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Communications surveillance in the digital age

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EGYPT

Egypt's internet surveillance: A case of increasing emergency

Leila Hassanin
lhassanin@gmail.com

Introduction

After the overthrow of Hosni Mubarak, Egypt's president for 30 years, on 11 February 2011, the country has been in political, social and economic turmoil due to an unstable transition that is still unfolding. Under Mubarak's regime the information and communications technology (ICT) sector had been a flagship for the Egyptian economy since the early 2000s. To promote its growth and competitiveness, the sector has been modernised and liberalised to the extent of becoming one of the most deregulated and promising economic sectors in Egypt.[1]

The government's plan was to make Egypt a regional and global ICT outsourcing hub, on par with leading Asian countries. Egypt positioned itself as an international call centre and competed with Gulf countries in its contribution to Arab content localisation and development. In addition, the country hosts the SEA-ME-WE2, a central communication node linking the Middle East, Southeast Asia and Europe. The IT sector was a potential labour market for many income-seeking youth in Egypt who were encouraged to acquire IT skills from networking and programming to hardware assembly and ICT customer servicing.

In June 2013, 36 million Egyptians, or 43% of the population, were online – an increase of 4.79 million from 2012. Mobile diffusion has literally gone through the roof, at 116%, i.e. 98.8 million in 2013.[2] Egypt's population was officially estimated at 85 million in 2013.[3] This means that many adult Egyptians own more than one mobile phone. Smart-

phone diffusion, however, was estimated at only 5% in 2013, on the lower end in the region.[4]

With all this computer, mobile and internet diffusion, online spaces were also being used in ways that the government did not like. Bloggers and political activists began using mobile phones to organise strikes and demonstrations. Social networks rallied youth to common political causes and blogs were used to vent discontent and alert the public and international media to infringements – political, socioeconomic, gender-related or any other. The Egypt country report in *GISWatch 2009: Access to online information and knowledge* gives examples of online activism and the government's surveillance and control of bloggers and activists.[5] The same tactics are still being employed, although since February 2011 more repressive measures such as widespread arrests and military trials of activists and bloggers have been taking place.

Internet surveillance

In this report, internet surveillance is defined as "the monitoring of the online behavior, activities, or other changing information, usually of people, and often in a surreptitious manner. It most refers to the observation of individuals or groups by governmental organizations."[6]

Surveillance includes scanning internet use, but is often conducted in a more intrusive manner involving interception of electronically transmitted information online through special equipment and software. Surveillance is done by direct human observation and automated means. Software captures internet traffic and analyses it. Remote access to individual computers and mobile phones is also widely used. Online open-source intelligence (OSINT), using information available through social media, blogs, forums and so forth, is another important means of information sourcing. In Egypt this is done primarily by the government.

1   For a more detailed account on Egypt's ICT infrastructure, see Hassanin, L. (2008). Egypt. In APC, *Global Information Society Watch 2008: Access to infrastructure*. www.giswatch.org/country-report/2008/egypt

2   Ahram Online. (2013, October 28). Egypt Internet users reach 36 million in June 2013: MCIT. *Ahram Online*. english.ahram.org.eg/NewsContent/3/12/84996/Business/Economy/Egypt-Internet-users-reached--million-in-June--MCI.aspx

3   World Population Review: worldpopulationreview.com/countries/egypt-population

4   Ipsos. (2013). Presentation at ArabNet, Beirut, Lebanon, 25 March. www.slideshare.net/IpsosMENA/ipsos-arab-net-presentation-beirut-2013

5   Hassanin, L. (2009). Egypt. In APC, *Global Information Society Watch 2009: Access to online information and knowledge*. www.giswatch.org/country-report/20/egypt

6   IT Law Wiki: itlaw.wikia.com/wiki/Internet_surveillance

Egypt has not been identified as an "enemy of the internet" by Reporters Without Borders in their 2014 report, despite the known internet surveillance of perceived critics and enemies of incumbent power holders.

Under Mubarak there was an unspoken rule of "let the people vent" as long as there was no outspoken criticism or "foul language" used against the president, his family, or any leading political figure. Citizens, and more specifically journalists and opposition figures, were allowed to voice criticism on socioeconomic and political issues. It was perceived as a political tool to disperse pent-up feelings against an authoritarian regime, and thereby prevent a more damaging building up of political dissatisfaction. Surveillance and control were targeted at specific individuals. As the events of the 25 January Revolution showed, this tactic did not help to dispel deep-set opposition to the Mubarak regime.

Yet overall access to websites was kept open, aside from repeated legal attempts to clamp down on pornographic sites. Islamists have been trying since 2009 to ban porn sites through legal rulings, the latest of which was on 30 March 2012.[7] These efforts, however, were opposed, mostly by the Ministry of Communications and Information Technology (MCIT), as unenforceable for technical and financial reasons.[8]

It should be pointed out that the average Egyptian surfing the internet has more freedom than her or his user counterpart in the United States, for example. There is scant commercial and business surveillance, and online information is not widely used commercially. There have also been no noted stories of employers using online information against their employees or prospective job seekers.

The emergency law and internet surveillance

Egypt is in a period of political and socioeconomic transition after the popular revolution in early 2011. The initial aspiration for a more democratic system had failed due to a vacuum of order and security. The lawlessness that Egypt was subjected to after Mubarak's stepping down from power led to

widespread public acceptance of a military hold over the country. President Abdel Fattah El-Sisi has been elected with the hope that he leads with a strong hand. Yet his political power is still in the process of consolidation, with the prospect of a clampdown on some of his most vocal and dangerous opponents continuing.

Internet surveillance in Egypt is closely tied to the "emergency law", Law No. 162 of 1958.[9] According to Sadiq Reza, Egypt's rulers have used emergency rule "to assert and maintain control over the Egyptian populace at large." This allowed them to establish a government based on emergency rule using exceptional measures of surveillance and control. The legal institution of emergency powers and their enforcement have been "a vehicle for the creation of the modern Egyptian state and a tool for the consolidation and maintenance of political power by the government," allowing the suppression of opposition.[10]

The emergency law's main stipulations are stated in its third article. The law gives the government a wide margin of control that is loosely defined as follows:

- To restrict people's freedom of assembly, movement, residence, or passage in specific times and places; arrest suspects or [persons who are] dangerous to public security and order [and] detain them; allow searches of persons and places without being restricted by the provisions of the Criminal Procedure Code; and assign anyone to perform any of these tasks.

- To order the surveillance of letters of any type; supervise censorship; seize journals, newsletters, publications, editorials, cartoons, and any form of expression and advertisement before they are published, and close their publishing places.

- To determine the times of opening and closing of public shops, and order the closure of some or all of these shops.

- To confiscate any property or building, order the sequestration of companies and corporations, and postpone the due dates of loans for what has been confiscated or sequestrated.

- To withdraw licences of arms, ammunition, explosive devices, and explosives of all kinds, order their confiscation by the government, and close arms stores, and

7   OpenNet Initiative. (2012, March 29). Egypt's government plans to block all online pornography. *OpenNet Initiative*. https://opennet.net/blog/2012/03/egypts-government-plans-ban-pornography-online; Associated Press (2012, November 7). Egypt prosecutor orders ban on online pornography. *USA Today*. www.usatoday.com/story/news/world/2012/11/07/egypt-ban-online-pornography/1689847

8   El-Dahb, B. (2012, November 11). Ministry of Communications details difficulties in porn ban. *Daily News Egypt*. www.dailynewsegypt.com/2012/11/11/ministry-of-communications-details-difficulties-in-porn-ban

9   www.scribd.com/doc/31221133

10 Reza, S. (2007). Endless Emergency: The case of Egypt. , 10(4), 532-553. www.bu.edu/law/faculty/scholarship/workingpapers/documents/RezaS031208rev.pdf

- To evict people from areas or isolate these areas; regulate the means of transport through these areas; and limit the means of transport between different regions.[11]

How does the Egyptian emergency law compare with the 13 International Principles on the Application of Human Rights to Communications Surveillance?[12] The emergency law seems to be diametrically opposed to the latter.

The emergency law has been used almost uninterruptedly since 1981 in Egypt. With the ascendance of the Supreme Council of the Armed Forces (SCAF) from February 2011 to June 2012, the law continued to be in operation. After President Mubarak was deposed, the SCAF became the governing body on 13 February 2011 to oversee the transfer of power to a civilian government elected by the people. The SCAF was created in 1968 by President Abdel Nasser to coordinate military strategies and operations during wars; it was not foreseen that it would become a national governing body. However, during its six-month rule it managed to solidify its new political role through constitutional amendments.

During the SCAF's rule there were several declarations that the emergency law would come to an end,[13] but this never happened.[14] The SCAF found it more convenient to have the emergency law at hand to engineer its political hold over the country.

With the election of President Mohamed Morsi as the Muslim Brotherhood government representative from 30 June 2012 to 3 July 2013, the emergency law was also found useful to control unrest and opposition. Notably, in two cases: once to subdue violence in public places in the port cities of Ismailia, Suez and Port Said;[15] and the second time as an excuse to fight "thuggery" – but it was also used to silence the media.[16]

The emergency law came into full power and use with Morsi's removal by the army under General Abdel Fattah al-Sisi on 3 July 2013. The interim government that ruled for 11 months used widespread surveillance, control and detention against members of the Muslim Brotherhood and youth protestors in the 25 January Revolution. According to WikiThawra, security forces arrested more than 41,000 Egyptians for political transgressions[17] after Morsi's removal.[18] The arrests were mainly of Muslim Brotherhood supporters, liberal youth and other secular political opponents.

El-Sisi had just been declared president when it was leaked that the Ministry of Interior had advertised an international tender for the surveillance of social networking sites frequented by Egyptians.[19] Nearly simultaneously, Bassem Youssef, the leading Egyptian comic, who rose to fame with his political satire on YouTube after the 2011 revolution, ended his TV show citing unbearable pressure on himself and his family.[20]

Conclusion

Egypt is going through unprecedented times: the recent past is not pointing to a more open, transparent political system. There is popular backing, after three years of debilitating unrest and chaos, for a strong-armed government – even at the expense of personal freedoms. In addition, the government is also wagging the fundamentalist threat card and justifying the emergency laws and online surveillance and control as a means to protect its people. In the foreseeable future, online surveillance and control will be stepped up by the El-Sisi government. The tracking of and crackdown on dissidents will intensify.

From a non-governmental perspective, at least for now, Egyptians are not seriously in danger of being mined online for commercial and business data and information. As to the availability of websites in general, it remains to be seen if they will continue to enjoy the relatively open internet access they historically had in terms of access.

However, politically speaking, Egypt seems to be looking at a lengthy period of instability with continuous repression of "divergent elements". This means ongoing online surveillance, among other more traditional surveillance methods. Legally, surveillance has been justified by the government

11 Emergency Law, Law No. 162 of 1958.

12 https://necessaryandproportionate.org/text

13 Ahram Online. (2012, May 31). Egypt state of emergency ends for the first time in 30 years. *Ahram Online*. english.ahram.org.eg/NewsContent/1/64/43368/Egypt/Politics-/Egypt-state-of-emergency-ends-for-first-time-in--y.aspx

14 Shenker, J. (2011, September 16). Egyptians rally in Tahrir Square against return of emergency laws. *The Guardian*. www.theguardian.com/world/2011/sep/16/egyptians-rally-tahrir-square-laws

15 BBC. (2013, January 28). Egypt unrest: Morsi declares emergency in three cities. *BBC*. www.bbc.com/news/world-21224643

16 Ahram Online. (2012, August 28). President Morsi considering new emergency laws: Justice Minister. *Ahram Online*. english.ahram.org.eg/NewsContentP/1/51440/Egypt/President-Morsi-considering-new-emergency-laws-Jus.aspx

17 From 3 July 2013 to 15 May 2014.

18 WikiThawra: Statistical Data Base of the Egyptian Revolution. wikithawra.wordpress.com/author/wikithawra

19 Gamal el-Deen, K. (2014, June 3). Egypt to impose surveillance on social networking sites. *PressTV*. www.presstv.ir/detail/2014/06/03/365344/egypt-to-impose-surveillance-on-social-networking-sites

20 Hendawi, H. (2014, June 2). Egyptian satirist Bassem Youssef ends his TV show. *The Boston Globe*. www.bostonglobe.com/news/world/2014/06/02/egyptian-satirist-bassem-youssef-ends-his-show/7tKEXoyMhjKFVsYcSyojgL/story.html

since 1958 as an attempt to secure the country internally from Islamists and externally from its main enemies, Israel and Iran, and their cronies.

This "state of emergency" was lifted after 11 February 2011, when Mubarak was deposed, but reinstated in September 2011 by the SCAF. The state of emergency gives the government a free hand to suppress meetings, demonstrations and strikes and allows imprisonment, confiscation and detention without a warrant or additional legal justification. It also gives a green light to any form of online surveillance and control.

With El-Sisi as president, there does not seem to be any reason why the emergency law should cease. On the contrary, with the Islamist threat, the new government has more of an alibi to extend it. Egypt's new government is also using the argument that in Europe and the United States, widespread internet surveillance of citizens is happening.[21]

Action steps

Free online speech is not looking at a promising near future in Egypt. With enormous political, economic and social challenges at play, it is not foreseeable that the emergency law, and consequently internet surveillance, will be reined in any time soon. In fact, recent indications point to the opposite.

Are there any concrete new actions steps? Not really. What can be said is that:

- Journalists, bloggers and civilians have been trained by various international organisations, including Reporters Without Borders, on communication and data protection for years.[22]

- Individual surveillance circumvention is notoriously hard and leaky. Egypt is among many countries that face online surveillance and, even with more stable political systems, governments tend to raise the spectre of "terrorism" to justify widespread surveillance, as has been the case with the National Security Agency (NSA) in the US. As the surveillance technology is easily acquired by government agencies and is hard to detect by civilians, it remains doubtful that online surveillance will decrease. In addition, internet service providers (ISPs), search engines, social networks and the like are under legal pressure to comply with governmental requests for data disclosure.

What does that mean for the activist? The usual cat and mouse game of trying to come up with codes and dodging being tracked by encrypting connections. Any code or tracking evasion will be found out sooner or later, so the name of the game is to stay ahead, change often – or maybe it is time to look for a less surveilled communication channel?

21 Amnesty International. (2014, June 4). Egypt's plan for mass surveillance of social media an attack on internet privacy and freedom of expression. *Amnesty International*. www.amnesty.org/en/news/egypt-s-attack-internet-privacy-tightens-noose-freedom-expression-2014-06-04

22 Reporters Without Borders. (2014). *Enemies of the Internet 2014*. 12mars.rsf.org/wp-content/uploads/EN_RAPPORT_INTERNET_BD.pdf