

# Trending

would lead you to court !

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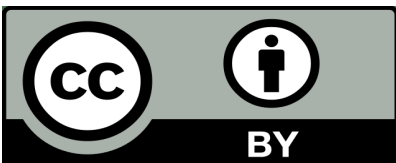
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# First: Executive Summary

Content makers on social media platforms such as “Tik Tok”, “Likee” and “YouTube” seek to attract viewers and increase interaction with their content, to achieve fame and profit on the Internet. But their entry into the “Trend” has become a path to prison in Egypt, which is a violation of Article 19 of the Universal Declaration of Human Rights, and Article 65 of the Egyptian Constitution.

The rapid wide-spread circulation of content drive many users to demand prosecuting these content creators just because they introduce different ideas. There is also the role of the Monitoring and Analysis Unit of the Public Prosecution, which pushed some content makers to prison such as; Hanin Hosam, Mawaddah Al-Adham, Sama Al-Masry, and the photographer Abdullah Juma, and others.

This paper discusses the abuse of social media users over those who disagree with them in opinions, ideas or even the methods to express ideas and beliefs. It also highlights the role of the Public Prosecution in supporting the trending repressive opinions to make citizens monitor and report each other, and confront differences of opinion with reporting different opinion holders which might lead to prison.

It also deals with the mechanism for reporting crimes in accordance with the Code of Criminal Procedures; the occurrence of harm is the reason that would enable a person to file a complaint. But the prosecution decided to play the role of censorship and monitoring society which helped the emergence of social media groups of users supporting this approach and their mere comments on the Public Prosecution’s Facebook page are being considered official complaints.

This paper traced the Monitoring and Guidance Unit of communication and Social media, which was established by the Public Prosecution in November 2019. It also included an analysis of all Public Prosecution public statements that included a role for the unit since its establishment until the end of May 2021.

The unit played a positive role in monitoring a number of crimes, including the case of assault against the Maadi girl, and the case of Ahmed Bassam Zaki, but on the other hand, it played a negative role in monitoring the morals of society and restricting freedom of opinion, expression and creativity through its reports on some citizens and content creators, on which investigation and referral for trial was

based.

The paper uses example of cases of some content creators, which ended with imprisonment and fines or still in courts, to emphasize that differences of opinion, methods of expression and trending issues could be turned into a path to trial and imprisonment. These cases included for example those of Hanin Hosam, Sama Al-Masry, Ashraf Hamdi, and Menna Abdel Aziz.

The paper ends with recommendations to enhance freedom of opinion and expression, the right to disagree with content without prosecuting and imprisoning its owner. It also stresses the need to respect the right to privacy, and not use elastic legal texts to prosecute content creators on social media platforms.

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## Second: Introduction

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Content makers on social media turned into potential defendants under loose accusations, most notably violating the “Egyptian family values,” based on Article 25 of the Information Crimes Law. The clause is left without any definition, and was the base for a wave of “trend trials,” which affected a number of content makers, after calls to persecute them.

The Public Prosecution has encouraged social media users to monitor each other’s behavior. Reporting content creators became too easy on social media platforms through the prosecution’s page or the comments for the Monitoring and Analysis Unit. A message or a comment demanding to prosecute a content creator is being treated as an official police report. The victims are being subject to morality inspections, defamed, and their privacy violated before referring them to trials. In violation of Article 12 of the Universal Declaration of Human Rights, they can be imprisoned and fined.

A sector of social media users has gained additional power in violating the rights and freedoms of citizens after prosecuting a number of content makers. It became common for the Public Prosecution to write in its statements that investigations began due to the wide interaction on social media, and the demands for investigation, received through the official Facebook page.

The campaigns directed at content makers on the Internet were linked to the activity of the Monitoring and Analysis Unit, which did not adhere to the role entrusted to it in following up on what is published about the Public Prosecution

on social media. Instead it turned to censoring Internet users, and pushed some of them to trial.

It is noteworthy that another sector of society did not support these campaigns of moral control. The Egyptian society is culturally, intellectually and socially diverse, so it is not possible for everyone to recognize the same values and morals, and this difference cannot be a means of imprisonment.

## Third: How did the social media affect the law; from official reports to online reports

There are specific legal procedures that must be followed to file a report in cases of crimes. But the Public Prosecution's endeavor to monitor and control the morals of citizens, supported the emergence of a sector of social media users to be used as a driving force consistent with the direction of the Public Prosecution, resulted in changes in those procedures.

It became a new acceptable procedure for the Public Prosecution, to receive prosecution demands through its official social media accounts to open investigations into an incident. This was announced by the Public Prosecution in multiple statements regarding investigating numerous cases that were circulated on social media, including the investigation with Hanin Hosam, Sama Al-Masry, and others.

### •Code of Criminal Procedures and the mechanisms for submitting a complaint in the event of a crime

The first chapter of the Egyptian Code of Criminal Procedure No. 150 of 1950 defines the mechanism for submitting complaints in the event of a crime.

The law confirms that the Public Prosecution is competent to file and initiate a criminal case. It is not permissible to file a case without an oral or written complaint from the victim or his representative to the prosecution, and investigation

procedures may only be taken after submitting this complaint.

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Chapter Two of the Code of Criminal Procedure deals with the role of judicial officers about crimes, its perpetrators and collecting evidence required for investigation. The law obliges judicial officers to accept complaints and notifications they receive regarding crimes and transfer them to the Public Prosecution.

Article 27 of the Criminal Procedures Code gives anyone who claims harm from the crime the right to establish himself as a civil rights claimant in the complaint he/she submits to the Public Prosecution Office.

#### •Monitoring The society and online reporting

The shift to electronic services is a major advantage to facilitate the lives of citizens, and its importance has increased with the spread of Covid 19 epidemic, and the necessity of social distancing. But it is noted that with the activation of electronic reporting services, the censorship of the digital rights of citizens and the right to freedom of creativity and expression increased leading to the emergence of cases with new characteristics can be called «Trend Trials».

The Public Prosecution issued a statement talking about Egypt's fourth borders, which lead to radical changes in legislative policies, administrative and judicial controls, adding that the new cyber "borders" need utmost precaution to guard them. The statement came after a wave of prosecutions against content creators driven by online complaints.

The first stop of the "Trend" trials usually begins with a video clip that goes viral attracting huge views, then some criticism of the ideas or method of performing start attacking the content owner. The situation then takes a different turn when it exceeds the social media discussions to official reports by the Monitoring and Analysis Unit, leading to the courtyards and prisons.

With the spread of Corona virus, the prosecution adopted the use of the "Google form" to submit reports, and allocated a number for "WhatsApp" application to interact with the whistleblowers. Although the complaint must be related to a damage to the person who is filing the complaint, the managers of the Public Prosecution page on the Facebook, responded to the comments of users demanding to investigate the content makers with the complaints link. Which means that they can start a lawsuit without facing any actual harm from the content they report. So that the electronic complaints system became among the reasons for pursuing content makers.

In September 2020, Counselor Hamada El-Sawy, the Attorney General, launched the “unified system of electronic petition to the Attorney General” service through the official website of the Public Prosecution. This service allows stakeholders or their agents from inside or outside Egypt to submit petitions and complaints to the Technical Office of the Attorney General, with documents and data attached without the need to go to the Attorney General’s office or any of the prosecutions.

## Fourth: Monitoring and Analysis Unit... The second stop on the way to court

It is one of three units included in the Department of Statement and Guidance, which was established by the Attorney General, at the end of 2019. Despite its role in monitoring a number of crimes that were circulated on social media and taking legal action regarding them, it is also considered a second stop for the referring content creators to court in cases of «trend trials». These investigations and criminal trials resulted in the imprisonment and fines of some content creators while the trials of others are ongoing.

- Establishment of statement, guidance and social management department

Counselor Hamada El-Sawy, Attorney General, issued the decree No. 2376 of 2019 in November 2019, establishing the Statement, Guidance and Social Communication Department, which included three main units:

- Media Communication Unit
- Online media and social communication unit
- Monitoring and Analysis Unit



## The decision set V objectives for the department, which are:

- Establishing, documenting and developing the Public Prosecution's pages and accounts on social media.
- Achieving effective communication between the Public Prosecution Office and citizens through social media and various media outlets, to clarify facts to public opinion and refute false news, statements and rumors in terms of transparency and credibility. It also works on social guidance to prevent the causes of crimes and achieve social security and peace, to benefit the society.
- Informing citizens of their legal duties and rights related to the competencies of the Public Prosecution and the procedures regulating dealing with it.
- Announcing the actions taken by the Public Prosecution and the decisions related to its competencies.
- Providing the necessary media support whenever necessary for investigations conducted by the Public Prosecution.
- Monitoring and analyzing the daily media content, to support the administration in decision making.
- Expressing an opinion - in the light of monitoring and analysis - on cases that require the preparation of pleadings from the Public Prosecution, and providing the necessary support for the pleadings to enhance the desired role.

The Attorney General's decision to establish the Department of Statement, Guidance and Social Communication defined the functions of the three units affiliated with the Department. The monitoring and analysis unit had the most prominent role in monitoring crimes circulated through social media, negatively affecting the right to freedom of opinion and expression, negatively affecting the freedom of internet and creative content, and censoring users of social media websites. The unit's specializations were:

- Monitor all information related to the Public Prosecution that is published in the media and social media.
- Monitoring and analyzing comments and opinions about the published news related to the Public Prosecution, and expressing an opinion regarding whether or not there is a need to issue statements, announcements, or responding with comments by the social media accounts administration.

- Positive actions taken by the Unit of Monitoring and Analysis

The Monitoring and Analysis Unit has taken a positive stance regarding a number of crimes that were circulated on social media. The Public Prosecution ordered arresting and interrogating the accused in some crimes as an evident positive effect that social media users, as well as the Monitoring and Analysis Unit, can play.

This paper traced all the data of the Public Prosecution, which included the role of the Monitoring and Analysis Unit since its establishment in November 2019, until the end of May 2021, to analyze its role, positively and negatively, and to enhance the positive role that the unit can play facing the crimes that are published through social media.

The Unit played an important role in tracking a number of crimes, including crimes against children, people with disabilities, sexual crimes, and crimes against refugees.

- Crimes against children caught by the Monitoring and Analysis Unit

Among the most prominent crimes against children and followed up by the Monitoring and Analysis Unit, was the case of indecent assault of a Maadi neighborhood girl in which the prosecution referred the accused to a criminal trial. The prosecution also decided to imprison a father of a baby on charges of attempted murder and endangering her life, after monitoring a video of the father taking off the baby's clothes and threatening to burn her.

The Public Prosecution decided to imprison an accused of child sexual abuse in New Cairo, after monitoring a video showing the child being lured and sexually harassed inside the car of the accused. Although the incident would not have been referred for investigation if not for being viral social media, the prosecution stressed the need to prevent the publication of such clips, even if the purpose was good, and to submit them to the competent authorities instead.

The wide circulation of a video for Mrs. Amani Al-Bayoumi, complaining about the acquittal of a defendant accused of sexually abusing her autistic child, returned her case to the judiciary as the Public Prosecutor appealed against the verdict. It also opened an investigation into her complaint of assault against the defendant's family accusing them of assaulting her and her child.

The Unit monitored a video of a woman complaining about her husband's assault on her and her four-month-old daughter. The incident was referred to investigation and the accused was remanded in custody for attempting to kill the child. The Public Prosecutor also ordered the detention of the mother of an infant pending

investigations, accusing her of murder attempt after monitoring the circulation of pictures and information about her torturing the infant by burning and beating.

The prosecution also ordered the detention of a woman for 4 days pending investigations, accusing her of forcibly exploiting, bullying and mocking two children in her service, after monitoring the circulation of a video showing the woman forcing one of them to wash her feet then washing his face with the water in which she puts her feet, and orders the other to smoke a cigarette.

#### •Crimes against foreigners and refugees monitored by the Unit

The Monitoring and Analysis Unit has been interested in tracking some crimes against refugees and foreigners, which were widely shared by social media users demanding investigation. The most prominent of these cases was investigating young men who assaulted a Sudanese girl in Nasr City. The prosecution ordered them imprisoned under the accusation of forced sexual abuse.

The prosecution also ordered the detention of four suspects in detaining two Sudanese children, including a girl, and physically torturing them in Ain Shams, after monitoring the circulation of a video showing the bullying and assaulting against the child. The unit also monitored the circulation of a video showing bullying a Sudanese child and throwing stones at him. It started investigations and ordered two accused to be imprisoned on the background of the case.

With the spread of Corona virus, the Unit monitored the exposure of a foreigner to ridicule on the pretext that he was infected with the virus. The driver pushed him to get off the car, which endangered his life. A witness posted a video of the incident on social media, so the Attorney General decided to imprison the driver and the photographer for four days pending investigations, accusing them of discrimination, disturbing the public peace, spreading false news and terrorizing people, publishing false information about others without their consent, and deliberately disrupting the traffic.

#### •Sexual crimes monitored by the unit

The Monitoring and Analysis Unit monitored many sexual crimes that were widely circulated by social media users. It opened investigations and referred the accused to criminal trials. The cases included the accusations against Ahmed Bassam Zaki, where the Public Prosecution ordered his imprisonment for having sexual intercourse with two girls without their consent, and sexually assaulting them and another girl by using force and threats. Among the victims there had been one under the age of 18, and the prosecution also ordered the arrest of the accused of assaulting the Fairmont Hotel girl, and put them on travel ban and awaiting arrival

lists.

The Public Prosecution investigated the accusations against a physician of sexually exposing two girls, after monitoring the demands on social media to investigate take legal measures against him to accuse him. Although publishing through social media was the way to trigger investigations, the prosecution called again to stop circulating information about the accused and the facts attributed to him and instead provide the prosecution with any information people might have.

After the circulation of complaints from a cook working in an orphanage accusing him of harassing the residing girls, the Public Prosecution decided to imprison the accused after interrogating him. It was later found that a number of the officials in the orphanage knew about the matter and only expelled him without investigating or holding him accountable.

Two years after Amal Abdel Hamid's filing a complaint against a person whom she accused of raping her, and after she failed to prove that he was the father of her child, new investigations started. The reason was re-circulating a video showing her demanding re-investigating the case for further examination. The Monitoring and Analysis Unit saw the widespread video, and took actions which lead to proving the accused to be the father of the child. The deputy general ordered him imprisoned.

#### •Crimes against disabled and elderly

The Public Prosecution moved a number of cases after the Unit monitored incidents of assaults against people with disabilities and the elderly. It imprisoned two people for bullying a person with disability, after the circulation of pictures showing a person hanging on the wall of an under construction building with the aim of ridiculing and bullying him.

After circulating a video clip of a person provoking a dog and ordering it to bite and terrorize a disabled person, the Public Prosecution decided to detain two people pending investigations, accusing them of endangering the security and life of a disabled person and publishing a video clip that offends him. It also ordered to imprison 5 other persons in two separate cases of assaulting 2 disabled persons. The accused were charged of endangering the security and safety of disabled persons and offending them. The charges and investigations came after the widespread of two videos showing two young men, throwing an elderly disabled person into a canal, and throwing stones at him.

In a separate incident, the Public Prosecutor ordered the detention of a woman for four days pending investigations, accusing her of assaulting family principles and values of the Egyptian society, violating the sanctity of the private life of an elderly

woman who is entrusted with her service. The defendant captured a video for the old lady crying and begging to go to the toilet. The defendant also was accused of violating the old lady's privacy by publishing the video online without her consent.

•How did the unit deviate from its primary role and became a watchdog over the morals of society?

Despite the positive role played by the Monitoring and Analysis Unit in pushing some perpetrators behind bars after the spread of their crimes' news over social, and despite the importance of its role in monitoring cases related to some groups such as children, people with disabilities, refugees, the elderly and survivors of sexual crimes, it mixed that with another negative role.

This paper traced all the data of the Public Prosecution, which included the role of the Monitoring and Analysis Unit since its establishment in November 2019, until the end of May 2021, to analyze its role, positively and negatively. The unit's negative interventions resulted in violating the right to freedom of opinion and expression, violating citizens' personal rights and their privacy, as well as encouraging citizens to censor each other's behavior and ideas.

Content female makers on social media were targeted by the Monitoring and Analysis Unit, in addition to the stigmatization campaigns launched by some social media users who disagree with the content they provided or their appearance. Those women were turned into trending news which led them later to jail. The campaigns against them violated their privacy and right to opinion and expression. Among those female content creators there were; Hanin Hosam, Menna Abdel Aziz, Sama Al-Masry, Sherry Hanim and Zomoroda.

The moral oversight role played by the Public Prosecution and the Monitoring Unit extended to the personal freedoms of citizens as well. The Public Prosecution launched its investigations into an incident they described as contempt for the Islamic religion, based on a snapshot of a text conversation with a person via social media. The unit considered that it constitutes a crime of contempt for the Islamic religion and for the Prophet, although the circulation of images of a private conversation is a violation of privacy and should not be encouraged by those in charge of the law.

Among the issues affecting the personal freedoms of citizens, the Monitoring and Analysis Unit monitored the complaints of a group of residents of Al-Rehab city against a renter for holding a concert. Later three defendants were referred to the criminal court under accusations of organizing an event that required gatherings in violation of the Prime Minister's decision to suspend gatherings as precautionary measures to counter the Corona virus.

Although no other charges were brought against the accused, the statement of the Public Prosecution referred to the participation of girls “who are not above suspicions”, as he described them, in addition to the damage to the city’s residents from the presence of dancers in parties organized during the month of Ramadan. Violating the ban procedures, actually requires legal accountability. But the reliance on the complaints of some residents and the accusation of holding suspicious parties without proof or investigation represents a violation to the right to privacy and private life, and abuse of the accused without legal basis. It is also a clear indication of the moral controlling role exercised by the prosecution and some users of social media.

## Fifth: Social media celebrities behind bars

Most cases of social media celebrities started through the widespread circulation of criticism by some social media users disagreeing with content being published. The criticism then be noted by the Monitoring and Analysis Unit so the Public Prosecution opens investigate and prosecute them.

Last May, 15 human rights organizations condemned the Egyptian authorities’ continued interrogation and trial of content creators of the “Tik Tok” and “Likee” applications. The organizations demanded to stop these trials, release the accused and close these cases. They stressed the importance of the authorities’ commitment to guaranteeing the right to freedom of expression through all means including social media and without arbitrary restrictions.

During 2020 11 defendants were referred to trial for publishing content on “Tik Tok” and “Likee” applications. Eight of them are content creators, the page manager of one of them, and two employees of “Likee”. Seven of the accused are still in prison; Four defendants are in pretrial detention, and the other three are serving prison sentences.

The list of defendants who were accused based on the reports of social media users, does not include content makers only. Some of them are citizens who were arrested after the complaints of their neighbors on social media that they organized parties during the month of Ramadan, which makes it difficult to determine the true number of victims of online complaints.

The list of social media celebrities who were prosecuted includes; Renad Emad, Hanin Hossam, Basant Mohamed, Mawaddah Al-Adham and her page manager

Ahmed Sameh, Manar Sami, Hadeer Al-Hadi, Ashraf Ramadan, Abdullah Gomaa, Sharifa Refaat, known as Bashiri Hanim, and her daughter Zomorroda, Sama Al-Masry, And the employees of the “Likee” Ahmed Salah, Muhammad Alaa Al-Din, Muhammad Abdel Hamid, and Menna Abdel Aziz, who was later released.

In the following lines, we trace the procedures that were taken against a number of content creators, to analyze the role of the Monitoring and Analysis Unit, in referring them to investigation, and the role of the Public Prosecution Office, which referred them to trial.

Hanin Hossam... One acquittal is not enough

The case of Hanin came out after social media users increasingly shared a video on the «Tik Tok» application announcing the launch of an agency on «Likee» live broadcast application similar to «Tik Tok». She announced that girls can work as announcers on the application to obtain a fee ranging from 36 and 3000 US dollars, depending on the number of views and likes they get. The «YouTuber» was subjected to a wave of criticism by social media users, which ended with her arrest on April 21st, 2020.

During the investigation, the prosecutor showed Hanin photos from her account on Likee, Instagram, and TikTok, she confirmed that the accounts are correct and that there were no closed rooms in the Likee application, explaining that she had not committed any abusive acts and that she had invited anyone with a talent such as singing, acting or cooking to join the application.

On April 23, the Public Prosecution ordered the detention of Hanin for four days pending investigations in Case No. 4917 of 2020. The prosecution started their statement with the Qur’anic verse, “God wants to repent for you and wants those who follow the desires to suffer mighty inclination.” The Public Prosecution talked about the fourth borderline of Egypt which it decided to guard, and called on the social media users to assist the judicial and administrative authorities to guard those newly created borders.

The opposition judge renewed Hanin’s detention 15 days, and on May 7, he decided to release Hanin on a bail of 50,000 pounds, but the prosecution was convinced of the necessity to continue her detention and appealed the decision. The counseling room accepted the prosecution’s appeal and decided to continue her detention for 15 days.

A month after the suspended release, the opposition judge decided on June 8 to accept the appeal submitted by Hanin’s defense, and released her on bail of 10,000 pounds. But the prosecution was insisting on continuing her detention. On

11 June 2020, only three days after the decision to release her second release, the prosecution referred Hanin and Mawaddah Al-Adham and 3 others to criminal trial while their imprisonment continues, and Hanin is re-imprisoned after confronting her with new evidence.

On July 27, 2020, the Economic Court sentenced Hanin Hosam, Mawaddah Al-Adham and three others to two years in prison and a fine of 300,000 pounds each, accusing them of violating family values and principles, creating an accounts on social media and using it for the purpose of carrying out that crime. However, the Third Circuit, an appealed misdemeanor of the Cairo Economic Court, issued a ruling in January of this year acquitting Hanin Hosam of the charges against her.

The acquittal of Hanin was not enough to put an end to the prosecution and the societal condemnation of the girl or to convince the prosecution to release her. The prosecution decided to summon her, before being released, and decided to imprison her four days pending case 4971 of 2020. The judge of the District Court decided on January 26 to release Hanin on bail of 5000 pounds, but the prosecution also appealed the decision.

An appealing misdemeanor judge of north of Cairo court rejected the prosecution's appeal on January 27, 2021. The court upheld the decision to release her on bail of 5,000 pounds. Hanin regained her freedom after ten months behind bars, but her release did not end her prosecution.

The Public Prosecution referred Hanin, Mawaddah Al-Adham and others to the Criminal Court in March 2021, accusing them of human trafficking. The accusations filed by the North Cairo Prosecution Office against Hanin were part of the charges that the Cairo Economic Court of Appeal acquitted her in January of this year.

The referral decision issued by the North Cairo Public Prosecution accused Hanin of "trafficked in people including two adolescents, who were under the age of eighteen; Rawan S., Sarah J. she approached them under the pretense of providing job opportunities under the guise of their work as announcers at Likee application. The call included, in a disguised way, calls for incitement to immorality and temptation to prostitution. She invited them to a group called Likee Elharam that she created on her phone, in which they can meet young people through video chats and establish friendships."

In April 2012, the South Cairo Criminal Court ordered to arrest and bring Hanin. It also decided to postpone the session in the human trafficking case to May 18, 2021, to hear the defense's argument. Then it was later postponed to the June 20 session to issue a verdict.



- Sama Al-Masry

The Public Prosecutor ordered the detention of Sama Al-Masry for four days pending investigations, on April 27, 2020. The opposition judge extended her imprisonment for fifteen days. The accusations were; publishing pictures and videos that violate public modesty through social media, publicly committing scandalous and indecent acts, and promoting them pre-mentioned ways. She also was accused of temptation to prostitution and assaulting family principles and values in Egyptian society, and the establishment and management of social media accounts with the intent of committing the aforementioned crimes.

The actions against the dancer, Sama Al-Masry, followed a report by the Monitoring and Analysis Unit, which monitored a wide circulation of her photos and videos. The Public Prosecution office also indicated that it had received, on its social media official accounts, a large number of complaints against her. The Prosecutor ordered that investigation measures be taken.

Sama denied, what was attributed to her such as publishing any obscene clips that contain sexual innuendo, or that call for immorality or outrage public modesty. She affirmed her responsibility only for clips she posted on her official accounts, which include a recording of her daily activities, denying her responsibility for the videos in question. She filmed many videos and saved them on her phone that was stolen in June 2019. She denied responsibility for publishing them as she did not own the phone at that time, according to her statements before the prosecution.

The prosecution concluded its statement by emphasizing its commitment to confront crimes that infringe on the general principles and values of the society, calling for differentiating between the rights of expression and creativity, on one hand and the claims of vulgarity and pornography to pursuit money in illegal ways, on the other hand.

Later, the North Cairo Prosecution referred Sama Al-Masry to the Economic Court, and the Cairo Economic Misdemeanors Court decided, on June 27, to punish her with 3 years in prison and a fine of 300,000 pounds followed by 3 years' probation, on accusation in Case No. 410 for the year 2020.

Another lawsuit was filed against Sama, before the Economic Court, and the prosecution accused her of inciting immorality and assaulting the values of society, in Case No. 979 of 2020. The proof was the same videos of the first case. The defendant said it contains the same content so it should be added to the previous case, but the prosecution refused. Her lawyer argued that the case should not be considered due to the previous adjudication.

Three months after the first verdict against Sama, the Economic Court ruled on September 21, 2020, to imprison her for two years and a fine of 300,000 pounds, against accusations of publishing sexual videos containing incitement to immorality and assaulting the values of society. Then, on November 16, 2020, the Economic Court of Appeals Misdemeanors ruled to cancel Sama's imprisonment and reduce the verdict to one year, a fine of 100 pounds, and one year of probation.

Sama filed a complaint to suspend the imprisonment sentence until the Court of Cassation considers her appeal against it. On February 3 of this year, the court refused to stop suspend the sentence, and decided for her to serve the remainder of the sentence. On the 14th of the same month, the court refused another plea to suspend her imprisonment for a year.

- [Menna Abdel Aziz; Survivor and accused](#)

Menna Abdel Aziz appeared in a video claiming being raped by her friends and with the help of other friends. The bruises covered the girl's face, but she later returned to confirm her reconciliation with the young man she had previously accused of rape. The two videos were widely circulated, and brought the attention of the Monitoring and Analysis Unit.

The Public Prosecution decided to investigate the incident and the accusations of rape and assault declared by Menna Abdel Aziz. Based on a report prepared by the Monitoring and Analysis Unit, and facts attributed to the accused. On May 28, 2020, the Public Prosecution ordered the arrest of Menna and six others for interrogation, a move that represents the real role that the Monitoring Unit should play in monitoring crimes. However, the Public Prosecution did not abandon the reprimand and even imprisonment of the victim for violating the ethical standards it assumed.

The prosecution's statement confirmed that Menna was subjected to sexual intercourse without consent and when she was a minor, she was forcibly assault, threatened, robbed, and beaten. However, the prosecution decided to discipline citizens based on its moral judgment, not their crimes or their transgression of the law. On May 30, it ordered the detention of Menna as a co-accused with the other six pending investigations, noting that she had committed crimes that deserve punishment without reference to those crimes. The prosecution attributed these alleged crimes to Menna's being young, going through harsh social conditions, and the loss of family and shelter.

In the same statement, the prosecution returned to the talks of dangers that infiltrate online through cyber borders, which are not subject to any control. In another place it added that; "the concept of social control and proper education is

not limited to parents, but rather is shared responsibility between parents, society and institutions, without prejudice to freedoms". However, the prosecution's repeated assertion that freedoms would not be violated did not resonate in reality. Freedoms of content creators to express their opinions were suppressed, and they were prosecuted socially and judicially, and some of them were imprisoned.

Ten days after Menna's imprisonment, the Public Prosecutor decided, on June 9, to replace the detention decision by obligating her to a center designated to host and protect female violence survivors, and enrolled her to rehabilitation programs without her consent. Although placing Mina in a care home guarantees better conditions than her pretrial detention, the decision to compel her not to leave the center's premises remains a restriction on her freedom.

The Prosecution referred 6 defendants, including two girls, to Court, on July 26, 2020. One of them was accused of kidnapping Mina, with fraud and coercion, added to the felony of rape. The others were accused of forced assault and threat, coercive theft, violating the sanctity of her private life, beating her, destroying her phone, and threatening to divulge her.

Menna was released from the Talbiya police station in September 2020. Later the Economic Court ruled, on February 23, 2021, to imprison two of the accused of assaulting Menna for two years and a fine of 200,000 pounds each.

In May 2021, the Giza Criminal Court sentenced the first defendant to 11 years in prison and a fine of 14,000 pounds, while the second defendant received 9 years and a fine of 14,000 pounds, the third was convicted to 9 years in prison and 10,000 pounds fine. The fourth was convicted to 4 years in prison and a fine of 10,000 pounds, while the fifth was convicted to 4 years in prison and a fine of 105,000 pounds, and the sixth and last defendant had been acquitted.

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## Sixth: conclusion and recommendations

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The Egyptian authorities must respect the right to freedom of opinion and expression, as one of the fundamental rights enshrined in the Egyptian constitution and in the Universal Declaration of Human Rights, including content published on social media, and stop prosecuting content creators.

Social media platforms provide a wide space for presenting, criticizing, evaluating, accepting or rejecting different opinions and ideas. In no case should intellectual and cultural differences and differences of opinion among the pioneers to be dragged into courtyards. The crime is not the content creation, but a trial made by the prosecution because the it disagrees to their ideas and way of expression.

The Egyptian society is full of diverse cultures and ideas, and the tendency to prosecute content makers on the pretext of responding to the calls of some social media users to hold them accountable, is unfair to the rights of other citizens to know and accept or disagree with the content, and deprives content makers of their right to express their opinions.

The first necessary steps to get out of the crisis is to reverse the consequences of this path, which violates the rights of citizens, through:

- Stop the trials against content creators, release the accused, and stop smearing campaigns against them.
- The commitment of the Monitoring and Analysis Unit, to its role in monitoring real crimes that affect the security and safety of citizens and violate their rights, and do not go further to issues affecting freedom of opinion and expression.
- The Public Prosecution Office should discuss with civil society organizations working in the field of freedom of opinion and expression, to stop the path of moral control over citizens that the Public Prosecution follows in violation to the right to freedom of expression.
- Amending the elastic legal articles used to harass content makers, especially Article 25 of the Information Technology Crimes Law, regarding threatening family values.