

briefing

Egypt

Religious Freedom Profile

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SOLIDARITY
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I. Executive Summary and Recommendations

Egypt is a dynamic and influential country in the Middle-East and North African (MENA). As international attention on Egypt focuses predominantly on the tensions between secular, modernising rule and the growing political power of the Muslim Brotherhood, a worrying trend of human rights violations and sectarian clashes continue largely unnoticed. Although Egypt is party to many international human rights treaties, non-Muslims in particular have faced increasing abuse between 2006 and 2008 from the state security apparatus and political institutions, as well as attacks by mobs.

CSW urges the international community to urge the Egyptian government to:

- Take concrete steps to ensure that non-Muslims minorities are not subject to arbitrary detention and mistreatment, including torture, at the hands of the state security police;
- Develop effective mechanisms to monitor human rights abuses committed by security forces in the country;
- Provide a simple and effective way for individuals to claim or change their religious affiliation on official records;
- Finalise a unified law concerning the building and repair of places of worship and other religious establishments and remove obstacles faced by minorities in receiving and using building permissions;
- Take proactive measures to prevent clashes between Coptic Christians and Muslims, and where clashes do occur, to ensure the perpetrators are brought to justice and that reparations are delivered to victims as appropriate;
- Reinstate official recognition of the Bahá'í faith.

2. Background

2.1. Demographic information

Christians form the largest religious minority in Egypt, with the Christian population recorded at around 10%¹ of a total of just over 80 million.² Various other sources put the figures at between 10-15% of the population. The Coptic Orthodox Church claims to have up to 10 million members. There are around 300,000 Catholic Christians, comprising Greek, Latin, Coptic and Armenian Catholics, with fifteen Catholic Bishops. Other religious confessions, such as Jews and Bahá'ís total less than 1% of society; there are an estimated 2,000 Bahá'ís and approximately 200 Jews living in Egypt.³ The remainder of Egypt's population is Muslim, of which the vast majority is Sunni.

2.2. Legal Provisions

Egypt is a member of the United Nations and has ratified or acceded to numerous international covenants, including the International Covenant on Civil and Political Rights (ICCPR),⁴ the International Covenant on Economic, Social and Cultural Rights (ICESCR),⁵

¹ CIA World Fact book, accessed 06/08/07.

² Ibid.

³ U.S. Department of State International Religious Freedom Report 2007;

⁴ Ratification 14 January 1982.

the International Convention on the Elimination of All Forms of Racial Discrimination (CERD)⁶, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT),⁷ the Convention on the Rights of the Child (CRC),⁸ the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW),⁹ and the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (MWC).¹⁰ Egypt has also ratified the African Charter of Human and Peoples' Rights and the Arab Charter for Human Rights (ACHR).

Article 2 of the Egyptian constitution states that "Islam is the religion of the state and Islamic jurisprudence is the principle source of legislation." Article 2 was amended in 1980 from the original, which stated that Islam is "... a principle source of legislation", turning sharia law into 'the' primary basis. However, Article 40 states, "all citizens are equal before the law. They have equal public rights and duties without discrimination between them due to race, ethnic origin, language, religion or creed." Articles 46 and 47 guarantee freedom of belief, practice of religious rites, and freedom of opinion respectively. Article 46 stipulates, "the State shall guarantee the freedom of belief and the freedom of practising religion." Furthermore, Egyptian Penal Law protects religious freedom. Article 160 specifically protects against the disruption of religious observance and damaging religious premises or artefacts, while Article 161 protects against open attacks on religions by publishing distorted versions of their scriptures or by publicly mimicking their celebrations.

On 4 March 2008, Judge Mohammed al-Husseini appealed to the Supreme Constitutional Court, challenging the constitutionality of Article 47. He argued that this article and allowing conversion and change of religious affiliation records contradict Article 2 of the constitution and traditional Islamic jurisprudence. A number of re-conversion cases (those who wish to return to Christianity, having previously left it for Islam) have been frozen as the Court has not yet reached a verdict.¹¹

Only the three 'divinely revealed religions', namely Islam, Christianity and Judaism are acknowledged by the state and protected by the constitution. Thus, adherents of other religions, such as Bahá'ís, are not protected.

3. Religious Freedom

Religious freedom in Egypt is a complex situation. Churches are allowed to function openly and police protection of church buildings is often provided during services. In addition, the publication of Christian literature, along with religious education in schools is permitted. Catholic schools and social services often enjoy wide respect from the Muslim community to the extent that many prominent Egyptian Muslim families send their children to Catholic schools, including President Mubarak himself.

Some reports of persecution within and outside of Egypt are questionable, if not exaggerated, for various reasons. A good example of this is reports of Christian girls being kidnapped by Muslims. Although there are credible accounts in which Christian girls have

⁵ Ratification 14 January 1982.

⁶ Ratification 1 May 1967.

⁷ Accession 25 June 1986.

⁸ Ratification 6 July 1990.

⁹ Ratification 18 September 1981.

¹⁰ Accession 1993.

¹¹ Compass Direct; *Egypt, Ex-Muslims blocked from declaring conversion*; 26 March 2008; <http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5309& backpage=archives&critere=article%2047&countryname=&rowcur=0>.

been kidnapped,¹² a significant number of reported cases are inaccurate or based upon rumour. Often, Christian girls may have left their family home to marry Muslim men. In these situations, the family will often respond by ostracising their daughter, or by reporting the case as a kidnapping in order to preserve the family's honour. When the report is subsequently picked up by communities abroad, its authenticity can be compromised, instead becoming a narrative of Islamist or state-initiated persecution.

Nevertheless, amidst relative religious freedom in the country and questionable reports of persecution, non-Muslim communities in Egypt still face significant human rights abuses, grouped under the categories listed below.¹³ Muslim Background Christians (MBCs) and Bahá'ís are the two groups which are most vulnerable to gross human rights violations.

3.1. Apostates

The issue of apostasy is very sensitive in the Muslim world, including Egypt. Accusations of apostasy (*irtidad*) can be grouped under three categories:

- a) Devout or secular Muslim intellectuals are often declared 'apostates' for criticising Islam or Islamic institutions;
- b) Followers of the Bahá'í faith or any other religious creed that promotes a new belief postdating Islam are regarded as 'apostates' or heretics;
- c) Muslims who abandon Islam for another religion (*murtaḍ*) are apostates.

Although the Qur'an does not stipulate a punishment for apostasy in this world, it still sees apostasy as a capital sin.¹⁴ Unlike the Qur'an, all of the traditional schools of Sharia Law, whether Sunni or Shiite, agree on the death penalty for the male apostate, drawing legitimisation from Hadith passages.¹⁵

An increasing number of contemporary Muslim scholars, mostly residing in Europe and North America, reject capital punishment on the grounds of the questionable legitimacy of quoted Hadith passages, arguing instead for the precedence of the Qur'an as the primary source of interpretation.¹⁶ However, many maintain that apostasy is a serious sin and that when it is mixed with treason or active disrespect or criticism of Islam, it can be punished with death. In Egypt, there has not been an official execution of an apostate to date.

After a landmark final ruling by the Court of Cassation in August 1996, shar'ia based *hisba* law was applied to Mr Nasr Hamed Abu Zayd, who was a Professor of Arabic Literature at Cairo University and was deemed an 'apostate' for his critical views on Islam, although he did not convert to another religion. *Hisba* law, which now can only be used by the

¹² For a credible account of the attempted kidnap of Laurence Wagih Emil, 15, on 3 October 2006, see Compass Direct News, *Egypt; Christian Girl Escapes Muslim Kidnapper*, 9 October 2006, www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=4573&backpage=archives.

¹³ CSW has chosen to withhold specific details of cases when necessary to protect victims from further abuses and has chosen only to use cases which have been previously publicised in the media.

¹⁴ For examples of the Qur'an passages on Apostasy see Al-Baqara 2:217, 2:108, Al-Imran 3:86-90, Al-Nisa 4:137-139, Al-Ma'idah 5: 57-58, Al-Nahl 16:106-110

¹⁵ For example; Sahih Bukhari, Volume 4, Book 52, Number 260: "Ali burnt some people and this news reached Ibn 'Abbas, who said, "Had I been in his place I would not have burnt them, as the Prophet said, 'Don't punish (anybody) with Allah's Punishment.' No doubt, I would have killed them, for the Prophet said, 'If somebody (a Muslim) discards his religion, kill him.'" Sahih Bukhari, Volume 9, Book 83, Number 17: "Allah's Apostle said, 'The blood of a Muslim who confesses that none has the right to be worshipped but Allah and that I am His Apostle, cannot be shed except in three cases: In Qisas for murder, a married person who commits illegal sexual intercourse and the one who reverts from Islam (apostate) and leaves the Muslims.'" "

¹⁶ For such a treatment by a Muslim scholar living in the West, see Dr. Jamal A. Badawi's article; *Is Apostasy a Capital Crime in Islam?*; <http://www.islamonline.net/English/contemporary/2006/04/article02.shtml#%235>

Prosecutor-General, annuls the marriage of an 'apostate'.¹⁷ In relation to Abu Zayd's case, the Court of Cassation stated that the "apostasy of a Muslim is not an independent matter that the Islamic law and its state can pardon and overlook as one of the rights of the individuals... because exiting from Islam is a revolt against it and this is reflected upon the person's loyalty to Shari'a and state, and his relations to society...Nobody is entitled to call for whatever contradicts its public order or morale, nor uses the freedom of opinion to harm its foundation."¹⁸ The court has never defined what the proper punishment for an apostate is. Mr Zayd and his wife fled from Egypt to Holland following the ruling.

Recent remarks made by Grand Mufti Ali Gomaa of Egypt on a US Washington Post-Newsweek online forum, *Muslims Speak Out*, are of significant interest in this matter. The Grand Mufti stated that Muslims were free to change their religion. He said it was a sin which does not have an earthly punishment but will be punished by God on the Day of Judgement.¹⁹ CSW welcomed this statement from the senior cleric, who has substantial influence on the world's Sunni population. However, we were deeply disappointed to read the subsequent statement made by Dar al-Iftaa, Egypt's highest body for delivering opinions on Islam, which retracted the comments attributed to the Grand Mufti. The council alleged that he had in fact said that "Islam forbids Muslims from renouncing their faith...and that if a Muslim did they would be committing a mortal sin" and that "apostasy is a kind of subversion and a sort of crime that requires punishment."²⁰

In the Middle East, a person's religion is closely tied to their identity in society and community. Therefore conversion to another religion can be seen as a betrayal to one's community. Conversion from Islam to Christianity is often perceived as siding with and working for the 'West' in a move against national unity. This 'betrayal' is a serious blow to the social standing of the convert's family. A convert from Islam brings shame to the family and community, which has to be cleaned or corrected. Depending on their location and socio-economic standing, converts risk being rejected, physically harmed and potentially killed by their extended families. Various church leaders interviewed by CSW in Egypt spoke of their suspicions of 'suicides' or disappearances of MBCs they knew of in rural areas.

Converts from Christianity to Islam face no legal difficulty and can easily change their official records without any court action, although it is possible they will be ostracised from their Christian community. In stark contrast, converts from Islam to Christianity face serious legal obstacles. Although there is no Egyptian legislation which deals directly with apostasy, converts from Islam are often arrested and charged with damaging national unity and social peace in contempt of religion under Article 98F of the Egyptian Penal Code.²¹ They can then be tried before the State Security Court as a national security threat. Christians who have converted to Islam but then wish to regain their Christian identities must file cases at the Court of Administrative Litigation in order to change their official registration.

Several laws negatively affect the personal status of converts from Islam. Because of precedents in Sharia law regarding the marriage of non-Muslims to Muslims, a man

¹⁷Before the abolition of Shari'a Courts in Egypt in 1955, under *hisba* principles, any member of the community was entitled to lodge a complaint at court against anyone suspected of being a heretic or apostate. *Hisba* literally means "accountability" and in practice results in limitations being placed on intellectual and religious freedom.

¹⁸ Court of Cassation, Case No. 475, 478, 481, Judicial Year 65, 1172

¹⁹ For the detailed text see;

http://newsweek.washingtonpost.com/onfaith/muslims_speak_out/2007/07/sheikh_ali_gomah.html

²⁰ See AFP, *Egypt Mufti denies saying Muslims can choose own religion*, 24 July 2007

http://news.yahoo.com/s/afp/20070724/wl_mideast_afp/egyptreligionislam_070724185303

²¹ Article 98F prohibits the use of religion "to ignite strife, to degrade any of the heavenly religions or harm national unity or social peace." The same law has been used against homosexuals. See Human Rights Watch "In a Time of Torture: The Assault on Justice in Egypt's Crackdown on Homosexual Conduct"; <http://hrw.org/reports/2004/egypt0304/index.htm>

registered as a Muslim can marry a woman registered as a Christian, whereas a man registered as a Christian cannot marry a Muslim woman. This has its greatest implications on converts to Christianity who wish to marry within their newly chosen religion, but are unable to do so due to the legal constraints surrounding their position. Some converts choose to forge documents in order to marry or to avoid the problems associated with registering their children as Christians, thus risking imprisonment under forgery laws in addition to charges of apostasy. This puts them in a precarious position. Often, such couples apply for asylum when their documents are recognised as being false. In 2007, CSW monitored two such cases, by providing an expert statement for the retrial of a failed Egyptian MBC asylum seeker in the UK and advising a young Egyptian couple who fled to Jordan and are awaiting a decision from the UN Refugee Agency (UNHCR).

Those who convert whilst married to a Muslim risk having their marriage annulled and losing their rights over their children (Law no. 25 of 1920, Law no. 52 of 1929). The Court of Cassation set case law precedent when they ruled that “the invalidity of the marriage of a female Muslim apostate if she gets married after apostasy to a non-Muslim and separation is enforceable... and the impermissibility of changing the name or religion status of the apostate in the identity card information... a women apostate does not originally have the right to marry either a Muslim or a non-Muslim; she is considered dead, and the dead is not subject to marriage.”²² The same ruling also disqualifies a female apostate from family inheritance, in line with Law no. 77 of 1943. However, converts who are still officially recognised as ‘Muslim’ are automatically protected from loss, since their conversion isn’t officially acknowledged.

Converts who are under close surveillance by the State Security Intelligence Service (SSIS) have been intercepted at airports and detained on suspicion of questionable religious activities and espionage. SSIS also regularly intimidate converts by visiting their landlords, employers or neighbours to inform them of the ‘truth’ about the converts, consequently stirring up animosity and increasing potential danger for them. Converts who are detained by security forces face a wide range of physical and psychological abuse. One of the most widely known examples of this was the case of three young converts who were arrested in September and October 1990 and were detained until July 1991 under Article 98F of the Penal Code (High State Security Court Case No 662/1990). Throughout their detention they were tortured repeatedly by security officials in a variety of ways, including being subjected to electric shocks to the genitals, burnt by cigarettes, beaten, sexually humiliated and isolated in cells too small to lie down in. They were finally released following widespread international pressure and renunciation of their faith. CSW met with them in 2007. They continue to live in Egypt and face intimidation and threats against their families.

More than a decade later, this case is neither unique nor uncommon. Paul Marshall of Freedom House documented that in 2003 alone, 22 MBCs and those who assisted them were arrested. He noted, “some were tortured, and one, Isam Abdul Fathr, died in custody.”²³ In January 2005, Gaseer Mohamed Mahmoud, an MBC was arrested and tortured by police who subjected him to cruel treatment which included pulling out his toenails. On 10 January 2005, he was transferred to the El-Khanka mental hospital by the SSIS where he was “kept in solitary confinement, put in a water-filled room, beaten, whipped, and told that he would be incarcerated until he renounced his faith.”²⁴ He was subsequently released in June 2005 following international pressure.

²² Court of Cassation, Case No 1359, Judicial Year 28, 27 Nov, 1984; Case No 162., Judicial Year 62, 16 May 1995

²³ Paul Marshall, *Apostates from Islam: The Case of the Afghan Convert is Not Unique*, The Weekly Standard 2 April 2006

<http://www.freedomhouse.org/template.cfm?page=72&release=352>

²⁴ Congressional Hearing on The International Religious Freedom Report, 15 November 2005, pg 80

Since children of converts are automatically registered as Muslims even if the parents have been registered as Christian, they are obliged to attend Islamic religious education classes in school. Often, families advise their children to present themselves as Muslim in public, but Christian at home. Children who are outspoken about their Christianity in school but attend Islamic religious education are often ostracised both by their Muslim and Christian peers, and can put their convert parents at risk from unwanted attention from the local community and SSIS. Three MBC couples interviewed by CSW pointed out the emotional and psychological effects this has on young children who cannot make sense of the dual lives they live.

MBCs also face ostracism from Christian churches. Often the Christian community is suspicious of their conversion due to fears of intelligence activities and Islamist threats. In addition, the official acceptance of converts by a church as registered and baptized 'members' can lead to problems for the church with security forces. As a result, converts are denied church 'membership' and are not allowed to study in Bible schools or hold ministerial positions. However, some large churches often allow MBCs to attend their services with the mutual understanding of secrecy.

3.2. Bahá'ís

In 1960, former President Nasser issued Decree No. 263 ordering the dissolution of all Bahá'í Institutions and banning the practise of Bahá'í religious rituals and the circulation of literature promoting their beliefs. Bahá'í assets were confiscated and some were handed over to Muslim organisations. In 1975 the Supreme Court rejected a case brought by Egyptian Bahá'ís, which challenged the legality of Decree No. 263 on the basis of its unconstitutional discriminatory nature, its non-conformity with the Universal Declaration of Human Rights and the failure of the President to submit it to Parliament. Instead, the Supreme Court ruled that the Decree was constitutional and designated the Bahá'í faith an unrecognised religion.

Islamic scholars continue to see the Bahá'í faith as a heresy since they believe in a prophet and book given to mankind postdating the Prophet Mohammed. In June 2006, the book "Bahá'ism: Its beliefs and colonial goals" written by Dr Kaheled Abdel-Halim el-Sayouty, a professor at Al-Azhar University, was published and widely distributed. In the book, which was officially sanctioned by the University, El-Sayouty not only declares the Bahá'í faith as "apostasy" but also asks for a tougher stand against Bahá'ís by the government and society and makes allusions to cleansing Egyptian society from such a deviancy.²⁵ In addition to accusations of heresy and immorality, Bahá'ís are often accused of being Zionists and cooperating with Israel. The fact that the Bahá'í World Centre, the spiritual and administrative centre of Bahá'ís, is based in Israel apparently supports such prejudices. Religious affiliation registration also causes significant problems for Bahá'ís. (See section 4.3.)

3.3. Religious Affiliation and ID Cards

The Egyptian Civil Code (Article 47 of Law No 143) requires every Egyptian citizen to carry a national identity card, which must be presented to security forces on request. Egypt has been transitioning to a new ID card system and with it a new wave of problems has arisen for non-Muslim minorities, as religious affiliation is still officially recorded on the cards. There have been cases of Christians being accidentally recorded as Muslims. Although such a

<http://www.foreignaffairs.house.gov/archives/109/24596.pdf>

²⁵ For the details of the book and response of Bahá'ís in Egypt see;

<http://bahai-egypt.blogspot.com/2006/10/egypt-bahais-file-complaint-with.html>

mistake ought to be quickly corrected, it can take from six months to a year for an individual to prove that he or she has always been a Christian.

Religious affiliation registration significantly affects MBCs. Whilst religious converts to Islam can change their official records and ID within 24 hours with a supporting statement from Al-Azhar, the reverse is almost impossible.

On 2 August 2007, after several failed attempts to change his religious affiliation on his ID card, Mohammed Ahmed Hegazy, a 25-year-old MBC, took the unprecedented step of filing suit against the Minister of Interior, Habib al-Adly. Prior to this, Mr Hegazy had been tortured in detention in 2002 following his conversion. His lawyer, Mamdouh Nakhla, was forced to withdraw from the case after receiving death threats and having three separate cases filed against him on charges of disrupting national unity. Mr Hegazy's case was widely covered in the Egyptian and wider Middle Eastern media, forcing him to go into hiding to protect his pregnant wife. Rawda Ahmed and Gamal Eid of the Arabic Network for Human Rights Information (ANHRI) subsequently agreed to continue with the case. On 29 January 2007, Judge Muhammad Hussein ruled against Hegazy's challenge. The ruling was based on Article 2 of the Egyptian constitution, which identifies Shari'a as 'the primary source of legislation'. Hussein argued that since Islam was the last of the three 'heavenly religions', to be a Muslim was to practise freedom of religion.²⁶ On 11 October 2007, Hegazy's vacated flat was broken into, with much of its contents smashed and burnt. In a related development, the SSIS arrested Dr Adel Fawzy Faltas, 61, and Peter Ezzat, 24, on 8 August 2007, due to their connection with Mr Hegazy. Dr Faltas and Mr Ezzat work for the Middle East Christian Association (MECA) and were eventually released on 5 November 2007, after three months in prison with no formal charges being pressed against them.

Those who convert to Islam but then decide to return to their original faith face similar problems. On 2 July 2007, the Supreme Administrative Court called for a retrial of a decision by a lower administrative court on 24 April 2007, which denied the right of 45 Copts who had previously converted to Islam to revert to Christianity. The final ruling is expected in November 2007. On 9 February 2008, Judge Sayed Noufal of the Supreme Administrative Court ruled that a group of twelve converts who wished to return to Christianity should be allowed to reflect their change in faith on their ID cards. However, the court provided a non-binding recommendation that in allowing the group to return back to their original faith, their new ID cards should make reference to the fact that their previous religion was once Islam. Should this recommendation be implemented, this group would be subject to discrimination. None of the group has yet been able to acquire a new ID card.²⁷

Of all the religious minorities, Bahá'ís experience the most severe difficulties regarding recording their religious affiliation. They are prohibited from representing their religion on state documents, as national legislation only provides three categories (Christian, Muslim and Jew). This denies them the right to have any form of ID, affecting a host of basic rights ranging from free movement, buying property and opening bank accounts. In December 2006, the Supreme Administrative Court overruled a lower court decision on 4 April 2006, which granted the rights of a Bahá'í couple to be identified officially in accordance with their religion in December 2006.²⁸ CSW welcomes a ruling on 29 January 2008 by the Court of Administrative Justice that has allowed Bahá'ís to fill in their ID cards and birth certificates

²⁶ Interview with ANHRI.

²⁷ Egyptian Initiative for Personal Rights (EIPR); *Freedom of Religion and Belief in the First Quarter of 2008*; April 2008; http://www.eipr.org/en/reports/FRB_quarterly_rep_apr08_en/2904.htm

²⁸ See the Official Website of the Bahá'ís of the United States; Bahá'ís in Egypt www.bahai.us/persecution-bahais-egypt.

with a dash.²⁹ Although this technically allows them to register as Bahá'ís, the Interior Ministry is yet to implement this decision.³⁰

Since Bahá'ís cannot legally marry unless they declare themselves to be adherents of one of the three recognised religions, children born to Bahá'ís are considered illegitimate. They also face additional abuses caused by not being able to provide ID when asked by security forces.³¹

3.4. Intimidation and Physical Abuse by Security Forces

Following the murder of President Anwar Sadat in 1981, Egypt declared a state of Emergency and implemented numerous Emergency Laws, giving the security forces the right to detain any suspect indefinitely without legal representation or official charge. In July 2006, new legislation limited the period of detention to six months, at the end of which charges must be presented in court or the accused released. However, security forces continue to hold suspects without taking them to court or else disobeying the court's order of release. The vast majority of human rights abuses are committed by the SSIS, which, along with the regular police force, comprises the domestic security apparatus.

The Egyptian government has taken steps in 2007 to replace the Emergency Laws with a Terrorism Act. This has sowed discontent in the country as it affects opposition groups such as the Muslim Brotherhood as well as making the 'state of exception' a normative legal framework.³² Despite a promise by President Mubarak to lift Egypt's emergency laws in 2008, they were renewed prior to their projected expiry on 1 June 2008. Plans to replace the laws with a terrorism act remain, leading to fears that this will essentially institutionalise the current state of emergency.³³ CSW and other human rights organisations have also voiced concern that this move could lead to a further deterioration in human rights throughout the country, potentially allowing for further human rights abuses by the security forces.

The growing use of the internet by the various opposition movements has led to further abuses by the security forces. A report released by World Information Access (WIA) stated that Egypt was one of the worst offenders when it came to arresting bloggers for expressing their political views.³⁴ On 7 May 2008, Ahmed Maher was arrested by the SSIS for using the networking site Facebook to call for a general strike. He was stripped naked and beaten erratically for twelve hours before being released without charge.³⁵

Over the years, security forces have detained Christian ministers, missionaries and converts from Islam to Christianity for lengthy periods. A recent example which drew international attention was the case of Mr Bahaa Ahmed Hussein Mohammed el-Akkad, 57, who was arrested on 5th April 2005 following his conversion to Christianity just a few months previously. He was detained without an official charge by the SSIS (case numbers 672 and

²⁹ The Economist; *A bit more religious freedom*; 14 February 2008; http://www.economist.com/world/africa/displaystory.cfm?story_id=10697989

³⁰ Egyptian Initiative for Personal Rights (EIPR); *Freedom of Religion and Belief in the First Quarter of 2008*; April 2008; http://www.eipr.org/en/reports/FRB_quarterly_rep_apr08_en/2904.htm

³¹ See Jalian Zayan, *Test for Egypt Religious Freedom in Bahá'í Verdict*, 15 December 2006 for an interview with a young Bahá'í living in Egypt

www.metimes.com/print.php?StoryID=20061215-092826-3132r.

³² See BBC News, *Egypt: A Permanent Emergency?* 27 March 2007 www.news.bbc.co.uk/1/hi/world/middle_east/6481909.stm.

³³ BBC News; *Egypt renews emergency law powers*; 26 May 2008; http://news.bbc.co.uk/2/hi/middle_east/7420133.stm.

³⁴ BBC News; *Blogger arrests hit record high*; 16 June 2008; <http://news.bbc.co.uk/2/hi/technology/7456357.stm>

³⁵ Human Rights Watch (HRW); *Egypt: investigative beating of 'Facebook' activist*; 10 May 2008.

145), until the period of detention was limited to six months by the Egyptian government in July 2006.

Following the introduction of the new legislation, Mr Bahaa el-Akkad was charged with “contempt of religion”, but was acquitted by the court. Upon his release from the Torra prison, he was again arrested without charge and kept by the SSIS in extremely poor conditions including solitary confinement in the notorious Wadi el-Natroun Prison. This, despite the fact that the court had ordered his release on 30th July 2006. He was eventually released on 28 April 2007 without explanation or any guarantee that he would not suffer the same ordeal again.³⁶ Often, as in the case of Mr Bahaa el-Akkad, international pressure leads to a high-ranking official ordering the security forces to release the detainee. One human rights lawyer pointed out in an interview with CSW that at least 22 apostates were released from detention by this method last year.

The SSIS argues that although individuals are free to evangelise and adopt a religion of their choice, such acts will cause social discomfort and communal clashes, which therefore necessitates their control. In reality, security forces often inform communities, employers and schools about converts, pressing them to dismiss converts from their jobs. There have also been reported cases where SSIS officers have made victims of religiously motivated violence alter or withdraw testimonies under duress.³⁷

During their detention, individuals can be subjected to a wide range of human rights abuses, including physical torture, solitary confinement and sexual and psychological abuse; the latter in the form of threats of harm to the detainee’s family. A vivid example is the recently leaked video footage of the sexual abuse of Emad Mohammed Ali Mohammed, also known as Emad al-Kabir, a 21-year-old taxi driver. He was detained in January 2006 after he attempted to stop a dispute between a police officer and his relative.³⁸ Similarly, in early August 2007, 16-year-old Mohammed Mahmoud Abdelaziz died four days after his release from a six-day detention on suspicion of theft. His family claims that he was subjected to violent physical abuse during his incarceration.³⁹

In January 2007, Huweida Taha Metwalli, a journalist working for Al-Jazeera, was arrested at an airport as she was leaving the country.⁴⁰ She was working on a documentary cataloguing torture, which included interviews and reconstructions of the experiences of the victims. She was charged with harming Egypt’s reputation and national interests. The Egyptian Organization for Human Rights, one of the oldest and most prominent NGOs in the country recently stated that they “monitored 263 torture cases between 2000-2006 inside police stations and detention centres, including 79 cases which ended with the death of the victim believed by EOHR to be the direct result of torture and maltreatment. There were also ten incidents of torture monitored since the end of 2006 until the beginning of February 2007.”⁴¹

³⁶ See Compass News Direct, *Egypt: Authorities release jailed Christian convert*, 24 May 2007

<http://www.compassdirect.org/en/display.php?page=news&idelement=4883&lang=en&length=short&backpage=archives&critere=bahaa&countryname=&rowcur=0>

³⁷ See the Compass News Direct article quote above on the kidnapping of Laurence Emil for the police pressure to sign a false confession;

www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=4573&backpage=archives.

³⁸ See Washington Post, *Video Shown Egypt Prisoner’s Humiliation*, 21 January 2007 www.washingtonpost.com/wp-dyn/content/article/2007/01/21/AR2007012100468.html.

³⁹ See BBC News, *Egypt Police Sued for Boy’s Death*, 13 August 2007

<http://news.bbc.co.uk/1/hi/world/africa/6943704.stm>

⁴⁰ See BBC News, *Egypt seizes Al-Jazeera Reporter*, 14 January 2007

news.bbc.co.uk/1/hi/world/middle_east/6260285.stm.

⁴¹ Egyptian Organization for Human Rights “EOHR Demands the Amendment of Articles Concerned with Torture in the Penal Code and the Criminal Procedures Code”, 6 January 2007;

<http://www.eohr.org/press/2007/pr0206.shtml>

In June 2008, the Egyptian Government deported almost 1000 of 1600 Eritrean refugees held in Egyptian prisons. Whilst being detained for several months, the prisoners were denied fresh air, subjected to beatings and sexual harassment, and denied access to the office of the United Nations High Commissioner for Refugees (UNHCR). Despite a 15 June announcement by the Ministry of Foreign Affairs pledging access to the UNHCR, deportations to Eritrea continued in direct contravention to the United Nations Convention Relating to the Status of Refugees and the United Nations Protocol Relating to the Status of Refugees. It is expected that the returned refugees will be imprisoned upon their return, where it is likely that they will face torture.

There are no effective mechanisms to address such human rights violations and ensure that the security forces comply with domestic and international law. CSW has welcomed the creation of the National Council for Human Rights (NCHR), a semi-official council established in June 2003 with a limited mandate to receive complaints of human rights infringements, investigate their validity, and advise the government of ways to improve human rights.⁴² However, not only are religious freedom abuses not addressed by the NCHR, but the council also has no real legal or administrative power to ensure their recommendations are implemented. As seen in their recent support for legitimising the State of Emergency, careful wording of 'alleged' cases of torture, and the omission of serious human rights concerns, it appears that the council serves more as a political tool to legitimise government activity.

3.5. Equal Opportunities

Although Copts make up around 10% of Egyptian society, they are considerably under-represented within the public sector. It is very difficult for Copts to access and participate in local and national politics. Only two of the 446 candidates for Mubarak's party, the NDP were Copts. There is currently only one elected and five appointed Copts in the 454-member People's Assembly and only three appointed but no elected Copts in the Shura Council, the upper house of Egypt's Parliament.⁴³ The Council has 88 members appointed by the President and 176 elected members. After more than a decade, there is now one Coptic governor presiding over one of the 28 governorates in the country.

Throughout April and May of 2008, Cairo-based Coptic newspaper *Watani* reported widely on the parliamentary and municipal elections, where it was made clear through a number of incidents that Copts were not welcome to run as candidates for the ruling National Democratic Party (NDP). In some instances, those who sought to run as independent candidates were blocked.

No Copt has held high-ranking civilian jobs, such as the CEO of a public-sector bank. There are no high-ranking Copts in the armed and security forces, although a small number of Copts hold minor offices. There are more Copts in the judicial and diplomatic services, although none in senior roles. Coptic former UN Secretary-General Dr. Boutros Boutros Gali, who is currently the Speaker of the National Council for Human Rights, is a notable exception to this.

Access to employment in the private sector is open to all Egyptian citizens without discrimination based on religious affiliation. In this sector, Egyptian Christians flourish, representing a greater proportion than their percentage of the population.

⁴² Details of NCHR's mandate, present members, organizational structures and published reports can be seen at www.nchr.org.eg

⁴³ See Magdy Malak, *Copts in the Shura Council; Copts no need to apply*, *Watani*, 8 July 2007; www.wataninet.com/article_en.asp?ArticleID=14322.

Non-Muslims are not permitted to attend the prestigious, publicly-funded Islamic Al-Azhar University in Cairo. There are no Christian heads of universities or deans of faculties. Egyptian universities lack courses related to the Coptic era, namely the Coptic language, literature, archaeology and art. Coptic educational institutes receive no public funding.

3.6. Places of Worship

The legal foundation for Egypt's control of Church property was the Ottoman *Hamayouni Decree* of 1852. This decree sought to eliminate discrimination between citizens of different ethnicities and religions. Amongst other things, it gave Christians the right to construct places of worship by requiring them to submit a request to the Sultan.

After Egypt gained its independence, the *Hamayouni Decree* was amplified in 1934 by the Deputy Minister of the Interior, Al-Azabi Pacha, in the *Al-Azabi Decree*. This comprised a set of ten conditions which had to be met before any application was presented to the president for approval. These vague criteria include taking into account objections from local Muslims, the distance between the proposed church and the nearest mosque, the number of Christians in the area and whether or not the proposed church is near the Nile, a public utility or railway. Human rights monitors have stated that the conditions of the decree contradict the 1971 Constitution. The *Al-Azabi* amplification has, in reality, served to hinder Christians and other religious minorities from maintaining and building places of worship.

Regarding repairs to church property, progress has been made over the past few years following considerable national and international criticism. In January 1998, an amendment was made which delegated presidential authority to issue permits for church renovation to the country's 28 provincial governors. On 28th December 1999, President Mubarak decreed that church repairs no longer required a presidential, governor or federal ministry permit. Instead, the repair of all places of worship was to be subject to a 1976 civil construction code, symbolically placing the repair of mosques and churches on equal footing before the law.

Presidential Decree 291/2005 sought to localise construction and extension permissions, allowing these to be conducted with a simple written notification submitted to local authorities, although still requiring government permission for new church buildings. In practise it remains almost impossible to open a new church building and delays in dealing with applications mean that a church must wait indefinitely before the paper-work ever reaches the president. Similarly, the vague requirements of 'supporting documents', which need to be submitted to the local authorities enable local officials and security forces to further hinder major repairs and reconstructions. Coptic Orthodox clergy have testified that performing repairs to church property is still largely obstructed either by local government officials who are at pains to delay authorisation by bureaucratic means or by the state security police, who often stop construction, even when official permission has been granted.

Permission from the president is not required to open a new mosque. Furthermore, mosques face no hindrances to repair or extend their complexes and they receive funding from the state.

In May 2005, the head of the Complaints and Suggestions Committee of the People's Assembly, MP Mohammed Goweily, proposed a unified draft law to govern the construction of places of worship for all recognised religions in Egypt.⁴⁴ The draft law reportedly places

⁴⁴ See , *Building places of worship*, 29/05/2005 and *Problems on hold, a unified law*, 19/06/2005 on Watani

all matters of construction and repair under the civil construction code of 1976 and cancels all previous legislation. The proposal is still to be presented in Parliament for a decision.

Another draft law proposed by MPs Sayed Rostum, Ibtisam Habib, Yassa Eleiwa and Mustafa al-Hawari seeks to grant equal rights to non-Muslim places of worship and correct some of the failures of the current system. It has been passed by the Shura Council and is pending approval by the People's Assembly.⁴⁵ Although the proposal eases the process for the reconstruction and repair of churches, questions still remain regarding the control security forces will have over allowing communities to proceed with permission granted by local building authorities.

3.7. Expatriate Christians

The state allows expatriates to gather for worship and often provides police officers to protect the church during services. The expatriate churches enjoy full freedom in ministering to their members, provided they do not evangelise to Muslims or get involved in local politics. Intelligence officers regularly observe their activities. There have been increasing reports of deportation of expatriate Christians, often without an official explanation and at short notice. There have also been reports of expatriate Christians being denied re-entry into the country, again without explanation. Non-Western citizens of developing countries who are suspected of being involved in missionary activities, despite the fact they hold legal permits to work, are frequently arrested and deported immediately without prior notice.

4. Communal Violence

Youssef Sidhom, editor of the respected Egyptian Coptic newspaper, *Watani*, described the situation in Egypt as "a time bomb that can go off any minute" in his editorial on 10 June 2007. On 8 June 2007 following midday prayers at a mosque, a group of Muslims had attacked seven residences and looted shops in the Christian quarter of Zwyet Abdel-Qader, injuring seven people. The attacks were ignited by a fight the previous night between a 21-year-old Christian truck driver and a young Muslim teenager who did not move out of the way to let the truck pass by.

Two days after the publication of Mr Sidhom's column, on 12 June 2007, a simple argument between a Muslim and a Coptic Christian carpenter escalated into a brawl involving passers by and ultimately resulted in an attack on the Holy Virgin's Church in Dekheila. The swift response of the local police prevented the incident from escalating further.

The pattern of mob attacks after Friday prayers, ignited by simple street fights, personal grudges, property disputes, or rumours is not a new phenomenon in Egypt's tense history of communal violence.

In April 2008, two different attacks took place in rural Egypt. Around twelve men attacked members of a Coptic church in the village of Qasr Hur with sticks and clubs as they were leaving the church after Palm Sunday celebrations. Five Copts were injured in this unprovoked attack. An official reconciliation agreement was forced and attackers were not charged. The second attack took place in the village of Ezbet Adam. A group of Muslims attacked the house of a Coptic family who was celebrating the birth of their new child, angered by the willingness of the Coptic family to welcome the Muslim youth who came to the house and offer them drinks and sweets. Three Copts were injured and forced by the local police to sign a reconciliation agreement.

⁴⁵ See Yousef Siddhom , *Awaiting the One Law Watani*, 24 June 2007 www.wataninet.com/article_en.asp?ArticleID=14057.

On 31 May 2008, approximately sixty armed men attacked the Abu-Fana monastery in Minya after workers began construction on a wall around the monastery. Some of the attackers started destroying the wall, whilst others attacked a chapel. At least one million LE (approximately £95,000) worth of damage was reportedly sustained. Clashes followed, in which two monks and two workers were shot, resulting in injuries. As the attackers were leaving, they abducted three monks. After refusing to spit on a cross, deny their faith and accept Islam, the monks were beaten, whipped and had thorns stuck into the soles of their feet, before being released early the next morning.

On 16 December 2007, the Church of the Holy Virgin in Esna, north of Luxor, was attacked with stones as the congregation gathered for a service. Following the church attack, Coptic residences and some 26 Coptic businesses were attacked. Although no one was injured, there was serious material damage as the shops were torched and looted. Following the refusal of the Coptic community to sign a reconciliation agreement, in an unprecedented move Governor's office granted financial recompense to the owners of damaged properties.

On 11 May 2007, the imam of a mosque in the village of Bemha, Giza asked his congregation to defend Islam in the face of a rumour that a new church was secretly being built. The mob set 70 houses on fire, looted shops and property and wounded many people.⁴⁶

In February 2007, a similar mob attack on Christian shops and residences took place in Upper Egypt, following the rumour of a love affair between a Muslim girl and a Christian man.⁴⁷

On 14 April 2006, attacks on three different churches in Alexandria killed a Coptic man, 78-year-old Nushi Atta Girgis and injured five others.⁴⁸

On 14 and 21 October 2005, a Muslim mob in Alexandria attacked St George's church, along with Christian residences and work places.⁴⁹

On 7 November 2003, a group attacked Christian homes and property in the village of Gerza, Al-Ayyat district, injuring five Copts.

Between 31st December 1999 and 2nd January 2000, 21 Christians and one Muslim were killed in the village of El-Kosheh, Sohag Governorate, Upper Egypt. The violence stemmed from a dispute between a Muslim trader and a Christian shop-owner on Friday 31st December. Muslim-owned kiosks and Christian-owned shops were damaged or destroyed that day as the violence escalated. The lone Muslim killed was shot by a stray bullet in a neighbouring village. Nobody claimed that Christians killed him. During the violence, local security forces either stood by or became actively involved in the attacks.⁵⁰

In March 2007, CSW met representatives from the Coptic Orthodox, Catholic and Protestant churches as well as journalists, lawyers and human rights activists. They agree

⁴⁶ Al-Ahram Weekly, *Fanning the Flames*, Pierre Loza, 17-23 May 2007, Issue No. 845.

⁴⁷ Reuters, *Love Rumour Sparks Muslim-Christian Clash in Egypt*, 13 February 2007, accessed 17 August 2007; <http://www.alertnet.org/thenews/newsdesk/L13256156.htm>.

⁴⁸ BBC, *Egypt Church Attack Sparks Anger*, 15 April 2006, accessed 20 August 2007; http://news.bbc.co.uk/1/hi/world/middle_east/4911346.stm.

⁴⁹ BBC, *Three Killed in Egypt Church Riot*, 22 October 2007, accessed 20 August 2007; http://news.bbc.co.uk/1/hi/world/middle_east/4366232.stm.

⁵⁰ See Nader Shukry, *Kosheh Recompense Postponed*; Watani http://www.wataninet.com/article_en.asp?ArticleID=14854

See also; BBC, *20 Dead in Egyptian Clashes*, 3 January 2000, accessed 21 August 2007; http://news.bbc.co.uk/1/hi/world/middle_east/588593.stm;

Al-Ahram Weekly, *The Meanings of Al-Kosheh*, Nadia Abou El-Magd, 3-9 February 2000, No. 467; <http://weekly.ahram.org.eg/2000/467/eg7.htm>

with Magdi Khalil, executive Director of the Middle East Freedoms Forum, who wrote that “the lack of an effective social and legal deterrence, the patent absence of a pluralistic societal culture, and the indifference of the executive, legislative and judicial powers have all worked to create an environment that breeds violence against the Copts”.⁵¹

CSW has regularly raised concerns regarding sectarian violence in Egypt and the reluctance of the Egyptian government to pursue justice and take proactive steps to curb further unrest. Often any arrests made following attacks result in the suspects’ acquittal or in mock reconciliation meetings such as the one held after the Bemha attacks.⁵² Alternatively, the attacks are depicted as sporadic, or as undertaken by a mentally unstable individual as in the case of the attacks on three churches in Alexandria in April 2006.

The recurring pattern of violence raises significant concerns. Unless the Egyptian government tackles the structural and social basis of these tensions and seeks to promote a culture of tolerance and equality, Egypt will suffer further communal violence triggered by trivial disputes.

5. Conclusion

CSW continues to be concerned with recurrent patterns of serious and gross human rights abuses in Egypt. Although Egypt enjoys good political and economic relationships with the EU and US, its insistent breach of international law and refusal to improve its human rights record often continues without challenge. CSW has welcomed the adoption of a resolution criticising and calling for improvements in the human rights situation in Egypt on 17 January 2008. The Egyptian Government has responded to the resolution with threats of severing ties with the European Parliament and has summoned EU ambassadors to the Egyptian Foreign Ministry in Egypt to communicate its protests.⁵³ Although the response of the Egyptian Government is disconcerting, CSW continues to ask the international community to urge the Egyptian Government to uphold its responsibilities under international law.

⁵¹ Magdi Khalil, *Another Black Friday for Egypt’s Copts*, Watani, 3 June 2007.

⁵² See Youssef Sidhom, *Shame on Reconciliation*, Watani, 31 May 2007.

⁵³ AFP; *EU deputies slam Egypt over rights, despite Cairo threats*; 17 January 2008; http://afp.google.com/article/ALeqM5g_5skszQZ1Y-7a0ygYpjcM4v3gWg.