Sayyid Qutb because "The book ignites sedition under the disguise of religion, the book depicted Sheikh Sayed Qutb as a martyr of the unjust Nasserite regime, the book also calls for the adoption of legal opinions in Quran and Sunnah, rather than the constitution drawn up by a man that may err. It also banned a tape by Sheikh Yussef Qaradawi on Sudan because Sheikh Qaradawi did not draw a tribute to Egypt's President, the Government and people, as he did to the Emir of Qatar, its government and its people! It also banned a book on the "QIZ" from an Islamic perspective, and it is clear that all this is in courtesy of the ruling National Democratic Party in general.

18. Even books published in English with limited circulation and ad hoc teaching in some universities like the AUC, which are scientific places, where there should be discussions and debates on ideas, they were not safe of the control of Al-Azhar. An example for this is book "Wahhabi Islam, revolution and reform towards world Jihad", prevented from entering Port Said port.
19. The influence of Al-Azhar and its impacts on the freedoms of expression has prompted publishers to exercise a kind of censorship on what book, they publish. Their fear pushed them to destroy the copies opposed by the IRA without even waiting for the

completion of forfeiture proceedings or appeal to the legal validity of those procedures. One Egyptian publisher, Haj Mohammed Madbouli, who had been accused of publishing a controversial novel, more than ten years ago, and struggled to defend freedom of expression, is the same publisher that destroyed a novel written by Dr. Nawal Saadawi upon the IRA recommendation, even before taking any legal action in the matter, which emphasizes the extent of decline that has afflicted this freedom of expression in recent years.

20. The Orthodox Church is now competing Al-Azhar in the fight against the freedoms of expression and the rejection of other religions and sects and to exercise rights to control and monitor the intellectual nature of its Christians. They started to use some Christian members of Parliament, however few, to restrain freedoms of expression and creativity. The Coptic Church, has, now, a committee with the same purpose and mechanism as the IRA.
21. There is an apparent alliance between the two institutions to combat religious freedoms of expression, and to ensure a society free of any freedom of expressing religious views.
22. Most books that were confiscated and prevented were literary novels, some of the scientific studies, but combining them all that could be classified as contrary to public morality according to the censorship expression, controlled by fundamentalist currents. They

have either been confiscated in anticipation of discussions around them in the parliament, where Egyptian fundamentalists cause much disturbance and noise, as a result of the criticism issued by some of journalists playing on the ropes of political power and religious authority, and receive the benefits of both branches.

23. The political books that talk about the future of Egypt after President Hosni Mubarak, are automatically prevented from circulation.
24. There are no common or general rules for allowing or preventing, so everything is up to the censorship officials to ban something, just to be on the safe side, or allow it.
25. The increase of populist religion in society, especially among lower and middle classes adds stress against certain institutions, forcing them to implement self-censorship on the author's writings. Even though the "satellite link" extends a house to another from Alexandria in the North to the Aswan in the south, interweaving a web that is impossible for any security body to stop.
26. At a time when the censorship increases and tightens its grip of fear for their "good morals of society", says the study, Bluetooth technology helped to exchange banned clip shots and while censorship is keen to spot any political projection in scenarios, mobile users exchange

jokes and statements critical of President and the entire political system.

27. The NDP actually dominates the parliament, irrespective of the number of its members, in all cases and periodically during the session it had always at least two-thirds of the seats in Parliament, allowing it to control, not only the legislative process, but the effectiveness of regulatory tools, using it to frustrate any questioning files by the opposition to the government, and to paralyze the effectiveness of other regulatory tools.
28. Although the entry of large numbers of Muslim Brotherhood politicians added vitality to the parliament, but it might added a conservative nature to it. Their influence appeared in the crisis of the minister of Culture, when he attacked Hijab, as an evidence of underdevelopment, and that there is no value to the statements of some religious men. At that time, the NDP adopted the approach of Islamic Brotherhood and attacked the minister and the president of the parliament did the same, long with pioneering members in the NDP such as Mr. Kamal Al Shazli and Dr. Zakaria Azmi and others, to the degree made it difficult to differentiate between them and the Muslim Brotherhood.
29. As a result of the frustration of political opposition inside the parliament and its inability to achieve any gains in the process of legislation or practical control

over the performance of the executive power, the opposition come to new methods of political action including striking outside the Parliament, singing inside its Hall and raising flags and wearing black badges, trying to get the attention to the community's distress.

30. The miserable situation of the opposition, especially after its number increased to nearly one hundred members, citizens have lost confidence in the effectiveness of Parliament, which will certainly affect negatively on the forthcoming parliamentary elections in terms of participation.
31. As a result of the disturbance caused by the opposition especially in the legislative IX session, the number of ministers abstained in the audience to Parliament, and we can say that the Interior Minister did not attend any public meeting of the Parliament and Minister of State with the help of the Ministry of Interior Deputy for Legal Affairs was the answer to any question, request or briefing. This was a result of the presence of a relatively large number of opposition members. The Prime Minister imitated him in this behavior and the minister of culture followed on their steps.
32. The Egyptian press is in a harsh crisis, on one hand, it is still restricted and governed by laws, making free writing like an adventure, which could lead to jail, but on the other side lacks professionalism, and deliberately practice blackmail through some newspapers. Some publish ads in the form of articles without referring to it

as an article. Some writers work in marketing ads and writing, a behavior that is not appropriate but not deniable by editors in chief. Some newspaper do not respect the honor charter of press.

33. Journalists in Egypt suffer from inadequate protection of trade union as the number of journalists enrolled in the union is just 40% of the actual number of working journalists, as well as their exposure to unbalanced working relationships between them and their employers, low wages to the point that cannot be described. In addition to the lack of adequate rehabilitation, as the study confirmed that 35% of workers in the press are graduates of media and information colleges.
34. The majority of demonstrations and protests have been called for by the popular and new social movements, while the role of parties was limited to participation.
35. The demonstrations called for by the Muslim Brotherhood or the new social movements are still suffering from elitism and weak public presence, which weakens the image and value of these movements, whether by society or by the ruling regime itself. It must be recognized that this does not apply to demonstrations organized by the Muslim Brotherhood, which their ability to mobilize exceed tens of times compared to any political forces except the Egyptian ruling National Democratic Party, that it must be noted that the NDP

has the potential of the State, and the Muslim Brotherhood not.

36. The characteristic and basic feature of the labor protests that they are not politicized, none of the organizers belong to any political movement, despite the attempt of many political forces, especially the leftist movement, such protests has maintained non-political trend, meanwhile, they managed to deal with the media, especially television channels and daily newspapers and programs such as the ten p.m., 90 minutes, ... etc
37. Most of these protests have not reached the state of confrontation or violence, all centered around economic and social demands, and used the method of appeal and plead, raising slogans attacking junior leadership and seek rescue from senior leadership.
38. The state, especially in protests involving the public sector has shown willingness to negotiate and accept the demands of a large number of protesters, and that was for two basic reasons; one that these protests are not politicized and thus, the state found itself in front of citizens claiming their rights without criticizing their rulers and the second reason is that a strike or threat of strikes was one of the most important means of pressure with protesters particularly in the vital sites such as the Underground, Cairo Airport, or textile factories. Thus, the state found that what it will spend to respond to the demands of the protesters is less than the cost of the strike.

39. The movement of workers was not limited to industrial cities, but spread from Helwan to the Suez, from Armant to Alexandria, Shebin Al-Kom to Mahala to Kafr Al-Dawar, to Sadat City and to the 10th of Ramadan. It was a holistic movement all over the republic.
40. Those protests came from outside all political parties and revealed the truth about these parties, even the NDP; none of them was the driver behind any of these protests, however some of their members attended and participated but not in their party capacity. The strikes were led by distinguished leaders, not concerned with political balances or negotiations.
41. Those protests had revealed the weakness and fragility of government organizations; protesters raise slogans such as "Down with the union, agent of the administration" as an expression of the will of the workers who collected thousands of signatures to withdraw confidence from the unions, which were formed against the will of the workers.
42. The protests witness an increased women's participation and their leadership of strikes in some cases, which confirms that women in Egypt are able to assume leadership, if there were appropriate circumstances, real support, and faith.

43. The worker demands are based on the broad mass base, and guaranteed labor presence. They have "unified demands", and thus are effective; because they disrupt production, as opposed to political demonstrations which vary according to the mood of the participants, and do not have unified demands, to the extent that the slogans of conflicting political forces among the various backgrounds of leftists and Islamists and liberals appear in the same demonstration.
44. The success of previous strikes for workers - especially Mahala workers - to obtain their financial pay made others resort to the same option, not only in the public sector factories, but also in the private sector; to meet their demands, and this helped to deal with various security demonstrations of workers, adopted a policy of meeting with the executives to meet their demands instead of dealing violently with them.
45. There is a complete absence of the Supreme Council for Wages and prices that has been formed to implement the new bill to determine a minimum wage and determine the value of annual increment, but it did not meet even once since its formation in 2003 until the end of 2007.
46. **The right to organize at all levels suffers obstacles, whether the purpose of the organization is to establish a professional association or union, political party or NGO, or work within the framework of student unions, the Egyptian government holds and controls**

all things, and make participation in Public life through an organization a difficult process and encourages passivity.

47. There are signs of rebellion clear in the community against the restriction of freedom of association since the Egyptians begin the formation of a parallel entities, such as the Free Student Union formed by university students as an alternative to the official students' union. Moreover, the call for the establishment of parallel trade unions is increasing instead of chained syndicates, in our view, the new protest movements may be a substitute for political parties restricted by unfair laws.

Chapter III

Recommendations of the Action Team

We have made four sets of recommendations in the first part of this work "freedom of expression in Egypt, 2002-2003", which was issued under the title "guillotine and enlightenment", the first group centered on "the need to review the legislative structure, while the second group of recommendations was on" Al-Azhar Sharif and how to avoid the negative role played towards the freedoms of expression, "The third set of recommendations was on" education system in Egypt and how to deal with it and develop it, remove impurities, and apply new ways of learning. "The fourth set of recommendations concerning" with media in general and the need to remove them From state control, development work, and develop on them ", said the study on those recommendations that it is" not the result today, the study does not allege that this topic came anything new, but the value of this time comes in our Arab region seems to be pregnant with large developments, surveillance of birds seen outwardly Each ravine. And to maintain our identity and our culture, not only our respect for the unlimited freedom of expression, and appreciation of differences and valuing the right of diligent opinion, but remember that our Islamic faith and is part of our civilization also exhorts the opinion and encourage him, and we must remember God saying "no compulsion in religion of the majority may show cancelled "We must also learn the words of Imam Abu Hanifa Naman" This is the best of what our view is best reached us before, "Hear the words of Ibn Hazm" is not permissible for anyone

to imitate anyone alive nor dead, and everyone has the right judgment according to its capacity.

He regretted that the working group decides that those recommendations have not been introduced - in general - and taking another, and that all attempts in the four years covered by the study was apparently suffering compassion and subsoil, and aims to avoid international pressure, without a real desire to initiate reforms Lead to political support for freedom of expression.

The study says that the Egyptian political system by virtue of his old age was not able to present a significant shift towards freedom of expression in its wider sense, and it is clear that it is dealing with it as a strategy of trying to avoid paying the costs of these freedoms, whether by constitutional amendments or bad legislative amendments restricting more It helps to release that freedom, or using security force to stifle freedoms, and ways we do not model of a system capable of coping with the freedoms of expression or the payment of costs.

The study still believes that the recommendations that have already been raised in 2003 to support freedom of expression are still valid introduced, which is maintained to demonstrate the new recommendations awaiting more favorable conditions and the political system is aware that support for freedom of expression is not in favor of the governed, according but also for the benefit of rulers, so as not to find themselves days What has erupted around the rebel

indiscriminate fire and consumed before the first swallow up
their entire homeland.