

# Isolation..

The cutting of communication during the January 2011 revolution



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مؤسسة حرية الفكر والتعبير  
Association for Freedom of Thought and Expression

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## Report Methodology

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The report is the fifth in a series of the conscience and memory program's publications that deal with successive events of the revolution as a period of conflict. This report addresses the fact that communications were interrupted during the events of the 25 January revolution. However, the scope of research in the report exceeds the five days in which Egypt was hidden from the Internet map, as the cutting off of communications and its consequences takes us to several years before and after the event until the writing of this report.

Unlike previous reports of the program, in which we rely primarily on official investigation papers and the case in question, we have relied here only on the merits of case no. 21855 of the year 65, known as the "cutting of communications" case, as it was extremely difficult to obtain the whole case file, since the case was returned to court, as well as the usual difficulties faced by any person who wants access to information.

The report also relied on documented testimonies obtained by AFTE from victims and their families directly affected by the decision to cut communication, as well as official and non-official statements and decrees issued during the said periods. We also relied on documents that were leaked during the storming of the State Security headquarters, which have not been denied by respective authorities in March 2011, in addition to various local and international news platforms that the team verified and finally what has been published during this period on social networking sites, which we considered important in understanding the context of the reporting period.

## Introduction

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On March 24, 2018, the Supreme Administrative Court handed down its ruling in the case of cutting communications. It abolished the fine imposed on former President Mubarak and his prime minister and interior minister. The court considered the decision to cut communications a protection of public interest and national security.

Seven years ago, the Investment Circuit of the Administrative Court of Justice, headed by Judge Hamdi Yassin, Vice-President of the State Council, had begun the proceedings of the case No. 21855 for the year 65, which was filed by the Egyptian Center for Housing Rights, against twelve officials in the Mubarak regime, in addition to the three mobile operators and the Internet service providers, demanding that Mubarak and Al-Adli be obliged to pay a financial compensation for cutting telecommunications and Internet service for citizens during the revolution without prior warning, causing great damage.

On 26 March 2011, the first hearing of the proceedings was considered. Yassin issued his ruling two months later on May 28, 2011, obliging Mubarak, Nazif and Habib Al-Adly to pay 540 million pounds of their own money to the state treasury for the damage caused to the national economy as a result of cutting communication during the first days of the revolution, where Al-Adly was to pay 300 million, Mubarak 200 million, and Nazif 40 million pounds.

The difference between the first instance ruling and the second sentence issued just days ago is not only a difference between a ruling that upheld the right of human beings to communicate and all other related rights, and another ruling that acquitted the defendants and cleared their responsibility for a crime that claimed the lives of many under the pretext of protecting national security. It is rather an attitude which characterized each of the “Conscience and “Memory” cases addressed by AFTE, which is to establish an official narrative aimed at justifying gross violations of human rights and blurring the facts about what happened, in contrast to other attempts to present alternative narratives that raise the voices of citizens, youth and protesters, as well as victims who lived through the events and were affected by actions taken by authorities.

This report, like other reports of the conscience and memory program, is one of those attempts: to give voice to alternative narratives, attempts to look at things from angles that the authority wants to ignore.

In this report, we try to recall the facts of the communication disconnection during the January 25, 2011 revolution, which came as a flash among a series of events and developments. Seven years after the outbreak of the revolution, many of its events seem to escape our memory; so this report tries to collect the details of this issue and its impact on human rights, especially the right to life.

This report is being issued at a time when the state has become more aggressive with regard to the digital rights of citizens and their right to access the Internet. From May 24, 2017 to date the government has blocked at least 500 sites. As well as its enactment of a law on so-called “cybercrime” that imposes restrictions on the use of the Internet, as well as security campaigns against the right of citizens to express their views freely

through social media. Therefore, this report comes at a time of increasing importance of raising a voice in the face of the state's attempt to permanently close and fully control the outlet of cyberspace.

The report is divided into four main chapters. The first deals with the facts related to the cutting of telephone communications and the Internet from all parts of Egypt during the January revolution, while the second chapter deals with the effect of these cuts, especially as regards the impact on the right to life. Chapter III addresses the legality of the cutting of communications and the use of the national security argument as a pretext for this act. The fourth and final chapter addresses the role of those responsible for that crime.

# Chapter I: The story of the cut of communications

What happened?!

Hours after the news of the success of the Tunisian revolution in the removal of Ben Ali and his escape from the country, there were calls on social media sites in Egypt to demonstrate on 25 January 2011 in conjunction with the Egyptian Police Day. The calls spread among different sectors and were adopted by political parties and movements. Social networks contributed to the organization of the actions and dissemination of information before the time of the demonstration. Thousands of demonstrators marched in different places in Cairo and met in Tahrir square in the center of the city, condemning the crimes by the ruling regime and its corruption, the widespread unemployment and systematic torture in Egyptian police stations and prisons.

The Mubarak regime, for its part, had taken proactive steps by cutting off communications to reduce the number of demonstrators and disrupt their movement<sup>1</sup>.

In<sup>2</sup> the early hours of Tuesday, January 25, the Egyptian government blocked Twitter and the bambuser live broadcast site. At 8 pm of the same day, the coverage of mobile networks in the vicinity of Tahrir Square was cut off.

At 10:30 pm the following day, January 26, Twitter and Bambuser returned to work on a limited scale, while Facebook was as well as BlackBerry services.

On the evening of Thursday, January 27, at approximately 9:30 pm, SMS services and all Internet services were cut off except those associated with the Nur Internet service provider by, the only provider whose services were not interrupted. Information related to trading in the stock exchange and some economic operations were transferred by the government to that service provider<sup>3</sup>. The interruption of those services continued from the 28<sup>th</sup> to the 31<sup>st</sup> of January 2011.

On Wrath Friday, January 28<sup>th</sup>, voice calls were stopped on the three mobile phone companies, and for hours telephone land lines were blocked in some areas, as well as the satellite. On January 31<sup>st</sup>, the Internet was cut from the last service provider. On February 2, 2011, at 12 pm, Internet services were re-activated. SMS services were re-activated on 6<sup>th</sup> of February.

Despite the confusion caused by the cut of communication, the protests escalated and spread throughout Egypt's various governorates. With the security violence in response to the demonstrators, the demands went beyond the condemnation of security practices

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1. Annex 1: timeline of communication cut in Egypt. Source <https://goo.gl/8TNULC>

2. Documentation of the stages of communication cut depended on the blog of Ramy Raouf, researcher in the field of digital rights. Mentioned times are local Cairo times. Numbers are approximate. Published on 23 June 2011. Last visit in January 2018. Egypt: Timeline of Communication Shutdown during the Revolution. <https://goo.gl/UfuYVf>

3. Annex 2: Stock market transactions, obtained exclusively through "Nour" company. Source: <https://goo.gl/T5g1QD>

to demand the overthrow of the regime and that Mubarak step down. Demonstrations continued demanding Mubarak to step down for 18 days until director of General Intelligence, Omar Suleiman, announced on February 11<sup>th</sup>, 2011 that the deposed President Mohamed Hosni Mubarak would step down and the military council would take over the country's affairs for a transitional period that extended to the presidential elections, which were held in the middle of 2012.

## **Emergency room.. How did the state manage the communications cut?**

***“The decision to cut off communication, SMS and Internet services was not a spontaneous decision produced by the peaceful protest conditions. It was a deliberate and calculated decision that was prepared for before the dawn of the revolution of January 25, 2011”***

Excerpt from the ruling of the administrative judiciary in the case of cutting communications

The case archives indicate that the government conducted two experiments to cut off communications in Egypt before fully implementing that cut on the eve of the January revolution. The emergency room, which consisted of representatives of the Ministries of Defense, Interior, Communications and Information, and the three mobile companies (Vodafone, Mobinil and Etisalat), cut communications on April 6, 2008, in conjunction with the strike by Mahalla workers and the calls for civil disobedience adopted by political activists.

***“Until 2008, the government’s relationship to the Internet was not in place, and there was no clear interference between the government and the electronic space. With the outbreak of the Mahalla events, it became aware of the existence of bloggers and the creation of various spaces through the Internet that it cannot control.***

Rami Raouf, researcher in the field of digital rights

The sixth of April is one of the most important episodes in the path for change in Egypt; a call for a strike announced by the workers of the Mahalla spinning company in protest of the high prices and low wages, turns into a general strike after the adoption of the call by some bloggers and activists from the Kefaya and 6<sup>th</sup> of April<sup>4</sup> movements and some opposition parties.

In the first use of Facebook in advocating and mobilizing political action<sup>5</sup>, activists spread the idea of the strike fast and wide through cyberspace, especially social network sites and blogs. A large number embraced the idea of a general strike, and this infinite space

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4. The formation of the 6<sup>th</sup> of April movement was inspired by the Mahalla events and its name is associated therewith.

5. Report: After years of struggle, Mahalla lays careful hopes on elections, Reuters, published on 3 January 2012. Last visit January 2018.

<https://goo.gl/1NE55R>

became one of the most important mechanisms of mobilization for the strike.

With the wide dissemination of calls for strike, the Ministry of Interior established for the first time a secret room that meets in crisis situations and called it the “Emergency Room”, which was located in Ramses telecommunication, one of Cairo’s busiest and most crowded streets, to counter what the security authorities called “the use by agitating elements of sms and web services to spread misleading and incorrect news and messages that could create chaos in the country.”

According to documents belonging to State Security Service<sup>6</sup>, which were obtained by citizens after they stormed the premises in March 2011<sup>7</sup>, the emergency room was formed during the Mahalla events, with the participation of members of the following organs and ministries: the National Telecommunications Regulatory Authority (NTRA) and the General Information and Documentation Department of State Security Investigations, Ministry of Communications and Information Technology, Ministry of Defense, Ministry of Mass Media, Mobile Companies, and Internet Service Provider Companies.

The second experiment, which was more sophisticated, took place three months before the beginning of the revolution, specifically on October 10, 2010, and aimed at cutting communications from Egypt, and blocking some websites and Internet access in a city, governorate or several governorates. The experiments included blocking or slowing down specific websites, developing a plan to speed up access to users’ data and electronic prints after using them for a period of not less than three months, blocking mobile service by the three companies from a specific area, city or governorate or all of Egypt and closing Bulk SMS service from outside the country as not to exceed 50 mobile receivers, especially those coming from East Asia countries.

This experiment came after NTRA monitored an SMS from outside the country<sup>8</sup> on September 30, 2010 confirming the death of ousted President Mohamed Hosni Mubarak. The rumor of his death<sup>9</sup> spread upon his return from Germany where he had a cholecystectomy (surgical removal of the gall bladder) in 2010 and his lack of public appearance while he was recuperating in Sharm El Sheikh<sup>10</sup>. The rumor circulated quickly after one of the international numbers sent a text message carrying the news to a limited number of mobile phones inside Egypt. Despite the development of this second experiment, and its wide scope, it revealed gaps in the implementation of the plan to slow down access to a website, a matter which service providing companies promised to study how to address technically.

Internal communications confirm that the NTRA reported to the SSI immediately after the message was received informing them. The information was passed from there to Minister of Interior, Major General Habib Al-Adli at the time. The Minister of

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6. Annex 3: Leaked classified documents from SSI concerning the meeting of the “emergency room”.

7. AFTE: Shredding of SSI documents: what happened to the oppression archive in Egypt?

8. Annex 4: Leaked document indicating a correspondence from one of the SSI offices to the office of the minister of communication.

9. Ahmed Hammad: Many rumors and one “Mubarak death”. The former president died more than 13 times since 2004 starting by Ibrahim Eissa.. “cancer” and “Heart attack” most common causes.. The media, the MB and political parties share the rumor, published on 13 December 2015. Last visited January 2018. <https://goo.gl/ssV81s>

10. Deutsche Welle: Mubarak returns to Egypt after a treatment trip in Germany, published on 27 March 2010. Last visit: January 2018. <https://goo.gl/RQr76j>

Communications and Information Technology, Mr. Tarek Kamel, then instructed the three mobile companies on 10 October to block short mobile messages arriving from abroad. The emergency room reconvened in a “booster meeting” at Ramses telecommunication upon the request of the Minister of Communications<sup>11</sup>.

The 13<sup>th</sup> of October meeting was preceded by several meetings to follow up the procedures to be taken by the various security bodies to control the spread of the rumor and identify its sender: the meeting addressed the establishment of future mechanisms with the telecommunications companies to speed up data acquisition in case the situation is repeated in the future, as well as the approval of the Minister of Communications to the request of the General Intelligence and the national body for the organization of communications represented by its deputy, engineer Mustafa Abdul Wahid, regarding the need to obtain technical data of the message, which includes its geographical location and sender information. Representatives of the agency and General Intelligence demanded to obtain a “USB” modem from the mobile companies with information regarding their experience in accessing the Internet, to check whether each company records the used electronic fingerprint and sites that are being browsed<sup>12</sup>.

The documents reveal that there exists a special section of electronic interception in SSI, chaired by Lieutenant Colonel Kamal Saif Eldin Kamal. The section is affiliated to the Electronic Monitoring Group of the Central Department of Information Technology in the General Information Department, which was summoned to the emergency room meetings when needed.

The documents reveal the involvement of several bodies, including the Ministry of Defense and Interior, General Intelligence, the Ministry of Communications, the National Telecommunications Agency, the three mobile companies and the Internet service providers in violating the privacy of citizens using the Internet and spying on them, to prevent them from exercising their right to communicate, up to complete bloc of the service, which led to the fall of a large number of victims during the January 25 revolution because of their inability to contact ambulances or medical services in the absence of communication services.

Although the documents confirm the support by state agencies and their respective ministries for full control and control on the field of telecommunications, Dr. Hossam Lotfi, legal adviser to the NTRA, confirmed in a radio interview in 2013<sup>13</sup> that security practices in the field of telecommunications do not concern The National Emergency Regulatory Authority (NTRA), adding that the “emergency room” does not have a fixed geographical location, and that it is a “room” formed to meet when needed; its membership includes a NTRA member, its vice president, who coordinates between mobile companies and the competent authorities in case of public mobilization or crises such as wars, earthquakes and floods, as well as follows up the implementation of recommendations of the “Body” on cooperation and coordination between any of the parties concerned.

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11. Annex 5: Call by minister of communication for a booster meeting of the operation room.

12. Annex 6: Previous meetings and objectives of the operation room.

13. Akher Kalam: A “spy” in our home... the state spies on Egyptians, OnTV, published on 20 February 2013. Last visit: January 2018.  
<https://goo.gl/pjjQD6>

Contrary to Lutfi's assertion, the documents prove that the emergency room was used only to curtail and suppress political opposition, as the report shows. It should be noted here that there is a fully specialized unit to deal with network infiltration, which is completely different from the emergency room. It was established by NTRA in April 2009; it is the unit of the Egyptian center to respond to internet emergencies operated by the CERT Computer Emergency Response Team<sup>14</sup>, as the first line of defense against cybercrime.

## **The January revolution.. How did the government shut down Egypt's windows?**

The call for protests against the Mubarak regime was not secret. After the mass movement that resulted from the killing of Khaled Said in Alexandria and the fall of Ben Ali in Tunisia, it seemed that the situation might go beyond the limited demonstrations against the government and its police force, which the Egyptian street was used to in previous years. Upon security information indicating the possibility of major riots on January 25, 2011, a ministerial meeting was held at 2 p.m. on Thursday, January 20, 2011 in the Smart Village chaired by Dr. Ahmed Nazif, former Prime Minister and 6 ministers and leaders, including Major General Habib Al-Adli and former minister of defense Field Marshal Hussein Tantawi, Minister of Communications Eng. Tarek Kamel and Omar Su-leiman, head of General Intelligence, to discuss the various measures in state sectors that should be followed in preparation for the events of January.

Thus, once again surfaced the role of the emergency room to practically implement the experiments of previous years. The Ministerial Committee recommended activating the Telecommunications Law and setting up the Crisis Management Operations Room with the participation of the aforementioned institutions, working 24 hours a day throughout the duration of the events, ensuring the implementation of any necessary measures to implement Article 67 of Law No. 10 of 2003 to regulate telecommunications, which allows sovereign bodies to oblige companies to cut off communications and Internet services in various locations in the Republic in case national security is endangered

The case papers indicate that the cutting was executed pursuant to two successive decisions by Major General Habib Al-Adli. The first was issued on Tuesday January 25 until the following morning to include telecommunications and Internet services and is to be implemented starting noon the same day in the area of Tahrir Square in conjunction with the calls for demonstrations. The second was carried out after Al-Adli issued strict instructions to the emergency room more than once on January 27 that telecommunications services should be cut off starting the morning of Friday, January 28, for one day for mobile services in the governorates of "Greater Cairo-Alexandria-Suez-Gharbeya" as well as Internet services all through the Republic as of Thursday evening, January 27 because of eminent danger facing the national security of the country.

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14. Ministry of communication and information technology. <https://goo.gl/SdfUmb>

## How did Tahrir protesters reconnect with cyberspace?

Despite the paralysis caused by the disconnection, activists who called for the demonstrations of January 25 were able to find and develop alternative solutions and mechanisms to overcome the cut of communications. They were able, each according to their specializations, to publish videos, pictures and information about demonstrations throughout Egypt to the outside world; they constituted the link between Tahrir Square and the international press as well as among individuals inside Egypt.

Before communications were completely cut off on 27 January, information<sup>15</sup> was exchanged about the authorities' intention to cut communication among demonstrators. No one expected a complete interruption of service, but that the authorities would only block social networking sites. So they exchanged and published programs and methods to break the ban<sup>16</sup>.

At the time, Nourhan<sup>17</sup> was present at a political meeting preparing for the Wrath Friday demonstration, which began from the area of Imbaba.

The city center was completely quiet and silent, resembling a ghost town as she described it. Nourhan was terrified of the events of the following day and that the regime would commit a collective massacre against the demonstrators. But she felt it was important for those sitting at home to know what was happening. "People need to see... people need to know," says Nourhan<sup>18</sup>. She spent the night of the 27<sup>th</sup> making phone calls to her circle of acquaintances outside Egypt, telling them about circulating information of the cut of communication services. She said, "They say, they will cut communications tomorrow. If anything happened, you have to act and try to access information on our situation."

Mona did not have a clear plan for the actions and their organization, nor about sharing information without communication. Still together with others she began collecting numbers of landlines for a network of activists participating in the Wrath Friday demonstrations. She asked her brother Nour<sup>19</sup>, who was in South Africa at the time, to contact their mother on the landline to receive information about what was happening and spread the news abroad. Landlines were the primary means of communication.

Nourhan had to take one of her acquaintances who arrived from abroad to participate in the Wrath Friday. Coincidentally, he had a Thuraya phone - a satellite communications network - and once she realized that she asked him not to participate in the demonstration and instead to be in a fixed place, next to a land phone to receive the news and share

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15. Official Al Dostour Alasli page on Facebook: Statement.. Egyptian authorities block Facebook, Twitter and Aldostour Alasli, published on 25 January 2011. Last visit March 2018. <https://goo.gl/CT25QA>

16. Khaled Atteya blog: Multiple ways to access blocked websites in Egypt. Published on 26 January 2011. Last visit: March 2018. <https://goo.gl/7dPPwU>

17. Nourhan: is a pseudonym for the person who gave the testimony to AFTE, which was received in February 2018. Nourhan, as she is referred to in the report, is a person interested in the human rights field and the human rights situation in Egypt and founding member of the "no to military trials for civilians" group.

18. Nourhan, interview in February 2018.

19. Nour, is a pseudonym for an Egyptian activist and blogger, was in South Africa during the events. Now doing a five prison term for charges of demonstration

it with the outside world. Nourhan made several copies of the landline number in preparation for their distribution, and wrote “to communicate with the media or to cover the events of the revolution contact... and ask him to ...” A while later the youth could no longer wait and decided to participate in the demonstrations once they arrived in Tahrir square. Nourhan says that during the first hours the events were so fast and violent leaving no space to try to report or document what was happening.

Nourhan commuted daily several times to and from Dokki, where her friend’s apartment was located in a side street in the Dokki district of Giza. The apartment was crowded with Egyptian and foreign activists and journalists gathered in a small room they called the “Twitter Hub.” Nourhan’s friend had opened her house to any of the activists interested in covering the events, after she discovered that the Internet service was still working and was not cut. Here Nourhan’s primary role with the participation of friends became the monitoring and documentation and sharing of news and information.

Nourhan’s friend has a working land line that works and connects to the Internet through Noor, the only Internet company that has not cut off its communication because it was receiving input from the stock market. The Dokki apartment was like a link between what was happening in Tahrir Square and the outside world, and the activists’ posts sent from there were the main source for international media.

***“During the 18 days, most of my words were in English ... At the time I didn’t feel like I was talking to people here, but I was talking to human beings interested in following up and covering the situation in Egypt”,***  
says Mona.

The phone did not stop ringing since the morning of Saturday, January 29. The Dokki apartment automatically turned into an operating room receiving the numbers of the bodies and the dead from the surrounding of the interior ministry, as well as news and information from other governorates. “The thing I remember most was the description of the people being killed around the Interior Ministry, as if they were being hunted, because every while somebody would call and shout in panic “they shot somebody.. they shot somebody”, or somebody saying “a car came and threw the corpse of someone.”

Unlike the Dokki group, the Hisham Mubarak Law Center was like a headquarters for the Front for the Defense of Egyptian Protestors, and through the land line of the Center, members of the Front were receiving names of the arrested during the demonstrations and their places of residence and the network of lawyers, prepare and exclusive to be conveyed to the Dokki apartment via the landline or through daily visits to Hisham Mubarak Center in preparation for publishing the updates on social networks and sending them to journalists.

On the morning of Wrath Friday, a group of journalists booked a room at the Semiramis Hotel by Corniche El Nil, close to Tahrir Square. They had discovered that the hotel was still connected to the Internet, and the group was taking photographs and visual material to be published on the Internet.

In another part of the world, an Egyptian programmer living in Switzerland developed<sup>20</sup>

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20. Nora Younis and Basma Almahdi, “Almanassa” opens the block box of the revolution: How did Egyptians tweet when the internet was

an idea to broadcast voice calls via Twitter. On 30 January, Abdel Karim Mardini<sup>21</sup> announced on his personal social network account about international numbers he developed with friends abroad that enable the caller to connect to the Internet. The service converts voice calls into recorded voice clips that are automatically posted on the talk2tweet service<sup>22</sup> account on Twitter.

On the same day the service was launched, Mona called the landline connected to the international service, and received a message saying, ***“Raise your voice ye Egyptian, to hear an audio tweet press 1, to record a voice tag, press 2”***<sup>23</sup>

Nourhan presses on 2 and records her message<sup>24</sup>, ***“I am Nourhan from Cairo. I want the world to know that we have been cut off from the Internet ...”***

***She says, “There were people in the group who encouraged each other to come go to the square, collect audio files from the people and post them on Twitter. Even if you do not have an Internet number with an international number to call from your mobile to be broadcasted on twitter.. I recorded two audio files to speak to Nour because Nour was still in South Africa. I said to him: there is talk that they will cut communication again, but this time I am not worried. This time people know where to go.. there is no confusion about what we should do or how will people know about what is happening”.***

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cut, published on 28 January 2017. Last visit: March 2018. <https://goo.gl/ZiRt8M>

21. Programmer Abdel Karim Almardini personal twitter account. <https://goo.gl/EGH8yM>

22. Official “Speak to Tweet” twitter account. Last visit: March 2018. It is to be noted that audio files on the account have been disabled for an unknown reason. (Annex 7). <https://twitter.com/speak2tweet>

23. Official Almanassa account on SoundCloud, The black box of the revolution 2. <https://goo.gl/DmUf8H>

24. Official Almanassa account on SoundCloud, The black box of the revolution, Mona Seif message. <https://goo.gl/mNzfke>

## Chapter II: Impact of the cut of communication

Communication and Internet services are closely linked to a package of rights and freedoms that are only enjoyed through those two services. So the cutting, blocking or disabling of these services is a clear violation of those rights and freedoms. In this regard, the Administrative Court of Justice confirmed in the grounds of its ruling that cutting off telecommunications and SMS services on mobile phones and Internet services violates a number of rights and freedoms, including “freedom of expression”, “right to communication”, “right to privacy” “the right to use spectrum”, “the right to know” and the related “right to flow and circulation of information” and its association with the “right to development” and the “right to life”.

The ruling was based on the damage caused to individuals by the decision to cut off communications and the right to communication as an essential prerequisite for citizenship.

***“In view of the nature and interest of both the plaintiffs and the litigants, it is established that the right to communication is a basic human need and a basis for every social citizen, to which individuals as well as societies are entitled; it is a right that cannot be fulfilled except in the availability of its tools, which means the right of participation of individuals, groups and organization, irrespective of their social, economic or cultural levels, and irrespective of sex, language, religion or geographical location, in the balanced use of communication means and services and information resources, and to maximize public participation in the communication process , where the role of individuals and social groups is not limited to receiving media or communication and Internet services, but extends to positive participation, as well as the right to communicate, and the right of the individual to access information, knowledge and be informed of the experiences of others, contact them and discuss and influence social and political leaders to serve the individual and the community, and therefore when the dispute is related to this right, citizenship becomes the nature of the interest and its basis”.***

From the grounds of judgment in the lawsuit

In addition to the inviolability of the rights of social communication, the freedom of circulation of information imposes the right to receive and impart information and ideas and their exchange with others through communications and internet services. Without the ability to obtain information and to have the right to exchange and communicate them to the public, freedom of opinion will have no real meaning within society, and without community communication through the Internet at home and abroad none of the freedoms would be existing or have a tangible presence.

In addition to the impact of cutting off communications on fundamental rights and freedoms, the Administrative Court of Justice based its ruling on fining EL-Adli, Mubarak and Nazif 540 million pounds due to the losses sustained by the national economy due to the act of interrupting communication. These losses were recorded by the Organization for Economic Cooperation and Development in a statement<sup>25</sup> it released a few days after the communication cut, and was endorsed by the court and the Information and Decision Making Support Center of the Council of Ministers.

According to initial estimates by the OECD, the Egyptian government's cut of Internet services in the country for several days cost Egypt \$ 90 million and its economic impact could be greater in the long term. "Interrupted services - telecommunications and the Internet - represent 3% to 4% of GDP, i.e. represent a loss of approximately \$ 18 million per day," the organization said in a brief statement.

The Paris-based organization said the economic impact could be greater in the long term, because the interception affected local and international companies working in the field of advanced technology and provide services outside of Egypt as well.

Apart from the OECD, official and informal reports, both domestic and international, have spoken roughly about the losses caused by cut of communications in Egypt. The court estimated the amount of compensation based on these reports.

***“Cutting communication means you cannot call a doctor or ambulance to save a critical condition, neither the patient’s mother to say her goodbyes, nor her young children to see their mother’s face for the last time alive. You cannot summon the worker who returned home with the key that connects you to the ‘Doppler’, an equipment which detects blood thrombosis. Cutting of communication means that you will stay by the side of your little sister, watching her die for 10 hours, while she is aware that the whole hospital refuses to help her. Cutting communication means that you cannot contact an official to tell the doctor that critical cases should be allowed to enter the ICU, even if they are not officers or soldiers, contrary to ministry of interior instructions. Cutting communication means you cannot call a friend to cry because your little sister has died<sup>26</sup>.”***

Despite the fact that seven years have passed since the cutting of communication in Egypt with its subsequent serious damage, we cannot know the number of victims who have lost their lives because they could not contact the outside world and ask for help. It is like they have been silently hidden behind a curtain. Although official and non-official reports, both international and local, gave a detailed account of the losses of the Egyptian economy as a result of the communication cut, none of them mentioned the deaths during the five days in which Egypt was hidden from the world, where citizens lost contact with each other. This is either due to lack of transparency and the block of information, which is the way the Egyptian state always follows in similar events, or the

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25. OECD, The economic impact of shutting down Internet and mobile phone services in Egypt, published on 4 February 2011. Last visit February 2018.

26. Post on social networks by “Hala” sister of “Hoda”, one of the victims of the communication cut. Testimony documented by AFTE.

loss of information; in the absence of channels of communication, information becomes more difficult to document. Thus, the number of victims remain unknown, a black hole in the memory of the revolution. We have only received two cases where the cutting of communication was the main cause of a death. It is certain that there are other cases that authors of the report have not been able to contact, because there are no clues that may indicate their identity. This report may be a tool for identifying new situations and reviving our collective memory.

On the evening of January 27, 2011, just a few hours before the cutting of communication, Hala received a phone call informing her that her younger sister had suffered an unknown health crisis. Hala suggested to her brother-in-law to take her to El Shorouk Hospital, a private hospital where the younger sister would receive optimal care. Huda lives in one of the buildings near the Ministry of Interior, one of the most tense and secured places on that day, which made crossing with the ill Huda through the military barracks almost impossible.

***In her testimony to AFTE, Hala said<sup>27</sup>: “I went down quickly from Nasr City; the streets were difficult; I arrived and he called me saying he could not cross because of the tension around the ministry of interior.. Huda had just given birth. Her little daughter was born in October. Her husband had to take her to the French Kasr Al Aini hospital. When I arrived she was still conscious. She was very tired. We asked them: what can we do? But the doctors were in a state where they were not responding to the person talking to them, nor the patients nor the special cases.”***

Hala describes the scene on the eve of Wrath Friday from inside the French Kasr Al Aini hospital. According to her, it seemed like the end of the world. Something mysterious was happening in the outside world, suggesting a stormy change destroying everything; this reflected on the indifferent performance of doctors and nurses. No one was doing their duty now, and no one cared to take the young lady into the ICU to receive the care she needs.

The time was almost midnight; now all cell phones were out of service. It is then that the doctors realized that Hoda had a stroke and needs a Doppler to locate the clots. Doctors tell her that the person in charge of the device has to go home with the power switch, a tradition followed by the employee every week on Thursdays, and is summoned by phone in case of emergency arrives; that was impossible after the communication was cut and the hospital land line was out of order.

The doctor told Hala that it was usual in such cases to call the employee from his home, but as a result of the cut of communications this was impossible. Hala said: ***“We remained several hours in this situation and she was conscious and could use the toilet. It seems a stroke drives the body to get rid of its fluids. She kept telling us to take care of her children. At the end they told us if we wished we could take her to the Sherif Mukhtar unit, which is specialized in brain strokes.”***

The condition of a person with a stroke becomes more serious when that person moves.

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27. Ibid. recorded in January 2018. Kept in AFTE archive.

The case of Huda required that she remains immobile as much as possible. If necessary, the patient is transferred under medical supervision in a well equipped ambulance; but they had to transfer her in their private cars to the brain stroke unit, because there were no ambulances.

The Hisham Mukhtar unit doctors carelessly performed an examination of Huda, stressing that her health is good because she has not lost consciousness, and that tomorrow morning they will take the necessary measures. Huda's condition began to deteriorate; her hands stopped moving followed by her legs; then there was a slight slurring of her tongue. At that moment, Hala wished she could contact her mother to see her youngest daughter, perhaps for the last time, or contact one of her doctor friends to reassure them about her condition or even contact another hospital to ensure the availability of a Doppler to take her sister there. A little while later Huda asked to be taken to the toilet, and there she collapsed and fell to the ground.

***“Hoda fell; we were losing her; the woman doctor began to cry and say ‘but she was ok’ and the doctor broke down because he realized he could have done something. Suddenly there was an ICU and a bed was available and they connected her to the equipment. We took shifts throughout that night. She was not conscious at all. She was gone, because they had left her dying in front of their eyes for eight hours”, says Hala.***

Hala went home to bring her mother to the hospital. She could not just call her and tell her to come. She had to commute to and from the hospital several times that night to bring whatever was needed or to pass the news. Huda's mother could not say goodbye. When she arrived, Huda was unconscious, until she took her last breath at noon, on Wrath Friday.

Eight years after Huda's death, Hala does not welcome any details that may indicate her identity. Until this moment, Huda's mother and her young children do not know that cutting of communications is the main cause of her death and that she has been suffering from medical negligence all these hours. Hala said she would spare them the details of these heavy days, and that she might tell her children after they reach an age that would enable them to know exactly what had happened.

***Hala adds:***

***“Cutting off communication is a multifaceted crime; not only did it deprive her of a chance of survival, but I also prevented her mother from seeing her alive, or even that her children may see her. This was not an accident. This was deliberate. An evil person decided to cut communication between people. He did not consider that people may pay for that with their lives, and not only deprive them of a phone call. I imagine that just as this happened to us, it must have happened to thousands of people on that black night. I am sure some people were being kidnapped or violated and they could not call for help. I am sure there were children who wanted to call their moms. The damage does not have to amount to a death. What happened to us is horrible and I fail to find any rationale, logic or excuse therefore, or anything. It is a full-fledged crime.”***

At the time, on February 23, 2011, the Legal Support Unit of the Arabic Network for Human Rights Information filed a report to the Public Prosecutor<sup>28</sup> No. 2193 of 2011 asking for an investigation with the Minister of Communications, the Chairman of the NTRA, the chairs of the boards of the three telecom companies, as well as internet service providing companies (tedata and linkdotnet) for their involvement in the criminal responsibility for the killing of several demonstrators due to the cutting of both communication and internet services. The Network demanded that the three companies be investigated to determine who was responsible for the decision to deny the injured access to health care and communication with the ambulance.

The network based its case on the killing of Ahmed Abdel Rahim El Sayed Ahmed, the 18-year-old boy who was killed during the events of Wrath Friday on January 28, 2011. According to the network, Ahmed was shot in the chest after police opened fire on demonstrators in al-Matareya Square. The young man's friends could not call the ambulance, and all they could do was watch him bleed to death for an hour and a half until they finally arrived at a hospital at 5:30 p.m. that same day.

Seven years after ANHRI's complaint, the defendant, responsible for the killing of demonstrators because they were denied access to help, remains free and not held accountable. Despite the conclusion of the investigation of the case, which was due to be considered by the Court of Misdemeanors in Kerdasa in August 2011, the military judiciary took the file from the public prosecution, putting an end to all possibilities of access of information regarding the case.

In statements issued annually<sup>29</sup> on the anniversary of the day ANHRI says that the case remains frozen until today despite official letters and correspondence by ANHRI to Adly Mansour, Field Marshal Abdel Fattah El Sisi, the head of military judiciary and Mohamed Fayek, Head of the National Council for Human Rights, calling upon them to enact justice and get the case file out of the drawers.

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28. Cases: Complaint against minister of communication and the three mobile companies for participation in killing demonstrators. Last visit March 2018.

29. ANHRI: Three years after Wrath Friday and the cutting of communication: The judge ignores justice, Field Marshall El Sisi makes no move, the military judiciary freezes the case, and the National Council for Human Rights is complicit because the defendant is a military. Published on 29 January 2014. Last visit: March 2018.

## Chapter III: Legality of cutting communication and pretext of protection of National Security

The decision to cut communications and the Internet was based on the Emergency Law and Articles 1, 67 and 64 of the Telecommunications Regulatory Act, which provide broad powers to security and competent authorities on the telecommunications sector. The Telecommunications Regulatory Act No. 10 of 2003, which has been in force until now, is the legal basis for cutting communications. Its provisions, as described by the court, are “a twisted type of nationalization of networks and replacing operators and service providers with authorities with no legal ground.”

Article 67 states that “the competent authorities of the State shall subject to its administration all telecommunication services and networks of any operator or service provider and shall call upon its personnel to operate and maintain such services and networks in the event of a natural or environmental disaster or in cases where public mobilization is declared in accordance with Law No. 87 of 1960 and any other situations related to national security.” Article 64 obliges the telecommunications service provider to “provide, at his expense within the licensed telecommunications network, all the technical requirements of equipment, systems, programs and communications within the network, that allow national security authorities to exercise their jurisdiction within the law. It also obliges providers and operators of communication services and their representatives in charge of marketing those services to obtain accurate data and information of their users from citizens and the various state bodies. In its first article, the law defines the term national security as “the affairs of the Presidency, the armed forces, the military production, the Ministry of the Interior, National security, administrative oversight body and affiliated organs. It defined national security bodies in 4 institutions: “the Presidency, the Ministry of Interior, the National Security Agency and the Administrative Oversight Authority”.

The decision to cut communication violates several provisions of the 1971 constitution. Article 45 of the Constitution at the time guaranteed the sanctity and confidentiality of postal correspondence and telegraph and telephone calls and other means of communication, which cannot be withheld, accessed or controlled except by a judicial order and for a specific period of time and in accordance with the provisions of the law. It also violated Articles 47 and 48 in addition to Article 9 of Law No. 96 of 1969 on the Regulation of the Press and Articles 1, 2, 4, 5, 13, 25 and 58 of the Telecommunications Regulatory Act promulgated by Law No. 10 of 2003.

It is remarkable that the authoritarian states always use their own classical terminology, which they call upon when necessary, to justify their repressive practices and to preserve their existence and persistence against any movements that may harm the regime. In our case, the defendants repeated the term “national security” several times, using it as a pretext for all the constitutional and legal breaches committed. There is no denying

that states have the right to maintain the national security of the country. Maintaining the security of the country is primarily their responsibility, but what exactly does a term such as national security mean? Was there really a need for protection? Was there a danger and a threat to the security of the country? To be able to touch the threads trying to answer our questions we have to look back a little and consider the merits of the ruling in the communication case.

The decision to cut off communications reflects the various stages of development that security authorities have undergone in recent years. The beginning of the new millennium was a time when Ahmed Nazif founded his smart government<sup>30</sup> of telecommunications and infrastructure. In 2003, he issued Law No. 10 of 2003 regulating telecommunications, which constituted the first attempt by the ancient state apparatus to be introduced to modern technologies created by the unlimited cyberspace and trying to control them through the provisions of the law. The field of communications created a wider virtual space for individuals to produce, publish and trade content, away from the familiar state reality with all its control. As the possibilities of this medium increased, the state's attempts to control it and catch up with it increased as well.

In 2005, the state began to take control of the telecommunications sector by acquiring telecommunications service providers<sup>31</sup>. However, the moment the state felt real danger was with the spread of the call for strike on April 6, 2008, and the use of communications to call and mobilize political opposition; it was the time when the government formed the "emergency room" for the first time as mentioned earlier.

***"In 2005 began the political space in Egyptian streets began to expand, and demonstrations began to come out to denounce the policy of the government and the way the police treats citizens ... demands escalated for a change of government ... At the time, a segment of young people appeared, the generation of university graduates who did not find proper jobs, ... but this generation was educated and was able to deal with modern technology, means of communication etc... they were a main pillar in the movement that mobilizes and organizes the street through communications.. the situation escalated and so did the protests.. calls for sit-ins, calls for stopping production as happened in Mahalla in 2008 "***

Habib Al - Adly during his defense in the trial of the century<sup>32</sup>

So, the Mubarak regime set up an operation room to control communications and the Internet after they have been used to call for the demonstration in 2008, realizing the potential of this space. The Administrative Court ruled that the decision to cut off telecommunications and Internet services during the revolution was not aimed at protecting national security, but rather protecting the ruling regime and maintaining

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30. The Ahmed Nazif government called itself the "Smart government" for its association with developments in the field of communication and information technology.

31. Monitoring communications.. what will the state attempts to control the "space" come to? Mada Masr, published on 21 May 2015. Last visit: March 2018. <https://goo.gl/KBj5qR>

32. Trial of the century: the court listens to Al-Adli comment, second part, youtube, published on 9 August 2014, Last visit February 2018. <https://goo.gl/iEEfvw>

Mubarak as President of the Republic, and that there was no situation that could have threatened national security to make such a protection or decision necessary; and that what happened in January was a case of peaceful expression of opinion, in which the Egyptian people called for bread, freedom, democracy, social justice and the need to overthrow the oppressive regime that causes impoverishment, restriction of freedoms and the systematic looting of wealth.

In order to clear the dispute over what the term “national security” should mean, the court laid down an important structure for this concept, far from the broad and loose concept of the state, which it adopted in its laws and was subjected to interpretations and rationalizations by administrative authorities. The term “national security” first appeared during the building of the nation-state. It was a specific term that meant the “state’s ability to protect its territory and its fundamental and essential values from external threats, especially military ones, meaning securing the state’s territory against foreign aggression and protecting its citizens against attempts to harm them and their property and beliefs and values, based on the loyalty given by the people to the state in the social contract between them.” With the development of the concept of state capacity, the concept of national security broadened to “the overall and effective capacity of the state to protect its values and interests from internal and external threats.” Thus, national security acquired political, economic, social, military ideological and geographical dimensions. The court defined the extent of the political dimension of national security, both internally and externally, defining its domestic aspect as the cohesion of the domestic front, social peace, and citizenship and the decline of tribalism and sectarianism so as to achieve the support of national unity.

Based on this conceptualization of national security, the court considered that the state decision to cut communications for citizens is the real threat to national security, and that the decision “concealed itself with the imperatives of national security considerations”, which was not based on real facts and that what threatens the state needs to be addressed through established procedures stipulated in the Telecommunications Regulatory Act; threats to the regime in the form of peaceful demands for change should not be met with cutting of communication and internet services with the pretext of state protection.

***“The safety of national security means the security of the safety of the country, not the security of the ruling regime, whose safety is only granted by its genuine expression of the hopes and aspirations of the people according to the social contract that the regime has established. Thus the safety of national security cannot be achieved by tearing society apart and isolating its various elements and citizens in remote islands from each other. Security means communication, consultation and dialogue, and no one in a democratic society can claim the exclusive right to maintain the security of society, which is maintained and protected by the masses of society through communication, consultation and dialogue”***

From the merits of court judgment

## Chapter IV: Who is responsible of the cutting of communication?

***“The decision referred to has been issued with the participation and blessing of three poles of the ruling regime in control of the fate of the Egyptian people, namely the former President, former Prime Minister and former Minister of the Interior ... The court has established that the issuer of the decision invoked the considerations of national security as a reason for the decision to disconnect telecommunications services and Internet services, which included a concealment of the real reason for which it wanted to issue its decision ... The decision, thereby, has an apparent cause claimed by the bodies that issued the decision and an implicit cause that is their motive”***

From them merits of court judgment

On March 8, 2011, the Egyptian Center for Housing Rights (ECRC) filed a complaint against 12 officials of the Mubarak regime, including the President of the Republic, the Prime Minister, the Ministers of Interior and Communications, the President of the Supreme Council of the Armed Forces, Vodafone, Mobinil and Etisalat, and in May of the same year, the Administrative Court of Justice, headed by Counselor Hamdi Yassin Okasha, issued a verdict condemning and fining Mubarak, Nazif and El Adly for 540 million pounds distributed among themselves for the damage caused to the national economy by the interruption of telecommunications services, and acquitted the rest of the defendants. Adli was committed the largest share to pay 300 million pounds, Mubarak 200 million, and Nazif 40 million to the state treasury.

The court limited the conviction to Mubarak, Nazif and Al-Adly after reviewing the circumstances of the decision and the reports and documents. In its ruling, the court said that although the National Security Agency and the Administrative Oversight Authority are organs of national security, as well as the rest of the members of the ministerial committee that took the decision to cut communication, there is no evidence that they reported any potential danger to national security and they were farthest from any responsible or decision making position. The court also acquitted the rest of the members of the ministerial committee and explained that the decision resulted from the general policy pursued by the defendants, and that the telecommunications and Internet companies were mandated to implement the decision regardless of the degree of its illegality, for fear of termination of their work permits, or of being subjected to the criminal penalties stipulated in Article (82) of the Telecommunications Regulatory Law.

According to the ruling of the Administrative Court of Justice<sup>33</sup>, former Interior Minister, Major General Habib Al-Adli in his capacity to determine whether national security in the country was at risk or not, and by the nature of his work, issued his decision and

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33. Merits of the administrative court ruling in May 2011, in case 21855/65, known as the “communication cut” case.

strict instructions to cut off mobile services from the area of Tahrir Square as of the afternoon of January 25 until the next morning, and then issued his tough decision and instructions to the operating room several times on January 27 to cut off communications and Internet services for reasons of national security of the country.

Since the determination of the situation of national security is primarily a security responsibility, no one in the emergency room objected to Al-Adli's decision to cut off telecommunication services. The order was carried out in coordination with the concerned Internet and mobile companies at the required time. Internet service was cut until noon Wednesday, February 2, 2011, until General Intelligence notified the operating room to restore the service again, which was implemented by the operating room and the companies concerned.

***“I did not know that cutting communication was among my authorities... and Ahmed Nazif told me it was in Torah. He told me: the interior minister may demand cutting communications for reasons of national security. If I knew that this decision was mine to make, I would not have presented the matter to the ministerial committee,***

General Habib al-Adli, defending himself during the trials of the century

In his defense<sup>34</sup> of al-Adli, Dr. Mohammed al-Gindi, during the trial of the century<sup>35</sup> said that articles 1, 65 and 67 of Law No. 10 of 2003 on communications gives the right to national security officials to cut off communications, and that the committee that carried out the orders complied with the law. He explained that the cutting decision was a collective one not taken by Al-Adli alone, since he cannot bypass the Prime Minister, the Minister of Defense and the Head of the General Intelligence.

Regarding circumstances surrounding the formation of the ministerial committee that issued the cutting decision, he said that former president, Mohamed Hosni Mubarak, called the prime minister to form and chair a committee and the membership of the above mentioned members to discuss ways and means to protect national security of the country during the demonstrations on January 25. The orders to form the committee came after contact between Adli and Mubarak, where the former was informing the latter of the developments and seriousness of the situation.

Elgindi told the court that the order issued by al-Adli to the emergency room was ostensibly caused to limit the march of demonstrators to Tahrir square and that the real reason that Al-Adli refused to mention and replaced by “other reasons related to national security” goes back to 2010 regarding an espionage network related to a mobile company in Egypt, indicating the ruling of the economic court on 8 April 2013, which condemned the company, “Mobinil” after 4 of its employees installed 16 antennas in the Ouja area on the border with Israel with a depth of up to 25 kilometers inside Tel Aviv ,

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34. First part of the defense of Dr. Mohamed El Gindi, lawyer of Habib Al-Adly, youtube, published on 7 April 2014. Last visit February 2018. <https://goo.gl/RKvA5P>

35. A term used to refer to the trial of Egyptian president Hosni Mubarak in front of a criminal court for charges of “killing demonstrators.” The case also involves his two sons, Alaa and Gamal, in addition to his minister of interior Habi Al-Adly and 6 of his former senior assistants.

allowing the Zionist enemy to make calls without any state surveillance, a matter which Al-Adli, according to his lawyer, considered to constitute a threat to national security, which entitles him to take the decision to cut communications.

In his defense, Habib al-Adly said during the trial of the century<sup>36</sup> that he and General Omar Suleiman had informed the former president that the situation is escalating on the streets and is becoming more dangerous, and confirmed the infiltration by external elements, upon which Mubarak demanded the formation of a ministerial committee chaired by Nazif to discuss the matter.

“The committee met on January 20, 2011 in the smart village and Nazif demanded to be informed about what is happening on the street. Once again Adly stressed the seriousness of the situation, declaring his inability to confront if the protest continued, and pointed out that Suleiman saw that the situation was even worse and demanded that the army be ready for deployment.

“Communication is done through the Internet and the crowd is very large, so I see the need to cut communications”, such was Adly’s statement to the ministerial committee, and none of its members objected. He explained that it was done without a formal vote, which is agreed upon in such meetings, and that if any of the parties objected, the matter would be discussed.

So, Al-Adly followed the implementation of his decision, calling for a meeting of his assistants on January 24 to follow up the implementation of the security plan during the events of 25, and called for another meeting of assistants on the morning of 27 after the addition of two more, including General Mortada Abdul Rahman, assistant to the minister of interior for technical affairs and responsible for monitoring communication. “The second urgent meeting came after confirmation of the contact between the Muslim Brotherhood and Hamas and Bedouins to implement their plan to infiltrate,” according to what Al-Adli claimed during the proceedings of his trial in the case of the killing of demonstrators.

Although the former interior minister was the means to inform the operation room of the decision, Prime Minister Ahmed Nazif participated in the decision to cut communications. The court in the grounds of the ruling said that Nazif took the initiative days before the January protests to form the ministerial committee that issued the order, with the objective of confronting the demonstrations of 25 January.

Under Articles 138, 153 and 156 of the 1971 Constitution in force at the time of communication disconnection, which gave the Prime Minister and the President of the Republic the joint authority in shaping the general policy of the State, Nazif called for the Ministerial Committee to be held after receiving orders from Mubarak. Chaired by Nazi and his instructions the committee made its decision on 20 January to cut communication. It also left it to the Minister of the Interior to estimate the proper timing to direct security orders to the emergency room.

As President of the country with assumed and constitutional responsibilities, Mohamed

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36. Trial of the century, second part of “Adli’s” comment to court, youtube, published on 9 August 2014. Last visit February 2018. <https://goo.gl/iEEfvw>

Hosni Mubarak is fully responsible for the safety and security of citizens as much as he is responsible for the security of the country and its “national security”. And as the Presidency of the Republic is one of the organs of national security as defined by the Telecommunications Regulatory Act in its first article, the court held that, contrary to the above, peaceful demonstrators were threatened by “breaking connection with the nation” to protect the security of the regime, not the national security of the Egyptian state<sup>37</sup>.

In spite of Mubarak’s disavowal of communication cut and denying the decision of the Ministerial Committee to implement Article 68 of the Telecommunications Law, Articles 141, 142 and 159 of the Constitution of 71, which recognize the authorities and powers of the President, give the latter the right to appoint or expel the Prime Minister and his deputies, ministers and their deputies, and has the right to request reports from ministers on the decisions they have reached, as well as the constitutional right to refer the Prime Minister or any of the ministers to court if they commit crimes during the performance of their work or because of them.

***“The former President of the Republic, as a commander to be obeyed, is responsible for the damage caused by the former Minister of Interior and the former Prime Minister, his subordinates, for their illegal action, and each of them took advantage of his job to issue and implement the decision, in the light of the President of the Republic’s authority of control and guidance over them”***

From the merits of ruling in the communication case

### **Telecom companies.. Acquitted by court and condemned by the populace**

The Administrative Court of Justice acquitted the telecom companies from the responsibility of cutting communications during the events of the Egyptian revolution and the consequent damage, and considered that what was done by the companies, although illegal, came in implementation of the decision of the Ministerial Committee for fear of ending their work permits in Egypt or of being subjected to criminal penalties prescribed by article 82 of the Telecommunications Regulatory Act.

Article 82 of Law No. 10 of 2003 states that “Any person who contravenes the summons provided for in article 67 of this Law shall be punished by imprisonment.” The penalty shall be imprisonment if the crime occurred in time of war or at times of general mobilization in accordance with the provisions of Law No. 87 for the year 1960 in respect of public mobilization. In all cases, the court shall suspend the license temporarily until the violator executes the summons issued to him”.

The final report of the Commission of Inquiry and Fact-Finding<sup>38</sup>, established by Prime

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37. Court ruling

38. The Commission of Inquiry and Fact-Finding was chaired by Adel Qura, former head of the court of cassation, and membership of judge Iskandar Ghattas, former assistant to the minister of justice, Judge Mohamed Samir Badran, Professor at the Faculty of Law, Cairo

Minister's Decision No. 284 of 2011, detailed a chapter documenting the cutting off of communications during the revolution as part of an investigation into the events that accompanied the Egyptian revolution from January 25, 2011 to February 9, where the Commission conducted an investigation with Dr. Amr Badawi Mahmoud, CEO of NTRA. The investigations included a letter from the Chairman of the Board of Directors of Etisalat Egypt, a letter from the Managing Director and CEO of Vodafone Egypt and a letter from the Chairman of the Egyptian Company for Mobile Services (Mobinil) .

The three letters contained almost the same statement; security agencies called land and mobile telecommunications companies and the Internet for a meeting at the headquarters of the National Authority on January 23. The meeting included the NTRA, a representative of the Ministry of Communications, representatives of the security authorities and sovereign bodies. The committee did not explicitly state which parties made the decision to cut communications. However, the report explained that they relied on the establishment of the emergency room on Article 67 of the Telecommunications Regulatory Law and that the telecommunications companies implemented the order in accordance with the provisions of Chapter 6 of the Telecommunications Regulatory Law.

Telecommunications companies thus have confirmed their presence as a representative in emergency room meetings and the implementation of orders to cut communications in accordance with the law. However, in a report in the British Times, the CEO of Vodafone Egypt, Hatem Dweidar<sup>39</sup>, said that Vodafone resisted disconnecting communications from Egypt, but was forced to succumb eventually under pressure of the authorities. He added that they were forced to do so after an armed force raid of their headquarters and the arrest of 3 engineers, one of whom was beaten; and that armed security forces threatened him that the consequences would be dire for him and his staff if he did not comply.

"Vodafone was the last network to disconnect in Egypt, unlike other companies that cut off communications as soon as the officers appeared in their offices," Dweidar said. He explained that Vittorio Koalo, CEO of Vodafone London approved the decision to cut communications from Egypt.

He added, in an attempt to defend the company, that citizens were angry at the regime and not the three mobile companies, claiming that Egyptians do not hold Vodafone responsible, and that they were only blamed by some activists on Twitter, "who blame the big companies."

Despite the legal acquittal of the telecommunications companies, whether in the final judgment of the administrative court or in the conclusion of the report of the fact-finding committee in one of its points stating that the communication cut had harmed the telecommunications companies in Egypt, the documents found by citizens during the storming of State Security headquarters (attached), confirm that the role of telecommunications companies did not stop at to executing orders, but they were in partnership with the security authorities proposing plans, solutions and techniques that would increase the control of the security authorities in the field of communications and

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university, Nagwa Hassan Khalil, director of the national center for social and criminological research and other investigators.

39. Nic Fildes, The day Vodafone Egypt boss was forced to close network at gunpoint, The Times, 20 October 2012, Last visit January 2018.

violation of privacy of citizens.

Ramy Raouf believes that telecom companies could have taken a different position. He explained that Noor, one of the Internet service providers, was still in operation. Raouf built his belief after taking the testimonies of 11 employees from privately owned telecommunications companies who were present at their headquarters from January 10 to February 11.

He said that the telecom companies were not surprised and were not forced, and did not have to collude in the implementation, and that the testimonies confirm alerts issued to employees on 18, 19 and 20 January, of the possibility of cutting SMS and 3G service from January 25, as well as emails to the technical team in the communications companies including instructions for technical preparation to implement the cutting, and that more than a technical engineer implemented the cutting in some companies, one of them cut the 3G service while others cut off the BlackBerry and SMS.

Contrary to Dweidar's view that Egyptians do not hold telecommunications companies responsible, calls are launched every year on the anniversary of the cut of communication condemning telecoms companies along with the state. In addition, a "millions boycott telecom companies"<sup>40</sup> hashtag trended on Twitter in 2015 to expose the complicity of Telecom companies in Egypt and their involvement in espionage operations in the interest of security authorities.

In 2016, in conjunction with the fifth anniversary of the cut, the Facebook page "Internet Revolution"<sup>41</sup> called for the boycott of telecommunications companies on January 28, to reject policies of scaling the Internet, blocking calls, limited Internet and fair use. In its call the page said, "We are fed up with the violations by mobile service providers and the Internet in Egypt and the officials are silent and encourage them with that silence; but we shall not be silent about anything they commit, and on the anniversary of every violation they committed against the Egyptian user we shall cause them losses in the millions in exchange". It added: "On 28 January they cut communications, in addition to their continuous violations of the rights of the Egyptian user"<sup>42</sup>.

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40. Mostafa Alhawi, hashtag "millions boycott telecom companies" trends on twitter, Altahrir Alekhbary, published on 25 June 2015. Last visit February 2018. <https://goo.gl/27Pbhj>

41. Official "Internet Revolution" on Facebook, Last visit March 2018. <https://goo.gl/fmp4ki>

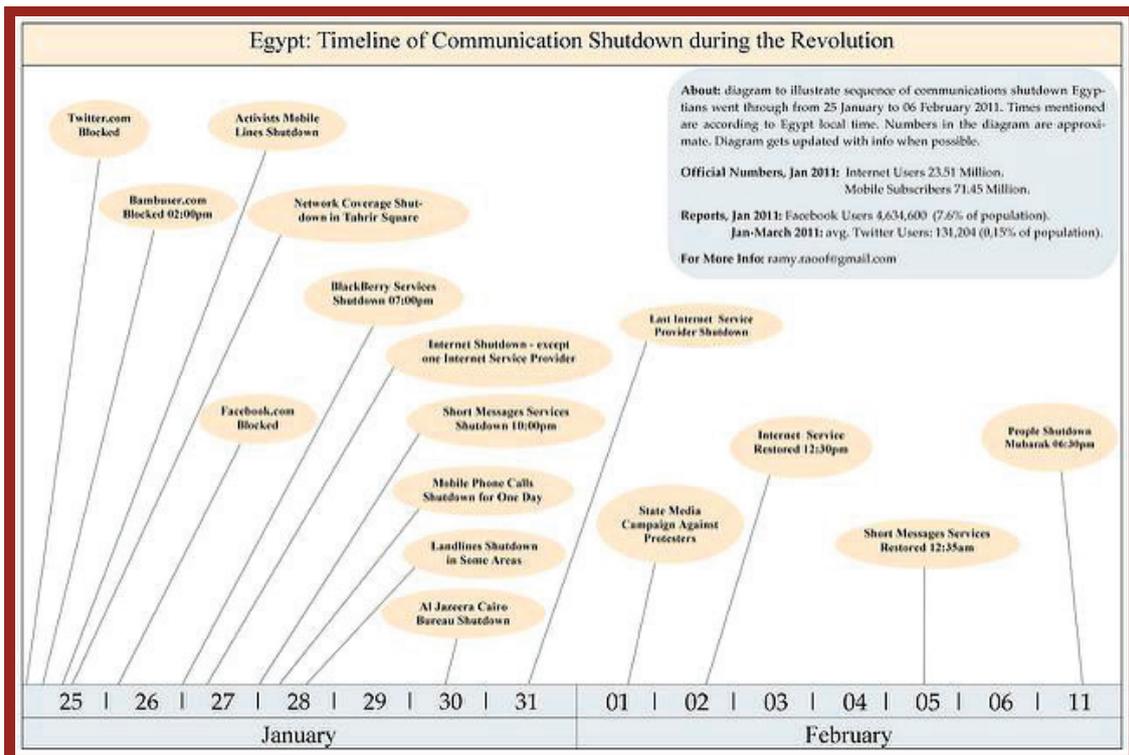
42. Basel Basha, in memory of cutting networks during the revolution.. Internet Revolution calls for boycott of communication companies on 28 January protesting internet limitation, Albadil, published on 3 January 2016, Last visit February 2018. <https://goo.gl/ZevUno>

## Conclusion

Through this report, AFTE attempted to provide an opportunity for alternative narratives about the facts of the communication breakdown during the January 2011 revolution. Despite the difficulty of accessing more comprehensive information, the report collected curious details and documented testimonies of victims and activists in an effort to preserve memory and raise a voice, so that those violations are not repeated again.

## Annexes

### Annex 1



Timeline of the communication cut in Egypt. Image source: <https://goo.gl/8TNULC>

## Annex 2

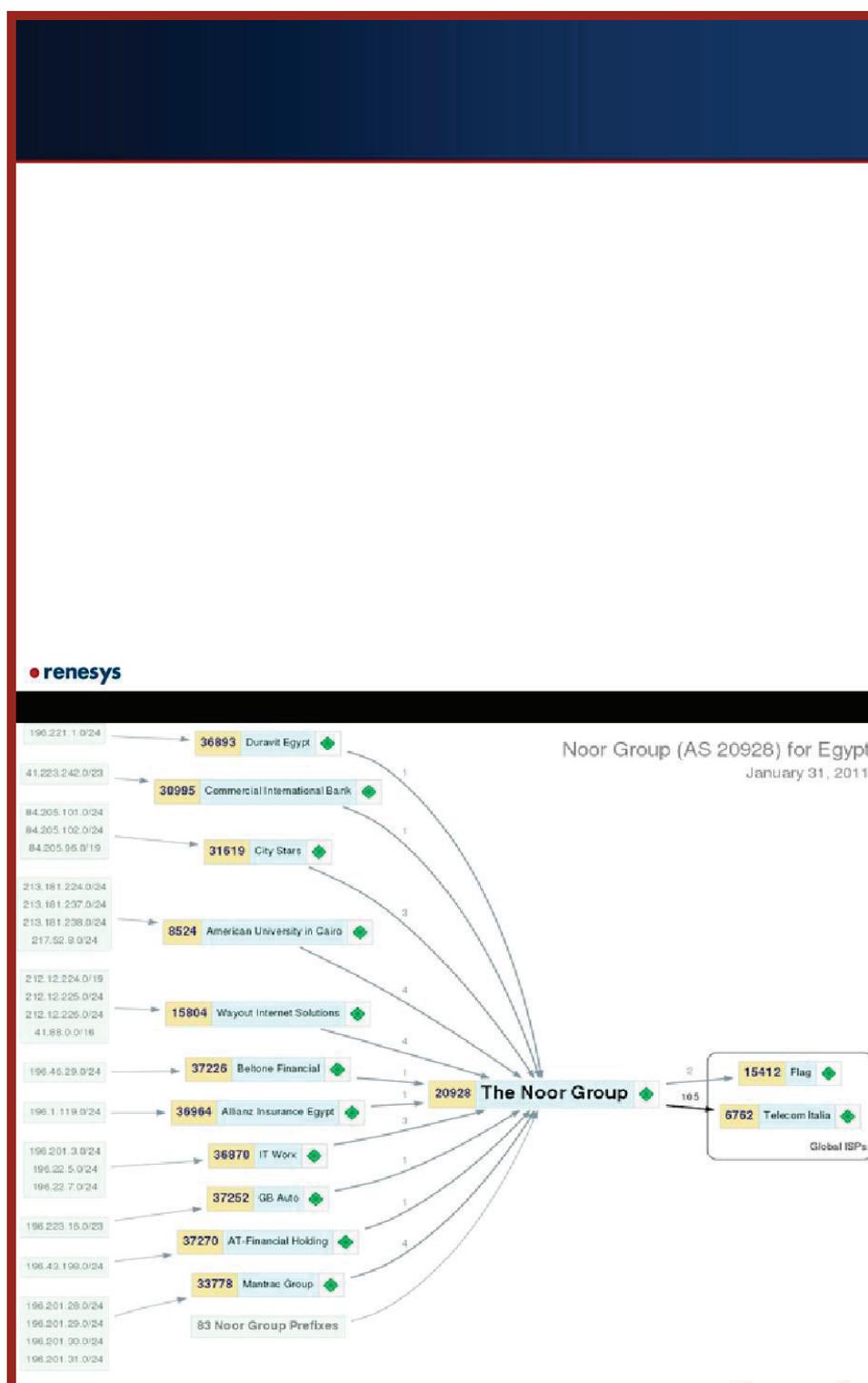


Image of stock market transactions, only through “Nour” company

Source of image: <https://goo.gl/T5g1QD>

## Annex 3

الإدارة العامة للمعلومات  
الإدارة المركزية لتكنولوجيا المعلومات  
مجموعة المطايمة الإلكترونية  
قسم الاقتراحات الإلكترونية

مذكرة

**للعرض على السيد اللواء، الدكتور / مساعدا أول الوزير رئيس الجهاز**

**بتاريخ اليوم ٢ الجاري أخطرنا السيد المقدم / محمد الجيار السضايط بإدارة المركزية**

**للمساعدات التقنية 'ب' بسدعوة السبتمبر ٢٠٠٨ لاجتماع تشيطي بمقر الغرفة بمنتزل ومعيين لمراجعة ما تم اتخذه**

**من إجراءات لمواجهة استخدام العناصر الأثرية لخدمة الرسائل القصيرة وشبكة المعلومات الدولية في بث**

**أخبار أو رسائل مخرضة وغير صحيحة من شأنها إشاعة الفوضى على الصعيد الداخلي .**

**بشار في هذا الصدد لسابقة إنشاء غرفة الطوارئ المشار إليها إحدات ٦ أبريل بالمحطة الكبرى**

**خلال عام ٢٠٠٨ بمشاركة أعضاء من الوزارة ( الجهاز - الإدارة العامة للمعلومات و التوثيق ) - جهاز**

**المخابرات العامة - وزارة الاتصالات و تكنولوجيا المعلومات - وزارة الدفاع - وزارة الإعلام - شركات**

**المحمول - الشركات مقدمة خدمة الانترنت بالبلاد .**

**جاري مشاركة السيد المقدم مهندس / كمال سيف الدين كمال رئيس قسم الاقتراحات الإلكترونية**

**في الاجتماع المشار إليه.**

رئيس - برجاء الاطاعة ...  
سليمان

٢ أكتوبر ٢٠٠٨

السيد اللواء / اللواء  
رئيس الجهاز

## Annex 4

إخطار	
من مباحث امن الدولة	إلى مكتب السيد الوزير التاريخ: ٢٠١٠/٩/٣٠ الساعة:
الموضوع:	
<p>— مساء ٣٠ الجاري وردت معلومات الجهاز القومي لتنظيم الاتصالات تفيد برصد رسالة قصيرة ( SMS ) وارده من خارج البلاد مفادها إشاعة عن وفاة السيد رئيس الجمهورية وذلك لعدد محدود من التليفونات المحمولة بالبلاد .</p> <p>— قام السيد وزير الاتصالات في حينه بإصدار توجيهاته لشركات المحمول الثلاثة ( موبينيل ، فودافون ، إتصالات مصر ) بحجب خدمة الرسائل القصيرة الدولية الواردة من خارج البلاد .</p> <p>— جارى المتابعة والعرض بالنتائج والتطورات .</p> <p style="text-align: center;"><b>عرض بـرجاء الإحاطة</b></p>	

“On the evening of 30 June, NTRA received information indicating that a short message (SMS) from outside the country was sent to the effect of spreading rumor about the death of the President of the Republic to a limited number of mobile phones in the country”

## Annex 5

  
 الإدارة العامة للمعلومات  
 الإدارة المركزية لتكنولوجيا المعلومات  
 مجموعة المطابع الإلكترونية  
 قسم الاختراق الإلكتروني

[ سرور جاهز ]

مذكرة

**للعرض على السيد اللواء دكتور / مسعود أول الوزير رئيس الجهاز**

- بتاريخ اليوم ٢ الباري أخطرنا السيد المقدم / محمد الجبار المضايق بالإدارة المركزية للمساعدات تقنية "ب" بدعوة السيد وزير الاتصالات وتكنولوجيا المعلومات للمادة أعضاء "غرفة الطوارئ" لعقد اجتماع تشيطي بمقر الغرفة بمنتزل رمسيس لمراجعة ما تم اتخاذه من إجراءات لمواجهة استخدام العناصر الأثرية لخدمة الرسائل القصيرة وشبكة المعلومات الدولية في بث أخبار أو رسائل مخرضة وغير صحيحة من شأنها إشاعة الفوضى على الصعيد الداخلي .

- يُشار في هذا الصدد لسابقة إنشاء غرفة الطوارئ المشار إليها إبان أحداث ٦ أبريل بالمحطة الكبرى خلال عام ٢٠٠٨ بمشاركة أعضاء من الوزارة ( الجهاز - الإدارة العامة للمعلومات و التوثيق ) - جهاز المخابرات العامة - وزارة الاتصالات وتكنولوجيا المعلومات - وزارة الدفاع - وزارة الإعلام - شركات المحمول - الشركات مقدمة خدمة الانترنت بالبلاد .

- جاري مشاركة السيد المقدم مهندس / كمال سيف الدين كمال رئيس قسم الاختراق الإلكتروني في الاجتماع المشار إليه .

رئيس - برجاء الإحاطة ...  
 [ توقيع ]  
 ٢ أكتوبر ٢٠١٠

السيد اللواء دكتور / مسعود أول الوزير  
 رئيس الجهاز

## Annex 5 (cont.)

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

٢٠١٣  
١/١٣

مبايعة أمن الدولة  
الإدارة العامة للمعلومات  
الإمارة المركزية لتكنولوجيا المعلومات

[ سرى جداً ]

( مذكورة )

حول : رصد الرسائل القصيرة (SMS)

– إلحاقاً لما سبق الإخطار به (مرفق) بشأن ورود معلومات الجهاز القومي لتنظيم الاتصالات تفيد رصد رسالة قصيرة (SMS) من خارج البلاد مفادها إشاعة عن وفاة السيد رئيس الجمهورية .. وصدور توجيهات السيد وزير الاتصالات وتكنولوجيا المعلومات لشركات المحمول الثالث بحجب خدمة الرسائل القصيرة الدولية الواردة من خارج البلاد .. نفيد :

☒ وجه السيد وزير الاتصالات الدعوة للسادة أعضاء " غرفة الطوارئ " ( السابق إنشائها أبان أحداث ٦ إبريل بالمجلة الكبرى خلال عام ٢٠٠٨ ) لعقد اجتماع تشيعطي بمقر انغرفة بسنترال رمسيس لمراجعة ما تم اتخاذه من إجراءات لمواجهة استخدام العناصر الاتاربية لخدمة الرسائل القصيرة وشبكة المعلومات الدولية في بث أخبار أو رسائل مغرضة وغير صحيحة من شأنها إشاعة الفوضى .. حيث تم عقد عدة اجتماعات بحضور ممثلين عن ( الوزارق ) الجهاز - قطاع الشؤون الفنية - جهاز المخابرات العامة - وزارة الدفاع - الإعلام - الاتصالات وتكنولوجيا المعلومات - شركات التليفون المحمول الثالث - الشركات

A-118-19-010



## Annex 7:

