

SALAH ELDIN HAFIZ & EUGENE ROGAN

Press law 93, 1995

After a period of relative freedom, Egyptian journalists are threatened by a retrograde new law

IN FEBRUARY 1996 the Egyptian Organisation for Human Rights issued a timely report, *Journalists Behind Bars*, which examined the implications of new press legislation on Egyptian journalists. According to their research, 13 journalists have been convicted and sentenced to fines and prison terms in recent months; another 16 are currently under investigation or awaiting trial. Those charged include some of Egypt's best-known opposition journalists, including the editors-in-chief of the Islamist paper *al-Sha'ab* (The People), the Liberal Party paper *al-Ahwar* (The Liberals), and the nationalist paper *al-Wafd* (The Delegation). Most have been accused of libel for allegations of corruption against public figures. To date, no major case has involved journalists from the state-owned press. One can only conclude that the government is using new press laws to divide the profession and to intimidate the opposition papers into adopting the tone of the national press.

Press freedom and political liberalisation have gone hand in hand in Egypt. Gamal Abdel Nasser made Egypt a single-party state and, in 1960, nationalised the press. His successor, Anwar al-Sadat, reintroduced political parties in 1976 and with them the beginning of an opposition press. Sadat put distinct limits on political and press liberties, notably in the creation of a government-appointed watchdog, the Higher Press Council (1975) and, in 1980, the Press Authority Law which reaffirmed state ownership of the 10 national press organisations.

The government under Hosni Mubarak may be divided into two camps: one which views democratisation as the main achievement of his rule, exemplified by freedom of expression; and a hardline camp which believes the Egyptian press has gone beyond its limits for the past decade

and that, while one can keep talking about democracy, the press needs to be brought under control.

On 27 May 1995, the hardliners prevailed. Without consultation or prior debate the Egyptian Parliament passed draconian new press legislation, Law 93 of 1995. Four thousand journalists of both the government-owned newspapers and the opposition press converged in a series of extraordinary sessions of the Press Syndicate's council to express outrage at the reversal of both the fragile democracy movement and freedom of expression. Many journalists viewed the timing of the legislation as too close to the November parliamentary elections to be coincidental. The critical press is outspoken in its attacks on government figures it suspects of political corruption, lack of ethical standards, misappropriation of public funds and undemocratic behaviour. This could have proved embarrassing during an electoral campaign in which the government was intent on sweeping the polls.

Journalists were left in no doubt that Law 93 was designed to muzzle them through intimidation. It was now an offence to publish stories 'deriding government officials and institutions', a vague and ill-defined term which could be applied to virtually every opposition daily's front page. The law allows for stiff punishments of up to five years' imprisonment and fines of up to LE20,000 (US\$5,650) for 'publication of false news that is harmful to state interests'. Worse yet, Law 93 eliminates previous legal guarantees against preventive detention of journalists: state prosecutors may now take journalists into custody while they are still under investigation.

In response to this frontal assault, the Press Syndicate called on the government to cancel the law within two weeks or face a general journalists' strike, unprecedented in Egyptian history. They were supported by a number of political parties and civil organisations, and more than 30 international organisations including Amnesty International, Article 19, and Reporters sans Frontières.

Faced with co-ordinated domestic and international opposition, Mubarak defused the crisis in a six-hour meeting on 21 June with the Press Syndicate council in which he agreed to convene a committee to produce a revised and comprehensive press law within three months. The committee would be composed of members of the Press Syndicate, the Higher Press Council, and various legal experts. Mubarak also responded to opposition papers' complaints of lack of access to government

information by ordering ministries to make 'authentic information' available to all journalists, government and opposition alike.

The strength of the journalists' position was reinforced by the fact that the press did not divide into government- and opposition-owned camps. This unity seemed threatened when the composition of the new press law committee was announced in mid-July. Of its 30 members, seven came from the Press Syndicate's council and 12 from the government-appointed Higher Press Council. There were also 11 non-journalist public figures and legal experts. Representatives of the opposition press were completely excluded from a committee that included many advocates of restrictions on press freedoms. Few could doubt the intentions of the new committee when one of its legal experts, Shawki al-Sayed, threatened to file a libel suit against the editor of the opposition paper *al-Wafd*, Gamal Badawi, for publishing an article criticising the composition of the committee and al-Sayed's appointment in particular. In the event, the suit was dropped and four journalists known for their opposition to Law 93 were added to the committee.

Between July and October, the new committee met only twice for a comparative discussion of the press laws of other nations, without broaching the subject of Law 93 itself. The government was accused of foot-dragging and the committee began to look like a diversion to distract journalists' attention while the government proceeded with election strategies.

A number of draft laws and recommendations were put forward to assist the committee in its deliberations. The Legal Aid Centre for Human Rights, an Egyptian NGO, drafted a press law in August; the Third General Press Conference produced 40 recommendations in September; and the Press Syndicate approved its own draft law of 64 articles on 24 December.

The Press Syndicate's draft seeks to protect journalists from government pressure by rejecting imprisonment and limiting fines to a maximum of LE2,000. It also calls for the lifting of all restrictions on the publication of newspapers and the elimination of all types of censorship. It is unlike anything that the government-appointed committee is likely to produce.

Meanwhile, journalists were targets of legal and extra-legal intimidation. Editor Gamal Badawi was forced off the road and beaten by 10 men who later issued a statement linking the attack to the critical editorial line on Law 93 taken by his paper, *al-Wafd*. And, in spite of

National and opposition press in Egypt

CURRENTLY, two kinds of newspapers are published in Egypt: the national or state-owned newspapers and the newspapers established by the opposition parties. The latter include an entire spectrum ranging from the Marxist left through the traditional liberal papers to the Islamic right. The opposition press enjoys greater freedom to criticise and attack the government than the state-controlled press. The state-owned media, however, enjoys exclusive access to official news, which is denied to the opposition press because of its alleged tendency to distort facts which detracts from its credibility and confuses the public.

THE NATIONAL PAPERS

Al-Ahram (The Pyramids), founded in 1875, with a domestic daily and Arabic international edition published by satellite in London, Frankfurt and New York, as well as French- and English-language weeklies. Circulation 1,000,000
Al-Gomhouriya (The Republic), circulation 650,000
Al-Akhbar (The News), circulation 789,268

THE OPPOSITION PRESS

Al-Ahali (The Peoples), leftist Tagammu Party
Al-Ahrar (The Liberals), Liberal Party
Al-Arabi (The Arab), Nasserist Party
Al-Sha'ab (The People), Islamist-oriented Labour Party, circulation 50,000
Al-Wafd (The Delegation), Wafd Party, circulation 260,000 ER

assurances from the government that the press law would not be applied pending the committee's drafting of new legislation, several journalists were charged under Law 93. In October, Magdi Hussein, editor of the Islamist-oriented *al-Sha'ab*, was charged with libel by Alaa al-Alfi, son of the interior minister. The story, by an anonymous reporter, referred to an altercation over non-payment of a dinner bill by the son of a government minister, both unnamed. Al-Alfi challenged the veracity of the article (and incriminated himself) by producing a paid dinner bill, even though Hussein reminded him that the article mentioned no names. Hussein was found guilty in January 1996 and sentenced to one year's hard labour, a LE15,000 fine, and LE500 in damages to al-Alfi. The prison term has

been suspended though Hussein faces a second libel suit, along with two other defendants from the opposition press, for alleging that a victorious parliamentary candidate had hired thugs to intimidate voters at the polls.

The indomitable Gamal Badawi was the second to be charged, this time by an outgoing member of parliament for allegations of misuse of state property. Abdel-Aal al-Baqouri, editor of the leftist Tagammu party organ *al-Ahali* (The Peoples) and a member of the state-appointed committee to draft a new press law, was sentenced *in absentia* to two years' imprisonment and LE50,000 in fines and damages for printing allegations of influence-peddling by a police brigadier.

The common theme running through these cases is the conduct of parliamentary elections. By all accounts the elections were marred by violence and irregularities at the polls. According to the Centre for Human Rights Legal Aid in Cairo, some 51 people were killed and 878 wounded in election-related violence. Even government officials were forced to acknowledge that some candidates had stormed polling stations and rigged the vote and that, in the words of Major-General Mohammed al-Menshawi, director of the election department of the Ministry of Interior, 'a limited number of violations' were committed by security forces. The result was the most heavily pro-government Parliament since the reintroduction of multi-party elections. The ruling National Democratic Party won 317 seats outright, and of 113 so-called independents some 99 crossed the floor to rejoin the NDP, which left the government with 416 seats in the 444-member People's Assembly. Perhaps the only positive thing that can be said about the elections was that these violations were reported in the Egyptian press.

Egyptian journalists await the March deadline for the government-appointed committee to present a revised press law with some pessimism. They do not expect liberal legislation to emerge from the committee and are not confident of a sympathetic hearing of their views before the new Parliament when the revised draft is presented for debate. As one leftist journalist explained: 'What we fear is that they will take our law [ie the draft prepared by the Press Syndicate] and the law prepared by the government-appointed committee and come up with something totally different from what we want.' □

Salah Eldin Hafiz is managing editor of the Egyptian daily, al-Ahram and prize-winning author of books on press freedom and democratisation in Egypt