



Source: Middle East Monitor

STATEMENT ON THE TRIAL OF HANEEN HOSSAM AND MAWADA AL-ADHAM

This statement can be attributed to a spokesperson for the Clooney Foundation for Justice. For further inquiries, please contact info@cfj.org

CHARGE

Violating “family principles and values in Egyptian society” under Articles 22, 25 and 27 of Egypt’s Anti-Cybercrime Law

OUTCOME

Convicted, sentenced to two years imprisonment and fined nearly \$19,000 USD each

STATUS

Next appeal hearing to occur on September 14, 2020

September 9, 2020

TrialWatch, an initiative of the Clooney Foundation for Justice, monitored the trial in Egypt of Ms. Haneen Hossam and Ms. Mawada al-Adham, who were sentenced to two years’ imprisonment for “assault[ing] family principles and values in Egyptian society.” The charges were based on photos and videos that the defendants had posted of themselves on social media platforms and, in the case of Ms. Hossam, her alleged encouragement of girls to hold meetings online. In the photos and videos, Ms. Hossam and Ms. al-Adham are fully dressed, and are mostly singing and dancing. The court however found that they had “broadcast[ed] ... ideas opposing the customs and traditions of Egyptian society ... with the aim of achieving rapid material gain.” Their convictions on July 27, 2020 breached their rights to freedom of expression and to be free from discrimination, in violation of treaties that Egypt has ratified.

Ms. Hossam and Ms. al-Adham’s convictions come against the backdrop of Egypt’s [increasing harassment of journalists, bloggers, and activists](#), which has recently included the [targeting of female social media users](#). The 2018 Anti-Cybercrime Law at issue in this case has also been criticized for the “[near-total control over print, online and broadcast media](#)” it permits, and in particular the [lack of specificity of terms](#) such as “family principles or values” contained in a law that allows sentences of up to [five years](#) in prison.

During the trial, the court was unable to define “family principles and values,” but concluded that the criminal intent of Ms. Hossam and Ms. al-Adham’s posts on social media was to attract “the attention of young men” and increase viewership in order to make a profit.

Amal Clooney, co-President of the Clooney Foundation for Justice, said, “It is outrageous that in 2020 women can be prosecuted—and convicted—for singing and dancing; I hope that this case will be the last in which Egyptian authorities use vague morality laws to try to control how women express themselves online”.

In advance of Ms. Hossam and Ms. al-Adham’s September 14th appeal hearing, the Clooney Foundation for Justice calls on Egypt to reverse Ms. Hossam and Ms. al-Adham’s convictions and to repeal Article 25’s criminalization of violations of “family principles or values.”

BACKGROUND

Ms. Hossam and Ms. al-Adham are young women in their early twenties. At the time of their arrests, Ms. Hossam and Ms. al-Adham each had [millions of followers across TikTok and Instagram](#), where they often posted videos of themselves dancing and singing. Ms. Hossam was also active on the online platform Likee, which allows for public online meetings.

In April 2020, Ms. Hossam was arrested and accused of publishing indecent pictures and videos online and encouraging women to hold “immoral” meetings on social media to obtain financial gain. This was based on a single video of under four minutes in which she suggested women might consider making videos for Likee. The following month, Ms. al-Adham was also arrested and similarly accused of publishing indecent pictures and videos on her social media accounts. The prosecution did not specify the particular videos or pictures that were the basis for this charge. Instead, during the trial, the prosecution simply accused Ms. Hossam and Ms. al-Adham of posting videos with sexual overtones and tempting Egyptian youth. Additionally, three further individuals were charged with aiding Ms. Hossam and Ms. al-Adham in distributing their “scandalous and offensive” content.

The trial took place over two days, which was not sufficient—indeed, one of the other three defendants was not represented at trial as there had not been time to find legal aid counsel and some of the defendants’ requests to the court were left unaddressed by the judge.

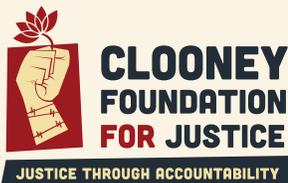
The court concluded that Ms. Hossam had encouraged Egyptian girls to “abandon principles, values and traditions” by holding meetings on social media to compete with one another “in attracting young men who visit that platform.” The court reasoned that Ms. Hossam had “tak[en] advantage of the state of quarantine, and girls’ need for money.” The court further held that Ms. al-Adham had posted pictures and videos of herself in “explicit clothes that attract[ed] the attention of young men and girls” in a manner that “undermin[ed] family bonding” and “seduc[ed] them to follow her,” despite Ms. al-Adham wearing clothing similar to that worn by her contemporaries. The court went on to find that Ms. Hossam and Ms. al-Adham’s acts worked to turn “cyberspace and the virtual world” into “platforms that advocate breaching personal freedoms, public order and public morals.”

Article 19 of the International Covenant on Civil and Political Rights (“ICCPR”) and Article 9 of the African Charter on Human and Peoples’ Rights protect the right to freedom of expression through any media. While the protection of “public morals” is a potential justification for restricting the right to freedom of expression under the ICCPR, any such restriction must be justified, and necessary and proportionate to that justification. Further, any asserted justification must be sufficiently [clear, accessible and predictable](#). Article 25 of Egypt’s Anti-Cybercrime Law fails these tests—both on its face and as applied in Ms. Hossam and Ms. al-Adham’s trial.

Further, Articles 2 and 5(a) of the Convention on the Elimination of Discrimination Against Women require that states parties refrain from discrimination, including by seeking to eliminate “prejudices and customary and all other practices which are based on ... stereotyped roles for men and women.” The UN Committee on the Elimination of Discrimination Against Women [has interpreted](#) these provisions to forbid reliance on gender stereotypes in legal proceedings. In this case, the conviction clearly discriminated against the defendants on account of their gender and relied on an outmoded understanding that certain clothing must be intended to “seduc[e]” the “attention of young men.”

A full TrialWatch Fairness Report, based on TrialWatch’s monitoring of the proceedings, will be made available shortly at www.trialwatch.com.

ABOUT THE CLOONEY FOUNDATION FOR JUSTICE’S TRIALWATCH INITIATIVE



The Clooney Foundation for Justice’s [TrialWatch](#) initiative monitors and grades the fairness of trials of vulnerable people around the world, including journalists, women and girls, religious minorities, LGBTQ persons and human rights defenders. Using this data, TrialWatch advocates for victims and is developing a Global Justice Ranking measuring national courts’ compliance with international human rights standards.