

ACADEMIC FREEDOM IN EGYPT
A report submitted to Scholars at Risk

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Introduction

This report has been prepared by McGill Centre for Human Rights & Legal Pluralism (CHRLP) Academic Freedom Monitoring Clinic (henceforth the Clinic), in collaboration with the Scholars at Risk Network (SAR).¹ During the Winter 2024 semester, five BCL/JD students conducted research on the state of academic freedom in Egypt. The findings of the Clinic will inform SAR's submission to the UN Human Rights Council in relation to the Universal Periodic Review of Egypt. SAR is an international network of higher education institutions dedicated to protecting threatened scholars, preventing attacks on higher education communities, and promoting academic freedom worldwide.² As part of its advocacy work, SAR monitors and analyzes attacks on academic freedom around the world, including within Egypt.

This report, submitted by the McGill Faculty of Law CHRLP Academic Freedom Monitoring Clinic, highlights a broad range of attacks on higher education in Egypt, including violence, killings, disappearances, wrongful arrests, detentions and prosecutions, as well as restrictions upon travel and repression by legislative means. The collective impact of these attacks undermines Egypt's higher education institutions and erodes academic freedom.

Applicable International and Regional Legal Standards

The Special Rapporteur on Academic Freedom recommends a “functional” definition of “academic freedom” to avoid limiting its application, in order to account for the vast array of academic pursuits worldwide.³ With that in mind, the Special Rapporteur cites the definition provided by the Committee on Economic, Social and Cultural Rights (CESCR) which focuses upon the right to freedom of expression and opinion in the context of educational pursuits, and states that: “academic freedom should be understood to include the freedom of individuals, as members of academic communities (e.g., faculty, students, staff, scholars, administrators and community participants) or in their own pursuits, to conduct activities involving the discovery and transmission of information and ideas, and to do so with the full protection of human rights law”.⁴

¹ See generally: Centre for Human Rights and Legal Pluralism, “Academic Freedom Monitoring Clinic”, accessible via: < <https://www.mcgill.ca/humanrights/clinical/academic-freedom-monitoring-clinic> >.

² See generally: Scholars at Risk, accessible via: < <https://www.scholarsatrisk.org/> >.

³ United Nations General Assembly, *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye*, Seventy-fifth session, Item 2(b) of the provisional agenda, 28 July 2020, A/75/261.

⁴ United Nations General Assembly, *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye*, Seventy-fifth session, Item 2(b) of the provisional agenda, 28 July 2020, A/75/261; See also: UN Economic and Social Council, *General Comment No. 13: The Right to Education (Art. 13 of the Covenant)*, E/C.12/1999/10, UN Committee on Economic, Social and Cultural Rights (CESCR), 8 December 1999; See also: UN Economic and Social Council, *General Comment No. 25 (2020) on science and economic, social and cultural rights (article 15 (1) (b), (2), (3) and (4) of the International Covenant on Economic, Social and Cultural Rights)*, E/C.12/GC/25, UN Committee on

Egypt is party to several applicable international human rights instruments whose provisions pertain to the protection of academic freedom, including the International Covenant on Civil and Political Rights (ICCPR),⁵ the International Covenant on Social, Economic and Cultural Rights (ICESCR),⁶ and the African Charter on Human and Peoples' Rights (ACHPR) (the "Banjul Charter").⁷

ICCPR Article 19 safeguards freedom of expression, including "the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of [one's] choice."⁸

ICESCR Article 15 requires state parties to guarantee, among other things, the right to "enjoy the benefits of scientific progress and its applications."⁹ ICESCR Article 13 recognizes the "right of everyone to education."¹⁰

ACHPR Article 17 protects the right to education, while Article 9 guarantees the rights to "receive information" and to "express and disseminate his opinions within the law."¹¹

Egypt is under a further international obligation to protect academic freedom as a founding member of the United Nations Educational, Scientific and Cultural Organization (UNESCO). Indeed, Article 19 of UNESCO's *Recommendation concerning the Status of Higher-Education Teaching Personnel* (1997) requires member states to "protect higher education institutions from threats to their autonomy coming from any source."¹²

Moreover, violations of academic freedom often simultaneously violate other rights protected by international instruments to which Egypt is party. Indeed, ICCPR Article 12 guarantees freedom of

Economic, Social and Cultural Rights (CESCR), 30 April 2020.

See also: UNESCO, *Recommendation concerning the Status of Higher-Education Teaching Personnel*, Article 27, adopted 11 November 1997 in Paris, France.

⁵ See: UN General Assembly, *International Covenant on Civil and Political Rights*, United Nations, Treaty Series, vol. 999, p. 171, 16 December 1966.

⁶ See: UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, United Nations, Treaty Series, vol. 993, p. 3, 16 December 1966.

⁷ See: Organization of African Unity (OAU), *African Charter on Human and Peoples' Rights ("Banjul Charter")*, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), 27 June 1981.

⁸ UN General Assembly, *International Covenant on Civil and Political Rights*, United Nations, Treaty Series, vol. 999, p. 171, 16 December 1966.

⁹ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, United Nations, Treaty Series, vol. 993, p. 3, 16 December 1966.

¹⁰ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, United Nations, Treaty Series, vol. 993, p. 3, 16 December 1966.

¹¹ Organization of African Unity (OAU), *African Charter on Human and Peoples' Rights ("Banjul Charter")*, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), 27 June 1981.

¹² UNESCO, *Recommendation concerning the Status of Higher-education Teaching Personnel, adopted by the General Conference at its twenty-ninth session, Paris, 21 October - 12 November 1997*, General Conference, 29th, Paris, 1997.

movement, including within a given country and the freedom to leave the country. Moreover, ICCPR Articles 21 and 22 protect freedom of assembly and freedom of association, respectively, while ICCPR Article 9 pertains to the right to liberty and security of the person. All of these rights are frequently violated when academic freedom is suppressed.¹³

Applicable Domestic Legal Standards

Egypt's obligation to protect academic freedom is also enshrined within its own constitution. Articles 21, 22, and 23 of the Egyptian constitution uphold the importance of academic independence, of teachers and academic staff, and of scientific research, respectively, using language which "guarantees the independence of universities, scientific and linguistic academies."¹⁴

Articles 64, 65, and 66, respectively, guarantee freedom of belief, freedom of thought, and freedom of research, upholding the right of all individuals to "express their opinion through speech, writing, imagery, or any other means of expression and publication."¹⁵ Article 67 explicitly includes artistic and literary creation within the realm of protected academic freedoms.¹⁶

Freedom of the press, freedom of publication, the independence of press institutions, and the right to engage in peaceful protest are upheld by articles 70, 71, 72, and 73, respectively.¹⁷ The right to strike is also explicitly protected under article 15, which describes peaceful striking as "a right which is organized by law."¹⁸

It should also be noted that other rights, which are often threatened when academic freedoms are violated, are also enshrined within the Egyptian constitution, namely, labour rights at articles 12 and 13, as well as access to information and official documents at article 68.¹⁹

¹³ See: UN General Assembly, *International Covenant on Civil and Political Rights*, United Nations, Treaty Series, vol. 999, p. 171, 16 December 1966.

¹⁴ Comité Suprême Permanent des Droits de l'Homme (CSPDR), *La Constitution Egyptienne*, accessible via : < <https://sschr.gov.eg/fr/la-constitution-egyptienne/> >.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.*

Attacks on Higher Education and Pressures on Academic Freedom

Legislation and executive decrees impacting higher education

In examining the legislative landscape pertaining to academic freedom in Egypt, it is evident that the country's legal framework has undergone significant evolution, particularly within the realm of media regulation and cybercrime legislation. The legislative framework surrounding cybercrime in Egypt, prominently illustrated by Law No. 175 of 2018, reflects a broad understanding of the definition of national security and grants government bodies the authority to engage in extensive internet surveillance and data retention on that basis.²⁰ More specifically, the state cites the need to safeguard its sovereignty, foster stability, and effectively manage governmental initiatives and projects as justifications for this broad authority to surveil.²¹ Consequently, a broad definition of national security has been embedded within numerous internet-related statutes. This broad definition and its inconsistent interpretations have enabled the state to engage in abuses of power on multiple fronts, namely in relation to personal data collection and retention, the propagation of opinions against the 'public interest', and violations of fundamental freedoms.

Personal Data

Article 6 of Law No. 175 of 2018 permits surveillance and data retention by internet service providers, raising concerns about privacy infringement.²² These concerns were exacerbated by a law passed in July 2020, Law No. 151, which purportedly aimed to safeguard personal data, but excluded national security agencies from the scope of the law and continued to allow them unrestricted access to personal information.²³ This exclusion presents a threat to academic freedom in several ways. Firstly, by granting these agencies unrestricted access to personal data, there is a risk of heightened

²⁰ Mohamed Chawki, "Anti-Cyber and Information Technology Crimes Law 'EGYPT' Law No. 175 of 2018," cybercrime-fr.org, 2020, < <https://cybercrime-fr.org/wp-content/uploads/2020/04/Egyptian-cybercrime-law-.pdf>>; Paradigm Initiative, "Droit Numérique et inclusion en Égypte, Rapport 2020", 2021, < <https://paradigmhq.org/wp-content/uploads/2021/06/Droits-Num%C2%AEriques-et-Inclusion-au-egypte.pdf> >, pp.2-5

²¹ Mohamed Chawki, "Anti-Cyber and Information Technology Crimes Law 'EGYPT' Law No. 175 of 2018," cybercrime-fr.org, 2020, < <https://cybercrime-fr.org/wp-content/uploads/2020/04/Egyptian-cybercrime-law-.pdf>.>

²² Mohamed Chawki, "Anti-Cyber and Information Technology Crimes Law 'EGYPT' Law No. 175 of 2018," cybercrime-fr.org, 2020, < <https://cybercrime-fr.org/wp-content/uploads/2020/04/Egyptian-cybercrime-law-.pdf>>; Paradigm Initiative, "Droit Numérique et inclusion en Égypte, Rapport 2020", 2021, < <https://paradigmhq.org/wp-content/uploads/2021/06/Droits-Num%C2%AEriques-et-Inclusion-au-egypte.pdf> >, pp.2-5

²³ Paradigm Initiative, "Droit Numérique et inclusion en Égypte. Rapport 2020", 2021, < <https://paradigmhq.org/wp-content/uploads/2021/06/Droits-Num%C2%AEriques-et-Inclusion-au-egypte.pdf>>, p.3; Bassiouny, Matouk. "Law No. 151 of 2020, Promulgating the Personal Data Protection Law." *Matouk Bassiouny & Hennawy*, <<https://www.ex.ilo.org/dyn/natlex2/natlex2/files/download/111246/EGY111246%20Eng.pdf>.>

surveillance and monitoring of academic activities. This increased surveillance may have a chilling effect on academic expression, as scholars may feel compelled to self-censor their work or avoid discussing sensitive or controversial topics. Secondly, this exclusion undermines the autonomy of academics, potentially shaping their research agendas and constraining their academic freedom. Thirdly, the perception of heightened surveillance and potential interference from authorities can hinder intellectual inquiry, discouraging academics from exploring certain research topics or engaging in open discourse. Consequently, it may also deter international collaboration among academics, inhibiting the free exchange of ideas and impeding academic progress.

Opinions against the ‘public interest’

Articles 102 *bis* of the Egyptian Penal Code punishes those who diffuse news, information, data, rumors and publicity which threatens to “disturb public security, cast horror among the people, or cause harm and damage to the public interest”.²⁴ This article also punishes those in possession of documents “compromising” said interests.²⁵ Article 188 has similar effects, punishing anyone who “publishes with ill will” such materials.²⁶ Although the Egyptian Court of Cassation has emphasized that conviction requires evidence of both falsehood and deliberate intent by the publisher, the vague wording of these articles allows for their subjective interpretation and creates legal ambiguity.²⁷ This threatens academic freedom in Egypt, as these articles of the Egyptian Penal Code and the unclear scope of their application could enable state authorities to restrict the flow of information and punish the diffusing and possession of data it views as against the “public interest” in an overly subjective manner. In addition, this subjective characterization of unlawful information was further taken up by Article 19 of Law No. 180 of 2018, which allows authorities to block websites and electronic news disseminating any such news or data.²⁸

A salient example of the overly subjective nature of the law is that it enabled the Egyptian government to treat pandemic-related information as false news and prosecuted several individuals on that basis.²⁹ Case No. 535 of 2020, classified as a national security matter, involved doctors, journalists, civil society activists, ordinary citizens, and researchers who shared news about the pandemic's spread

²⁴ Egyptian Penal Code, art. 102 *bis*.

²⁵ Egyptian Penal Code, art. 102 *bis*.

²⁶ Egyptian Penal Code, art. 188.

²⁷ Paradigm Initiative, “Droit Numérique et inclusion en Égypte. Rapport 2020”, 2021, < <https://paradigmhq.org/wp-content/uploads/2021/06/Droits-Num%C2%AEriques-et-Inclusion-au-egypte.pdf> >, p.5

²⁸ ARTICLE 19 ORGANIZATION, “Egypt: 2018 Law on the Organisation of Press, Media and the Supreme Council of Media”, *Article 19*, 18 March 2019, < <https://www.article19.org/resources/egypt-2018-law-on-the-organisation-of-press-media-and-the-supreme-council-of-media/> >.

²⁹ See: Amnesty International, “Egypt: Prisons are now journalists’ newrooms”, 3 May 2020, < <https://www.amnesty.org/en/documents/mde12/2240/2020/en/> >. See also: Social Media Exchange (SMEX), “Egypt: Fake news and Coronavirus trials”, 31 March 2021, < <https://ifex.org/egypt-fake-news-and-coronavirus-trials/> >. See also: Reporters Without Borders (RSF), “Egypt blocks online “fake news” about coronavirus”, 3 April 2020, < <https://rsf.org/en/egypt-blocks-online-fake-news-about-coronavirus> >.

or discussed infection causes or medical staff deaths.³⁰ In the same context, many other journalists, lawyers, and civil society activists were arrested as part of case No. 558 of 2020, under the guise of protecting national security.³¹ Notably, these arrests and investigations occurred between March and June, coinciding with a significant increase in daily infections of COVID-19.³² These arrests and prosecutions are cause for alarm in regards to the status of academic freedom in Egypt, as the government's response to the dissemination of pandemic-related information stifled open discourse and impeded researchers and academics from pursuing their research and public health initiatives.

Fundamental Freedoms

The recent enactment of Law No. 3 of 2024 on February 5, 2024, worsens the existing crisis of political and fundamental freedoms in Egypt.³³ The law expands the capacity for civilians to be tried by military authorities for charges related to “securing and protecting public and vital facilities,” despite that such issues fall under the jurisdiction of the civilian Minister of Interior.³⁴ Moreover, the extremely broad definition of “public” facilities, defined as “places frequented by civilians and integral to their natural movement”, gives even greater reason to worry that a broad range of freedoms could be infringed upon by way of this new law.³⁵

Another law which gives cause for concern in regards to academic freedom in Egypt is Law No. 175 of 2018, which broadens the definition of cybercrime to criminalizes acts deemed to violate Egyptian family values.³⁶ In 2020, this law was used to detain numerous individuals, predominantly young women, for posting *TikTok* videos that the state perceived as contravening societal norms and morals.³⁷ These detentions sparked widespread controversy both domestically and internationally,

³⁰ See: Paradigm Initiative, "Droit Numérique et inclusion en Égypte, Rapport 2020", 2021, < <https://paradigmhq.org/wp-content/uploads/2021/06/Droits-Num%C2%A4Eriques-et-Inclusion-au-egypte.pdf>>, pg. 5. See also: Egyptian Commission for rights and freedom, “The Crime of Enforced Disappearance Continues: Official Denial Is Still Futile,” 2021, < <https://www.ec-rf.net/3760-2/>>.

³¹ See: *Ibid.*

³² See: *Ibid.*

³³ See generally: Human Rights Watch, “Egypt: New Laws Entrench Military Power Over Civilians Expanded Prosecutions, Other Authority in Face of Economic Crisis”, 5 March 2024, < <https://www.hrw.org/news/2024/03/05/egypt-new-laws-entrench-military-power-over-civilians> >.

³⁴ Committee for Justice, “CFJ: New law on securing public facilities in Egypt amounts to ‘militarization’ of the state”, 12 February 2024, < <https://www.cfjustice.org/cfj-the-new-law-on-securing-public-facilities-in-egypt-is-a-militarization-of-the-state-and-calls-for-stopping-it-because-it-violates-international-and-un-conventions/> >.

³⁵ *Ibid.* See also: Human Rights Watch, “Egypt: New Laws Entrench Military Power Over Civilians Expanded Prosecutions, Other Authority in Face of Economic Crisis”, 5 March 2024, < <https://www.hrw.org/news/2024/03/05/egypt-new-laws-entrench-military-power-over-civilians> >.

³⁶ See: Cairo Institute for Human Rights Studies, “Egypt: In security campaign to protect family values, Public Prosecution abdicates its duty to protect citizens”, 24 June 2020, < <https://cihrs.org/egypt-in-security-campaign-to-protect-family-values-public-prosecution-abdicates-its-duty-to-protect-citizens/?lang=en> >.

³⁷ See: Sally Nabil, “Egypt TikTok and Instagram stars pay heavy price for ‘indecenty’”, BBC Arabic, Cairo, 17 August 2020, < <https://www.bbc.com/news/world-middle-east-53733841> >.

with critics decrying them as violating freedom of expression.³⁸ Importantly with regards to academic freedom, Egyptian authorities justified these arrests in the name of safeguarding the national interest by forbidding the promotion of immorality and indecency.³⁹ These cases thereby demonstrate how a broad interpretation of the ‘national interest’ can enable abuses of power and, as in these cases, constrain online discourse when the state subjectively characterizes their contents as being contrary to ill-defined values or vague security concerns.

Arrests

On March 25, 2019, the Egyptian authorities arrested **Sayed Hassan Abdallah Hassan** – a professor of Islamic law at Al-Azhar University – in what appeared to be a retaliatory move for his efforts to publicize information about the alleged rape and death of a student on campus.⁴⁰ Despite university officials denying the occurrence of this incident and attempting to suppress discussion of it on social media, tension escalated on March 24 when authorities barred students from leaving campus during a peaceful protest over the administration's handling of the matter.⁴¹ Concurrently, university administrators launched an investigation into Hassan for supposedly sharing content related to the incident on his Facebook page.⁴² On March 25, state authorities apprehended Hassan and journalist Aya Hamed and took them to an undisclosed location.⁴³ Subsequently, on March 27, both Hassan and Hamed were formally charged with "publishing false news and joining a banned group," and were ordered to be detained for 15 days pending further investigation.⁴⁴

On June 25, 2019 economist and Professor at American University in Cairo, **Omar el-Shenety**, was arrested by Egyptian authorities while participating in a meeting concerning the formation of an opposition party in the lead up to 2020 parliamentary elections.⁴⁵ A statement from the Ministry of Interior accused el-Shenety of collaborating with the Muslim Brotherhood to plot a coup d'état.⁴⁶

³⁸ See: Committee for Justice, “Human rights organizations call on Egyptian authorities to stop trials of TikTok content creators and to guarantee freedom of expression”, 18 May 2021, < <https://www.cfjustice.org/stop-trials-of-tiktok-content-creators/> >.

³⁹ See: Abed Kataya and Abed Kataya, “The TikTok Case: A New Platform to Oppress Women in Egypt,” Global Freedom of Expression, 1 February 2023, < <https://globalfreedomofexpression.columbia.edu/publications/the-tiktok-case-a-new-platform-to-oppress-women-in-egypt/> >.

⁴⁰ Scholars at Risk, online: <<https://www.scholarsatrisk.org/report/2019-03-25-al-azhar-university/>>.

⁴¹ *Ibid.*

⁴² *Ibid.*

⁴³ *Ibid.*

⁴⁴ *Ibid.*

⁴⁵ Amnesty International, “Egypt: Chilling wave of arbitrary arrests as authorities intensify crackdown on critics and opponents” June 25, 2019, online: < <https://www.amnesty.org/en/latest/press-release/2019/06/egypt-chilling-wave-of-arbitrary-arrests-as-authorities-intensify-crackdown-on-critics-and-opponents/> >; Scholars at Risk, Academic Freedom Monitoring Project, online: < <https://www.scholarsatrisk.org/report/2019-06-25-american-university-cairo/> >

⁴⁶ See: *ibid.* See also: Al Jazeera, “Egypt arrests activists over alleged anti-government plot”, 25 June 2019, < <https://www.aljazeera.com/news/2019/6/25/egypt-arrests-activists-over-alleged-anti-government-plot> >.

Professor el-Shenety was held in pre-trial detention until August 7, 2023, when he was released following a recommendation by the Presidential Pardon Committee.⁴⁷

In July 2019, **Reem Mohamed Desouky**, an art teacher from Pennsylvania, experienced firsthand the repercussions of expressing dissenting views on social media while visiting her family in Egypt in 2019.⁴⁸ Detained alongside her son and subjected to interrogation at the airport, Desouky was subsequently imprisoned for 301 days for her criticisms of the Egyptian government.⁴⁹

In August of 2019, **Dr. Seif Fateen** appeared in Egyptian court to face accusations of joining and financing a terrorist group.⁵⁰ Dr. Fateen is an MIT graduate and distinguished professor of Chemical Engineering at the University of Cairo. In 2018, security officers raided his home without a warrant.⁵¹ They arbitrarily arrested Fateen and “took him blindfolded to an undisclosed detention center.”⁵² Despite the lack of credible evidence supporting these allegations, Fateen was moved to the Qanater prison in September 2019, where he was held in pretrial detention in connection with Case 930/2019, i.e., the “Hope Case.”⁵³ Other defendants in the Hope Case include prominent political activists, writers, and labor activists.⁵⁴ Dr. Fateen has reportedly been tortured and mistreated for more than nine months before this transfer to the Qanater prison complex, where he remains “confined in a cell

⁴⁷ See: Ahram Online, “Egypt releases 33 pretrial detainees, including economist Omar El-Shenety”, 7 August 2023, <<https://english.ahram.org.eg/NewsContent/1/1233/506178/Egypt/Courts--Law/UPDATED-Egypt-releases--pretrial-detainees,-includ.aspx>>. See also: Daily News Egypt, “Egypt’s Public Prosecution orders release of Omar El-Shenety, 32 others”, 7 August 2023, online: <<https://www.dailynewsegypt.com/2023/08/07/egypts-public-prosecution-orders-release-of-omar-el-shenety-32-others/>>.

⁴⁸ See: Joel L. Lebowitz et al., “Pennsylvania Teacher Arrested in Egypt for Criticizing the Egyptian Government on Social Media While Visiting Family”, *Committee of Concerned Scientists*, (20 January 2020), online: <<https://concernedscientists.org/2020/01/pennsylvania-teacher-arrested-in-egypt-for-criticizing-the-egyptian-government-on-social-media-while-visiting-family/>>. See also: Editorial Board, “Egypt seized a U.S. art teacher over her Facebook posts. Trump must get her free.” *The Washington Post* (10 August 2019), online: <https://www.washingtonpost.com/opinions/global-opinions/egypt-seized-a-us-art-teacher-over-her-facebook-posts-trump-must-get-her-free/2019/08/10/d709a5e4-bab2-11e9-b3b4-2bb69e8c4e39_story.html>.

⁴⁹ Declan Walsh, “After 301 Days in Egyptian Prison, an American Teacher Flies Home”, *The New York Times*, 3 May 2020, online: <<https://www.nytimes.com/2020/05/04/world/middleeast/egypt-reem-desouky-american-released.html>>.

⁵⁰ Committee on Academic Freedom, “Professor Seif Fateen held in pre-trial detention for nearly four years”, *Middle East Studies Association*, 17 August 2022, online: <<https://mesana.org/advocacy/committee-on-academic-freedom/2022/08/17/professor-seif-fateen-held-in-pre-trial-detention-for-nearly-four-years>>; Office of Congresswoman Suzan DelBene, “Defending Freedoms Project”, Tom Lantos Human Rights Commission United States Congress, online: <<https://humanrightscommission.house.gov/defending-freedom-project/prisoners-by-country/Egypt/Seif-Fateen>>.

⁵¹ MIT Technology Review, “Alum jailed without warrant” (25 October 2022), online: <<https://www.technologyreview.com/2022/10/25/1060340/alum-jailed-without-warrant/>>.

⁵² *Ibid.*

⁵³ *Ibid.*

⁵⁴ *Ibid.*

with more than 20 other prisoners for at least 22 hours a day.”⁵⁵ Dr. Fateen’s pretrial detention has been perfunctorily renewed for the past three years, far exceeding the legal limit of two years.⁵⁶ Throughout this ordeal, Dr. Fateen and his lawyer have not been permitted to mount a substantive challenge to his detention in court.⁵⁷

On September 24, 2019, the Egyptian government conducted mass arrests in response to political protests against President Sisi’s rule. These arrests notably targeted opposition figures, journalists, human rights lawyers, and academics. **Dr. Hassan Nafaa** and **Dr. Hazem Hosni**, both Professors of Political Science at Cairo University and critical of the Egyptian regime, were among those arrested.⁵⁸ Professor Nafaa had made a Facebook post condemning Sisi’s absolute rule and calling for protest the day prior to his arrest and was ultimately charged with “participating in a terrorist group” and “spreading false news.” Professor Hosni faced similar charges, in addition to “using his personal online profile to publish rumors which endanger public safety, spread terror among the population, and harm the public interest.”⁵⁹ While Dr. Nafaa was released in March 2020, Dr. Hosni remained in pre-trial detention until February 2021.⁶⁰

On May 14, 2020, Egyptian filmmaker and student at CUNY College of Staten Island **Mustafa Ali Hassanien** was arrested at Cairo International Airport. Critical of the Egyptian government, Ali Hassanien was accused of “spreading false news,” “disturbing public security,” and “belonging to a terrorist organization.”⁶¹ His current status is unknown.

⁵⁵ T. Alan Hatton, Assaf Kfoury, and Haynes Miller, “Seif Fateen: An MIT-educated professor languishing in Egypt’s prisons” *The Tech* (3 August 2022), online: <<https://thetech.com/2022/08/03/seif-fateen>>.

⁵⁶ See: Committee on Academic Freedom, *supra* note 50.

⁵⁷ *Ibid.*

⁵⁸ See: Freedom House, Press Release, “Egypt: Freedom House Calls for the Release of Political Prisoners, Including Hazem Ghonim” (29 September 2019), online: <<https://freedomhouse.org/article/egypt-freedom-house-calls-release-political-prisoners-including-hazem-ghonim>>. See also: Scholars at Risk, Academic Freedom Monitoring Project, online: <<https://www.scholarsatrisk.org/report/2019-09-24-cairo-university/>>. See also: Middle East Eye, “Over 2,000 arrested by Egyptian security forces after anti-Sisi protests”, 27 September 2019, online: <<https://www.middleeasteye.net/news/over-2000-arrested-egyptian-security-forces-after-anti-sisi-protests>>.

⁵⁹ Ebbby Abramson, “New Home for Many Egyptian Academics: Jail” *Endangered Scholars Worldwide* (8 November 2019), online: <<https://www.endangeredscholarsworldwide.net/post/new-home-for-many-egyptian-academics-jail>>.

⁶⁰ The Arabic Network for Human Rights Information (ANHRI), “Academic freedoms are dying... ‘About arbitrariness, abuse, and prosecution of academics in Egypt’”, 6 December 2021, <<https://www.anhri.info/?p=28049&lang=en>>.

⁶¹ The New Arab, “US-based Egyptian filmmaker detained in Egypt in ‘outrageous’ crackdown on artistic freedom” (29 September 2020), online: <<https://www.newarab.com/news/egyptian-filmmaker-detained-outrageous-crackdown-artistic-freedom>>. See also: PEN America, Press Release, “Filmmaker, CUNY Student Detained Unjustly In Egypt” (28 September 2020), online: <<https://pen.org/press-release/filmmaker-cuny-student-detained-unjustly-in-egypt/>>. See also: Scholars at Risk, Academic Freedom Monitoring Project, online: <<https://www.scholarsatrisk.org/report/2020-05-14-college-of-staten-island-cuny/>>.

On June 3, 2020, Dr. **Ahmed Al Tohamy Abdel-Hay** was abducted and arrested by unidentified security forces in Cairo. The Assistant Professor of Political Science at Alexandria University conducted research on pro-democracy movements in Egypt. He was placed in pre-trial detention and charged with allegedly “joining a terrorist group, spreading false news and statements, and misusing social media.”⁶² During interrogations, Egyptian authorities focused on his alleged connection to a lawsuit in the United States by Egyptian-American activist Muhammad Sultan, against former Prime Minister Hazem Al-Beblawy concerning mistreatment in Egyptian jails. At various points during his detention, Dr. Al Tohamy has been denied access to a lawyer and family visits.⁶³

On December 15, 2020, **Ahmed Samir Santawy**, an Egyptian national and graduate sociology student at Central European University was interrogated at Sharm El-Sheikh Airport upon return from Vienna. Egyptian authorities subsequently raided the student’s family home without a warrant on January 23, 2021. On February 1, 2021, Santawy was arrested and held incommunicado for five days before appearing before the State Security prosecutors to face charges including “joining a terrorist organization” and “spreading false news.”⁶⁴ During the five days with no access to lawyers or family, Egyptian officials reportedly beat Santawy and interrogated him regarding his research surrounding women’s sexual and reproductive rights.⁶⁵ On May 22, 2021, the Supreme State Security Prosecution launched an additional criminal investigation into Santawy concerning alleged social media posts critical of the government. One week later, he was charged with “publishing false news to undermine

⁶² Middle East Studies Association Committee on Academic Freedom, “Letter regarding the deterioration of academic freedom in Egypt”, (15 June 2021), online: < <https://mesana.org/advocacy/committee-on-academic-freedom/2021/06/15/letter-regarding-the-deterioration-of-academic-freedom-in-egypt> >. See also: Middle East Studies Association Committee on Academic Freedom, “Letter protesting the arrest and detention of Professor Ahmad Al Tohamy”, (24 November 2020), online: < <https://mesana.org/advocacy/committee-on-academic-freedom/2020/11/24/letter-protesting-the-arrest-and-detention-of-professor-ahmad-al-tohamy> >. See also: The Association for Freedom of Thought and Expression (AFTE), “AFTE demands the release of assistant professor of political science, Ahmed Al Tohamy, and an end to security intervention in academic work” (2 November 2020), online: < <https://afteegypt.org/en/advocacy-en/statements-en/2020/11/02/20208-afteegypt.html> >.

⁶³ See *ibid.*

⁶⁴ Human Rights Watch, “Egypt: Scholar Unjustly Detained: Vienna Academic Faces Abusive ‘Terrorism’ Charges” (24 March 2021), online: <<https://www.hrw.org/news/2021/03/24/egypt-scholar-unjustly-detained>>. See also: Amnesty International, “Egypt: Master’s student sentenced to four years in prison for publishing ‘false news’” (22 June 2021), online: < <https://www.amnesty.org/en/latest/press-release/2021/06/egypt-masters-student-sentenced-to-four-years-in-prison-for-publishing-false-news/> >.

⁶⁵ See: Amnesty International, “Egypt: Master’s student sentenced to four years in prison for publishing ‘false news’” (22 June 2021), online: < <https://www.amnesty.org/en/latest/press-release/2021/06/egypt-masters-student-sentenced-to-four-years-in-prison-for-publishing-false-news/> >. See also: Middle East Studies Organization, “Joint statement calling for the release of Ahmed Samir Santawy, 14 April 2021, < <https://mesana.org/advocacy/letters-from-the-board/2021/04/14/joint-statement-calling-for-the-release-of-ahmed-samir-santawy> >.

the state, its national interests and public order and spread panic among the people.”⁶⁶ Prosecutors questioned the researcher about his academic work on women’s health and rights, including abortion. On June 22, 2021 Santawy was sentenced to four years in prison.⁶⁷

On July 11, 2021, **Dr. Alia Mosallam**, a respected historian and postdoctoral research fellow affiliated with the Alexander von Humboldt Foundation in Germany, was on her annual vacation with her family when she was detained by security services upon her arrival at Cairo Airport.⁶⁸ She was then subjected to a 17-hour interrogation by National Security Agency officials, including the State Security Prosecutor.⁶⁹ Her research topics, which include the popular historiography of the Aswan Dam's construction and the history of songs sung by Egyptian workers during World War I, were seemingly deemed threatening by the authorities.⁷⁰ She was eventually released on bail (pending further investigation, which prevented her from leaving the country).⁷¹

Killings, violence and disappearances

The Egyptian government continues to refuse to complete a full and impartial investigation into the 2016 death of 28-year-old PhD candidate at the University of Cambridge, **Giulio Regeni**, and to cooperate with Italian authorities. Mr. Regeni, an Italian national, was conducting research into Egyptian labour unions in Cairo when he disappeared, eventually being found dead on the side of a highway with visible signs of torture.⁷² In December 2020, Egyptian officials announced the closure of a domestic investigation into the death, despite having reached no conclusion regarding the

⁶⁶ See: Middle East Studies Organization, “Joint statement calling for the release of Ahmed Samir Santawy, 14 April 2021, < <https://mesana.org/advocacy/letters-from-the-board/2021/04/14/joint-statement-calling-for-the-release-of-ahmed-samir-santawy> >.

⁶⁷ See: *Ibid.* See also: The Arabic Network for Human Rights Information (ANHRI), “Academic freedoms are dying... ‘About arbitrariness, abuse, and prosecution of academics in Egypt’”, 6 December 2021, < <https://www.anhri.info/?p=28049&lang=en> >.

⁶⁸ Khaled Fahmy, “The perils of conducting academic research in Sisi’s Egypt”, 16 January 2022, < <https://khaledfahmy.org/en/2022/01/16/the-perils-of-conducting-academic-research-in-sisis-egypt/?fbclid=IwAR14-0hpsTg7V65RLh0lbh9oWJLnYh1Pv4Z8Dkzq0H98xxV3XchCA8p7yP4> >.

⁶⁹ Middle East Observer, “Egyptian academic detained upon arrival at Cairo airport coming from Berlin” (12 July 2021), online: <<https://middleeastobserver.org/2021/07/12/egyptian-academic-detained-upon-arrival-at-cairo-airport-coming-from-berlin/>>; Ebyy Abramson, “Alia Mosallam, Egyptian Academic Detained upon Arrival at Cairo Airport” Endangered Scholars Worldwide (20 July 2021), online: <<https://www.endangeredscholarsworldwide.net/post/alia-mosallam-egyptian-academic-detained-upon-arrival-at-cairo-airport>>.

⁷⁰ Fahmy, *supra* note 68.

⁷¹ See: Scholars at Risk, online: <<https://www.scholarsatrisk.org/report/2021-07-11-alexander-von-humboldt-foundation/>>. See also: Abdul Rahman, “Egyptian authorities release historian on bail following lengthy interrogation at airport”, *Peoples Dispatch*, (12 July 2021), online: <<https://peoplesdispatch.org/2021/07/12/egyptian-authorities-release-historian-on-bail-following-lengthy-interrogation-at-airport/>>.

⁷² See: Stephanie Kirchgaessner and Ruth Michaelson, “Why was he killed? Brutal death of Italian student in Egypt confounds experts”, *The Guardian*, 24 February 2016, online: <<https://www.theguardian.com/world/2016/feb/24/why-was-he-killed-brutal-death-of-italian-student-in-egypt-confounds-experts>>. See also: Scholars at Risk, Academic Freedom Monitoring Project, online: <<https://www.scholarsatrisk.org/report/2016-01-25-american-university-cairo-university-cambridge/>>.

identity of the perpetrator(s).⁷³ Italian authorities have accused Egypt's National Security Agency of responsibility for this alleged kidnapping, torture, and murder.⁷⁴ Italian prosecutors are currently pursuing criminal charges against four Egyptian security officials for the murder.⁷⁵

On March 5, 2022, **Ayman Hadhoud** died in the custody of Egyptian authorities.⁷⁶ Mr Hadhoud was an economist, researcher, and advisor to the Egyptian Reform and Development Party.⁷⁷ His research touched upon sensitive issues for the government including the military's role in the Egyptian economy and he had previously criticized the government's economic policies online.⁷⁸ Mr Hadhoud initially disappeared on February 5, 2022, having been arrested and detained by Egyptian security forces. Family members were not informed of Mr. Hadhoud's death by Egyptian authorities until April 9, 2022 and were not permitted to be present at the autopsy.⁷⁹ Egyptian and international human rights groups have referred to the death and the investigation as "suspicious" and have pointed to evidence of potential torture and ill-treatment.⁸⁰

Administrative penalties and disciplinary actions

Professor **Manar Al-Tantawi**, the most senior professor of the Mechanical Engineering Department of the Higher Technological Institute in the 10th of Ramadan City (HTI), was denied her request to become chair of the department by the Dean of HTI because she is the wife of a former prisoner of

⁷³ See, for example: Ruth Michaelson, "Egypt drops inquiry into murder of Italian student Giulio Regeni", *The Guardian*, 30 December 2020, online: <<https://www.theguardian.com/world/2020/dec/30/egypt-drops-inquiry-into-of-italian-student-giulio-regeni>>. See also: Al Jazeera, "Egypt clears officers in murder of Italian student Giulio Regeni", 30 December 2020, online: <<https://www.aljazeera.com/news/2020/12/30/egypt-clears-officers-in-murder-of-italian-student-giulio-regeni>>.

⁷⁴ See: BBC News, "Giulio Regeni: Italy accuses Egypt agents over student's murder", (10 December 2020), online: <<https://www.bbc.com/news/world-middle-east-55266449>>.

⁷⁵ See: BBC News, "Giulio Regeni: Egyptian officials on trial over Italian student's death", (20 February 2024), online: <<https://www.bbc.com/news/world-europe-68345529>>.

⁷⁶ Middle East Eye, "Egypt: Authorities accused of covering up 'suspicious death' of economist" (15 April 2022), online: <<https://www.middleeasteye.net/news/egypt-suspicious-death-economist-ayman-hadhoud>>; Association for Freedom of Thought and Expression, "Evidence of the abnormal death of economic researcher Ayman Hadhoud Involvement extends to National Security, the Public Prosecution, and Abbasiya Mental Health Hospital" (14 April 2022), online: <<https://afteegypt.org/en/advocacy-en/joint-statements-en/2022/04/14/30140-afteegypt.html>>.

⁷⁷ See: *Ibid*. See also: Middle East Eye, "Egypt: Authorities accused of covering up 'suspicious death' of economist", (15 April 2022). See also: Yolande Knell, "Ayman Hadhoud: Questions over Egyptian economist's mysterious death", *BBC News*, (11 April 2022), online: <<https://www.bbc.com/news/world-middle-east-61068510>>.

⁷⁸ Vivian Yee and David D. Kirkpatrick, "Photos of Egyptian Economist Who Died in Custody Raise Questions of Abuse", 27 April 2022, <<https://www.nytimes.com/2022/04/27/world/middleeast/ayman-hadhoud-egypt-death.html>>.

⁷⁹ Human Rights Watch, "Egypt: Flawed Investigation Into Death in Custody Missed Opportunity for Justice", (7 July 2022), online: <<https://www.hrw.org/news/2022/07/07/egypt-flawed-investigation-death-custody>>.

⁸⁰ See, for example: *Ibid*. See also: Association for Freedom of Thought and Expression, "Evidence of the abnormal death of economic researcher Ayman Hadhoud Involvement extends to National Security, the Public Prosecution, and Abbasiya Mental Health Hospital", (14 April 2022), online: <<https://afteegypt.org/en/advocacy-en/joint-statements-en/2022/04/14/30140-afteegypt.html>>.

conscience.⁸¹ Furthermore, the Ministry of Education has refused to grant her a professorship degree, despite it being approved by the Supreme Council of Universities in February 2020.⁸² Al-Tantawi was then called to appear for an internal investigation on June 29, 2021, on grounds that she had offended HTI in the media.⁸³ Because the investigation notice lacked sufficient information on who was investigating her and why, Al-Tantawi withdrew from the investigation process and lodged a complaint, alleging a legal violation.⁸⁴ On July 27, 2022, the Disciplinary Board of the Teaching Staff of HTI decided to deduct 15 days from her salary for allegedly insulting HTI and the Dean.⁸⁵ On July 11, 2023, the Disciplinary Council began new investigations against her for calling for the release of her husband, but she was finally acquitted of the charges on December 20, 2023. On August 30, 2022, the Administrative Judiciary Court annulled the decision to not grant Al-Tantawi the professorship, the appeal of which was dismissed on January 27, 2024.

Restrictions on travel

The academic pursuits of **Walid Khalil el-Sayed Salem** – a doctoral candidate in Political Science at the University of Washington – were hindered by the Egyptian authorities.⁸⁶ Following his initial detention for researching the Egyptian judiciary, Salem faced a travel ban and was also charged with “spreading false news” and “joining a terrorist group” to “undermine national interests.”⁸⁷ Although released from pre-trial detention in December 2018 and probationary measures lifted in March 2020, his freedom remained limited.⁸⁸ On May 24, 2021, Salem was informed of being placed on a “no fly

⁸¹ Association for Freedom of Thought and Expression, “The Supreme Administrative Court refused the higher education’s appeal against the ruling on Manar Al-Tantawy’s eligibility for a professorship”, 3 August 2021, < <https://afteegypt.org/en/legal-updates-en/legal-news-en/2021/08/03/24283-afteegypt.html> >.

⁸² The Arabic Network for Human Rights Information (ANHRI), “Academic freedoms are dying... ‘About arbitrariness, abuse, and prosecution of academics in Egypt’”, 6 December 2021, <<https://www.anhri.info/?p=28049&lang=en> >.

⁸³ Egyptian Front for Human Rights (AFHR), “Human rights organizations condemn referring university professor Manar Al-Tantawi for investigation and demand an end to the crackdown practiced against her”, 30 June 2021, < <https://egyptianfront.org/2021/06/human-rights-organizations-condemn-referring-university-professor-manar-al-tantawi-for-investigation-and-demand-an-end-to-the-crackdown-practiced-against-her/> >.

⁸⁴ The Arabic Network for Human Rights Information (ANHRI), “Academic freedoms are dying... ‘About arbitrariness, abuse, and prosecution of academics in Egypt’”, 6 December 2021, < <https://www.anhri.info/?p=28049&lang=en> >.

⁸⁵ Association for Freedom of Thought and Expression, “The Supreme Administrative Court refused the higher education’s appeal against the ruling on Manar Al-Tantawy’s eligibility for a professorship”, 3 August 2021, < <https://afteegypt.org/en/legal-updates-en/legal-news-en/2021/08/03/24283-afteegypt.html> >.

⁸⁶ Committee on Academic Freedom, “Letter regarding PhD student Walid Salem and denial of his right to travel”, Middle East Studies Association, 4 November 2020, < <https://mesana.org/advocacy/committee-on-academic-freedom/2020/11/04/letter-regarding-phd-student-walid-salem-and-denial-of-his-right-to-travel/> >.

⁸⁷ Scholars at Risk, “Academic Freedom Monitoring Project: Incident Report”, 24 May 2021, < <https://www.scholarsatrisk.org/report/2021-05-24-university-of-washington/> >.

⁸⁸ Committee on Academic Freedom, *supra* note 86. See also: Committee on Academic Freedom, “Letter regarding the deterioration of academic freedom in Egypt”, *Middle East Studies Association*, (15 June 2021), online: <<https://mesana.org/advocacy/committee-on-academic-freedom/2021/06/15/letter-regarding-the-deterioration-of-academic-freedom-in-egypt/>>.

list" at the airport.⁸⁹ Despite his attempts to address the situation, his grievances to the Public Prosecutor in February 2022 were rejected without explanation.⁹⁰ Salem submitted another grievance in December 2022, but faced another rejection in January 2023, leading him to appeal before the Court of Appeal.⁹¹

Patrick George Zaki, a graduate student at the University of Bologna in Italy and human rights researcher with the Egyptian Initiative for Personal Rights, has also faced travel restrictions.⁹² His ordeal began on February 7, 2020, when he was arbitrarily arrested upon his arrival in Egypt for a family visit.⁹³ National Security Agency (NSA) officers blindfolded Zaki and physically tortured him during a 17-hour interrogation at an undisclosed NSA location in Mansoura, questioning him about his human rights work.⁹⁴ Accused of spreading false news, inciting protest without permission, and other charges aimed at undermining state institutions, Zaki endured over 20 months in pretrial detention before the Emergency State Security Court released him on December 8, 2021, pending investigation into Case No. 7245 of 2019.⁹⁵ However, in May 2022, George's attempt to obtain a new passport was thwarted when he discovered that his name was on a travel ban list, effectively restricting his freedom of movement.⁹⁶

Recommendations

Egypt must publicly affirm its commitment to academic freedom and related human rights by:

- Repealing laws and policies which infringe upon academic freedom and university autonomy;
- Unconditionally releasing scholars and students currently in prison because of academic activity, nonviolent expression, or religious or ethnic identity, and, pending their release,

⁸⁹ See: Committee on Academic Freedom, "Letter regarding the deterioration of academic freedom in Egypt", *Middle East Studies Association*, (15 June 2021), online: <<https://mesana.org/advocacy/committee-on-academic-freedom/2021/06/15/letter-regarding-the-deterioration-of-academic-freedom-in-egypt>>.

⁹⁰ See: Association for Freedom of Thought and Expression (AFTE), "'Prison without end': A report on the violations faced by academics released in political cases", *Association for Freedom of Thought and Expression*, (30 January 2023), online: <<https://afteegypt.org/en/research-en/2023/01/30/33386-afteegypt.html>>.

⁹¹ See: *Ibid.*

⁹² See: Committee on Academic Freedom, "Letter protesting the ongoing detention of Patrick George Zaki", *Middle East Studies Association*, (18 February 2021), online: <<https://mesana.org/advocacy/committee-on-academic-freedom/2021/02/18/letter-protesting-the-ongoing-detention-of-patrick-george-zaki>>.

⁹³ See: *Ibid.*

⁹⁴ See: Philip Luther, "Egypt: Arbitrary arrest and torture of researcher studying gender in Italy", *Amnesty International*, 10 February 2020, <<https://www.amnesty.org/en/latest/news/2020/02/egypt-arbitrary-arrest-and-torture-of-researcher-studying-gender-in-italy/>>.

⁹⁵ See: *Ibid.* See also: AFTE, *supra* note 90.

⁹⁶ See: AFTE, *supra* note 90.

ensuring due process, humane treatment, and access to family, counsel, and medical treatment;

- Conducting full and transparent investigations of violent attacks on scholars and students;
- Ending policies and practices that restrict travel into and out of Egypt by scholars, students, or others, which are intended to, or which do in effect, result in prohibitions on ideas from crossing borders;
- Publicly endorse the Principles of State Responsibility to Protect Higher Education from Attack, which provide that States should:
 - Abstain from direct or complicit involvement in attacks on higher education;
 - Protect higher education against present and future attacks;
 - Assist victims of attacks; and
 - Deter future attacks, including by investigating attacks and holding perpetrators accountable.