

Legal Support for Journalists and Media Professionals

Annual Report 2024



The Egyptian Observatory for Journalism
and Media
Legal Support and Assistance Program
**Legal Support for Journalists and Media
Professionals**

Prepared by

Legal Support and Assistance Unit

Edited by

Legal Support and Assistance Unit

Linguistic Review

Marcel Nazmy

Technical Execution

Samar Sabry

Executive Summary

The Egyptian Observatory for Journalism and Media issues its annual legal report for the year 2024, covering the period from **January 1, 2024, to December 31, 2024**. This report aims to shed light on the cases of journalists and media professionals before the Egyptian judiciary during 2024, the efforts of the Legal Support and Assistance Unit in these cases, the key successes of the unit during the year, and the obstacles faced by lawyers while performing their duties and providing legal support. Additionally, the report reviews the most significant legal violations affecting media freedoms in 2024. The report is divided into three main sections.

The first section presents an overview of the cases involving journalists and media professionals before the Egyptian judiciary in 2024, along with developments in these cases, whether they were ongoing from previous years or newly initiated during the past year.

Between January 1 and December 31, the Legal Support and Assistance Unit provided legal support to 53 journalists across 52 cases, distributed as follows:

- **In criminal cases**, the unit provided **direct support** to **25 journalists** in **15 cases**, and indirect support to **3 journalists in 3 cases**.
- **In labor cases**, the legal support team provided direct legal assistance to **25 journalists** in **34 cases** pending before **first-instance and appellate labor courts**, as well as before **expert offices at the Ministry of Justice**. This also included appeals submitted by journalists before **the Appeals Committee of the Journalists' Syndicate**.

Journalists accused in criminal cases during 2024 faced **the following charges**:

- **25 cases** of spreading and expanding false news and information,
- **21 cases** of joining a terrorist organization,
- **15 cases** of using an account on the international information network to commit a crime,
- **7 cases** each of protesting without notifying the authorities and participating in a terrorist organization,
- **3 cases** each of defamation and libel, funding and supplying a terrorist entity, misuse of telecommunications to harass others, and conspiracy,
- **1 case** each of inciting the commission of a terrorist act and operating a website without a license.

The majority of **labor cases** pending before labor courts involved journalists filing lawsuits against their employers for **wrongful termination**. The report found that **32 cases** were filed by journalists against institutions that had dismissed them unfairly, **one case** was related to appeals before **the Journalists' Syndicate Appeals Committee**, **one case** sought the calculation of an insurance period, and one case was filed by a journalist seeking clarification of a labor court ruling.

The second section highlights the efforts of the **Legal Support and Assistance Unit** in handling these cases. During 2024, lawyers from the Egyptian Observatory for Journalism and Media provided direct legal representation to **50 journalists** in **49 cases**, including **criminal cases, labor cases, and appeals before the Journalists' Syndicate Appeals Committee**. Legal representation was provided through direct court appearances.

In criminal cases, the unit's lawyers supported journalists by **attending prosecution investigations, renewal of detention hearings, and pleading before misdemeanor and felony courts**. **In labor cases**, lawyers assisted with **wrongful termination compensation claims, drafting lawsuits, appealing rulings in favor of journalists, and representing them before the Ministry of Justice's expert offices**.

This section also details the **successes** of the **Legal Support and Assistance Unit** in 2024, including:

- Securing **release orders for 14 journalists**, with **3 released on bail** and 11 released on residence guarantees,
- Obtaining **3 appellate court rulings upholding lower court judgments awarding compensation for wrongful termination**,
- Obtaining **3 court rulings confirming employment relationships and ordering payment of financial entitlements to 2 journalists**,
- Securing **19 preliminary judgments** referring cases to **the Ministry of Justice' expert offices**,
- Obtaining a ruling from **Bulaq Al-Dakrour Appellate Court** suspending legal proceedings and referring a case to the **Public Prosecution**.

Additionally, this section outlines **challenges** faced by **lawyers** while representing journalists:

- In **labor cases**, challenges included **prolonged litigation periods, delays and evasions in enforcing judgments, and high court fees and document retrieval costs.**
- In **criminal cases**, particularly those before **State Security Prosecution**, lawyers were **denied access to full case files, prevented from obtaining copies of case documents, and faced difficulties in submitting defense motions.** Furthermore, lawyers struggled to **record their defense arguments in terrorism-related detention renewal hearings held at Badr Court.**

The **third section** of the report examines **violations** faced by journalists and media professionals accused in politically sensitive cases throughout 2024. These violations included:

- 1- **Arbitrary arrest**, with journalists often **denied the right to inform their families** upon their detention.
- 2- **Restrictions on legal defense**, including **denying lawyers access to case files and preventing communication between defendants and their lawyers.**
- 3- **Violations of fair trial rights**, such as **preventing defendants and their lawyers from attending detention renewal hearings held by State Security Prosecution and terrorism circuit courts.**
- 4- **Extended pretrial detention**, leading to **prolonged incarceration without trial.**

The report also highlights major **legal violations** affecting **press and media freedoms**, including:

- **Arrests of journalists for their work,**
- **Amendments to the Code of Criminal Procedure and their impact on journalism,**
- **Cases of mistaken identity leading to wrongful prosecution of journalists,**
- **Continued legislative failure to pass a Freedom of Information Law.**

The **fourth and final section** of the report reviews the **publications and legal studies** produced by the **Legal Support and Assistance Unit**. In 2024, the unit published:

- **12 monthly legal newsletters,**
- **4 quarterly reports, and 6 research papers.**

The report concludes with **recommendations** by the **Egyptian Observatory for Journalism and Media** to improve the press and media environment in Egypt, including:

- **Urging the Journalists' Syndicate to monitor press institutions and impose sanctions on those violating journalists' rights,**
- **Calling on the Public Prosecutor to release journalists held in pretrial detention for over a year without evidence and refer them to proper trials,**
- **Accelerating the passage of a Freedom of Information Law, in accordance with the Constitution and international agreements,**
- **Amending the Code of Criminal Procedure to establish clear regulations on pretrial detention and enforce the legal maximum period for detention without trial.**

These recommendations seek to enhance legal protections for journalists and uphold **press and media freedoms in Egypt.**

Introduction

Bold and independent journalism is essential in any democratic society. It serves as the lifeline that enables all individuals to fully and informatively participate in political life and decision-making processes. Respect for freedom of expression, access to information, and the existence of an independent and active media are the cornerstones of any democratic society. They drive the right to hold and express opinions and the right to seek, receive, and impart information and ideas. The safety of journalists is, quite simply, fundamental to the realization of civil, political, economic, social, and cultural rights.

Journalists are the “eyes and voices of civil society,” keeping governments under scrutiny. They help ensure transparency and accountability in the management of public affairs and matters of public interest. Independent journalism strengthens individuals’ ability to actively and meaningfully participate in political, economic, social, and cultural life. The media play a crucial role in educating the public and raising awareness about important public issues. They are indispensable tools for promoting public debates. Journalism plays a vital role in mobilizing public opinion and exposing injustices that might otherwise go unnoticed. Ensuring the safety of journalists and guaranteeing legal protection are key factors in safeguarding the fundamental right to freedom of expression, as enshrined in Article 19 of the Universal Declaration of Human Rights. When journalists carry out their work under fear, the free flow of information is disrupted, depriving the public of reliable, critical, and independent information. The intimidation, legal prosecution, and restrictions on journalists constitute an attack on the right of all people to seek, receive, and impart information. Ultimately, these are also attacks on freedom of expression and democracy itself.

The factual practices in Egypt during 2024 indicate the continued violations against journalists and media professionals, which remain static. Security prosecutions and arrests of journalists persist. These security measures have not only targeted journalists themselves but have also extended to their families as a means of intimidation.

Journalists have been subjected to criminal investigations before the Supreme State Security Prosecution and various other prosecution offices on charges of terrorism and publishing false news. These charges rely on Law No. 94 of 2015 on counterterrorism, whose provisions conflict with the laws regulating journalism and media, which prohibit the imprisonment of journalists for publication-related offenses. Additionally, there is a potential constitutional challenge regarding multiple provisions of this law.

Furthermore, judicial authorities have continued to use prolonged pretrial detention as a tool to punish journalists, in violation of the constitutional principle that “every person accused of a crime is presumed innocent until proven guilty in a public trial that guarantees his right to defense.” The pretrial detention of some journalists has exceeded the legal limits stipulated in Article 143 of the Code of Criminal Procedure, which states in its final paragraph: “...In all cases, the duration of pretrial detention during the preliminary investigation stage and throughout the various phases of the criminal case must not exceed one-third of the maximum prescribed sentence for the deprivation of liberty. It shall not exceed six months in misdemeanors, eighteen months in felonies, and two years if the prescribed penalty for the crime is life imprisonment or the death penalty.”

Violations against journalists have not been limited to executive and judicial authorities but have also extended to the media institutions where they work. These violations have ranged from employing journalists and media professionals without work contracts- exceeding the legal duration permitted by law- to arbitrary dismissal and termination of employment contracts by several media institutions.

This report details these issues through five main sections:

● **Section One:** Cases involving journalists and media professionals in 2024.

● **Section Two:** The efforts, successes, and challenges of the Legal Support and Assistance Unit in 2024.

● **Section Three:** The most notable legal violations in 2024.

● **Section Four:** Publications issued by the Legal Support and Assistance Unit in 2024.

Methodology

The Egyptian Observatory for Journalism and Media relied on multiple sources in preparing this report, including direct, indirect, and supplementary sources, as follows:

1- Direct sources: These consist of official documents obtained by the institution's Legal Support Unit, including police reports, prosecution investigations involving journalists and media professionals, complaints, and telegraphic communications submitted by journalists' and media professionals' relatives. Additionally, direct sources include attendance at trial sessions, investigations, and defense proceedings. Members of the Legal Support and Assistance Unit also engaged in direct documentation through personal interviews and various media platforms.

2- Indirect sources: These include communication with other lawyers who attended investigations and defended journalists and media professionals. However, these lawyers declined to be named or cited as sources in this report due to concerns about potential harassment by security authorities.

3- Supplementary sources: These comprise reports and news articles published about detained journalists' cases on websites or by other human rights organizations working on press and media freedom issues.

Institution's Criteria

The Observatory works on cases involving journalists and media professionals accused in legal proceedings, based on the following definition of a journalist/media professional: an individual who has faced a violation related to their journalistic work and possesses any of the following:

- **Proof of membership in the Journalists' Syndicate or the Media Syndicate.**
- **A work permit or an official assignment from a press or media institution.**
- **A journalistic/media archive.**
- **Certification from their media institution through its platforms or officials.**

Additionally, the following criteria apply:

- 1- The journalist/media professional was arrested due to their work (e.g., covering events, publishing articles, etc.).
- 2- The journalist/media professional was arrested while performing their job.
- 3- The journalist/media professional was arrested due to published journalistic content, such as news, reports, or other media content.
- 4- The journalist/media professional was arrested based on their job title and professional status as a "journalist" or "media professional."

Timeframe of the Report

This report covers the period from January 1 to December 31, 2024. The institution notes that the figures cited in this report are not necessarily comprehensive of all cases involving journalists and media professionals during the year. Instead, these figures represent cases that met the institution's criteria outlined in this report.

Section One: Cases of Journalists and Media Professionals in 2024



This section aims to shed light on the cases of journalists and media professionals and the developments that have occurred in them during 2024, whether they are ongoing cases from previous years or new cases received during the year.

This section of the report presents the cases monitored by the “Egyptian Observatory for Journalism and Media,” in which legal support was provided to journalists, whether direct or indirect legal support, during the period from January 1 to December 31, 2024.

The Legal Assistance Unit of the institution provided direct legal support in criminal cases to (25) journalists in (15) cases, as well as indirect support to (3) journalists in (3) cases.

As for labor cases, the Legal Assistance Team provided direct legal support to (25) journalists in (34) cases before first and second-degree labor courts, as well as before expert offices at the Ministry of Justice and appeals before the Appellate Committee of the Journalists’ Syndicate, as illustrated in Figure (1-1).

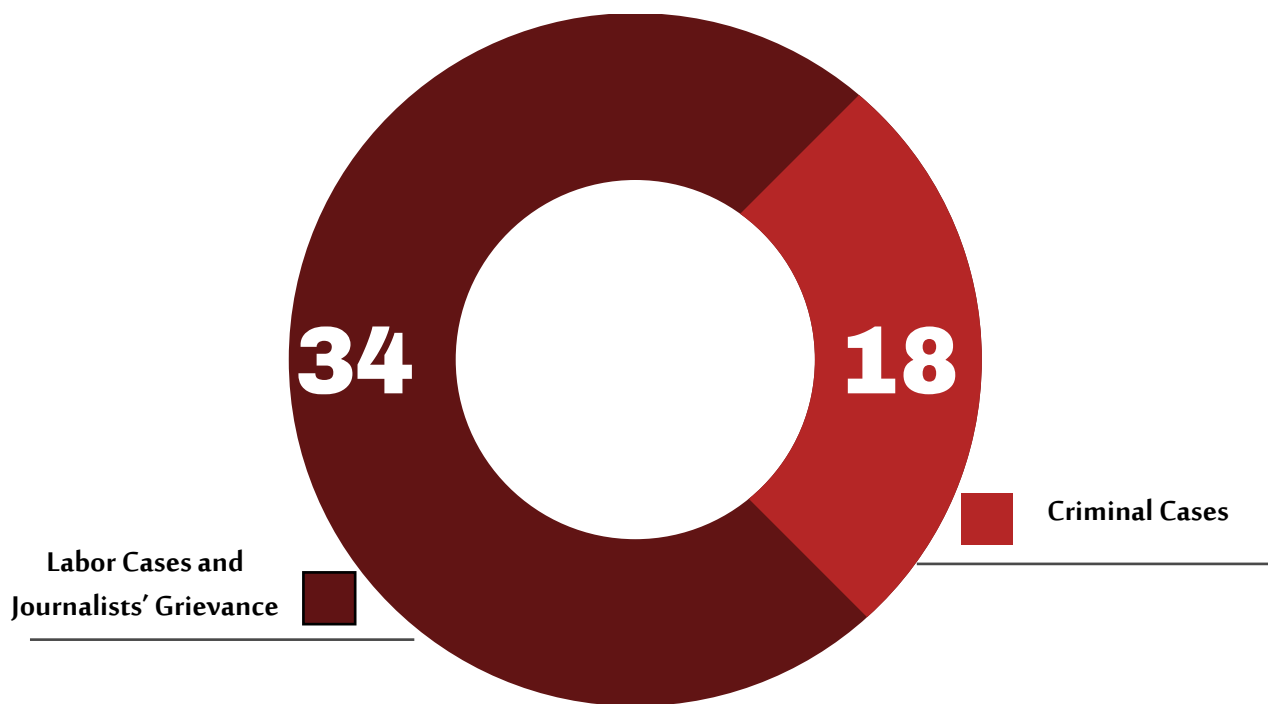


Figure No.(1-1); cases and support type throughout 2024

First: Criminal Cases

1. Classification of Criminal Cases According to Case Number, Competent Prosecution, and Number of Journalists

This section reviews the criminal cases in which the Legal Assistance Unit provided direct or indirect legal support, categorized by case number, the competent investigative authority, and finally by the charges against the journalists.

(a) Direct Support Cases

The Egyptian Observatory for Journalism and Media provided direct legal support in criminal cases to (25) journalists in (15) cases. Among these cases, (9) were before the Supreme State Security Prosecution, (5) were before public prosecutions, and (1) case was a substantive trial before the Boulaq Al-Dakroun Misdemeanor Appellate Court, as detailed in the table below:

No	Case Number	Competent Prosecution	Number of Journalists
1	1576/2024 State Security	State Security Prosecution	5
2	1365/2018 State Security	State Security Prosecution	3
3	1568/2024 State Security	State Security Prosecution	3
4	85/2024 Administrative First Ismai	Ismailia Prosecution	2
5	87/2023 East Cairo Petitions	East Cairo Primary Prosecution	2
6	680/2020 Supreme State Security	State Security Prosecution	1
7	2063/2023 State Security	State Security Prosecution	1
8	1282/2024 State Security	State Security Prosecution	1
9	5054/2024 State Security	State Security Prosecution	1
10	3813/2023 Administrative Sheikh Zayed	Financial and Commercial Affairs Prosecution	1
11	3688/2023 Misdemeanor Appeal Boulaq Al-Dakroun	Misdemeanor Appeal Court Boulaq Al-Dakroun	1
12	955/2020 State Security	State Security Prosecution	1

13	488/2019 State Security	State Security Prosecution	1
14	3338/2023 Misdemeanor Giza Police Department	South Giza Primary Prosecution	1
15	2523/2024 Administrative Al-Zawiya Al-Hamra	Al-Zawiya Al-Hamra Prosecution	1

Figure No.(1-2); Case Numbers, Competent Prosecutions, and Number of Journalists in Direct Support Cases in 2024

b) Indirect Support Cases

The Observatory provided indirect legal support through legal consultations and legal follow-ups for (3) journalists and media professionals in (3) cases pending before the Supreme State Security Prosecution and the Cairo Appeals Prosecution.

No	Case Number	Competent Prosecution	Number of Journalists
1	1365/2018 Supreme State Security	State Security Prosecution	1
2	3527/2024 State Security	State Security Prosecution	1
3	22/2023 Cairo Appeal Investigation Registry	Cairo Appeal Prosecution	1

شكل رقم (1-3) أرقام قضايا الدعم غير المباشر والنيابات المختصة وعدد الصحفيين خلال عام 2024

2. Classification of Criminal Cases Based on the Types of Charges Against Journalists and Media Professionals

The following table presents the classification of criminal cases based on the types of charges against journalists. The charges in these cases varied and included: joining a terrorist organization, participating in a terrorist organization, misuse of a social media platform, publishing false news and statements, committing a financing-related crime, inciting the commission of a terrorist crime, defamation and libel, deliberately disturbing others via communication means, managing a website without a license, and publishing false news and statements. See Figure No. (1-4).

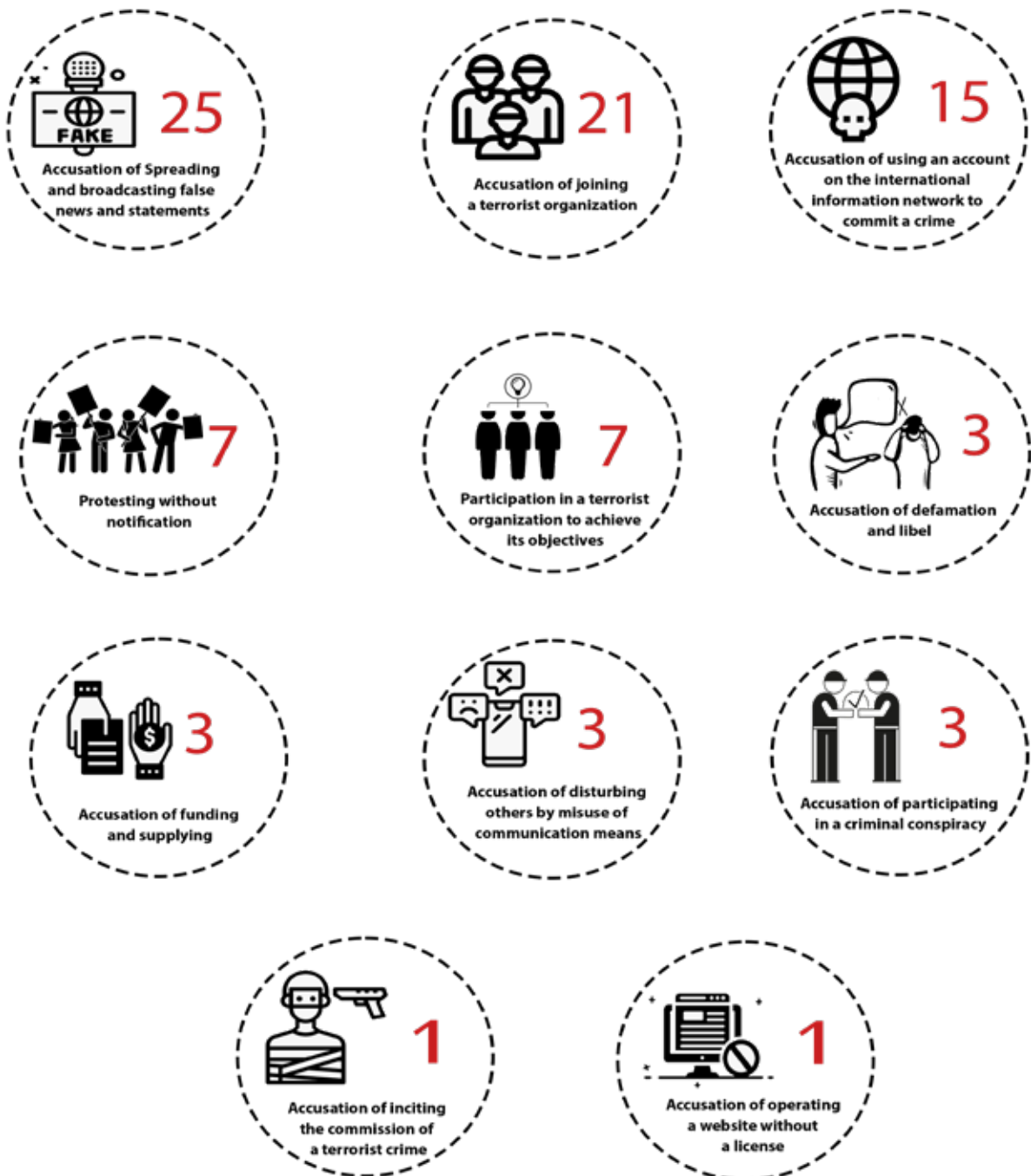


Figure No. (1-4): Classification of Criminal Cases Based on the Types of Charges Against Journalists and Media Professionals in 2024

Second: Labor Cases and Journalists' Grievances

This section provides a statistical overview of labor cases involving journalists and media professionals before labor courts, in which the Legal Assistance Team of the Egyptian Observatory for Journalism and Media provided direct legal support. It is noted that the Legal Assistance and Support Unit at the Egyptian Observatory for Journalism and Media provided direct legal support in labor cases for (25) journalists in (34) cases pending before labor and civil courts and the Experts Authority at the Ministry of Justice.

a) Classification of Civil and Labor Cases According to the Court Level

The Legal Assistance and Support Unit of the Egyptian Observatory for Journalism and Media worked on (34) cases before labor and civil courts and the Experts Authority at the Ministry of Justice on behalf of (25) journalists. Their distribution is as follows. See Figure No. (1-5).

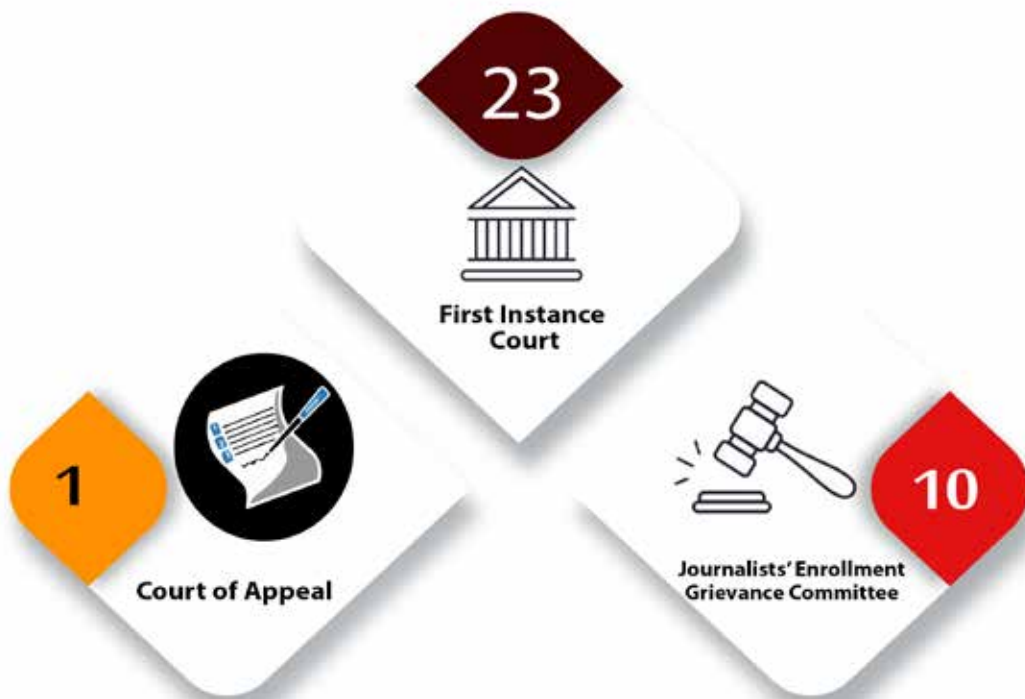


Figure No. (1-5): Classification of Civil and Labor Cases According to the Court Level

b) Classification of Civil and Labor Cases According to Case Type

The cases of journalists and media professionals before labor courts were distributed as follows: **61.9%** for compensation claims for unfair dismissal, **29.4%** for appeals against judgments of compensation for unfair dismissal, and **2.9%** each for cases related to calculating insurance periods, interpreting judgments, and grievances against registration decisions at the Journalists' Syndicate. See Figure No. (1-6).

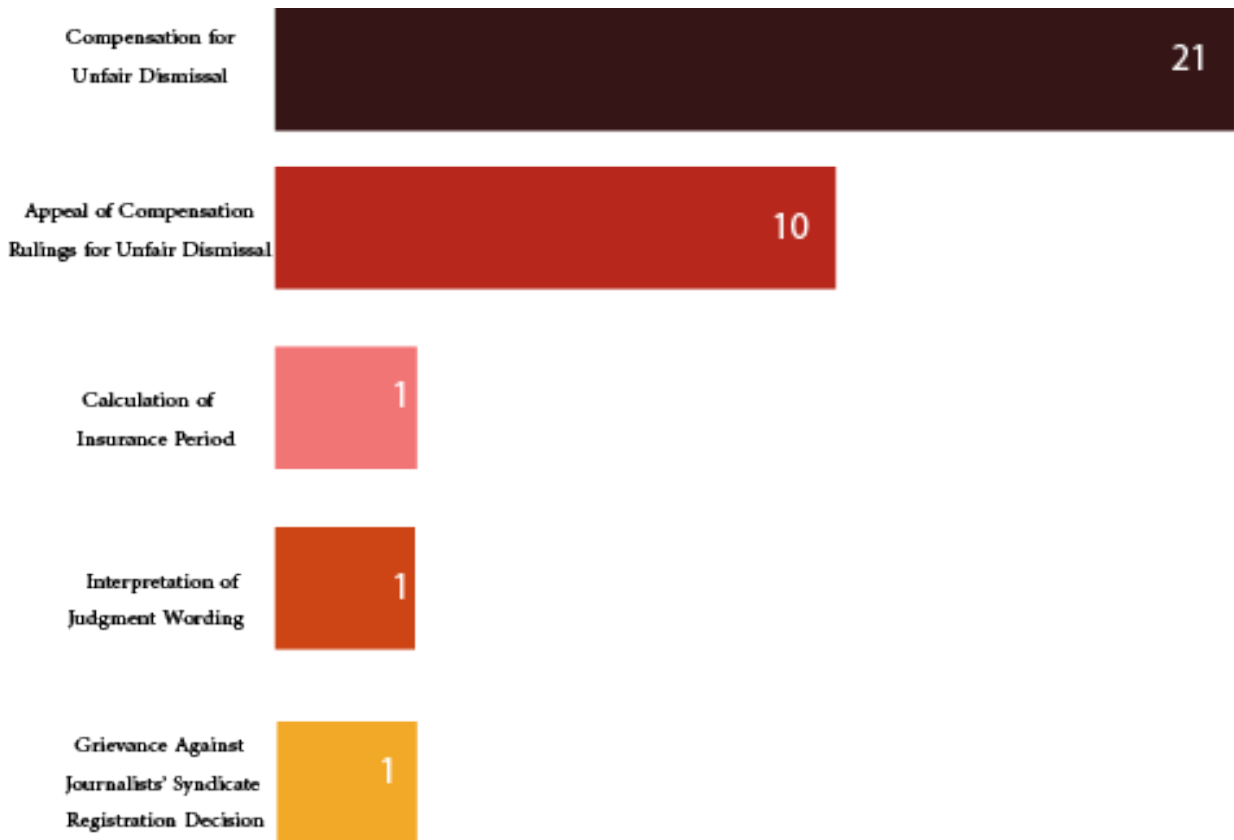


Figure No. (1-6): Classification of Civil and Labor Cases According to Case Type

Section Two: The Legal Assistance and Support Unit in 2024 – Efforts, Successes, and Challenges



This section of the report aims at highlighting the efforts of the Legal Assistance Unit by providing direct legal support in journalists' cases, both in the criminal aspect—attending prosecution investigations, remand renewal sessions, misdemeanor and felony court sessions—and in the labor aspect, including filing complaints with the Labor Office, initiating labor lawsuits, attending sessions before first-instance and appellate courts, participating in expert office sessions, and enforcing judgments issued in favor of journalists in 2024.

Additionally, this section covers the successes of the Legal Assistance Unit in criminal cases, particularly obtaining multiple release orders for journalists throughout the year. It also addresses labor-related achievements, including judgments issued in favor of journalists in cases where the Egyptian Observatory's lawyers provided legal support and the enforcement of these judgments in 2024. Lastly, it discusses the difficulties and obstacles faced by lawyers working on journalists' cases, particularly those before the Supreme State Security Prosecution and terrorism circuits, as well as challenges encountered in labor-related cases.

First: Efforts of the Legal Assistance and Support Unit in 2024

In 2024, the lawyers of the Legal Assistance and Support Unit at the Egyptian Observatory for Journalism and Media provided direct support to (50) journalists in (49) different cases, including criminal, labor, and appellate committee cases before the Journalists' Syndicate, through direct legal representation.

The observatory's lawyers provided support in criminal cases by attending prosecution investigations, remand renewal sessions, and pleadings before misdemeanor and felony courts. Regarding labor cases, they assisted in compensation claims for unfair dismissal by drafting lawsuits, appealing judgments against journalists, and attending sessions before the Experts Authority at the Ministry of Justice. See Figure No. (2-1).

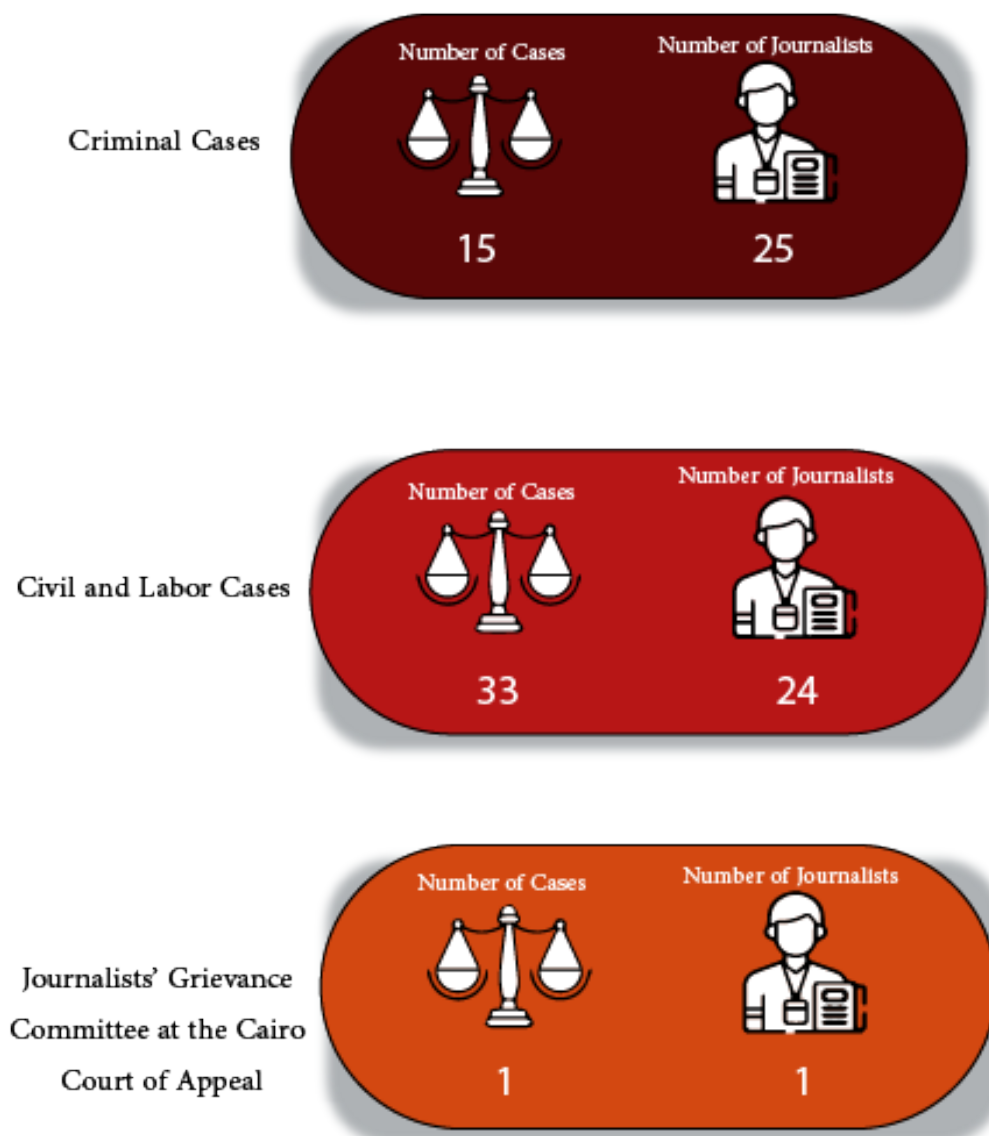


Figure No. (2-1): Efforts of the Legal Assistance and Support Unit at the Institution in 2024

1- Criminal Cases

The following table illustrates the authorities before which the lawyers of the Legal Assistance and Support Unit at the Observatory appeared to provide legal support in criminal cases during 2024.

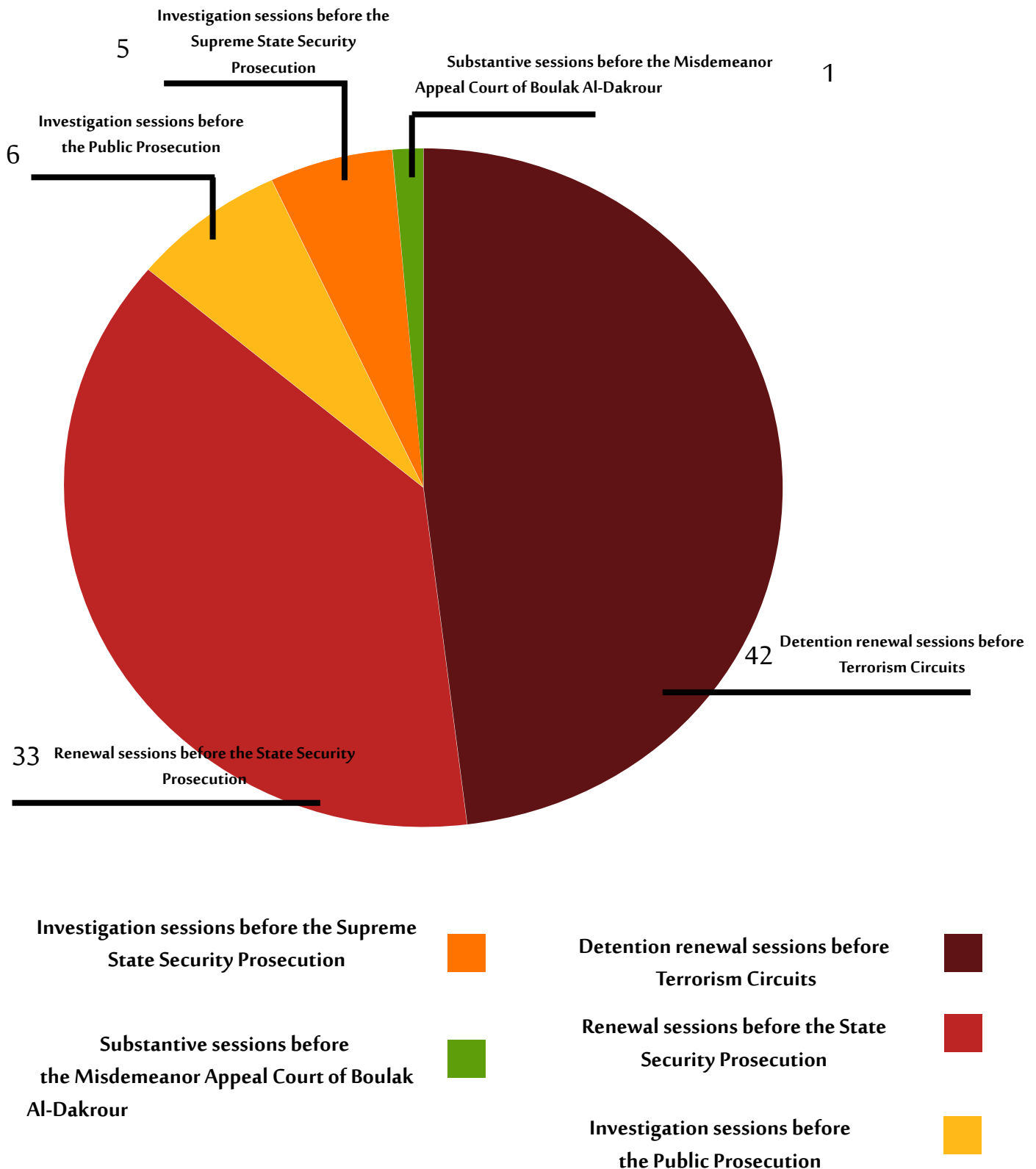


Figure (2-2): Authorities Before Which Legal Support Was Provided in Criminal Cases in 2024

2- Labor Cases and Journalists' Registration Appeals

The following table illustrates the authorities before which the lawyers of the Legal Assistance and Support Unit at the Observatory appeared to provide legal support in labor cases and before the State Council Judiciary in 2024.

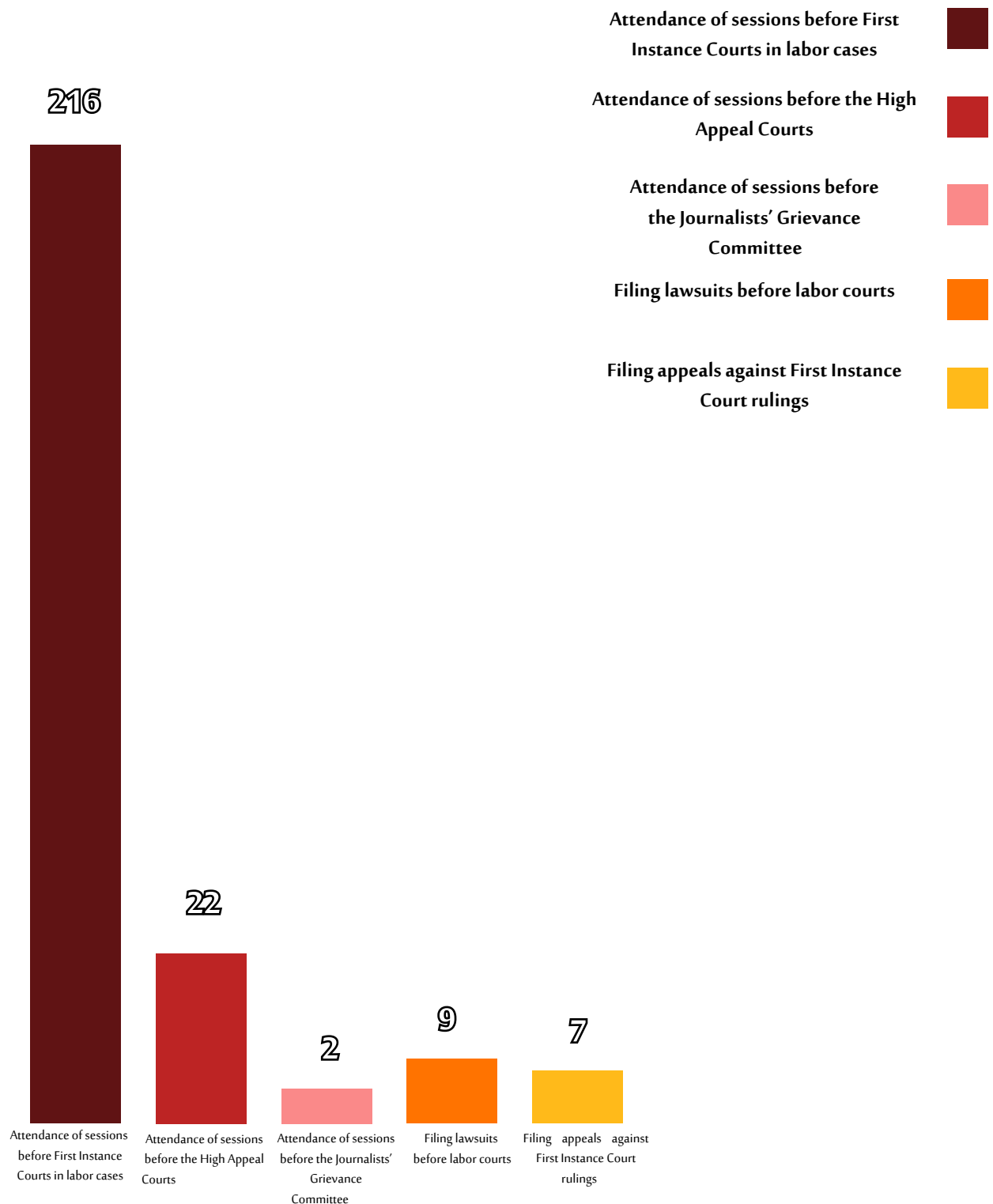


Figure (2-3): Authorities Before Which Legal Support Was Provided in Labor Cases and State Council Cases in 2024

Second: Successes of the Legal Assistance and Support Unit at the Institution in 2024

The lawyers of the Egyptian Observatory for Journalism and Media successfully obtained release orders for 14 journalists-3 of whom were released on financial bail, and 11 on the guarantee of their place of residence. Additionally, the institution’s lawyers secured 22 preliminary rulings referring cases to the Ministry of Justice’s Experts Department, three appeal court rulings upholding compensation judgments issued in favor of journalists by the first-instance court, two rulings affirming the continuation of employment relationships and salary payments, and several rulings awarding compensation for unfair dismissal. One ruling was also obtained for the payment of financial dues, the suspension of proceedings, and referral to the Public Prosecution. The following table presents the judgments and decisions obtained by the Legal Assistance and Support Unit at the Observatory in 2024.

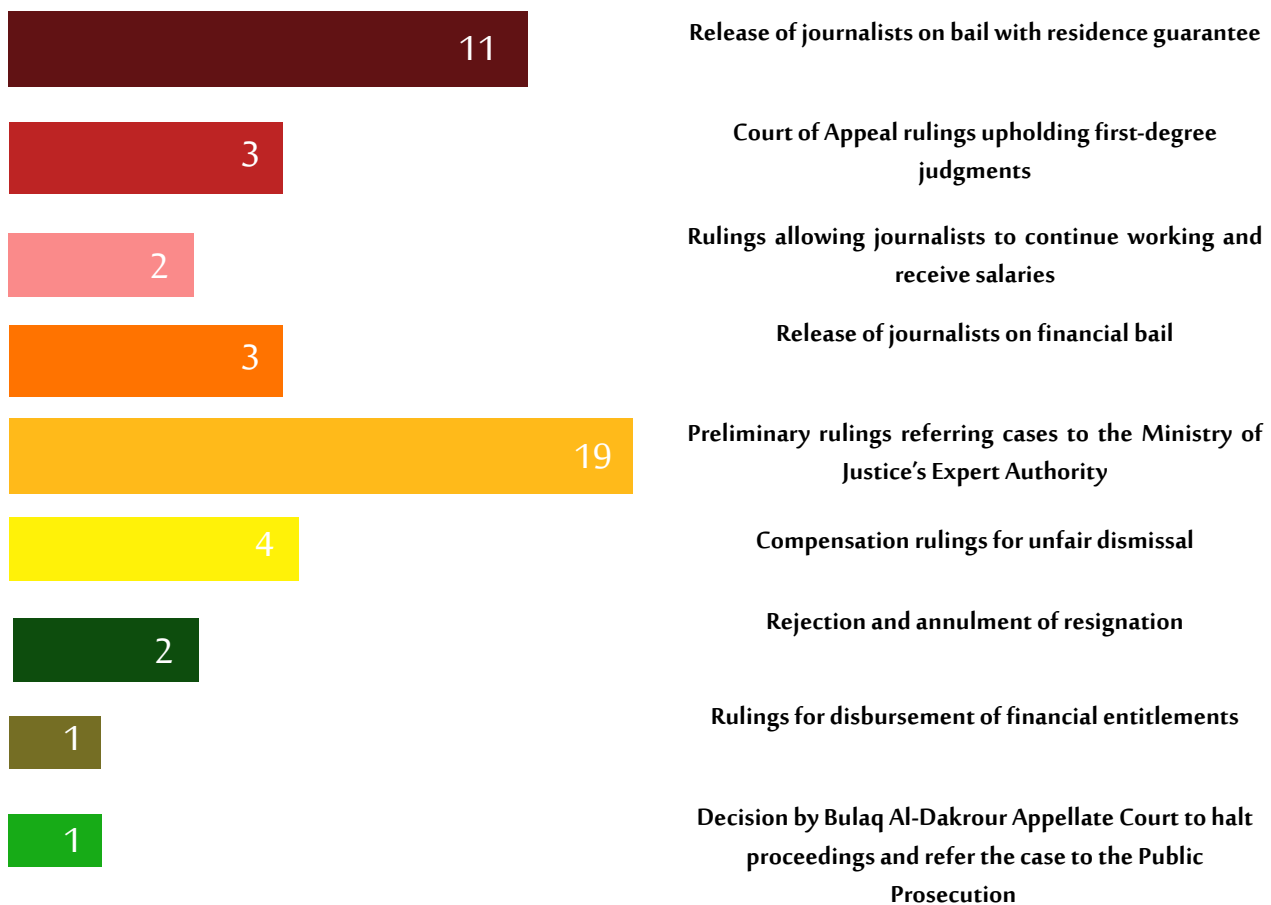


Figure (2-4): Judgments and Decisions Obtained by the Observatory in 2024

The details of these decisions are as follows:

A- In Criminal Cases

1- On February 12, 2024, the Sheikh Zayed Partial Prosecution ordered the release of journalist Mohamed Abdel Rahman, Editor-in-Chief of the "E'lam Dot Com" website, on the guarantee of his place of residence, in Case No. 3813 of 2023, Sheikh Zayed Administrative, following a complaint filed against him by actress Liqaa Sweidan, accusing him of defamation and deliberate harassment.

2- On March 20, 2024, the Supreme State Security Prosecution issued a decision to release Al Jazeera Network journalists Rabie Al-Sheikh and Bahaa El-Din Ibrahim on the guarantee of their place of residence in Case No. 1365 of 2018, after more than two years of pretrial detention.

3- On April 24, 2024, the First Ismailia Prosecution ordered the release of journalists Amira Abdel Hakim and Nourhan Gamal on the guarantee of their place of residence in Case No. 785 of 2024, First Ismailia Administrative, after being accused of broadcasting without a license.

4- On April 24, 2024, the Supreme State Security Prosecution ordered the release of journalists Rasha Azab and Iman Awf on financial bail of 10,000 Egyptian pounds each, Hadir El-Mahdawy on financial bail of 5,000 Egyptian pounds, and journalists Mohamed Farag and Youssef Shaaban on the guarantee of their place of residence in Case No. 1576 of 2024, after being accused of joining a terrorist group and protesting without notifying the relevant authorities.

5- On May 14, 2024, the East Cairo Prosecution ordered the release of journalist Salah El-Din Hassan on the guarantee of his place of residence in Case No. 87 of 2023, East Cairo Petitions, after being accused of managing a website without a license.

6- On May 28, 2024, the East Cairo Prosecution ordered the release of journalist Osama Al-Anizi on the guarantee of his place of residence in Case No. 87 of 2023, East Cairo Petitions, after being accused of managing a website without a license.

7- On July 20, 2024, the South Giza Prosecution ordered the release of journalist and director of Yaqeen News Network, Yahya Khalafallah, on the guarantee of his place of residence in Case No. 13338 of 2022, Giza Misdemeanors, where he was accused of joining a terrorist group.

8- On August 19, 2024, the Zawya El-Hamra Prosecution ordered the release of journalist Mahmoud Hashem on the guarantee of his place of residence in Case No. 2325 of 2024, Zawya El-Hamra Administrative, after being accused of defamation via publication and deliberate harassment of the victim.

B- In Labor Cases and Journalist Registration Complaints

1- On February 25, 2024, the First Labor Circuit of the North Giza Court ruled to reject the lawsuit filed by Al Borsa News newspaper to terminate the employment of photojournalist Ahmed Hendawy, ordering the continuation of his employment relationship and obligating the newspaper to pay any outstanding financial entitlements.

2- On February 27, 2024, the 8th Labor Circuit of South Giza Court ruled to refer the lawsuit filed by journalist Mohamed Rashad against Al Masria newspaper, following his arbitrary dismissal without legal justification, to the Forensic Medicine Authority to determine the authenticity and validity of the resignation submitted by the newspaper to terminate the employment relationship.

3- On the same date, the same circuit ruled to refer the lawsuit filed by journalist Rehab Samir against Al Masria newspaper, following her arbitrary dismissal without legal justification, to the Forensic Medicine Authority to determine the authenticity and validity of the resignation submitted by the newspaper to terminate the employment relationship.

4- On the same date, the 2nd Major Labor Circuit of South Giza Court ruled to refer the lawsuit filed by journalist Jihad Mohamed against Al Masria newspaper, following her arbitrary dismissal without legal justification, to the Forensic Medicine Authority to determine the authenticity and validity of the resignation submitted by the newspaper to terminate the employment relationship.

5- On February 28, 2024, the 10th Major Labor Circuit of North Giza Court ruled to refer the lawsuit filed by journalist Ahmed Waer against Al Tareeq newspaper, following his arbitrary dismissal without legal justification, to the Ministry of Justice Experts Department to prepare a legal opinion report and present it to the court.

6- On the same date, the Execution and Objections Circuit of North Cairo Court ruled to refer the lawsuit filed by journalist Ayman Abdel Aziz, requesting an interpretation of the ruling issued in his favor against Al Ahram Institution, which ordered the payment of his financial entitlements, to an accounting expert to determine the exact amounts and present them to the court.

7- On March 27, 2024, the 10th Major Labor Circuit of North Giza Court ruled to refer the lawsuit filed by journalist Heba Yahia against Al Tareeq newspaper, following her arbitrary dismissal without legal justification, to the Ministry of Justice Experts Department to prepare a legal opinion report and present it to the court.

8- On the same date, the same circuit ruled to refer the lawsuit filed by journalist Mohamed Said against Al Tareeq newspaper, following his arbitrary dismissal without legal justification, to the Ministry of Justice Experts Department to prepare a legal opinion report and present it to the court.

9- On the same date, the same circuit ruled to refer the lawsuit filed by journalist Rana Al-Qadi against Al Bawaba News newspaper, following her arbitrary dismissal without legal justification, to the Ministry of Justice Experts Department to prepare a legal opinion report and present it to the court.

10- On March 28, 2024, the 10th Major Labor Circuit of North Giza Court ruled to refer the lawsuit filed by journalist Hossam Mostafa against Al Tareeq newspaper, following his arbitrary dismissal without legal justification, to the Ministry of Justice Experts Department to prepare a legal opinion report and present it to the court.

11- On the same date, the same circuit ruled to refer the lawsuit filed by journalist Rasha Khamis against Al Tareeq newspaper, following her arbitrary dismissal without legal justification, to the Ministry of Justice Experts Department to prepare a legal opinion report and present it to the court.

12- On the same date, the 2nd Major Labor Circuit of South Giza Court ruled to refer the lawsuit filed by journalist Soham Sobhi against Al Masria newspaper, following her arbitrary dismissal without legal justification, to the Forensic Medicine Authority to determine the authenticity and validity of the resignation submitted by the newspaper to terminate the employment relationship.

13- On April 18, 2024, the Third Labor Circuit of North Giza Court ruled to refer the lawsuit filed by journalist Radwa Nasser against Al Tareeq newspaper, following her arbitrary dismissal without legal justification, to the Ministry of Justice Experts Department to prepare a legal opinion report and present it to the court.

14- On April 27, 2024, the 26th Civil and Government Major Circuit of South Cairo Court ruled to refer the lawsuit filed by journalist Mohsen Hashem against the General Authority for Social Insurance, requesting the inclusion of an insurance period and the payment of a pension, to the Ministry of Justice Experts Department to prepare a legal opinion report and present it to the court.

15- On April 30, 2024, the 10th Labor Circuit of North Giza Court ruled to refer the lawsuit filed by journalist Sohaib Mostafa against Al Tareeq newspaper, following his arbitrary dismissal without legal justification, to the Forensic Medicine Authority to determine the authenticity and validity of the resignation submitted by the newspaper to terminate the employment relationship.

16- On May 27, 2024, the 10th Labor Circuit of North Giza Court ruled to refer the lawsuit filed by journalist Mohamed Al-Alfi against Al Bawaba News newspaper, following his arbitrary dismissal without legal justification, to investigation for witness testimonies.

17- On June 26, 2024, the 10th Major Labor Circuit of North Giza Court ruled to refer the lawsuit filed by journalist Asmaa Gamal against Al Borsa newspaper, following her arbitrary dismissal without legal justification, to investigation for witness testimonies.

18- On June 27, 2024, the 2nd Major Labor Circuit of North Giza Court ruled to accept the lawsuit filed by journalist Mahmoud Salama against Al Tareeq newspaper, following his arbitrary dismissal without legal justification, affirming the existence of an employment relationship and obligating the defendant newspaper to pay financial compensation for wrongful termination.

19- On July 29, 2024, the First Labor Circuit of North Giza Court ruled to reject the lawsuit filed by Al Bawaba News newspaper to terminate the employment of journalist Mohamed Al-Alfi, affirming the existence of an employment relationship and allowing the journalist to continue his work.

20- On August 11, 2024, the 17th High Appeal Labor Circuit of the Cairo Court of Appeal upheld the ruling issued by the North Giza Labor Court awarding compensation for wrongful termination in favor of journalist Hanaa Abdel Fattah against Al Diyar newspaper.

21- On August 21, 2024, the 3rd High Appeal Labor Circuit of the Cairo Court of Appeal ruled to refer the lawsuit filed by journalist Ahmed Abu Aqil against Al Masria newspaper, following his arbitrary dismissal without legal justification, to interrogation.

22- On September 25, 2024, the 10th Major Labor Circuit of North Giza Court ruled to accept the lawsuit filed by a journalist against Al Borsa News newspaper, obligating the newspaper to pay three months' salary and the cash equivalent of her unused leave balance.

23- On October 23, 2024, the Execution and Objections Circuit of North Cairo Court ruled to refer the lawsuit filed by journalist Ayman Abdel Aziz to interpret the ruling issued in his favor against Al Ahram Institution to the Ministry of Justice Experts Department to prepare a legal report.

24- On October 29, 2024, the Second Labor Circuit of the Giza South Court of First Instance decided to refer the case filed by journalist Jihad Mohamed against Al-Masriya newspaper, regarding her arbitrary dismissal, to the Forensic Medicine Authority to determine the extent of forgery and falsification of the resignation submitted by the newspaper.

25- On the same date, the same circuit ruled in the case filed by journalist Mohamed Rashad against Al-Masriya newspaper, regarding his arbitrary dismissal, by annulling and invalidating the resignation submitted by the newspaper.

26- On the same date, the same circuit ruled in the case filed by journalist Rehab Samir against Al-Masriya newspaper, regarding her arbitrary dismissal, by annulling and invalidating the resignation submitted by the newspaper.

27- On the same date, the Tenth Labor Circuit of the Giza North Court of First Instance decided, in the case filed by journalist Sahar Abdel Hamid against Baladna Al-Youm newspaper, regarding her arbitrary dismissal, to refer the case to investigation for witness hearings.

28- On November 4, 2024, the Thirteenth High Appeals Labor Circuit ruled in the case filed by journalist Ahmed Hendawy regarding his arbitrary dismissal against Al-Borsa News, by amending the judgment issued by the Court of First Instance and ruling anew to oblige the newspaper to compensate him for the arbitrary dismissal.

29- On November 28, 2024, the Third Labor Circuit of the Giza North Court of First Instance decided, in the case filed by journalist Samara Sultan against Al-Bawaba News newspaper, regarding her arbitrary dismissal, to refer the case to the Ministry of Justice Experts Authority to prepare a legal opinion report.

30- On December 31, 2024, the Second Labor Circuit of the Giza South Court of First Instance ruled to accept the case filed by journalist Mohamed Rashad against Al-Masriya newspaper and to oblige the newspaper to compensate him for the arbitrary dismissal.

31- On the same date, the same circuit ruled to accept the case filed by journalist Rehab Samir against Al-Masriya newspaper and to oblige the newspaper to compensate her for the arbitrary dismissal.

Third: Obstacles Faced by the Legal Support and Assistance Unit of the Observatory During 2024

Article 98 of the Egyptian Constitution states that “The right to defense in person or by attorney is guaranteed. The independence of the legal profession and the protection of its rights ensure the right to defense.” Additionally, Article 198 stipulates that “The legal profession is an independent profession that participates with the judiciary in achieving justice, the rule of law, and ensuring the right to defense.” For this defense to be genuine and substantial, all necessary guarantees must be provided to enable lawyers to perform their role in this partnership with the judiciary in achieving justice and the rule of law.

However, in practice, lawyers- especially those working in the field of defending press and media freedoms- face numerous obstacles that hinder their ability to enable their journalist and media clients to access justice, whether criminal or economic.

This section of the report addresses the problems and difficulties faced by the lawyers of “The Observatory” while carrying out their work in various courts and prosecution offices. These difficulties are categorized into two types: first, the difficulties encountered in civil cases, and second, those faced in criminal cases.

A- Obstacles Related to Civil Cases

1- Prolonged Litigation Before Labor Courts:

This issue is one of the most significant obstacles faced by both lawyers and journalists this year, as in previous years. It pertains to the prolonged litigation in labor disputes before the Egyptian judiciary, particularly in cases referred to the Experts Department for the preparation of legal opinion reports. The process may take several months, sometimes nearly a year, without scheduling a session before the expert to discuss the case parties. This is due to the absence of a clear and defined mechanism for completing the legal report, leaving the matter solely in the hands of the expert, who is burdened with numerous cases. This constitutes a clear violation of the right to swift justice, which the state is committed to upholding, as stipulated in Article 97 of the Egyptian Constitution: “Litigation is a safeguarded and guaranteed right for all. The state is committed to bringing judicial authorities closer and ensuring the swift adjudication of cases...”

The prolongation of litigation not only discourages lawyers from accepting new cases of this nature but also imposes a financial burden on journalists themselves, as they bear the costs of these lawsuits without a stable income following their dismissal.

2- Delays and Evasion in Implementing Judgments Issued in Favor of Journalists:

On the other hand, after a journalist obtains a ruling in their favor against the sued institutions, such as press organizations (newspapers) where they were employed or governmental institutions (the General Authority for Social Insurance), the stage of implementing these rulings begins. Implementation can be voluntary, where the journalist or their legal representative approaches the entity against whom the ruling was issued, and it complies with the judgment. Alternatively, forced execution becomes necessary when the institution refuses voluntary compliance. This stage presents a significant challenge for both journalists and lawyers, often extending for years due to the sluggishness of governmental institutions in executing rulings. An example is the delay by the General Authority for Social Insurance in implementing a ruling in favor of journalist Marwa Nabil to add an insurance period to her insurance file and issue an insurance printout listing her as a journalist. Additionally, press institutions exploit legal loopholes to obstruct the enforcement process, such as relocating their offices without disclosing the new location to hinder execution proceedings. This was done by Al-Mogaz Newspaper, which moved its office and shut down its known premises to obstruct the implementation of judgments issued in favor of arbitrarily dismissed journalists, including Farouk Lotfy and Mohamed Khalifa. It is undoubtedly disheartening for a journalist to secure a court ruling after years of litigation, only to find themselves unable to enforce it and regain some of their lost rights, leading to frustration and despair.

B- Obstacles Related to Criminal Cases

The suffering of lawyers, including those from the Legal Support and Assistance Unit of the institution, continued in cases involving journalists before the Supreme State Security Prosecution. This is particularly due to the prosecution's handling of detention renewal sessions in a manner that disrupts lawyer-client communication. Additionally, lawyers continued to face difficulties in filing appeals against decisions to renew journalists' detention, contrary to the provisions of the Criminal Procedure Code.

The situation was not much different in cases heard before the advisory chambers of criminal courts handling terrorism-related cases at the Cairo Court of Appeal, currently located at the Badr City Prison Complex. The main obstacles faced by lawyers in criminal cases include:

1- Preventing the Defense from Accessing the Full Case File and Obtaining Copies of the Case Documents:

To adequately prepare a defense that directly addresses the essence of the accusations, a lawyer must first and foremost review the entire criminal case file and obtain an official copy for thorough examination. This allows the lawyer to assess the legal position of their client and determine the appropriate legal measures. This right is enshrined in Article 135 of the Criminal Procedure Code. However, for lawyers representing journalists accused before the Supreme State Security Prosecution, access to the full case file is denied. Consequently, the primary and sole source of case-related information is the journalist client, who is often interrogated in the lawyer's absence and lacks a clear understanding of the charges or the presence of any evidence. This makes obtaining crucial legal information nearly impossible.

2- Difficulty in Presenting Defenses in Detention Renewal Sessions Before Terrorism

The implementation of Minister of Justice Decision No. 5959 of 2022, establishing a jurisdiction at the Badr Reform and Rehabilitation Center under the Cairo Court of Appeal, has persisted. Previously, these trials were held at the Police Academy annex court in Tora. Notably, this new location is over 68 kilometers away from central Cairo (to which the court is administratively affiliated), making daily travel to and from the court a two-hour journey for lawyers. This imposes physical and financial burdens on lawyers, in addition to the challenges they face in having their requests and defenses recorded in the sessions.

Article 97 of the Egyptian Constitution states: “Litigation is a safeguarded and guaranteed right for all. The state is committed to bringing judicial authorities closer and ensuring the swift adjudication of cases. No administrative act or decision shall be immune from judicial review. No person shall be tried except before their natural judge, and exceptional courts are prohibited.” However, this current situation is entirely contrary to the constitutional legislator’s intent. Instead of relocating these exceptional courts, they should have been abolished, especially since the state of emergency in the country was officially lifted over a year ago.

The reinstatement of ordinary criminal courts should be prioritized, ensuring every person is tried before their natural judge as a fundamental constitutional right. Moreover, Article 98 of the Egyptian Constitution guarantees: “The right to defense, whether in person or by attorney, is inviolable.

The independence of the legal profession and the protection of its rights are guarantees for ensuring the right to defense. The law guarantees means for those financially incapable to resort to justice and defend their rights.” Additionally, Article 198 affirms that “The legal profession is a free profession that participates in the judiciary’s role in achieving justice, upholding the rule of law, and ensuring the right to defense. Lawyers practice their profession independently, including those working for public sector entities and businesses. All lawyers enjoy the legal guarantees and protections accorded to them while performing their defense duties before courts, investigative bodies, and law enforcement authorities. Except in cases of flagrante delicto, it is prohibited to arrest or detain a lawyer while performing their defense duties, as defined by the law.”

Despite these constitutional provisions, lawyers handling terrorism-related cases at the Badr City Criminal Courts struggle to present their requests during sessions due to the presiding judges’ refusal to record their requests in the session minutes. Judges justify this by citing the high number of cases on the docket. Moreover, defendants appear remotely from their detention facilities, and multiple defendants from different cases are presented simultaneously.

Extended Waiting Times for Renewal Sessions and Isolation from the Outside World:

Article 49 of the Egyptian Lawyers Law No. 17 of 1983 states: "A lawyer has the right to be treated with due respect by the courts and all other authorities before which they appear." However, during detention renewal sessions in some prosecutions, such as the Supreme State Security Prosecution, lawyers are often required to stand for extended periods in non-accommodating corridors. With no fixed schedule for cases, they may wait for hours. Additionally, personal belongings, including mobile phones, must be surrendered at the entrance, leaving lawyers isolated from the outside world for long durations. This situation significantly hinders their ability to manage their work or seek assistance when needed, violating their legal right to be treated with the professional respect their role demands.

Section Three: Major Legal Violations Against Journalists in 2024



This section reviews the violations suffered by press and media freedoms during 2024, beginning with the arrest of journalists, the denial of their right to inform their families or communicate with them, followed by the investigation phase, where defense lawyers were denied access to case files. Additionally, defendants were disconnected from their attorneys as they were not allowed to attend their detention renewal hearings before the Criminal Court - Terrorism Circuits, due to the decision to hold sessions remotely via video conferencing (online video calls between the prison and the court). This year, the Supreme State Security Prosecution also adopted the same decision, preventing defendants or their lawyers from challenging the legality of their detention or asserting their right to a trial within a reasonable time frame. Some journalists faced prolonged pretrial detention, undermining the fundamental principles of a fair trial.

It is important to highlight that the right to a fair trial is a fundamental human right. Article 14 of the International Covenant on Civil and Political Rights outlines several conditions and standards necessary to ensure a fair trial and uphold the principle of adversarial proceedings. These standards are not met when an accused is deprived of the opportunity to attend their trial in person, receive legal assistance of their choice, or communicate properly with their legal representative. The right to confidential communication with one's lawyer and the right to be tried "without undue delay" are crucial guarantees, ensuring that both the commencement and conclusion of proceedings, as well as the issuance of a verdict, occur within a reasonable timeframe. State authorities bear the responsibility of organizing their judicial system in a manner that effectively upholds this right. Delays caused by a defendant exercising their right to remain silent or declining to cooperate with judicial authorities cannot be used against them.

One of the most significant violations is the use of prolonged pretrial detention as an unlawful punitive measure against journalists, the obstruction of release orders, and the repeated charging of journalists in new cases.

Other Executive and Institutional Violations of Press and Media Freedoms

Additionally, several measures taken by executive authorities, regulatory bodies overseeing journalism and media, and even some media institutions themselves, have significantly undermined press freedom and placed increasing burdens on journalists. These measures include the continued neglect of passing a freedom of information law, wage discrimination among employees within the same press institution, and the failure of several media organizations to pay journalists' dues.

In light of the above, this section provides a detailed analysis of these issues as follows:

1- Persecution and Arrest of Journalists for Their Work

The Constitution of the Arab Republic of Egypt, issued in 2014 and amended in 2019, states in Article 54: “Personal freedom is a natural right and is inviolable. Except in cases of flagrante delicto, no person may be arrested, searched, detained, or restricted in any way without a substantiated judicial order necessitated by an investigation. Every person whose freedom is restricted must be informed immediately of the reasons, notified in writing of their rights, allowed to contact their family and lawyer immediately, and presented before the investigative authority within 24 hours of the restriction of their freedom.”

Article 2 of Law No. 180 of 2018 on the Regulation of the Press and Media states: “The state guarantees the freedom of the press, media, printing, publishing, and all forms of expression, whether in print, audio, visual, or electronic media.”

Article 7 of the same law affirms: “Journalists and media professionals are independent in carrying out their work and are subject to no authority other than the law.”

Article 8 further stipulates: “No journalist or media professional shall be held accountable for an opinion they express or for publishing correct information, nor shall they be compelled to reveal their sources.”

However, practical reality suggests otherwise.

The organization has documented cases where security forces have pursued and arrested journalists for performing their work and publishing content on media platforms they work for or own.

On February 18, 2024, the Cairo Court of Appeal summoned journalist and editor-in-chief of Mada Masr, Lina Attalah, for investigation on February 20, 2024. Following the session, the prosecution ordered her release on bail of EGP 5,000 in Case No. 22 of 2023. The summons came after Mada Masr published a report titled “Al-Argani Peninsula,” discussing businessman Ibrahim Al-Argani’s control over the Rafah crossing and his role in managing aid entry and evacuation of the wounded and their families.

On March 11, 2024, Egyptian authorities detained Mada Masr journalist Rana Mamdouh at a checkpoint in Alamein while she was en route to Ras El-Hekma to prepare a report on investments in the city, as announced by the Prime Minister. She was taken to an undisclosed location and held for nearly 12 hours before being transferred to the Supreme

State Security Prosecution in Cairo. She was charged with participating in a terrorist group, spreading false news and statements, and inciting the commission of a terrorist crime in Case No. 976 of 2024. At the end of the investigation, she was released on bail of EGP 5,000.

On July 15, 2024, security forces arrested journalist Sally Nabil, head of the BBC Cairo office, over a post on the social media platform "X" (formerly Twitter). The post reported that Egyptian security forces had arrested several Sudanese individuals accused by authorities of displaying offensive images of President Abdel Fattah el-Sisi on a public screen in Faisal Street, Giza. According to the Committee for Justice, following her arrest, Sally Nabil was brought before the Supreme State Security Prosecution, which charged her with spreading false news and included her in Case No. 3527 of 2024. She was later released on bail of EGP 10,000.

On July 16, 2024, security forces arrested journalist Khaled Mamdouh from his home in the Mokattam district. His house was searched, his belongings were scattered, and his laptop and mobile phone were confiscated. The security personnel who arrested him were both in uniform and plainclothes. On July 21, Mamdouh appeared before the Supreme State Security Prosecution, which charged him with joining a terrorist group, committing a financing crime, spreading false news and statements, and misusing social media platforms in Case No. 1282 of 2024. He was subsequently placed in pretrial detention pending investigations.

On July 22, 2024, security forces arrested cartoonist Ashraf Omar from his home in the October Gardens area. His computer, mobile phone, and a sum of money were confiscated. He was taken to an undisclosed location before appearing before the Supreme State Security Prosecution on July 23, 2024. He was charged in Case No. 1568 of 2024 and placed in pretrial detention pending investigations.

2- Amendments to the Criminal Procedure Law and Its Impact on Journalism

The Criminal Procedure Law is considered the constitution of the judicial justice system. It forms the foundation of the judicial system, establishing the legal framework through which criminal justice is administered. This law is not merely a collection of technical rules that dictate how crimes and suspects are handled; rather, it is, in essence, the "constitution of judicial justice" that ensures a balance between protecting society from crime and safeguarding the rights of the accused individuals. Criminal laws are concerned with protecting constitutional rights such as the right to a fair trial, the right to defense, and the presumption of innocence until proven guilty. This underscores the importance of the Criminal Procedure Law, which guarantees the application of these principles at all stages of investigation and trial. From the initial

investigation to the issuance of a final verdict, this law sets the standards that define how investigations are conducted, charges are filed, and criminal cases are adjudicated. It is the foundation upon which public confidence in the judicial system is built. It is not merely a tool for convicting criminals but also a safeguard for justice. In the absence of this law or its unjust application, individual rights could be violated, thereby threatening the integrity of the judicial process as a whole.

In summary, the Criminal Procedure Law is the backbone that regulates the course of criminal justice and ensures a balance between maintaining societal security and preserving individual rights, making it a “constitution” for guaranteeing judicial justice.

On August 21, 2024, the official spokesperson of the Presidency of the Republic published a statement on the official Facebook page regarding the President’s directives to respond to the recommendations of the National Dialogue Committee concerning pretrial detention and criminal justice.

The President’s recommendations coincided with the sessions of the Constitutional and Legislative Committee in the House of Representatives, which was formed by the Speaker of the House, Counselor Hanafi Gebali, in December 2022 to comprehensively amend the Criminal Procedure Law. The first draft of the amendments was released for discussion by the committee, revealing numerous legal and constitutional issues. This prompted objections from several institutions and individuals, foremost among them the Journalists’ Syndicate, which served as the first and primary line of defense for citizens’ rights in general and journalists’ rights in particular.

On August 27, 2024, the President of the Journalists’ Syndicate, Mr. Khaled El-Balshi, announced his full support for the demands of the Bar Association concerning the draft Criminal Procedure Law, emphasizing the necessity of subjecting the law to public dialogue before its enactment.

On August 28, 2024, the Freedoms Committee of the Journalists’ Syndicate issued a statement stressing the need to pause the discussion of the draft Criminal Procedure Law currently under review by the Legislative Affairs Committee of the House of Representatives.

The statement raised significant concerns about the manner of discussion, which did not align with the expectations of various sectors of Egyptian society for amending such a fundamental law within the judicial system.

Regarding journalistic work, both the Freedoms Committee and the President of the Journalists' Syndicate explicitly objected to Article 267 of the draft law, which stated:

"It is prohibited to publish news, information, or conduct interviews and discussions regarding the proceedings of court sessions or what transpired in them in an untruthful manner or in a way that could affect the proper administration of justice. It is also prohibited to report any data or information concerning judges, prosecutors, witnesses, or defendants during the court's consideration of any of the crimes stipulated in the Anti-Terrorism Law No. 94 of 2015. Anyone who violates this article shall be subject to the penalty stipulated in Article 186 bis of the Penal Code."

The Syndicate argued that this provision undermined journalistic work and restricted journalists' role in enlightening society and conveying facts. Additionally, it contained vague terms subject to broad interpretation, conflicting with constitutional provisions that safeguard the right of journalists to perform their duties and the public's right to access information.

Following the strong opposition from the Journalists' Syndicate, several members of the House of Representatives, including MP Mohamed Abdel Aziz, issued a statement announcing that the Legislative and Constitutional Committee had agreed to remove Article 267 from the draft Criminal Procedure Law. This decision followed a reconsideration of the article based on proposals from MPs Mohamed Abdel Aziz, Abdel Moneim Imam, Mohamed Abdel Alim Daoud, and Emad Khalil.

On September 1, 2024, the President of the Journalists' Syndicate held a conference at the Syndicate's headquarters attended by lawyers, public figures, and journalists to discuss the provisions of the draft Criminal Procedure Law and provide observations on its articles. The conference reaffirmed that the Criminal Procedure Law serves as the backbone of criminal justice, balancing societal security and individual rights, including journalists' rights. The meeting concluded with the assignment of Mr. Ahmed Ragheb, a lawyer at the Court of Cassation and member of the National Dialogue Committee, Mr. Negad El-Borai, a lawyer at the Court of Cassation and member of the National Dialogue Committee, and Mr. Mohamed El-Baqer, an appellate lawyer, to prepare a legal commentary on the draft law to be submitted to the House of Representatives.

Despite the Legislative and Constitutional Committee's decision to remove Article 267, the President of the Journalists' Syndicate continued his advocacy for press freedom and citizens' rights, standing firm in the face of attacks from the committee, which issued an official statement.

On September 11, 2024, the Journalists' Syndicate reiterated its rejection of the draft Criminal Procedure Law in its current form, particularly Articles 15 and 266. El-Balshi confirmed that the Syndicate had submitted a legal study prepared by its specialized committee to the Parliament, relevant authorities, and journalist MPs to collectively oppose what was described as a catastrophic draft law.

Even after the removal of Article 267, the Journalists' Syndicate objected to two additional provisions—Article 15 and the second paragraph of Article 266—both of which were deemed restrictive to journalistic coverage of court proceedings.

Article 15 states:

“The Court of Assizes in both its degrees and the Court of Cassation may, if acts occur outside the courtroom that disrupt its orders, undermine the respect due to it, or influence its judgment or witnesses in connection with a pending request or case, initiate criminal proceedings against the accused under Article 13 of this law.”

This provision could subject journalists present in courtrooms to prosecution if the court interprets their presence as an infringement of its respect, due to its vague and broad wording. Additionally, the second paragraph of Article 266 states:

“The proceedings of court sessions may not be reported or broadcast by any means without the written approval of the presiding judge after consulting the Public Prosecution.”

This provision conflates journalistic coverage with live broadcasting and recorded video reporting. It also hinders journalists' ability to cover court proceedings by requiring prior written approval from the presiding judge.

3- The issue of name similarity in prosecuting journalists:

In early May 2023, security forces arrested journalist Hassan El-Kabbany based on a mistaken identity. He was allegedly sentenced in absentia to life imprisonment on April 11, 2015, in the case known as the “Rabaa Operations Room Case” without being informed of his trial or investigated in the case. The accusations included joining an unlawful organization, participating in a conspiracy to overthrow the constitutional order by force, and disseminating false news domestically and internationally. El-Kabbany requested a retrial despite not being the intended defendant, as his name was mistakenly matched with the actual suspect.

His case was adjudicated by the Third Terrorism Circuit at the Cairo Criminal Court until December 24, 2024, when the court acquitted him after confirming the mistaken identity, as determined by National Security investigations.

The issue of name similarity remains a significant problem affecting judicial efficiency, particularly in enforcing criminal judgments. It often results in innocent individuals being wrongfully accused while the actual perpetrators evade justice.

Legislative Context

The greatest issue is the impact it leaves, undermining the personal freedom of citizens, which is a fundamental human right under Article 3 of the Universal Declaration of Human Rights: “Everyone has the right to life, liberty and security of person.” It is also a constitutional right that all state institutions must safeguard and protect under Article 54 of the Egyptian Constitution of 2014, which states: “Personal freedom is a natural right, and it is inviolable and untouchable.

Except in cases of flagrante delicto, no one may be arrested, searched, detained, or restricted in their freedom in any manner except by a justified judicial order necessitated by an investigation...”

Not to mention its contradiction with the principle of the presumption of innocence, which is also a fundamental human right under Article 11 of the Universal Declaration of Human Rights: “Everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.” The Egyptian Constitution adopts this as a constitutional right in Article 96, which states: “The accused is innocent until proven guilty in a fair legal trial, in which he is granted the guarantees necessary for his defense.”

Furthermore, Article 99 of the Egyptian Constitution criminalizes any infringement on personal freedom and stipulates that criminal prosecution in such cases shall not be subject to a statute of limitations: “Any assault on personal freedom or the sanctity of private life of citizens, or any other rights and public freedoms guaranteed by the Constitution and the law, is a crime that shall not be subject to the statute of limitations for either criminal or civil prosecution. The aggrieved party has the right to initiate criminal proceedings directly.”

The state guarantees fair compensation for those affected, and the National Council for Human Rights has the authority to report any violations of these rights to the Public Prosecution and to intervene in civil cases on behalf of the aggrieved party upon their request, in accordance with the law.

Current Procedural Context

In Egypt, individuals may have identical names up to the fourth name, leading to wrongful arrests when a person finds themselves detained or apprehended due to a case listing their name without additional identifying information. This issue arises particularly because police reports and investigations were previously filed without including the national identification number of the individuals involved.

As a result, individuals go through a difficult procedural ordeal from the moment of arrest and transfer to the competent prosecution, then the process of requesting the Attorney General to conduct an investigation into the true suspect, or obtaining a so-called “disposition letter” from the police station where the individual is detained to verify the identity of the accused. These procedures take time, during which the innocent person remains in custody, suffering significant psychological, social, and financial harm.

Administrative Court Obligates Ministry of Interior to Compensate Citizen Wrongfully Arrested Due to Name Similarity

On January 26, 2020, an unprecedented ruling was issued by the Ninth Circuit of the Administrative Court against the Ministry of Interior, awarding compensation of one hundred thousand Egyptian pounds for the moral and material damages suffered by a citizen due to his detention in 2012, as his name resembled that of an individual wanted in a criminal case since 2005. The ruling was based on the aforementioned constitutional provisions.

The court's reasoning in Case No. 47877 of Judicial Year 67 stated:

“It has been established that the error committed by the administrative body (the defendant) was the direct and effective cause of the harm suffered by the plaintiff, thereby proving, without a doubt, the causal relationship between the administrative body's error and the damage inflicted upon the plaintiff. Accordingly, all elements of civil liability have been met on the part of the administrative body towards the plaintiff, necessitating that the court obliges the defendant to compensate the plaintiff in the amount of one hundred thousand pounds for the material and moral damages suffered. This ruling also serves to deter the administrative body from repeating such a grave error, which often tarnishes the significant services provided by the security apparatus to ensure public tranquility and safety. In fact, such misconduct by some security personnel has long troubled those devoted to their nation and has unfairly cast shadows of doubt and suspicion over the noble sacrifices made by the martyrs of national duty from the army and police. Moreover, such errors provide an opportunity for ill-intentioned parties to exploit them, turning them from individual mistakes into official policies and approaches.”

“Accordingly, the court urges the Ministry of Interior to take all necessary measures to enhance its human resources, technical equipment, procedures, and administrative programs to prevent the recurrence of such incidents with any citizen across Egypt. This ensures the realization of the preamble of the Egyptian Constitution, which states that the Egyptian citizen is sovereign in a sovereign nation. Achieving this will undoubtedly foster national loyalty, increase public respect and appreciation for state institutions, and enable individuals to enjoy dignity in a proud homeland that seeks honor for its citizens and institutional integrity for its national security apparatus. Thus, no weak person shall fear oppression, and no powerful person shall exploit injustice. Only then can the long-sought balance between individual welfare and collective interest be achieved.”

Public Prosecution Directives in Light of Egypt's Digital Transformation Policies

As part of the objectives of Egypt's Vision 2030 for sustainable development, all state institutions are undergoing digital transformation, converting paper records and procedures into electronic systems and linking all governmental entities into a unified electronic network.

The Ministry of Justice has focused on registering all cases into its electronic system since 2020, while the Public Prosecution has introduced the Criminal Justice System, integrating all procedures related to criminal cases into this platform.

In this context, certain Public Prosecution offices have issued directives requiring police reports to be reviewed to ensure that individuals' national identification numbers are included. They also mandate that anyone submitting a request to the Public Prosecution must provide a copy of their national ID to update the database.

Despite these efforts, the issue persists. While these initiatives are serious, they are not yet widespread, nor do they address older cases, particularly those before 2020.

4- Continued Neglect in Issuing a Freedom of Information Law

The right to access and exchange information is closely tied to democratic systems. Public institutions exist to serve citizens, who, in turn, have the right to access information that enables them to participate in public affairs, hold institutions accountable, and scrutinize those responsible for governance. Information should not be monopolized by any entity unless there is an overriding public interest in maintaining confidentiality.

On the political and domestic front, the government makes significant efforts to dispel rumors regarding its operations, while security agencies refer hundreds of citizens to the Public Prosecution for allegedly spreading false news. This raises the question: how can citizens distinguish between factual information and rumors or false news if the authorities themselves do not commit to transparency and information disclosure? Thus, a Freedom of Information Law is crucial for maintaining political stability.

Following the January 25 Revolution, Egypt witnessed several attempts to draft such a law. The Cabinet's Decision Support Center worked on this in 2011, followed by independent human rights organizations, legal experts, and the Ministry of Communications in 2012. In 2013, the Ministry of Justice announced a draft law on information access. In 2015, the Legislative Reform Committee, formed by President Abdel Fattah el-Sisi, declared its work on an information law but never disclosed a draft. In 2016, MP Anwar El-Sadat submitted a bill on information access to Parliament, but it was not discussed before the session ended. In 2017, the Supreme Council for Media Regulation finalized a draft law and sent it to the Cabinet and Parliament, yet neither reviewed it. In September 2021, President Sisi launched the National Human Rights Strategy, which, under "Freedom of Expression" in its first pillar, included a provision for enacting a law on access to official information and data. However, despite all these efforts, a Freedom of Information Law has yet to be enacted.

Section Four: Publications and Reports of the Legal Support and Assistance Unit in 2024



The Legal Support and Assistance Unit issued 12 monthly newsletters in 2024, along with four quarterly reports, detailed as follows:

- 1- The Legal Newsletter for January: Available [via the link](#).
- 2- The Legal Newsletter for February: Available [via the link](#).
- 3- The Legal Newsletter for March: Available [via the link](#).
- 4- The First Quarterly Report of the Legal Support and Assistance Unit (January-March): Available [via the link](#).
- 5- The Legal Newsletter for April: Available [via the link](#).
- 6- The Legal Newsletter for May: Available [via the link](#).
- 7- The Legal Newsletter for June: Available [via the link](#).
- 8- The Second Quarterly Report of the Legal Support and Assistance Unit (April-June): Available [via the link](#).
- 9- The Legal Newsletter for July: Available [via the link](#).
- 10- The Legal Newsletter for August: Available [via the link](#).
- 11- The Legal Newsletter for September: Available [via the link](#).
- 12- The Third Quarterly Report of the Legal Support and Assistance Unit (July-September): Available [via the link](#).
- 13- The Legal Newsletter for October: Available [via the link](#).
- 14- The Legal Newsletter for November: Available [via the link](#).
- 15- The Legal Newsletter for December: Available [via the link](#).
- 16- The Fourth Quarterly Report of the Legal Support and Assistance Unit (October-December): Available [via the link](#).

Legal Papers and Studies:

- 1- Legal Paper titled “Crime Law... Between Freedom and Restriction”: Available [via the link](#).
- 2- Legal Paper titled “The Removed... Due to the Dismissal of Journalists: Editors-in-Chief of Newspapers Outside the Syndicate’s Records”: Available [via the link](#).
- 3- Legal Paper titled “Pretrial Detention... A Constraint on Freedom of Expression”: Available [via the link](#).
- 4- Research Paper titled “The Increase in Judicial Fees and Its Impact on the Right to Litigation”: Available [via the link](#).
- 5- Research Paper titled “Women Between the Burdens of the Labor Market and Family: The Role of Labor Law in Reinforcing the Feminization of the Caregiving Role”: Available [via the link](#).
- 6- Research Paper titled “Pretrial Detention of Journalists in Egypt: A Legislative Crisis or a Matter of Law Enforcement?”: Available [via the link](#).

Recommendations



In light of the above, the Egyptian Observatory for Journalism and Media presents a set of recommendations deemed necessary to improve the environment for press and media freedoms in Egyptian society. These recommendations are as follows:

First: Recommendations Directed at the Executive Authority

1- Improving Court Infrastructure:

* Providing adequately equipped courtrooms suitable for hearings instead of holding sessions in deliberation rooms, which results in overcrowding of lawyers and litigants.

* Facilitating access to internet services, printing, and copying services for document preparation, ensuring these services are managed by the Ministry of Justice and available in all courts.

2- Enhancing Digitalization and Technology:

* Developing comprehensive electronic platforms for case registration, access to hearing schedules, and legal memos.

* Training lawyers and court staff on using these systems.

3- Protecting Lawyers While Performing Their Duties:

* Providing necessary security protection inside and outside courts to ensure the safety of lawyers.

* Penalizing any misconduct or assault by law enforcement personnel against lawyers.

4- Reducing Bureaucracy:

* Simplifying paperwork procedures for obtaining documents from executive institutions related to cases and reducing the financial costs associated with acquiring legal documents.

* Facilitating lawyers' access to government data relevant to their cases by improving electronic services and avoiding system failures as an excuse for withholding information.

Second: Recommendations Directed at the Judicial Authority

1- Organizing Court Operations:

- * Establishing a strict and publicly announced schedule for hearings to prevent lawyer delays and case congestion.
- * Designating specific areas within courtrooms for lawyers.

2- Enhancing Lawyer Independence:

- * Ensuring judges interact with lawyers with respect and without discrimination.
- * Implementing sanctions against any actions that undermine lawyers' dignity or obstruct their work.

3- Ensuring Easy Access to Legal Information:

- * Establishing legal information offices within courts to assist lawyers in accessing the latest legal amendments and judicial rulings.
- * Facilitating the process of obtaining copies of judgments and reviewing session records.

4- Training Judicial Staff on Cooperation with Lawyers:

- * Introducing regular training programs for judges and judicial staff on the importance of constructive interaction with lawyers.

5- Addressing Case Overcrowding:

- * Increasing the number of judges in courts to reduce workload and expedite case resolution.
- Improving the distribution of cases among judicial circuits.

6- Guaranteeing the Right to Defense:

- * Ensuring lawyers are given sufficient time to prepare their pleadings.
- * Prohibiting the unjustified exclusion of lawyers from hearings or the rejection of their submitted documents or defenses.

Third: Recommendations Directed at the Journalists' Syndicate

1- Protecting Press Freedom and Expression:

- * Intensifying efforts to pressure the legislative and executive authorities to uphold press freedom.
- * Monitoring and addressing any new legislation that could negatively impact journalists and working towards their amendment or repeal.

2- Defending Journalists:

- * Providing immediate legal support for journalists facing lawsuits or arrests due to their work.
- * Establishing an emergency support fund for journalists in cases of job suspension or injuries while covering events.

3- Improving Working Conditions:

- * Organizing workshops and training sessions for journalists on their legal rights and how to deal with pressures or violations.
- * Negotiating with media institutions to ensure fair employment contracts for journalists, covering salaries, leave policies, and health insurance.
- * Advocating for legal amendments that protect journalists from arbitrary dismissal.

يهدف البرنامج إلى تقديم الدعم والمساعدة القانونية إلى كل الصحفيين والإعلاميين في مصر، وكذلك المؤسسات الصحفية المختلفة، كما يهدف إلى متابعة الوضع التشريعي المنظم للعمل الصحفي والإعلامي في مصر، والعمل على تعديله وتطويره بما يتناسب مع التطورات الحادثة في المجتمع بصورة عامة، والتطورات الحادثة في المجتمع الصحفي والإعلامي بصورة خاصة.

المرصد المصري للصحافة والإعلام
Egyptian Observatory for Journalism and Media



w w w . e o j m . o r g