

ACADEMIC FREEDOMS ARE DYING

ABOUT ARBITRARINESS, ABUSE, AND PROSECUTION OF ACADEMICS IN EGYPT



Academic Freedoms are dying...

"About arbitrariness, abuse, and prosecution of academics in Egypt"

Introduction

In this paper, the Arabic Network for Human Rights Information (ANHRI) briefly sheds light on the situation of academic freedoms and scientific research in Egypt in recent days, in an attempt to outline the forms of crackdown, restrictions and violations that researchers and academics are subjected to. Such restrictions may either originate from the Ministry of Higher Education or the universities and their administrative boards, or may take the form of security interventions to impose a particular pattern of research that is only allowed to be discussed and that must comply with the official views and perceptions of the state and the security authorities. They may also include the risks that researchers and scholars are facing; starting from being arrested, prosecuted, or placed in arbitrary pre-trial detention, to working in an unsafe environment that may put their lives at risk without official protection from the state, but sometimes even state agencies themselves face indictment.

The paper also reviews the gap between legal provisions and international conventions -on one hand- and the application and implementation of these laws in practice- on the other hand. And we will refer, in this regard, to some particular cases and instances, not for the purpose of monitoring and documentation, but they are cited as substantiating examples of the situation of the academic life in Egypt in recent days and the violations academicians are subjected to.

Prelude

The term "academic freedom" is always deemed controversial in both official and unofficial discussion circles; because there is no specific, comprehensive, or accredited definition of it, despite the fact that many research papers, articles and books on academic freedoms have already been written and published over many years, as the role of universities has received much more considerable attention and elicited keen interest in our modern societies. Scientific research is of great literary, intellectual and scientific importance; as it determines the level of countries' progress and backwardness, as well as their position on the global map, and the development they can add to the world in a way that is worthy of attention and respect. Academics and scholars are the nucleus and core group responsible for conducting this research, so hence the importance of what we call academic freedoms; to ensure that academics work in a healthy and safe environment without any pressures or restrictions that could hinder their path or keep them away from doing research into certain topics.

What does academic freedom mean?

We can define academic freedom as that space or sphere that includes students, scholars and faculty members alike. This space must be free and secure. It should allow academics to express their opinions and ideas/viewpoints and present them in recognized scientific ways, or discuss them, whether orally or in writing, inside and outside the university campus, without fear of censorship, and without fear or intimidation of being subjected to any form of violence, arbitrary administrative punishment, security surveillance, unsubstantiated accusations or attempts to question their intentions.

Academic freedom protects the right to disagree among students and professors without imposing penalty. It prevents the imposing of any ideological, religious or political beliefs and gives every person the right to embrace whatever beliefs and ideas he deems right. Professors, on the other hand, have the right to explain or teach their students the course materials using the approach or method they deem appropriate, but not the approach that is imposed on them.

Academic freedom gives researchers the right to conduct research on topics/subjects of their choice and publish the results/outcomes they deem consistent with their research without prior or post censorship.

Academic freedom in the Egyptian Constitution

Article 21

The state guarantees the independence of universities, scientific and linguistic academies. It commits to providing university education in accordance with global quality criteria/standards, and to developing free university education in state universities and institutes as per the law.

The state allocates a percentage of the government expenditure that is no less than 2% of Gross National Product (GNP), which shall gradually increase to comply with global rates...

Article 23

The state shall ensure freedom of scientific research and encourage its institutions as a means to achieve national sovereignty and build a knowledge economy. The state shall sponsor researchers and inventors and allocate a percentage of government spending to scientific research equivalent to at least 1% of the Gross National Product (GNP), which shall gradually increase to comply with international standards.

The state shall also ensure effective means of contribution by private and non-governmental sectors and the participation of expatriate Egyptians in the development of scientific research.

Article 66

Freedom of scientific research is guaranteed. The state is committed to sponsor researchers and inventors and to protect and work to apply their innovations.

International Covenant on Economic, Social and Cultural Right

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:

- (a) To take part in cultural life;
- (b) To enjoy the benefits of scientific progress and its applications;
- (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

The level of academic freedom in Egypt

In March 2021, the annual report of the Academic Freedom Index (AFi) was released. It is the result of a collaborative effort between researchers at Friedrich-Alexander- University, Erlangen-Nürnberg (FAU) in Germany, the V-Dem Institute at the University of Gothenburg in Sweden, the Global Public Policy Institute (GPPi) in Berlin, and the Scholars at Risk Network New York University. Egypt ranked in the report's worst and lowest categories in terms of the level of academic freedoms.

Approximately 2,000 country experts and academics around the world took part in the preparation of this report to assess academic freedom in 175 countries worldwide, placing each in a category going from (A) which indicates complete and adequate academic freedom, to (E) which indicates very low levels of academic freedoms.

The index is compiled from five indicators that capture key elements in the de facto realization of academic freedom: (1) freedom to research and teach; (2) freedom of academic exchange and dissemination; (3) institutional autonomy; (4) campus integrity; and (5) freedom of academic and cultural expression.

In this index, Egypt scores the lowest ratings as it came within the fifth and final category indicating the least academic freedom, which involved countries including: China, Iran, North

Korea, Yemen, Syria, Bahrain, Saudi Arabia, the UAE, Turkey, Equatorial Guinea, Eritrea and Cuba. It is unfortunate that some countries ruled by repressive totalitarian governments such as China and Iran won scores higher than Egypt in terms of the academic freedom level. Even Yemen, which is witnessing wars and violent internal conflicts, ranked higher than Egypt, and this indicates the extent of decline to which Egypt is experiencing in the academic freedoms file.

Historical examples of academic freedom battles

- "On Pre-Islamic Poetry" Book

In the twenties of the last century, immediately after its publication in 1926, Taha Hussein's book "On Pre-Islamic Poetry" caused quite a stir in Egyptian society specifically in the circles of intellectuals, academics and clerics, which prompted Al-Azhar Sheikh (Grand Imam of Al-Azhar), supported by the anger of a group of Al-Azhar sheikhs and writers, to fiercely attack Taha Hussein, opposing his ideas and questioning his faith, which resulted in the book being withdrawn from the market. The matter went so far that one of Al-Azhar clerics, named Sheikh Khalil Hassanein, filed a complaint with the Public Prosecution, accusing Taha Hussein of defaming the Holy Qur'an and denying its authenticity. However, the then-Chief Public Prosecutor "Muhammad Nour Bey", who was in charge of the investigations at the time, issued a ruling that some deem historic, landmark, fair and a triumph for freedom of expression and academic freedom. He ordered the investigations to be shelved and the case to be closed, considering that "the author's purpose is not merely to slander or defame religion, but rather the wording relating to religion in some topics of his book was formulated as a matter of scientific research which he believed is required to conduct the research, given that fact that a mens rea, or criminal intent, does not exist." But the issue didn't stop there. In 1932, the ministry arbitrarily dismissed Taha Hussein from his position as Dean of the Faculty of Arts at Al-Azhar University, a decision that Ahmed Lotfi Al-Sayed, the then-university president, objected to, and consequently he submitted his resignation in support of the stance taken by the renowned writer, who wasn't reinstated to his office except after 4 years, in 1936.

What is remarkable in this incident is that despite the severe onslaught against Taha Hussein and the objections from Al-Azhar scholars, the university's position represented in its president Ahmed Lotfi Al-Sayed, as well as the official legal position of the then-Public Prosecution, was supportive of him.

- "Islam and the Foundations of Governance" Book

A year before the outbreak of the "On Pre-Islamic Poetry" Book crisis, another dispute arose in 1925 when Ali Abdel Razek, a religious cleric at Al-Azhar University, released his book "Islam and the Foundations of Governance (Political Power)" in which he expressed his views and vision of the concept of Islamic caliphate, arguing that it is a political idea in the first place and doesn't lie at the core of Islam. His book aroused anger among Al-Azhar clerics. It also angered King Fouad I,

who was dreaming to be the "Caliph" of Muslims after the weakening and disintegration of the Islamic Caliphate. This controversy had eventually led to Al-Azhar stripping Sheikh Ali Abdel-Razek of his scholarly/scientific ranks and dismissing him from his position as a Sharia judge, to which he wasn't reinstated until after 20 years (in 1945) when the Sheikh of Al-Azhar reversed the decision to dismiss him, before he became the Minister of Endowments three years later.

Criticism of religious discourse

A new controversy aroused in the 1990s when writer and thinker Nasr Hamid Abu Zaid was accused of infidelity and atheism, and a lawsuit was consequently filed against him demanding to separate him from his wife (Dr. Ibtihal Younis); against the backdrop of a thesis he submitted in 1995 to obtain a professorship degree, entitled "Criticism of Religious Discourse". As a result, Abu Zaid was forced to leave his country and travel abroad with his wife after he found that his ideas could lead him to courts.

Now here....

Academic work is a risk that leads to imprisonment... Examples:

Egypt has witnessed a sharp attack on academics, researchers, and university professors, especially those affiliated with the opposition, to prevent them from expressing their opinions freely, or to obstruct them from writing articles and research that may not be compatible with the visions of the security authorities. We also see a clear confusion between academic work and political opinion, which lead academicians and professors to be punished either by imprisonment in connection with political cases, or by practicing intransigence against them in their jobs, including attempts to suspend or dismiss them from work or tighten the screws on them with unfair administrative investigations, which cast shadows of doubt over security interventions and lack of independence of decisions.

Professor Yehia Al-Qazzaz

The security forces arrested Yehia Al-Qazzaz, Professor of Geology at Helwan University, in August 2018, as part of a security campaign that also involved Economist Raed Salameh, Diplomat and former Ambassador Masoum Marzouk, and Professor of Archeology Abdel Fattah Al-Banna. Al-Qazzaz had been kept in custody in pretrial detention until he was released in May 2019 after spending nearly nine years in prison.

But it seems that the security services didn't forget Al-Qazzaz's writings in which he criticized President Abdel Fattah Al-Sisi and opposed the maritime border demarcation agreement signed between Egypt and Saudi Arabia, which includes handing over the islands of Tiran and Sanafir to Saudi Arabia. The Public Prosecution had opened a previous investigation in October 2017, based on a complaint filed by a lawyer against Al-Qazzaz, accusing him of insulting the President and inciting to kill him. The investigations ended with his release on bail of EGP 10,000.

As if Al-Qazzaz's imprisonment was not enough to punish him, Helwan University President "Maged Ghoneim" referred the professor to a disciplinary trial (No. 2 of 2018) for allegedly breaching the duties of his job and belonging to a terrorist group. After Al-Qazzaz was released from his pretrial detention, the university president continued his intransigence against him and made him unable to return to his previous job, referring him to administrative investigation into his alleged absence from work during the period from August 2018 to 26 May 2019 during which he was held in remand detention! The administrative restrictions and crackdown on Al-Qazzaz still continue, and the most recent example is his presence in the two disciplinary council sessions set on July 5, 2021. He was supposed to be notified- at the session held on August 30, 2021- of the decisions made by the university's disciplinary board after investigating him, but the university president and the disciplinary board members refused to inform him of the decisions being taken, which constitutes a violation of the law.

Comparing the case of Professor Yehia Al-Qazzaz and that of Taha Hussein which took place in the last century, we notice how the then-university president Ahmed Lotfi Al-Sayed submitted his resignation in support of Taha Hussein's stance, while on the other hand, we find that Helwan University President continues his intransigence and crackdown against Al-Qazzaz in order to punish him and pledge his loyalty to the security services. We can also see how academic role is being confused with the political role in the case of Yehia Al-Qazzaz.

Professor Abdel-Fattah Al-Banna

Abdel Fattah Al-Banna, Professor of Archeology at the Faculty of Archeology in Cairo University, was arrested in August 2018 and had remained in pretrial detention in connection with the same case in which Professor Al-Qazzaz is involved, until May 2019. However, after his release from prison, he received a decision issued by Cairo University President "Mohamed Othman Al-Khosht" to suspend him from work for a period of three months and reduce his monthly salary to one fourth, and his suspension is still automatically being renewed every three months, the last renewal was on the 7th of November 2021, despite the fact that Al-Banna had obtained a final ruling declaring the invalidity of his suspension from work.

Professor Ayman Mansour Nada

In March 2021, the Faculty of Mass Communication at Cairo University suspended Professor Ayman Mansour Nada, the dean of the Radio and Television Department at Cairo University, for allegedly assaulting the former faculty's vice-dean, in violation of Organizing Universities Law and the internal regulations of Cairo University.

The suspension decision coincided with the period during which "Nada" began writing a series of articles criticizing the lack of professionalism of media personalities close to the government, such as Ahmed Mousa, Karam Gabr, Amr Adib and Nashat Al-Dehi, which raises suspicions that he may be targeted because of his writings and was ordered suspended to deter him from publishing

more writings. But Nada continued to publish his articles during which he also criticized the President of Cairo University "Mohamed Othman Al-Khosht" accusing him of committing irregularities and malfeasance and passing illegal decisions, and as a result he appeared before the Public Prosecution on charges of slander and defamation in September 2021, before he was released in November 2021, with the continuation of the case.

Professor Manar Al-Tantawi

The punishment of academics because of their political stances, writings or opinions, did not stop, but rather the situation went further to include scholars who are related to prisoners of conscience or those imprisoned pending political cases, and this is what happened with Dr. Manar Al-Tantawi, wife of former prisoner of conscience and journalist Hisham Jaafar, who had been remanded in custody for a period exceeding three years.

Tantawi is still being deprived of her right to obtain a professorship degree despite the decision issued by the Supreme Council of Universities, in February 2020, when it was approved to grant her the scientific degree. She is facing a form of abuse and arbitrariness represented in the Ministry of Higher Education's non-approval to grant her the professorship, in addition to the apparent intransigence practiced by Othman Muhammad Othman, Dean of the Higher Technological Institute (HTI), which ended in her referral to investigations in June 2021. After Al-Tantawi attended the investigation session, the investigator refused to inform her of the reasons behind her summoning, which prompted her along with her lawyers to withdraw from the investigation session and lodge a report on the incident and legal violations and malfeasance that took place.

Researcher Patrik George

He is a master's student at the University of Bologna in Italy, and had been working for long as a researcher for the Egyptian Initiative for Personal Rights (EIPR). On 7 February 2020, Cairo airport security forces arrested him on his return home from Italy, and the next day he was interrogated by the Mansoura Prosecution in connection with Case 7245 of 2020. Nearly a month later, he was investigated again into a new case No. 1766 of 2020 on several charges, most notably spreading false news and statements, promoting the use of violence, committing terrorist crimes, inciting to overthrow the regime, and inciting to protest. Patrick had been remanded in custody until he was brought to trial before the Mansoura Emergency State Security Court in September 2021. His trial has been adjourned for more than once and the court has set the hearing of December 7, 2021 to consider it.

Researcher Ahmed Samir Santawy

He is a researcher and human rights defender who had previously worked for a number of Egyptian human rights organizations. He is also a postgraduate student at the Central European

University in Austria where he is pursuing a master's degree in Anthropology and Sociology. On 15 December 2020, he was arrested and interrogated by the security authorities at Sharm El-Sheikh Airport upon his return from the Austrian capital Vienna, before they allowed him to leave.

Shortly after his arrival to Cairo, on 23 January 2021, the security forces raided the house of Santawy's family during his absence. Consequently, on the first of February 2021, he headed, on his own, to the Fifth Settlement Police Station in response to the security services' request and to find out the reason for his prosecution. But once he arrived there, he was subjected to enforced disappearance and illegal interrogation at one of the National Security detention facilities. Then on 6 February 2021, he appeared before the Supreme State Security Prosecution as a defendant after accusing him of joining a terrorist group and spreading false news, in connection with Case No. 65 of 2021 Supreme State Security. On 22 May 2021, Santawy was rotated- added to a new case while in detention- pending Case No. 877 of 2021 Supreme State Security on charges of spreading false news from abroad via his Facebook page.

The case was then referred to the Emergency State Security Court, which is an exceptional court that doesn't have any degrees of litigation and its rulings are final and enforceable and cannot be appealed against. On 22 June 2021, Santawy was sentenced to four years in prison, less than a month after the start of his trial.

Researcher Walid Salem

Researcher Walid Salem was arrested in May 2018 because of his PhD thesis addressing the history of the Egyptian judiciary. He was interrogated in connection with Case 441 of 2018 State Security on charges of joining a terrorist group and spreading false news. Salem was confined in Tora Prison Investigation in remand detention until he was released with precautionary measures in December of the same year. And since then, he has been banned from traveling under no legal ground, and cannot return to the United States where he had been living and studying.

Professor Ahmed Al-Tohamy

Dr. Ahmed Al-Tohamy Abdel-Hay, Professor of Comparative Politics at the Faculty of Economic Studies and Political Science at Alexandria University, was arrested in June 2020 in connection with Case No. 649 of 2020 Supreme State Security, for investigation into a case related to the activism of human rights activist Mohamed Sultan. He was charged with joining a terrorist group, spreading false news and statements, and misusing social media. He is still being held in pretrial detention until now, without a clear real charge or fair trial.

Professor Nagwa Sheta

In a strange incident, in November 2021, Al-Azhar University dismissed Nagwa Sheta, a professor at the Department of Islamic Jurisprudence, from her position as Dean of the Faculty of Islamic Studies for Girls in Alexandria, only 24 hours after her appointment. Although the university didn't

release any explanatory statement for the reasons for Sheta's dismissal, some attributed the decision to her views that don't correspond to the visions of the security services, despite the fact that she hasn't been proven to commit any crime or legal offence/ irregularities.

Professors Hassan Nafaa and Hazem Hosny

In September 2019, the Egyptian authorities arrested Dr. Hassan Nafaa and Dr. Hazem Hosni, professors of Political Science at Cairo University, because of their positions, stances and opinions opposing the Egyptian regime, as part of a wide arrest campaign launched at the time. Nafaa was released in March 2020, while Hazem Hosni remained in pretrial detention until February 2021 after spending 17 months behind bars. Two months after his release, Hosni decided to submit his resignation from Cairo University to prevent the university from taking administrative measures against him, as he put it.

Conclusion and recommendations

According to what we outlined in this paper, it would be no exaggeration to say that "academic life is fading away in Egypt" since academic freedoms cannot go in line with the arrest, arbitrariness and crackdown practiced against academics and researchers.

These practices are not only adopted by the security services/agencies, but they have been extended to reach the academic community itself (universities and institutes). Also, punishment of academics, professors and researchers are not only limited to arbitrary administrative penalties, but it has been doubled. Academicians are now punished twice, both administratively (upon arbitrary decisions and investigations) and criminally (by imprisonment over opinion cases). Hence, the Arabic Network for Human Rights Information (ANHRI) is putting forward a set of recommendations that may contribute, even slightly, to improving the situation of academic freedom:

1. Ensuring prompt release of all researchers, professors, and academics who are being held in pretrial detention pending political cases, or are being tried (on trial), or have been convicted/sentenced in connection with opinion cases.
2. The security services should stop pursuing researchers and university professors, and stop suspecting their intentions.
3. Reinstating all professors, who have been arbitrarily dismissed, suspended from work, or forced to resign, to their positions.
4. Universities' administration/governing boards should differentiate between political work and pure academic work and stop punishing professors administratively because of their political stances and opinions/views.

5. Enhancing the independence of universities and of the decisions made by their boards of directors, without any direct or indirect interference from security services, or putting pressure on them.
6. Supporting the right of researchers to choose the topics/ subjects they deem appropriate or suitable to work on
7. Ensuring the right of professors to freely express their opinions within or outside their academic work, without fear or equivocation.
8. The security services should not interfere in the selection and appointment of university boards of directors. Also, the boards of directors should be selected using the electoral/voting system.
9. Enhancing and activating student work within universities, and first and foremost the return of the impartially elected student unions.