Mada Masr Case

FROM LICENSING DISPUTE TO CRIMINAL PROCEEDINGS



LAW AND DEMOCRACY
SUPPORT FOUNDATION

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Summary of Facts and General Context of the Case

In Egypt, independent and opposition media have in recent years faced mounting restrictions and a shrinking space for independent work. Some outlets have been shut down or suspended, a large number of news websites have been blocked, media pluralism and journalistic work have been eroded, and journalists have been criminally prosecuted for their professional work on recurring charges, most prominently "spreading false news," "joining a terrorist group," and "operating websites without a licence."

This climate hostile to freedoms is reflected in Egypt's standing in global press freedom indicators: Egypt ranked 169th out of 180 countries in the 2026 World Press Freedom Index published by Reporters Without Borders.[1] The Association for Freedom of Thought and Expression documented 171 violations of media freedom in 2025,[2] and Freedom House's "Freedom on the Net 2024" report[3] noted the blocking of 562 websites, including around 132 news websites. In October 2026, Eman Ouf, rapporteur of the Freedoms Committee of the Journalists' Syndicate, announced that the number of imprisoned journalists had risen to 26, according to the committee's count.[4]

Mada Masr[5] was founded in 2013 as an independent journalism platform covering political, social and economic affairs and publishing reports and investigations on serious issues such as corruption and the human rights situation in Egypt. This exposed it to numerous restrictions aimed at silencing it, particularly since it publishes in both Arabic and English, giving its coverage a larger and wider audience.

In 2018, following the issuance of Law No. 180 of 2018 Regulating the Press and Media,[6] the website's management submitted repeated licence applications in 2018 and 2020, but received no response or notification of acceptance or rejection until 2022, when they learned that the applications had been rejected without the website ever being notified. They challenged this decision before the administrative judiciary, and in 2023 submitted a new application after completing the required documents, but once again received no response.[7]

1. Reporters Without Borders, "Egypt." rsf.org
2. Association for Freedom of Thought and Expression (AFTE), "Continuous Discipline: Annual Report on the State of Freedom of Expression in Egypt 2025" (in Arabic). afteegypt.org
3. Freedom House, "Freedom on the Net 2024: Egypt." freedomhouse.org
4. Neqaba Meter, "Parliamentary Move to Pass a Law Banning Imprisonment in Publication Cases Following a Seminar at the Journalists' Syndicate" (in Arabic). neqaba.net
5. Mada Masr, "About Mada Masr" (in Arabic). madamasr.com
6. Law No. 180 of 2018 Regulating the Press and Media (in Arabic). scm.gov.eg
7. LDSF, statement on the judgment fining Lina Attalah and closing the website (in Arabic). ldsf.info

In parallel with this administrative dispute, Mada Masr's journalists faced a series of security restrictions and judicial prosecutions. In 2017 the website was blocked in Egypt.[8] In 2019 security forces raided its offices, confiscated equipment and detained a number of journalists, including editor-in-chief Lina Attalah; this was preceded by the arrest of Mada Masr journalist Shady Zalat from his home.[9] They were released after being held for several hours.

In 2020 security forces arrested Lina Attalah while she was conducting an interview; she was released the same day.[10] In 2022, four female journalists working for Mada Masr, including Lina Attalah, were summoned for questioning before the Supreme State Security Prosecution over a news report. They faced charges of spreading false news, and Attalah faced an additional charge of operating a website without a licence.[11] In 2023, the Supreme Council for Media Regulation issued a decision blocking the website for six months on the same charges.[12]

In 2024 the security prosecutions continued: Lina Attalah was questioned again following a complaint filed by the Supreme Council for Media Regulation against the website after it published a report on scenarios for the displacement of Palestinians from Gaza. In the same year, Mada Masr journalist Rana Mamdouh was arrested on her way to report from the city of Ras El-Hekma and was later released on bail. The prosecutions did not stop there: in 2025 Lina Attalah was again summoned before the Supreme State Security Prosecution after the website published a report on the suffering of detainees in Badr 3 Prison, and was released on bail of EGP 30,000.[13]

In October 2026, the prosecution returned to the forefront when Lina Attalah was summoned before the Supreme State Security Prosecution and questioned on the charge of establishing a website without a licence.[14] After questioning that lasted more than six hours, she was released on bail of EGP 100,000,[15] and her case was referred to criminal trial the following day.[16] On 27 October 2026, Lina Attalah's trial session was held before the New Cairo Misdemeanour Court and ended with a fine of EGP 3 million, in addition to the closure of Mada Masr and the confiscation of its devices and equipment.[17]

The matter was not limited to summoning Attalah for questioning and issuing a judgment against her within only eight days; it extended to the trial proceedings themselves. The court rejected the defence's requests to adjourn the session in order to review the case file, and appointed a lawyer despite the presence of a defence team of eight lawyers chosen by Attalah. It also cleared the courtroom and barred journalists and representatives of diplomatic missions from attending.[18] This was followed, after the judgment, by her detention, the emergence of an earlier judgment dating back to 2024, the circum-

8. Mada Masr, "On the Anniversary of the Blocking, the Administrative Court Rejects Mada Masr's Licensing Lawsuit" (in Arabic). madamasr.com
9. Mada Masr, "Plainclothes security raid Mada Masr office for several hours, detain 3 including Chief Editor Lina Attalah." madamasr.com
10. Mada Masr, "Update: Mada Masr Editor-in-chief Lina Attalah released from police custody." madamasr.com
11. Amnesty International, "Egypt: Authorities must immediately drop all charges against four independent Mada Masr journalists" (in Arabic). amnesty.org
12. Youm7, "Supreme Council for Media Regulation announces blocking of Mada Masr and its referral to the Public Prosecution" (in Arabic). youm7.com
13. Egyptian Initiative for Personal Rights (EIPR), "The Fifth Case in Five Years: Authorities Continue to Target Mada Masr on the Charge of Journalism" (in Arabic). eipr.org
14. LDSF, news item on the summoning of Lina Attalah for questioning (in Arabic). ldsf.info
15. LDSF, "Urgent Global Appeal on the Referral of Mada Masr Editor-in-Chief Lina Attalah to Trial" (in Arabic). ldsf.info
16. Ibid.
17. LDSF, statement on the judgment fining Lina Attalah and closing the website (in Arabic). ldsf.info
18. Mada Masr, "No Access to the File, No Defence" (in Arabic). madamasr.com

stances of the two versions of the Supreme Judicial Council's statement regarding access to the case file, and the question of whether she had in fact waived her right to appeal.[19]

This report sheds light on the dispute over the licensing of Mada Masr and the restrictions and prosecutions faced by the website and its journalists, up to Case No. 11743 of 2026. It sets out the facts and procedures, analyses the legal framework of the charge and the penalties imposed, and assesses the trial proceedings and the events that followed the judgment, in light of constitutional and legal guarantees and the international standards relevant to press freedom and the right to a fair trial.

Methodology

This report is based on monitoring the facts and procedures related to Mada Masr's licence applications, the criminal prosecution of journalist Lina Attalah, and the events surrounding the first session of her trial and its aftermath, and on analysing them in light of the relevant constitutional and legal provisions and international treaties and conventions.

The information is drawn mainly from primary sources, namely lawyers who carried out some of the procedures during the trial session, in addition to other sources such as official and press statements, statements by the defence team, and media and human rights coverage.

19. Statement by the defence team of Mada Masr and its editor-in-chief Lina Attalah (in Arabic). facebook.com

Chapter One: Chronology of Administrative Restrictions and Criminal Prosecutions

Mada Masr's experience of restrictions and prosecution did not begin in October 2026. It was preceded by many milestones, starting with the blocking of the website, continuing with the attempts to obtain a licence to operate it, and extending to repeated appearances before investigative authorities and security prosecutions targeting its journalists.

1. Chronology of Mada Masr's Licence Applications[20]

Date	Event
2018	The website's management applied for a licence, coinciding with the issuance of Law No. 180 of 2018 Regulating the Press and Media, and paid the prescribed fee of EGP 50,000.
2020	The management submitted a new licence application, after the first application had gone unanswered.
2021	The Supreme Council for Media Regulation issued a decision rejecting the licence application, without formally notifying the website's management or stating the reasons for the rejection.
2022	• During the questioning of editor-in-chief Lina Attalah before the prosecution, the website's management learned that its licence applications had been rejected, without any official notification of the rejection. • The management turned to the administrative judiciary, filing a lawsuit against the head of the Supreme Council for Media Regulation and the head of the Licensing Department, seeking the annulment of the decision rejecting the licence and an order obliging the Council to issue it. • The court referred the case to the State Commissioners Authority to prepare a legal opinion.
2023	• The Administrative Court accepted the lawsuit in form but rejected it on the merits, on the grounds that the website had not been shown to have submitted the documents required by law. • The management submitted a new licence application, including the data and documents that the Council had previously said were incomplete. It received no response up until the referral of the editor-in-chief to trial in October 2026.

20. See note 8.

2. Chronology of the Main Blocking Measures and Earlier Prosecutions[21]

Date	Event
24 May 2017	Mada Masr was blocked online as part of a wave of blocking that targeted a number of independent and opposition news websites.
November 2019	Security forces raided the website's offices and detained several members of staff, including editor-in-chief Lina Attalah, and confiscated devices and equipment from the premises.
May 2020	Lina Attalah was arrested outside the Tora Prison Complex while interviewing Laila Soueif, mother of the then-imprisoned Alaa Abd El-Fattah, before being released the same day.
September 2022	The Supreme State Security Prosecution summoned four Mada Masr journalists, including Lina Attalah, over a news report on corruption in the Nation's Future Party (Mostaqbal Watan). They faced charges of spreading false news, and Attalah faced an additional charge of operating a website without a licence.
October 2023	The Supreme Council for Media Regulation issued a new decision blocking Mada Masr for six months, separate from the 2017 blocking decision.
2024	• Lina Attalah was summoned for questioning again following a complaint filed by the Supreme Council for Media Regulation, after the publication of a report on scenarios for the displacement of Palestinians from the Gaza Strip. • Journalist Rana Mamdouh was arrested on her way to report from the Ras El-Hekma area, before being released on bail.
August 2025	Attalah was summoned for questioning before the Supreme State Security Prosecution after the publication of a report on the conditions of detainees in Badr 3 Prison, and was released on bail of EGP 30,000.

21. See note 13.

3. Chronology of Case No. 11743 of 2026 and the Post-Judgment Proceedings[22]

Date	Event
19 October 2026	Lina Attalah received a summons for questioning before the Supreme State Security Prosecution.
21 October 2026	Attalah appeared, in her capacity as editor-in-chief of Mada Masr, before the Supreme State Security Prosecution, which questioned her for more than six hours. The questioning ended with her being named in Case No. 11743 of 2026 (New Cairo Misdemeanours) and released on bail of EGP 100,000.
22 October 2026	She was referred to trial before the New Cairo Misdemeanour Court less than 24 hours after the end of her questioning, on the charge of "operating a website without a licence."
27 October 2026	• The session was held and a judgment was issued fining her EGP 3 million, with closure and confiscation, on the charge of operating the website without a licence. • She was detained after the judgment until the fine was paid. While in detention, she was surprised by an earlier in absentia judgment issued against her in 2024, sentencing her to one year in prison and a fine on the same charges ("operating a website without a licence, spreading false news"). She filed an objection to that judgment.
29 October 2026	The defence team filed a complaint by registered letter with the Assistant Minister of Justice for Judicial Inspection, requesting an investigation into the events of the trial session, including the holding of part of the session in closed court, the appointment of a lawyer despite the objection of the defendant and her defence, and the refusal to record the objections and the motion to recuse the judge in the session minutes.
31 October 2026	The Supreme Judicial Council issued a statement on what had happened during the trial session. The statement was deleted and republished in a different wording, from which the justification for the defence team's request for time to review the case file was removed.
2 November 2026	The defence team filed an appeal against the judgment issued against Lina Attalah, and 25 November 2026 was set for hearing the appeal.
11 November 2026	A hearing was held on Lina Attalah's objection to the in absentia judgment issued against her in 2024 in Case No. 3219 of 2024 (First Settlement Misdemeanours), which concerns similar charges. During the hearing the defence team filed a motion to recuse the court, which adjourned the hearing to 18 November 2026.
18 November 2026	A hearing was set to continue examining the objection to the in absentia judgment, after it was adjourned to consider the motion to recuse the court.
25 November 2026	The date set for hearing the appeal against the judgment issued in Case No. 11743 of 2026 (New Cairo Misdemeanours).

Sources for this table: [23] [24]

22. AFTE, "25 November Set for Hearing Lina Attalah's Appeal Against the Judgment Fining Her and Closing Mada Masr" (in Arabic). afteegypt.org
23. Statement by the defence team of Mada Masr and its editor-in-chief Lina Attalah (in Arabic). facebook.com
24. EIPR, "Update: Retrial of Lina Attalah in the In Absentia Case Sentencing Her to One Year in Prison Postponed to 18 November" (in Arabic). eipr.org

Chapter Two: The Legal Framework for Licensing and Criminal Liability

1. The Legal Framework Governing the Licensing of Websites

Law No. 180 of 2018 Regulating the Press and Media[25] governs the procedures for establishing websites. Article 6 requires a licence from the Supreme Council for Media Regulation to establish or operate a website, and Article 59 prohibits establishing or operating a website before obtaining a licence. Article 60 gives the Council 90 days to decide on a licence application, starting from the date on which the application is received complete with the required data and documents, in return for a fee not exceeding EGP 50,000. The Law's Executive Regulations complete the registration procedures, setting out the ownership conditions for websites, the documents required for a licence, the procedures for examining applications, and the obligations imposed on licensed websites.[26]

Although states have the right to regulate the establishment of websites in order to identify who is responsible for their content, this right should not turn into a form of prior censorship of publication through a prior-licensing requirement. We therefore believe that news websites should be established and operated by mere notification, without the need to obtain a prior licence from the Supreme Council for Media Regulation. Practical experience has shown that subjecting the establishment of media outlets to prior licensing opens the door to restricting press freedom and controlling its exercise. Notification alone is therefore more consistent with the constitutional guarantees[27] of freedom of the press and media, and with the requirement that the exercise of this freedom not be subjected to prior administrative restrictions which may give rise to criminal liability, as happened in the case of Mada Masr.

In the case of Mada Masr, the documents and publicly available information indicate that the company that owns the website applied for a licence following the issuance of the Press and Media Regulation Law in October 2018 and paid the required fee,[28] but received no response. In August 2020 the company applied again, without receiving any response or reply. In June 2023[29] the website submitted a new application, including the data and documents that had previously been said to be incomplete, and no response had been issued as of the preparation of this report.

It should be noted that the Administrative Court examined the lawsuit filed by Mada Masr challenging the decision to reject its licence, Case No. 2043 of Judicial Year 77, and on 24 May 2023 ruled to dismiss the lawsuit because the submission of the required documents had not been established.[30] This judgment does not, however, diminish the importance of examining whether the Council complied with its duty to send the notifications provided for in Article 16 of the Licensing Regulations issued by Supreme Council

25. See note 6.
26. Prime Minister's Decree No. 418 of 2020 issuing the Executive Regulations of the Law Regulating the Press, Media and the Supreme Council for Media Regulation, issued by Law No. 180 of 2018 (in Arabic). manshurat.org
27. Constitution of the Arab Republic of Egypt (in Arabic). presidency.eg
28. Masaar, "Case No. 2043 of Judicial Year 77, Administrative Judiciary" (in Arabic). masaar.net
29. Mada Masr, "From 'State Security' to 'Misdemeanours' in 24 Hours" (in Arabic). madamasr.com
30. See note 28.

for Media Regulation Decision No. 26 of 2020,[31] which require the Council to notify the applicant of any incomplete documents, or of the decision issued on its application.

Against this background, the Journalists' Syndicate, in its memorandum on the website's licensing crisis, stated that the company that owns Mada Masr had not been notified, as required by law, of the documents it needed to complete or of the decision issued on its licence application, and that it had resubmitted its licence documents in June 2023. The Syndicate also stressed that media organisations cannot be held responsible for failing to complete documents when it has not been established that they were notified of the need to complete them,[32] let alone prosecuted criminally on that basis, and that a finding that the Council failed to meet this obligation undermines the legitimacy of moving from an administrative dispute over a licence application to the imposition of criminal penalties.

2. The Relationship Between Licensing Violations and Criminal Liability, and Their Compatibility with Constitutional Guarantees

Articles 6 and 59 of Law No. 180 of 2018 Regulating the Press and Media[33] prohibit establishing, managing or operating websites without a licence from the Supreme Council for Media Regulation, and Article 6 empowers the Council to take measures to suspend or block a website that does not hold a valid licence. Article 105 of the same law then establishes a criminal penalty for violating this requirement: a fine of no less than EGP 1 million and no more than EGP 3 million, in addition to closure and the confiscation of the equipment and devices used to commit the offence.

The constitutional problem with these provisions, Articles 6 and 105, is that they are not limited to regulating licensing procedures. Rather, they allow news websites to be suspended or blocked, or closed and their equipment confiscated, merely for violating regulatory requirements relating to obtaining a licence. This conflicts with the constitutional protection established in Article 71 of the Constitution,[34] which prohibits censoring, confiscating, suspending or closing newspapers and media outlets.

Furthermore, the penalties set out in Article 105, especially when imposed cumulatively, are disproportionate to the nature of a violation relating to licensing procedures or incomplete documents. They may result in ending the activity of media organisations and depriving their audiences of access to their content, which constitutes a severe restriction on the freedom of the press and media guaranteed by Articles 65 and 71 of the Constitution.

Moreover, a website's failure to obtain a licence cannot lead to criminal liability being presumed for its editor-in-chief merely because she holds that position. Article 110 of the same law requires certain elements to be met before criminal liability can be imposed, including proof that the person actually responsible knew of the offence, or that such knowledge was among their professional duties, and that their breach of those duties contributed to the offence. Applied to the Mada Masr case, the mere fact that Lina Attalah holds the position of editor-in-chief is not sufficient to attribute criminal liability to her. It must be verified that the conditions set out in Article 110 are met, and it must be proven that she knew of

31. Decision of the Head of the Supreme Council for Media Regulation No. 26 of 2020 issuing the Licensing Regulations of the Supreme Council for Media Regulation (in Arabic). scm.gov.eg
32. Neqaba Meter, "Journalists' Syndicate Submits Two Memoranda on the Trial of Mada Masr's Editor-in-Chief and Calls for an End to Licensing-Related Prosecutions" (in Arabic). neqaba.net
33. See note 6.
34. See note 27.

the offence or that such knowledge was among her professional duties, and that her breach of those duties contributed to the offence. Any expansion in attributing criminal liability without verifying these conditions conflicts with the principle of the personal nature of punishment set out in Article 95 of the Constitution, and with the presumption of innocence guaranteed by Article 96.[35]

3. The Penalties Imposed and Their Impact on Press Freedom in Egypt

Article 105 of Law No. 180 of 2018[36] provides for a fine, but does not stop there: it also mandates closure and the confiscation of the equipment and devices used in the offence. The effects of these penalties are not confined to the person of the accused; they extend to the website or media organisation and its staff, as well as to the public's right of access to information, making them a direct threat to the continuation of journalistic work in Egypt.

The judgment ordering the closure of Mada Masr and the confiscation of its equipment raises a constitutional problem[37] in light of Article 71 of the Constitution,[38] which prohibits, in any manner, the confiscation, suspension or closure of Egyptian newspapers and media outlets. Applying the penalties in Article 105 to a news website therefore conflicts with the constitutional protection of press freedom, and the mere fact that they are provided for in ordinary legislation is not enough to justify them.

In addition, combining a fine of EGP 3 million with the closure of the website and the confiscation of its equipment and devices is an extremely harsh criminal sanction compared with the nature of the offence, or of a dispute over the procedures for a website licence application or the completion of certain documents, particularly given the prior administrative disputes over applying for and obtaining the licence since 2018. It should also be noted that the successive criminal prosecutions of Mada Masr on the charge of "operating a website without a licence" only began after it published reports on prison conditions in Egypt[39] or on restrictions on journalists,[40] or on subjects touching on those in power, such as its report on corruption in the Nation's Future Party.[41] A new case is opened after every report that displeases the authorities, the same charge reappears each time, and the website has been blocked several times without clear legal justification. This undermines press freedom, media pluralism and the public's right to access and circulate information.

35. See note 6.
36. See note 27.
37. Fakkar Tany, "The Licensing Penalty: Where Does the Power to Regulate the Press End and Freedom of Publication Begin?" (in Arabic). fakartany.net
38. See note 27.
39. Al-Araby Al-Jadeed, "Mada Masr's Editor-in-Chief Summoned After Publishing a Report on Violations in Badr 3 Prison" (in Arabic). aajeg.com
40. Jaafar Talk, video on the referral of Egyptian journalist Lina Attalah to trial (in Arabic). facebook.com
41. MENA Rights Group, "Continued Prosecution of Lina Attalah and Escalating Repression Against Mada Masr and Independent Journalism in Egypt" (in Arabic). menarights.org

Chapter Three: Criminal Prosecution and Fair Trial Guarantees

On 27 October 2026, the Ninth Circuit of the New Cairo Misdemeanour Court issued its judgment in Case No. 11743 of 2026 (New Cairo Misdemeanours), in which Lina Attalah faced the charge of operating a website without a licence. The court fined her EGP 3 million and ordered the closure of the website and the confiscation of its equipment, in a trial marked by numerous violations of the guarantees and standards of a fair trial, most notably the denial of the right to a defence.

This case was not the beginning of the criminal prosecution of Attalah or of Mada Masr; it was preceded by multiple proceedings and prosecutions. It nonetheless marked a major qualitative shift, as the proceedings moved from summonses for questioning and continued harassment to referral to criminal trial and the issuance of a court judgment. This chapter examines the trial proceedings and the problems and violations that marred them from the outset until the judgment was issued, as well as the proceedings that followed.

First: Fair Trial Guarantees During the Proceedings

1. The Speed of the Referral and the Trial

The proceedings began with Lina Attalah being summoned for questioning on 19 October 2026. She was questioned before the Supreme State Security Prosecution on 21 October 2026, referred to criminal trial the following day, 22 October 2026, and the court issued its judgment at the first session on 27 October 2026. All the proceedings that led to a judgment imposing the maximum penalty were thus completed in only eight days: no more than three days elapsed between the summons and the referral, and five days between the referral and the judgment.[42]

Speedy adjudication is not in itself a breach of fair trial guarantees. However, the speed of the proceedings in Lina Attalah's trial came at the expense of her right to prepare her defence and to have sufficient time to review the case file, submit documents and prepare evidence. Article 96 of the Egyptian Constitution[43] provides that the accused is innocent until proven guilty in a fair legal trial that guarantees the right to defend oneself, and Article 14(3)(b) of the International Covenant on Civil and Political Rights[44] guarantees every accused person the right to have adequate time and facilities for the preparation of their defence and to communicate with counsel of their own choosing.

In this case in particular, the short time between the procedural steps, the speed of the referral and the issuance of a judgment at the first session are a decisive factor, because they came after legal disputes dating back to 2017, ranging from the blocking of the website and administrative obstruction of its licence to the security prosecution of its editor-in-chief and journalists. It was therefore essential for the defence to have sufficient time to review and discuss the case file, the evidence, the documents and the correspondence. The speed of the proceedings in this case thus directly affected the right to a defence and all the guarantees of a fair and just trial.

42. See note 18.
43. See note 27.
44. International Covenant on Civil and Political Rights. ohchr.org

2. Violation of the Right to a Defence and to Challenge the Prosecution's Evidence

According to the defence team and to Mada Masr's reporting on Lina Attalah's trial session, the defence initially requested time to review the case file and prepare its defence, and asked for the documents relating to the website's licensing procedures to be added to the file and for witnesses to be heard. This was in order to verify the facts on which the charge was based, whether the website's management had been notified of the decision rejecting its licence, and whether there were any documents showing that Attalah, as editor-in-chief, knew of it.[45]

The court refused to give the defence time to review the case file and prepare its defence at the first trial session, and insisted that the file could only be reviewed during the session itself. Contrary to established practice, under which courts allow the defence time to review the file and prepare substantive requests before pleading, the court required the lawyers to review the file, prepare and plead in the same session. When the defence team maintained its requests and declined to plead, the court decided to appoint another lawyer to defend Lina Attalah, despite the presence of a retained defence team of eight lawyers and despite Attalah's objection. The defence team also reported that the appointed lawyer was not given sufficient time to review the case file and prepare a defence, and that Attalah's objection was not recorded in the session minutes.[46]

Given the nature of the charge, "operating a website without a licence," and the website's many attempts over several years to obtain a licence, it was essential for the defence to trace the history of the licence applications and the documents submitted by the website's management at the time, the decisions issued by the Supreme Council for Media Regulation, and whether the management had been notified of those decisions; and to identify the act attributed to the defendant, establish the elements of the offence and her personal connection to it, in accordance with the general rules of criminal liability. This made the request for time to review the case file, add documents and hear witnesses self-evident and essential, particularly since all the proceedings and stages of the case were completed very quickly, within approximately eight days.

The Egyptian Constitution guarantees the right to a defence, in person or through counsel, in Article 98.[47] Article 14 of the International Covenant on Civil and Political Rights likewise guarantees the right of the accused to defend themselves or to be assisted by counsel of their own choosing, and to be given adequate time and facilities to prepare their defence. This right is not fulfilled by the court appointing a lawyer, particularly when a defence team of eight retained lawyers is present. Counsel must be enabled to review the case file and examine the evidence, and be given sufficient time to prepare a defence commensurate with the nature of the charge.

This does not mean that every refusal to adjourn is a violation of the right to a defence. The legal assessment depends on whether sufficient time was provided to review the case file, given its size and nature, and to present a defence. In this case, however, all the proceedings, from the investigation through the referral to trial and the issuance of a judgment, were carried out within a very short period, coupled with the rejection of the defence's request for time to review the file.

45. See note 18.
46. AFTE, "25 November Set for Hearing Lina Attalah's Appeal Against the Judgment Fining Her and Closing Mada Masr" (in Arabic). afteegypt.org
47. See note 27.

3. Violation of the Right to a Public Trial

In addition to the problems affecting the constitutional right to a defence, a number of journalists, supporters and representatives of diplomatic missions were prevented from attending the trial session: the court ordered the courtroom to be cleared and continued hearing the case in the presence of Attalah and her defence team only. This raises a further legal problem concerning respect for the principle of public trials and public oversight, particularly since the case concerns freedom of the press and media work in Egypt.

The Constitution establishes the principle of public trials in Article 187,[48] while permitting closed hearings in circumstances defined by law. Article 14 of the International Covenant on Civil and Political Rights likewise provides that criminal cases shall be heard in public, with exceptions permitted in specific circumstances for reasons of public order, morals or national security, or to protect the parties, or to the extent strictly necessary in the opinion of the court. The principle of publicity does not merely mean allowing the parties or lawyers to attend the hearing; it means the attendance of the public, the press and supporters, and their ability to follow the proceedings during the hearing, in order to strengthen confidence in justice and allow public oversight of the courts. Barring journalists, supporters or others from attending, or ordering the courtroom to be cleared, is therefore a legal violation except in specific cases where there are reasons that require publicity to be restricted.

In the context of what happened at the 27 October 2026 session, where the courtroom was cleared and everyone except Attalah and her defence team was barred from attending, without any decision by the court to hold the session in camera or any legal justification for doing so,[49] this amounts to an infringement of the constitutional guarantee of a public trial and limits public oversight of it.

Second: Post-Judgment Proceedings and the Guarantees of the Right to Appeal

1. Post-Judgment Proceedings and the Emergence of an Earlier In Absentia Judgment

On 27 October 2026, at the first trial session of Lina Attalah, editor-in-chief of Mada Masr, in Case No. 11743 of 2026, the court sentenced her to a fine of EGP 3 million and ordered the closure of Mada Masr and the confiscation of the equipment and devices used in committing the offence. Following the judgment, Attalah was detained until the procedures for paying the fine were completed.[50]

After about seven hours of detention, a release order was issued once the fine had been paid. While her release was being processed, Attalah was surprised to learn of an earlier judgment issued against her in 2024 in Case No. 3219 of 2024 (First Settlement Misdemeanours), sentencing her to one year in prison and a fine of EGP 2 million, and ordering the closure of Mada Masr and the confiscation of its equipment. That case had been referred and decided without notifying Attalah or the Journalists' Syndicate. Her defence filed an objection to the judgment, and the first hearing of the case, at which her retrial began, was set for 11 November 2026. At that first hearing the defence moved to recuse the court on the grounds that the presiding judge had previously ruled against Attalah in the other case at the 27 October 2026 ses-

48. See note 27.
49. LDSF, "International Human Rights and Press Freedom Organisations Condemn the Judgment Against Lina Attalah and the Closure of Mada Masr" (in Arabic). ldsf.info
50. Mada Masr, "Lina Attalah Detained After Judgment Imposing EGP 3 Million Fine and Closing Mada Masr" (in Arabic). madamasr.com

sion, and the court adjourned the case to 18 November to take the procedures related to the recusal motion.[51]

It should be noted that on 29 October 2026 the defence team filed a complaint with the Judicial Inspection Department regarding the procedures followed during the first trial session before the judgment was issued,[52] and the Supreme Judicial Council issued a statement on the matter on 31 October.[53] The statement drew strong criticism from civil society and legal professionals in Egypt, before the Council deleted it and it was republished in a different wording.[54]

Table clarifying the two overlapping cases

Case	Year / type of judgment	Date of first hearing	Date of second hearing	Judgment
Case No. 11743 of 2026	2026 (in the presence of the defendant)	27 October 2026	25 November 2026 (first appeal hearing)	Fine of EGP 3 million, closure, confiscation
Case No. 3219 of 2024	2024 (in absentia)	11 November 2026 (after the objection was filed)	18 November 2026 (for the recusal procedures)	One year in prison, fine of EGP 2 million, closure, confiscation. The judgment has been challenged by objection and hearings are ongoing.

Because the charges are so similar, the two cases must be clearly distinguished. The judgment in Case No. 3219 of 2024 is an in absentia judgment subject to objection and retrial, whereas the judgment in Case No. 11743 of 2026 was issued in the presence of the defendant and is subject to appeal. Each case follows its own separate and independent procedural path, and the two should not be confused with each other, nor should their means of challenge or any of the procedures relating to either.

2. The Right to Appeal and the Alleged Waiver of the Appeal

The right to challenge criminal judgments is one of the most important fair trial guarantees, as it allows judgments to be reviewed by a higher court. Article 97 of the Egyptian Constitution[55] guarantees the right to litigation and describes it as an inviolable right guaranteed to all, and Article 14(5) of the International Covenant on Civil and Political Rights[56] provides that everyone convicted of a crime shall have the right to have their conviction and sentence reviewed by a higher tribunal according to law.

At the legislative level in Egypt, the law applicable at the time of the judgment is the Code of Criminal Procedure No. 150 of 1950,[57] since the entry into force of the new Code of Criminal Procedure No. 174 of 2025 has been postponed to October 2027.[58] Article 402 of the current Code of Criminal Procedure grants the accused and the prosecution the right to appeal judgments issued in misdemeanour cases by the

51. Monte Carlo Doualiya, "Egyptian Court Postpones Case of Mada Masr Editor-in-Chief Lina Attalah" (in Arabic). mc-doualiya.com
52. See note 23.
53. Al Hadath, the deleted statement of the Supreme Judicial Council (in Arabic). facebook.com
54. Court of Cassation of Egypt, statement of the Supreme Judicial Council, published version (in Arabic). facebook.com
55. See note 27.
56. See note 44.
57. Manshurat Qanuniya, Code of Criminal Procedure No. 150 of 1950 (in Arabic). manshurat.org
58. Code of Criminal Procedure No. 174 of 2025 (in Arabic). moj.gov.eg

summary court, and Article 406 sets the deadline for appealing misdemeanour judgments at ten days from the date on which a judgment is pronounced in the presence of the defendant.

On 31 October 2026, following the judgment in Lina Attalah's case, the Supreme Judicial Council published a statement[59] declaring that Attalah had waived her right to appeal in writing after the judgment was executed and the fine paid. The defence team subsequently denied that any such waiver had taken place and announced that it would exercise the right to appeal, before actually filing an appeal on 2 November 2026, with a hearing set for 25 November 2026.

Given the contradiction between the statement and the defence team's account, the question arises of what effect an "appeal waiver" has, and whether it can be relied on to prevent her from exercising this right while the legal deadline is still running. Under the Code of Criminal Procedure, the time limit for appeal remains open for ten days from the date of a judgment issued in the presence of the defendant, and the judgment does not become final merely because a waiver is recorded while that time limit is still running. In all cases, what matters is whether the right of appeal is exercised within the legal deadline.

Applying this to Lina Attalah's case, the defence team filed an appeal on 2 November 2026, within the legal deadline, and she was able to exercise her right of appeal; the alleged waiver was not used as a reason to prevent the appeal from being accepted or heard. Even assuming she had signed a waiver after the judgment, her decision to appeal before the deadline expired took effect, and the guarantee provided by the Constitution and international instruments was not lost.

3. Discrepancies Between the Two Versions of the Supreme Judicial Council's Statement on the Trial Proceedings

Following the controversy over the case of Mada Masr and Lina Attalah, the Supreme Judicial Council issued a statement in two versions on 31 October 2026. The first version included details about the defence's request for time to review the case file, the rejection of the request for adjournment and the appointment of a lawyer. The second, amended version removed some of these details and simply stated that the court had allowed the case file to be reviewed but that the defence had refused to review it and to plead. This presents a different account, from which it may be understood that the defence was in fact given the opportunity to review the file, and that the absence of pleadings was due to the lawyers' own position rather than to their being prevented from exercising their rights.

The details deleted from the first version are substantive: they set out a procedural fact concerning whether the defence was enabled to review the case file and given sufficient time to prepare its pleadings. They are therefore directly linked to a fundamental guarantee, the right to a defence, protected by Article 98 of the Egyptian Constitution, and to the fair trial guarantees set out in Article 96 of the Egyptian Constitution and Article 14 of the International Covenant on Civil and Political Rights.

It should be stressed that the right to a defence is not fulfilled merely by the presence of a lawyer or by giving the lawyer an opportunity to speak. It is fulfilled only when counsel is actually able to review the case file, examine the prosecution's evidence and obtain adequate time and facilities to prepare a defence. The difference in wording between the two versions therefore warrants scrutiny and raises questions about whether the official account is consistent with the procedures actually followed during the

59. See note 54.

session, and about whether the Supreme Judicial Council is committed to genuine oversight of the judiciary, rather than rushing to deny problems and to justify the conduct of the court, which has raised doubts and questions about the independence of the judiciary in Egypt.

Conclusion and Recommendations

The case of Lina Attalah shows that the dispute over the licensing of Mada Masr did not remain an administrative disagreement, or an administrative problem concerning the completion of papers and documents or obstruction in certain procedures. It extended into criminal prosecution, ending with heavy fines, the closure of the website and the confiscation of its equipment, in addition to the problems revealed by the trial sessions concerning the ability of the defence to perform its role, the infringement of the principle of public hearings, and the right to challenge the judgment.

The case also highlights the need to review the rules governing the licensing of news websites, and to ensure that licensing procedures do not become a tool for criminal prosecution, for restricting journalistic work, or for punishing media organisations and their staff, while upholding fair trial guarantees and the right to a defence.

The Law and Democracy Support Foundation (LDSF) recommends the following:

1. Reviewing the legal provisions that require a prior licence to establish or operate news websites, and amending them to provide for a notification system only, and abolishing the criminalisation of, and criminal penalties for, failure to obtain a licence.
2. Requiring the competent authorities to establish clear procedures for receiving notifications and confirming their receipt, and for informing media organisations of any comments regarding incomplete data or documents, so that journalistic activity is not obstructed or subjected to prior discretionary authority.
3. Reviewing the penalties imposed on media organisations, particularly closure and confiscation, so that they are proportionate to the nature of the charge and take into account their impact on the continued operation of media organisations, their staff, and the public's right of access to information.
4. Upholding fair trial guarantees, foremost among them the right to a defence, public hearings and the right to challenge judgments, and respecting the mechanisms of judicial inspection, oversight and monitoring of judges' compliance with legal guarantees.
5. Overturning the judgments sentencing Lina Attalah to prison and fines and ordering the closure of Mada Masr and the confiscation of its equipment, and enabling the website's management to obtain the necessary licence and to carry out their journalistic work freely.