

A crime that must be stopped

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and defendants in the media before they are convicted**



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Introduction

It is almost a commonplace that individuals suspected of involvement in crimes or defendants in court cases appear on media; as crime news and efforts to combat it constitute an inalienable part of the daily media material delivered to audience. Giving special consideration to crime/incidents news, including publishing pictures of defendants and revealing the indictments pressed against them alongside the confessions they made before the investigative authorities, is attributable to the early beginnings of periodic newspapers. However, the vast majority of media followers are unaware that publishing such information and details may encroach on the rights of those considered by media, whether they are suspects or defendants, or even their victims and family members. Followers of such information material habitually don't pay attention to its detrimental impact especially on the right to a fair trial.

Conversely, many of human rights foundations take heed to the issue of striking a balance between freedom of the media and its role in guaranteeing citizens' right to information, on the one hand, and the principle of the presumption of innocence, holding that a defendant is innocent until proven guilty with a definitive verdict following a trial that meets the conditions of justice, and the suspects' right to a fair trial on the other hand. The purpose of this short paper is to shed light on this issue in principle by introducing examples, some of which are outstanding and eminent and others are just the tip of the iceberg of a phenomenon that is rampant in all various media outlets. The paper is also concerned with clarifying how state authorities use the media to convey certain messages to the public and to promote false conceptions and scenarios in an attempt to justify the state's policies, which may include the repression of opponents and the violation of their rights, and the right to life is no exception.

Political cases

'The Public Prosecutor's assassination' Case: September 20 Protests

On the 25th of last September, TV presenter Amr Adib broadcast, through his TV talk show "El-Hekaya" aired on 'MBC Misr' channel, a series of recordings showing video-taped confessions and a picture of documents belonging to a group of foreigners and one Egyptian national who authorities say were arrested on suspicion of inciting or filming demonstrations, or taking pictures of some security services and facilities in Cairo for the benefit of foreign parties (1). The alleged confessions varied in the extent to which it is compatible with what Adib had attributed to the suspects.

Those foreigners include: Jordanians, one Palestinian, a Dutch man, Turkish nationals, a Sudanese, and one Egyptian national. Their statements ranged from confessing that they had

filmed demonstrations or downtown vital areas to confessing they had received orders to enter Egypt to help ignite protests, or to take pictures or footages of the protests in order to be communicated to foreign entities. It's worth mentioning that the Supreme State Security Prosecution which investigated the case ordered the release of all the foreigners involved in the case in light of the efforts devoted by several foreign embassies repatriating their own citizens. Following their return, some of the foreigners made statements claiming that their video-taped confessions were extracted under torture and under threats of further physical harm.

Al-Sisi's assassination attempt:

Two days before airing the aforementioned confessions, Amr Adib, exclusively and during the same TV show, disclosed a plot to assassinate President Abdel Fattah al-Sisi during one of his stays at the presidential rest house in Alexandria's Maamoura, an incident which hasn't been unveiled before despite the fact that it took place in 2017 and the defendants had already got arrested as noted by Adib. The media professional justified unveiling the details of this case at this exact time, saying that it will refute the allegations of corruption pertaining to the establishment of presidential palaces, which were made by contractor Mohamed Ali from Spain, who mentioned the refurbishment of the Maamoura presidential rest house as one of the authorities' corruption projects. Although "Adib" was trying, airing some video footages, to make it clear that the funds spent on Maamoura residence's refurbishment have nothing to do with the amounts mentioned by "Ali", it is unclear whether this has links to the foiled assassination attempt against the president, except that the TV host was indirectly hinting that the contractor himself might be implicated in the plot.

Adib broadcast a detailed video footage taken from an apartment overlooking a 1.5 km distance from the presidential residence, showing camera equipment which Adib said the defendants used to secretly monitor and screen the rest house. In subsequent footages, two people made confessions explaining their role in the plot. Adib, however, did not mention anything related to the case over which the defendants were supposed to have been referred to the (military?) court except the number it was carrying!

'The Public Prosecutor's assassination' Case

Egypt's former Public Prosecutor, Hisham Barakat, was killed by a car bomb attack on his convoy nearby his home in Heliopolis on 29 June 2015. The great shock caused by the terrorist act and the factual circumstances surrounding its implementation had imposed considerable pressure and challenge on the security bodies to promptly identify the perpetrators and bring them to justice. Consequently, in the subsequent months, the security services announced, twice, that they found the culprits; the first one on the 1st of July 2015, i.e. a couple of days after the attack, as the Interior Ministry said the security forces killed 13 of the Muslim Brotherhood's leading members blaming them for the Public Prosecutor's assassination. The second time was on the 4th of February 2016, when the ministry announced the liquidation of killers of the public prosecutor. A month later, on 6 March 2016, the Interior Minister himself announced that the

security services had managed to expose the terrorist cell responsible for the assassination of the public prosecutor. [\(2\)](#)

In the meantime, the various media outlets published a long video report on the assassination and the efforts exerted by the security services to uncover its perpetrators. The report shows three people making detailed confessions about the history of their relationship with the MB group and their role in the assassination plot. The number of the defendants included in the committal order issued by the Public Prosecutor on 8 May 2016 was 67, and their trial began on 17 June 2016 before Circuit 28 headed by counselor Hassan Farid. On 22 July 2017, when the final verdict was handed down against the defendants, the media re-published the defendants' confessions in the case while adding the further information included in the investigations of the Supreme State Security Prosecution.

Politicization of criminal cases and administrative issues

Aside from political cases, the government in Egypt has exploited the state of political tension, flared up since the ouster of former President Mohamed Morsi, to politicize cases of a criminal nature, or issues that arouse the attention of public opinion towards any failure to manage the normal daily affairs. Following are some examples:

The murderer of student Mahmoud El-Banna

The killing of student Mohamed al-Banna by another student, with the assistance of two of his friends, has sparked public outrage in Menoufia governorate; since the family of the main defendant amasses great wealth, power and influence, after being reported that they tried to use their money and influence to divert the course of investigations opened into the incident, and thus making sure the perpetrators go unpunished. The situation prompted a number of people to take to the streets to demonstrate demanding to mete out justice in this purely criminal case. In response, the security forces violently confronted these demonstrations and arrested a number of their participants. Additionally, in a striking blow to common sense, the Interior Ministry provided the media with information corroborated by video footages claiming that a MB-affiliated cell is involved in the case by exploiting the incident and the circumstances surrounding it in order to flame the public's indignation and incite protests in the country.

Published by Al-Watan newspaper's website, a video footage appeared in a news report shows four youths and one young girl making confessions that, being belonged to the MB, they had been instructed to galvanize the masses of the governorate calling on them, via social networking websites, to organize protests. The report also mentioned that the defendants were arrested in possession of "posters of inflammatory phrases-spray- blade weapons-flare gun-machine guns".

Septic tanks cell

It is a recurring issue that occurs every year with the advent of summer, and when Egypt's different governorates are hit by heavy rainfall. The executive bodies' failure to address this

issue causes not only varying and significant material damages but also civilian casualties. In 2015, the authorities in Egypt faced the mounting public anger over the deaths of many victims especially in Alexandria governorate by announcing the arrest of 17 MB members who said they belong to the so-called 'specific committees'." According to "Al-Masry Al-Youm" newspaper's website, which was among the large number of media outlets covering the news piece, "Information has been made available to the National Security Sector showing that the leading members of the terrorist organization instructed their affiliates- through the Specific Operations Committees in Alexandria governorate- to commit some hostile acts including; blocking drainage and sewage pipes by throwing a cement mixture inside them to prevent water from being drained". The report also blamed this cell for a number of other acts of sabotage of the country's infrastructure.

"Al-Masry Al-Youm" website also published a video news report, which was originally released and uploaded by the Egyptian Interior Ministry's official channel/account on "YouTube", disclosing the full names of 17 people who were accused of joining the aforementioned cell and taking part in other acts of vandalism- besides blocking sewage pipes- that include: detonating explosives at Cairo's main train station and behind the Italian Hospital in addition to damaging power transformers and garbage bins. The ministry's report described these acts as being aimed at "triggering crises in the governorate and creating a state of public discontent and indignation against the current regime". The same video showed three people giving their full names and making a number of confessions that were in line with the accusations made against them in the interior ministry's statement. It should also be noted that none of media reports, which were separately released at an earlier time, had published about the bombings and acts of sabotage mentioned in the video report.

Criminal cases

Political cases tend to attract greater attention with much fanfare; as their news pieces always occupy the newspapers' front page headlines and top the stories released by news websites and talk shows on satellite channels. Even ordinary criminal cases often come at the forefront of media coverage and have become an inalienable part of the daily media material delivered by news publications and other media outlets. In this context, the role of the Ministry of Interior can be quite evident. The ministry itself owns and runs a number of accounts on the social networking websites "Facebook" and "YouTube", through which it publishes daily security reports about the efforts exerted by its agencies throughout the day besides a weekly round-up, which are all corroborated by videos uploaded on its channel on YouTube. These reports are always re-broadcasted during the news bulletins of the state-owned satellite channels. The ministry also took part in the production of at least one TV show dedicated to airing news that is related to the ongoing criminal cases, once the Criminal Investigation agencies uncover any defendants involved in any criminal case before being referred to the Public Prosecution.

The Ministry of Interior's Official Page on Facebook was created in 2012, in the wake of January Revolution which started on 25 January 2011 coinciding with the National Police Day. This wasn't an accident, but rather a manifestation of the widespread public discontent over the

escalation of police repression in Egypt during the era of former President Hosni Mubarak, who was later toppled by the Revolution. The page has more than seven million followers, and is very active in publishing news of the ministry alongside its security campaigns (whether qualitative or regular) and the crimes whose suspects are disclosed by the Criminal Investigation apparatus.

With regard to releasing information on those who got arrested on suspicion of having committed crimes, the page follows a certain pattern that always involves posting pictures of suspects at the place where they got arrested together with the exhibits seized by the police. Although the page's admins are keen on covering the faces of suspects in the shared pictures, it could be argued that linking between the information given about those arrested in the attached news report (their status, place of residence, etc.) and the individuals depicted in the photos would make their identities somehow be revealed.

Examples of the posts shared by the Ministry of Interior's Official Page are: "250,000 LE & 7,000 dollars theft from an apartment in Maadi district uncovered, perpetrators identified and arrested"- "A farmer arrested for, jointly with 3 others, digging and excavating for antiquities, in possession of 46 antiquities for the purpose of trafficking"- "Perpetrators of abduction of Gharbia's student arrested, kidnapped boy returned safely to his family".

In the previous posts, the Ministry's page shared pictures of the suspects using a varying quality to cover their faces or disguise their identities. It also provided detailed information about each incident and how the defendants were arrested, in addition to revealing some personal information about them while trying to avoid naming them; however this might not be enough to completely hide their identity.

The Ministry of Interior's official channel on YouTube & Al-Mowaten Masry (The Egyptian Citizen) Program

Through its official YouTube channel, the Ministry of Interior presents weekly reports on the efforts exerted by its various sectors to combat crime, along with other reports on specific campaigns and crimes such as drug trafficking and smuggling, the manufacture of unlicensed weapons and customs evasion, this is in addition to other reports on separate cases which are released from time to time.

All these reports are published on the ministry's YouTube channel concurrently with airing them on news bulleting at Egypt's state television. Furthermore, the Interior Ministry's media sector is involved in the production of a weekly program aired on Channel 2 of the state TV under the title "Al-Mowaten Masry" or (The Egyptian Citizen), which specializes in presenting cases uncovered by the criminal investigation agencies.

Suspects and defendants appeared on these above-mentioned reports in the same way as they appear in the pictures shared by the Interior Ministry on its Facebook page, i.e. in possession of the exhibits seized by the police, if found, while keeping their faces covered. In many cases, the

reports presented interviews conducted with some defendants with their faces being hidden, or by filming them from behind their backs so that their face won't appear on the camera.

Showing defendants while making their confessions constitutes an essential part of the "Al-Mowaten Masry" TV show, followed by the interviews conducted with police officers who took part in crime control. In its latest episodes, we can find that suspects appear by filming them from behind so that the audience cannot see their faces, which was apparent in the episode broadcast on October 24. However, looking back at previous episodes of the show, we can notice that the policy of concealing suspects' identity is just a new policy adopted by the show. For example, in the program episode broadcast on 23 August 2016, all defendants in the video reports appeared without having their faces covered or disguised.

Conclusion

Basically and at a simple level, there is no need to highlight the fact that publicly revealing the identity of individuals suspected of involvement in any crime in any of media outlets constitutes a violation and a serious breach of law. As a representative of the Egyptian authorities, Ministry of Interior itself shows and proves this fact; given the contradictions reflected in its media materials covering political and criminal cases, at least recently. Covering news on criminal cases, those in charge of running the Interior Ministry's social media pages and the TV programs (which it shares their production) are using different techniques to conceal defendants' identity, which leaves no room for doubt that Interior Ministry is very well aware that suspects/defendants have the right to identity concealment. On the other hand, there are many media reports that are still introducing, presenting and airing/broadcasting the confessions made by defendants involved in political cases while mentioning their full names and other details of their own personal lives, which unambiguously means that the Interior Ministry and its agencies and sectors intentionally and knowingly violate what it itself recognizes as one of defendants' rights.

The principle of "the presumption of innocence of the accused until proven guilty" is a cornerstone of the justice system in our world today. Therefore, no human rights provision, starting from the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and other relevant international conventions, can avoid repeating or asserting such principle, or stressing the need to uphold it. Moreover, successive Egyptian constitutions and laws have been keen to demonstrate and prove this principle by underlining the need to adhere to it, and providing it with the various available ways of protection. Nonetheless, the way defendants and suspects are introduced to the public completely contravenes such essential principle; because they appear in a way, which is currently taking hold of the general public, as if they are already convicted of a crime despite the fact that a final verdict has yet to be handed down against them following a fair trial. All media reports that provide information about crime and efforts to combat it should therefore first be obliged not to disclose the identities of suspects who are still in the investigative stage; since the confidentiality of such investigations that is established by Egyptian law indeed applies to the principle of suspects' identity concealment. Although disclosing the secrets of investigations

only applies to those who conduct them not to the media, this principle should be taken into consideration while conducting any media work based on professional media work charters. All media outlets should also abide by impartiality and neutrality by sticking to their role in conveying the available information without designating itself as an investigator or a judge who press charges and issue convictions.

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Footnotes

1- " Al-Hikayah" TV show's channel, confessions of foreign and Arab people shooting security checkpoints, sharing information on Egypt and inciting against it, YouTube, September 25, 2019, accessed on 25-10-2019.

<https://www.youtube.com/watch?v=sWqvZieZ4xs>

2- "Al-Masry Al-Youm" news website, security announced the arrest and killing of the perpetrators of the Public Prosecutor's assassination 3 times (report), accessed on 27-10-2019.

<https://www.almasryalyoum.com/news/details/905606>

3- Hoda Abu Bakr, "Most prominent 11 milestones in the case of the assassination of the martyr Hisham Barakat", Youm7" news website, February 22, 2019, accessed on 27-10-2019.

<https://www.youm7.com/story/2019/2/22/%D8%A3%D8%A8%D8%AD%D8%A7%D8%A9-%D9%81%D9%89-%D9%82%D8%B6%D9%8A%D8%A9-%D8%A7%D8%BA%D8%AA%D9%8A%D8%A7%D9%84-%D8%A7%D9%84%D8%A7%D9%84%D8%A9>

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B1% D9% 83% D8% A7% D8% AA / 4149381

4- Khadija Afifi - Mohamed Nasr - Islam Diab, Confessions of defendants accused of the Public Prosecutor's assassination, Akhbar al-Youm, July 22, 2017, accessed on 27-10-2019.

<https://m.akhbarelyom.com/news/newdetails/2514207/1/%D9%86%D9%86%D8%B4%D8%B1->

[%D8%A7%D8%B9%D8%AA%D8%B1%D8%A7%D9%81%D8%A7%D8%AA-](#)

[%D8%A7%D9%84%D9%85%D8%AA%D9%87%D9%85%D9%8A%D9%86-%D9%81%D9%8A-](#)

[%D9%82%D8%B6%D9%8A%D8%A9--%D8%A7%D8%BA%D8%AA%D9%8A%D8%A7%D9%84-](#)

[%D8%A7%D9%84%D9%86%D8%A7%D8%A6%D8%A8-](#)

[%D8%A7%D9%84%D8%B9%D8%A7%D9%85-](#)

5- Nermin Afifi, video .. "Confessions of Menoufia's terrorists: We are instructed to exploit

Mahmoud al-Banna case", Al-Watan news website, October 22, 2019, accessed 25-10-2019.

<https://www.elwatannews.com/news/details/4389853>

6- Bahi Hassan, Confessions of Septic tanks and sewage pipes cell in Alexandria (Video), Al

Masry Al Youm Website, November 7, 2015, accessed 26-10-2019.

<https://www.almasryalyoum.com/news/details/840028>

7- The Egyptian Ministry of Interior channel on YouTube, A terrorist cell belonging to the

terrorist MB organization commit acts of sabotage in Alexandria arrested, November 7, 2015,

accessed on 26-10-2019.

<https://youtu.be/57ozD0R6uZ4>

8- Egyptian Ministry of Interior, Ministry of Interior official page, Facebook, accessed 27-10-2019.

<https://www.facebook.com/pg/MoiEgy/about/>

9- The Ministry of Interior's official page on Facebook: "250,000 LE & 7,000 dollars theft from an apartment in Maadi district uncovered, perpetrators identified and arrested", Facebook, October 27, 2019, accessed on: 27-10-2019.

<https://www.facebook.com/MoiEgy/photos/a.181676241876047/2574578632585784/?type=3&theater>

10- The Ministry of Interior's official page on Facebook: "A farmer arrested for, jointly with 3 others, digging and excavating for antiquities, in possession of 46 antiquities for the purpose of trafficking", October 27, 2019,

[https://www.facebook.com/MoiEgy/posts/2574613832582264?__xts__\[0\]=68.ARDrvL7EAd11r](https://www.facebook.com/MoiEgy/posts/2574613832582264?__xts__[0]=68.ARDrvL7EAd11r)

[i75xyBwNgiiPX78Yy7Td8pcBsQyfmg_fKd1IbdxYcUj2om4N12RA6xOp0xO4StDeaeae6yiFXdbz](https://www.facebook.com/MoiEgy/posts/2574613832582264?__xts__[0]=68.ARDrvL7EAd11r)

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[rvYHMBIFPwZDXEoytEK-cbGdOSkbYUbZ4w&__tn__=-R,](#)

11- The Ministry of Interior's official page on Facebook: "Perpetrators of abduction of Gharbia's student arrested, kidnapped boy returned safely to his family". October 26 2019, accessed on: 27-10-2019.

https://www.facebook.com/MoiEgy/photos/a.181676241876047/2572444702799177/?type=3&__xts__%5B0%5D=68.ARbfXv54ByurVGLNvOPBduj7BkBrIeaUwfSx3pUNL5SN_p0KYZzoAe2gQB_XtSQLPNjhBmeeihaeUfABai0vcF86303GDM4rdIUJMP4h--19eYWHAZgvIqgvOaJUcMWflaaTP-0jHN67vUok9wGh1H0-ATkrUSiOyv5YFJdij12KRQk1YGChNycz_ukqIqCewM3lGtmhcKs-va4n_vVQbA1UcxA8Xoata1nGD-cnNaijI7xPV3WCAisfrDWoQ-3PNpJ6MOscoh1_8dI8oF7HODFKGMULEWrMyDhSQjrQ2rQLOJwTcvyK4xSPHi5pdKKTJyFUqfAjSFwLEpAdOT7JsnEzQ&__tn__= -R

12- Ministry of Interior's YouTube channel, a person arrested for jointly committing another 23 cases of fraud against citizens, October 16, 2019, accessed 27-10-2019.

https://www.youtube.com/watch?v=uI_RJHS5cNU

13- The Ministry of Interior's official channel on YouTube & Al-Mowaten Masry (The Egyptian Citizen) Program, Thursday 24-10-2019 episode, accessed 26-10-2019.

<https://www.youtube.com/watch?v=qlfhtCz4YA4>

14- The Ministry of Interior's official channel on YouTube & Al-Mowaten Masry (The Egyptian Citizen) Program, Tuesday 23-8-2016, episode, accessed 26-10-2019.

<https://www.youtube.com/watch?v=IgaSsXv-N1g>