

briefing

Egypt

Religious Freedom Profile

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I. Executive Summary

Egypt is influential in the Middle East, and a crucial ally of the international community on a host of issues that significantly affect the region and the world. The country is also a major tourist destination and is frequently featured in the international media. However, serious human rights concerns in the country often go unnoticed.

CSW has been closely monitoring the human rights environment, especially the experiences of religious minorities, for more than ten years; and conducts yearly fact-finding visits. This briefing highlights the precarious nature of freedom of religion and belief in the country, and the discrimination and violence faced by religious minorities. Some of the key concerns highlighted in this briefing are:

- Converts from Islam to Christianity face grave human rights abuses ranging from illegal and indefinite detention without official charge, physical mistreatment and intimidation by security forces, to violence from religious extremists and their communities.
- Adherents of the Bahá'í faith are not officially recognised as a religious group, and consequently face a host of bureaucratic difficulties resulting in deprivation of socio-economic opportunities.
- Coptic Orthodox Christians are increasingly marginalised and excluded from participation in mainstream society.
- There has been an increase in mob attacks on Coptic villages, properties, religious centres and clergymen.
- In April 2009 the Egyptian Government's decision to cull all the pigs in the country, as part of their response to the H1N1 virus pandemic, left Christian communities who were dependent on pig rearing for their livelihood without means of a sustainable income.

2. Recommendations

CSW recommends that the international community should urge the Egyptian Government to:

- Take concrete steps to ensure that non-Muslim 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, and take proactive steps to rectify such abuses;
- Provide a simple and effective way for individuals to claim or change their religious affiliation on official records, without any fear of intimidation or persecution;
- 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 eradicate the climate of impunity by ensuring that perpetrators are brought to justice and that appropriate reparations are delivered to victims;
- Enable the full integration of the Coptic community into politics, civil service and society, by removing the 'glass ceiling' that hinders their employment and other

participation in society, and by including Coptic language, history and culture into mainstream educational and cultural activities.

- Reinstatement of official recognition of the Bahá'í faith and eradication of all barriers that prevent adherents of this faith from enjoying their rights;
- Ensure that Christian pig-rearing communities are paid adequate compensation for the loss of their livestock, are offered alternative employment and are not subject to any further discrimination.
- Provide protection for refugees, ensure full access to the United Nations High Commissioner for Refugees (UNHCR), and immediately address the serious accusations of physical harm suffered by asylum seekers at the hands of Egyptian police and border guards;

3. Legal concerns

Egypt is party to a number of international human rights covenants and treaties¹, and its Constitution provides for equality and freedom of religion and belief and opinion. However two important structural barriers hinder Egyptian citizens from full enjoyment of their rights.

Following the assassination 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. During their detention, individuals can be subjected to a wide range of human rights abuses, including torture, solitary confinement, sexual and psychological abuse, and threats of harm to the detainee's family. In July 2006, new legislation limited the period of detention to six months, at the end of which period charges must be presented in court, or the accused released. However, security forces continue to hold suspects arbitrarily without taking them to court and have also been known to disobey a court's order of release. The vast majority of human rights abuses in the country are committed by the State Security Intelligence Services (SSIS) which, along with the regular police force, comprises the domestic security apparatus. Plans to replace the Emergency Laws with a terrorism act are still pending, leading to fears that this will essentially institutionalise the current state of emergency. This could result in a further deterioration of human rights throughout the country.

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 was "a" principle source of legislation, thereby making Shari'a law "the" primary source of law. In reality, Egyptian law is based only a limited amount of traditional Islamic jurisprudence, mostly in matters of personal status. However, this automatically creates serious problems for the protection of freedom of religion and belief.

An example of how rulings based solely on Islamic jurisprudence can interfere with an individual's right to freedom of religion and belief is illustrated in the following case. On 2 August 2007 Mohammed Ahmed Hegazy, a 25-year-old Christian from a Muslim background

¹ Egypt has ratified or acceded to numerous international covenants, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), and the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (MWC). Egypt has also ratified the African Charter of Human and Peoples' Rights and the Arab Charter for Human Rights (ACHR).

(CMB), took the unprecedented step of filing a lawsuit against Habib al-Adly, the Minister of the Interior. Mr Hegazy had made several unsuccessful attempts to change his religious affiliation on his ID card, and had been tortured in detention in 2002 following his conversion to Christianity. On 29 January 2008, Judge Mohammed al-Husseini ruled against Mr Hegazy. The ruling was based on Article 2 of the Egyptian Constitution, and argued that since Islam was the last of the three “heavenly religions”, to be a Muslim was to “practice freedom of religion”, and that therefore leaving Islam was not possible. Mr Hegazy’s case is dealt with in detail in section 4.3 of this report.

Such a ruling is not compatible with Article 18 of the International Covenant on Civil and Political Rights (ICCPR), or with Article 40 of the Egyptian Constitution which states that “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.” The ruling also contradicts articles 46 and 47 of the Constitution, which guarantee freedom of belief, practice of religious rites, and freedom of opinion respectively.

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, together with religious conversion from Islam and the possibility of change religious affiliation from Islam on national identity cards is in contravention of Article 2 of the Constitution and traditional Islamic jurisprudence. A number of re-conversion cases (concerning 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. In a further development, MPs affiliated with the Muslim Brotherhood have recently called for a law explicitly banning and punishing conversion from Islam, in accordance with Shari’a law, even though such a law would contravene Articles 46 and 47 of the Egyptian Constitution. Such a law, however, is unlikely to be passed by the Egyptian Parliament in the current political climate.²

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.

4. Freedom of religion and belief

Christians form the largest religious minority in Egypt, with the Christian population recorded at around 10%³ of a total of just over 80 million.⁴ Various other sources put the figures at between 10-15% of the population. The Coptic Orthodox Church claims to have ten 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.⁵ The remainder of Egypt’s population is Muslim, of which the vast majority is Sunni.

The state of religious freedom in Egypt is complex. Churches are allowed to function openly and police protection of church buildings is often provided during services. Religious education in schools is permitted, as well as the publication of Christian literature. Catholic schools and social services often enjoy wide respect from the Muslim community to the

² Daily News Egypt; *Brotherhood MP to Propose Law Punishing Muslim Converts*; 3 May 2009; <http://www.thedailynewsegypt.com/article.aspx?ArticleID=21442>

³ CIA World Fact book, accessed 06/08/07.

⁴ Ibid.

⁵ U.S. Department of State International Religious Freedom Report 2007;

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. For example, although there are credible accounts in which Christian girls have been kidnapped by Muslims,⁶ a significant number of reported cases are inaccurate or based upon rumour. Often, Christian girls have left their family homes 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 may be compromised, 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.⁷ Christians from Muslim backgrounds (religious apostates from Islam) and Bahá'ís are the two groups which are most vulnerable to gross human rights violations on the basis of their religious affiliation alone.

4.1. Apostates⁸

The subject of religious apostasy is very sensitive in the Muslim world⁹, including Egypt. Although the Qur'an does not stipulate a punishment for apostasy in this world, it still sees apostasy as a capital sin.¹⁰ Unlike the Qur'an, all the traditional schools of Shari'a law, whether Sunni or Shiite, agree on the death penalty for the male apostate, drawing legitimisation from Hadith passages.¹¹

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.¹² 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

⁶ 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.

⁷ 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.

⁸ In this report, the terms "Christians from a Muslim background" and "apostates from Islam" are used interchangeably unless otherwise stated, as the greatest portion of people who leave Islam for another religion convert to Christian faith.

⁹ For a thorough account of apostasy from Islam, please see CSW's report *No Place to Call Home* <http://dynamic.csw.org.uk/article.asp?t=report&id=94&search>

¹⁰ 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

¹¹ 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.'" "

¹² 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>

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 Prosecutor-General, annuls the marriage of an 'apostate'.¹³ In relation to Mr 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."¹⁴ 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.

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.¹⁵ CSW welcomed this statement from the senior cleric, who has substantial influence on the world's Sunni population. However, CSW was 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."¹⁶

In the Middle East, a person's religion is closely tied to their identity in society and community. Conversion to another religion can therefore be seen as a betrayal of 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 on the family and community, which then has to be cleansed or corrected. Depending on their location and socio-economic standing, apostates from Islam risk being rejected, physically harmed or even killed by their extended families. Various Egyptian church leaders interviewed by CSW spoke of their suspicions of 'suicides' or disappearances of Christians from Muslim backgrounds they knew of in rural areas.

Religious 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 by their Christian community. In stark contrast, Christians from Muslim backgrounds face serious legal obstacles. Although there is no Egyptian legislation which deals directly with apostasy, Christians from Muslim backgrounds are often arrested and charged with damaging national unity and social peace in contempt of religion under Article 98F of the Egyptian Penal Code.¹⁷ They can then be tried before the State Security Court as a threat to national security. Christians from Muslim backgrounds who wish to regain their Christian identities

¹³ Before 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.

¹⁴ Court of Cassation, Case No. 475, 478, 481, Judicial Year 65, 1172

¹⁵ For the detailed text see;

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

¹⁶ 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

¹⁷ 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>

must file cases at the Court of Administrative Litigation in order to change their official registration.

Several laws negatively affect the personal status of Christians from Muslim background. Because of precedents in Shari'a law regarding the marriage of non-Muslims to Muslims, a man registered as a Muslim can marry a Christian woman, whereas a man registered as a Christian cannot marry a Muslim woman. This has its greatest implications for Christians from Muslim backgrounds who wish to marry within their newly chosen religion, but are unable to for legal reasons. Some Christians from Muslim backgrounds 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.

Such couples often apply for asylum when their documents are recognised as false. In 2007 CSW monitored two such cases, one of an Egyptian Christian from a Muslim background who was seeking asylum and another of a young Egyptian couple who fled to Jordan and sought refugee status from the UNHCR. In October 2008, Coptic Orthodox Priest Father Matteos Wahba was sentenced to five years' imprisonment. His alleged crime was granting an official marriage certificate to a Christian woman from a Muslim background and a Coptic man, based upon documents provided by the couple showing both of them to be Christians. Father Wahba was accused of helping the forgery of documents, even though the couple had stated publicly that Father Wahba did not know the documents were forged. The couple remain in hiding.

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 on "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 [sic] not subject to marriage."¹⁸ 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 is not officially acknowledged.

The case of two fifteen-year-old brothers, Andrew and Mario, provides a good example of the custody problems created by apostasy. In September 2008, an appeal court in Alexandria confirmed previous rulings that granted the custody rights of Andrew and Mario to their father Medhat Ramses Labib, who converted from Christianity to Islam, rather than to their Christian mother, Kamilia Lotfy. The ruling attracted widespread attention, as it was made primarily because of the Shari'a assumption of the superiority of the Muslim spouse's faith, and of the unsuitability of a non-Muslim woman to raise children born to a Muslim man. The decision was overturned by the Egyptian Court of Cassation on June 15. However, there are still concerns that the children will be registered as Muslims when they reach sixteen and that they will be removed from the custody of their mother.¹⁹

Apostates from Islam 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. The SSIS also regularly intimidates religious apostates by

¹⁸ Court of Cassation, Case No 1359, Judicial Year 28, 27 Nov, 1984; Case No 162., Judicial Year 62, 16 May 1995

¹⁹ Compass Direct, *Egyptian Court Grants Custody of Sons to Coptic Mother*, 1 July 2009; <http://www.compassdirect.org/english/country/egypt/4057/>

visiting their landlords, employers or neighbours to inform them of the 'truth' about the converts, stirring up animosity and increasing potential danger for them. Those 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 male Christians from Muslim backgrounds 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 electric shocks to the genitals, cigarette burns, beatings, sexual humiliation and isolation in cells too small to lie down in. They were finally released following widespread international pressure and renunciation of their faith. CSW met them in 2007. They still live in Egypt and face continued intimidation and threats against their families.

More than a decade later, this kind of case is not uncommon. Freedom House documented that in 2003 alone, 22 Christians from Muslim backgrounds and those who assisted them were arrested. Freedom House noted, "some were tortured, and one, Isam Abdul Fathr, died in custody."²⁰ In January 2005 a Christian from a Muslim background called Gaseer Mohamed Mahmoud was arrested and tortured by police, who subjected him to cruel treatment including pulling out his toenails. On 10 January 2005, the SSIS transferred him to the El-Khanka mental hospital 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."²¹ He was released in June 2005 following international pressure.

Since children of Christians from Muslim backgrounds 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. Families often 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 frequently ostracised by both their Muslim and their Christian peers, and can put their convert parents at risk of unwanted attention from the local community and SSIS. Three Christian couples from Muslim backgrounds interviewed by CSW pointed out the emotional and psychological effects this has on young children who cannot make sense of their dual lives.

Christians from Muslim backgrounds also face ostracism from Christian churches. Often the indigenous Christian community is suspicious of their conversion, fearing intelligence activities and Islamist threats. In addition, the official acceptance of converts by a church as registered and baptised 'members' can cause the church problems with security forces. As a result, religious converts are denied church 'membership' and are not allowed to study in Bible schools or hold ministerial positions. However, some larger churches allow Christians from Muslim backgrounds to attend their services with the mutual understanding of secrecy.

4.2. Bahá'ís

In 1960, President Nasser issued Decree No. 263 ordering the dissolution of all Bahá'í Institutions, and banning the practice 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

²⁰ 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>

²¹ Congressional Hearing on The International Religious Freedom Report, 15 November 2005, pg 80; <http://www.foreignaffairs.house.gov/archives/109/24596.pdf>

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 which postdate the Prophet Mohammed. In June 2006, the book *Bahá'ism: Its Beliefs and Colonial Goals* 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 to be "apostasy" but also asks society and the government to take a tougher stand against Bahá'ís, and makes allusions to cleansing Egyptian society from such a deviancy.²² 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), and 2009 has also seen some of the first major attacks on the Baha'i community (see section 8).

4.3. 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 recorded on the cards. There have been cases of Christians being accidentally recorded as Muslims. Although such a mistake ought to be corrected quickly, 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 religious converts. While those converting to Islam can change their official records and ID within 24 hours with a supporting statement from Al-Azhar, religious apostates *from* Islam find it is almost impossible.

On 2 August 2007 Mohammed Ahmed Hegazy, a 25-year-old Christian from a Muslim background, took the unprecedented step of filing a lawsuit against Habib al-Adly, the Minister of the Interior. Mr Hegazy had made several unsuccessful attempts to change his religious affiliation on his ID card, and had been tortured in detention in 2002 following his conversion to Christianity. His first 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 2008 Judge Muhammad Hussein ruled against Mr Hegazy. 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.²³ On 11 October 2007, Mr Hegazy's vacated flat was broken into and many of its contents smashed and burnt. In a related development, the SSIS

²² 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>

²³ CSW Interview with ANHRI.

arrested Dr Adel Fawzy Faltas, 61, and Peter Ezzat, 24, on 8 August 2007, due to their connections 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 against them.

Even though Mr Hegazy's case has so far been unsuccessful, a 56-year-old Christian from a Muslim background, Maher el-Gohari, also sought to change his official religious status. Having converted 34 years ago, el-Gohari sought legal recognition of his conversion before his fourteen-year-old daughter reached the age of sixteen, when she would be required by law to obtain an ID card. Given her father's official status as a Muslim, her religious affiliation would also be registered as Muslim despite her Christian beliefs and upbringing. El-Gohari's case has encountered a number of problems of prejudice, leading to a change of judge.²⁴ Following several adjournments for technical reasons, the Coptic Church issued its first ever conversion certificate for a Christian from a Muslim background.²⁵ El-Gohari and his daughter have been forced into hiding due to death threats. However on 13 June, the Cairo court decided that the baptism certificate issued by the Coptic Church was invalid, on the grounds that the church's remit is to deal with Christians and not with Muslims who convert. Mr Gohari's conversion and his request for change of religious affiliation was therefore considered invalid.

Those who convert to Islam but then decide to return to their original faith (re-conversion), face similar problems. On 2 July 2007, the Supreme Administrative Court called for a retrial of a decision by a lower administrative court, which denied the right of 45 Copts who had previously converted to Islam to revert to Christianity. 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 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.²⁶ One Coptic lawyer told CSW that there are hundreds of such cases awaiting rulings at courts across the country.

Over the last two years parental conversion has also resulted in a number of problems. There have been a number of high-profile cases in which both known and unknown conversion of parents to Islam has led to both adult and infant offspring being treated as Muslims, despite holding their own non-Muslim religious beliefs. There are two notable examples of this. The first is that of two sisters, aged 36 and 34 respectively at the time of their arrests. Their father had very briefly converted to Islam over 30 years previously before reverting to Christianity. This happened at a time when both sisters were too young to know of their father's temporary conversion. Despite this, when the authorities became aware of the incident, they followed the case up and determined the girls to be Muslim due to their father's conversion. This resulted in convictions for forgery of identification documents and marriage certificates. In 2000, they were each sentenced in absentia to three years' imprisonment. This sentence was passed despite the lack of any actual forged

²⁴ CSW Interview with el-Gohary. See also Compass News Direct, *Egypt: Ruling on Bid for Christian ID Expected Soon*; 10 February 2009

²⁵ AFP; *Egypt Church Issues First Conversion Certificate*; 11 April 2009; <http://www.google.com/hostednews/afp/article/ALeqM5jKfAjvqfnBEVbEP3Z9N9fsOwIn2A>

²⁶ 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

documents. Furthermore, both women are illiterate. Each of the sisters was arrested separately and imprisoned for several months.²⁷

Of all the religious minorities, Bahá'ís experience the most severe difficulties with regard to the official recording of their religious affiliation. They are prohibited from representing their religion on state documents, as national legislation provides only 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 to buying property and opening bank accounts. In December 2006 the Supreme Administrative Court overruled a lower court decision of 4 April 2006, which granted the rights of a Bahá'í couple to be identified officially in accordance with their religion. This overruling was made on the basis that allowing these rights would contravene Shari'a law and disrupt public order. A ruling on 29 January 2008 by the Court of Administrative Justice allowed Bahá'ís to fill in their ID cards and birth certificates with a dash.²⁸ This technically allowed them to register as Bahá'ís, but this was not implemented by the Ministry of the Interior.²⁹ The ruling was appealed at the Supreme Administrative Court, who ruled on 16 March 2009 that Bahá'í citizens had the right to obtain official documentation without disclosing their religion. This was subsequently enacted with a ministerial decree from the Ministry of the Interior, which came into force on 15 April 2009. CSW welcomes this ruling, and is keen to observe it being put into practice for members of the Bahá'í community.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 abuses due to being unable to provide ID when this is requested by security forces.³¹

5. 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 period charges must be presented in court failing which the accused must be released. However, security forces continue to hold suspects arbitrarily without taking them to court and have also been known to disobey a 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.

²⁷ Watani; *Bahiya Released*; 28 December 2008; <http://www.wataninet.com/ArticleDetail.aspx?A=3FAVVuUcAjP-Fp3QzMPVw==&l=e>

See also; Compass Direct; *Egyptian Christian in Muslim ID Case Wins Right to Appeal*; 2 December 2008; <http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5708&backpage=archives&critere=Egyptian%20Christian%20in%20Muslim%20ID%20case%20wins%20right%20to&countryname=&rowur=0>

²⁸The Economist; *A bit more religious freedom*; 14 February 2008;

http://www.economist.com/world/africa/displaystory.cfm?story_id=10697989;

See also, Egyptian Initiative for Personal Rights (EIPR)/Human Rights Watch (HRW); *Egypt: Court Prohibits Withholding Documents from Baha'is*; <http://www.eipr.org/en/press/08/3001.htm>;

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

²⁹ 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

³⁰ Egyptian Initiative for Personal Rights (EIPR)/Human Rights Watch (HRW); *Egypt: Decree ends ID Bias Against Baha'is*; 15 April 2009; <http://www.eipr.org/en/press/09/1504.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.

The Egyptian Government took steps in 2007 to replace the Emergency Laws with a Terrorism Act. This sowed discontent in the country as the Terrorism Act would affect 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

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 social networking site Facebook to call for a general strike. He was stripped naked and beaten for twelve hours off and on before being released without charge.³⁵

Over the years, security forces have detained Christian ministers, missionaries and Christians from Muslim backgrounds for lengthy periods. An example which drew international attention was the case of Mr Bahaa Ahmed Hussein Mohammed el-Akkad, 57, who was arrested on 5 April 2005 just a few months after he became a Christian. He was detained without official charge by the SSIS (case numbers 672 and 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 - despite the fact that the court had ordered his release on 30 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 in 2006. Unfortunately, this trend of arbitrary arrest under the Emergency Law continues. Following the resolution of a sectarian incident in September 2007, Sami Samir Ghayis – a Copt – was the only person to be arrested and not released immediately after the incident was resolved. In April 2008, the inter-faith group, Egyptians Against Religious Discrimination, protested against his detention with a letter to the Minister of the Interior.³⁷ However, Ghayis remained in detention without formal charge until June 2008.

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 control. In reality, security forces often inform communities, employers and

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.

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 Egyptian Initiative for Personal Rights (EIPR); *Freedom of Religion and Belief in Egypt – Second Quarterly Report*, Paragraph 21; www.eipr.org/en/reports/FRB_quarterly_rep_jul08_en/0408.htm

schools about Christians from Muslim backgrounds, pressing them to dismiss converts from their jobs and ostracise them from society. There have also been reported cases where SSIS officers have made victims of religiously-motivated violence alter or withdraw testimonies under duress.³⁸

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.³⁹ Similarly, in early August 2007, sixteen-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.⁴⁰

In January 2007 Huweida Taha Metwalli, a journalist working for Al-Jazeera, was arrested at an airport as she was leaving the country.⁴¹ 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."⁴²

There are no effective mechanisms to address such human rights violations and ensure that the security forces comply with domestic and international law. CSW 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.⁴³ 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, their careful wording of 'alleged' cases of torture, and the omission from their remit of serious human rights concerns, it appears that the council serves more as a political tool to legitimise government activity.

³⁸See the Compass News Direct article below on the kidnapping of Laurence Emil for an example of police pressure to sign a false confession;

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

³⁹ See Washington Post, *Video Shown Egypt Prisoner's Humiliation*, 21 January 2007; www.washingtonpost.com/wp-dyn/content/article/2007/01/21/AR2007012100468.html.

⁴⁰ See BBC News, *Egypt Police Sued for Boy's Death*, 13 August 2007; <http://news.bbc.co.uk/1/hi/world/africa/6943704.stm>

⁴¹ See BBC News, *Egypt seizes Al-Jazeera Reporter*, 14 January 2007; www.news.bbc.co.uk/1/hi/world/middle_east/6260285.stm

⁴² 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>

⁴³ Details of NCHR's mandate, present members, organizational structures and published reports can be seen at www.nchr.org.eg

6. 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 the National Democratic Party (NDP), Mubarak's party, 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 264-member Shura Council, the upper house of Egypt's Parliament.⁴⁴ 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 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 NDP. In some instances, those who sought to run as independent candidates were blocked.

No Copt has held a high-ranking civilian job, 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 no Christian heads of universities or deans of faculties. There are more Copts in the judicial and diplomatic services, albeit still unreflective of the ratio of Copts in the national population. 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; along with his son Youssef Boutros Ghali, currently serving as Finance Minister. Most recently, Presidential Decree 168/2008 resulted in the appointment of Judge Nabil Mirham Morcos Suleiman as the head of the State Council. This is the first time that a Christian has been appointed head of Egypt's administrative judiciary.⁴⁵

7. 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 after submitting 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

⁴⁴ 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.

⁴⁵ Egyptian Initiative for Personal Rights (EIPR); Freedom of Religion and Belief in Egypt – Second Quarterly Report, Paragraph 30; www.eipr.org/en/reports/FRB_quarterly_rep_jul08_en/0408.htm

the country's 28 provincial governors. On 28 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 renovations and repairs to be conducted with written notification being submitted to the relevant local authorities, with the authority to allow reconstruction on the same site being delegated to provincial governors. However, government permission is still required for new church buildings. This moderation of legal restrictions was upheld by the Court of Administrative Justice in April 2008 following a challenge by a citizen against the Presidential Decree.⁴⁶ However, in practice 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 paperwork 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 hinder major repairs and reconstructions. Coptic Orthodox clergy have testified that repairs to church property are 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.⁴⁷ The draft law reportedly places all matters of construction and repair under the civil construction code of 1976 and cancels all previous legislation. The presentation of the proposed law to Parliament for debate has repeatedly been postponed.

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.⁴⁸ 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.

8. 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. Two days before, 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. Seven people were injured. 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

⁴⁶ Egyptian Initiative for Personal Rights (EIPR); Freedom of Religion and Belief in Egypt – Second Quarterly Report, Paragraph 3; www.eipr.org/en/reports/FRB_quarterly_rep_jul08_en/0408.htm

⁴⁷ See , *Building places of worship, 29/05/2005 and Problems on hold, a unified law, 19/06/2005* on Watani

⁴⁸ See Watani –Yousef Siddhom; *Awaiting the One Law Watani*; 24 June 2007
www.wataninet.com/article_en.asp?ArticleID=14057

the way to let the truck pass by. Two days after the publication of Mr Sidhom's column, a simple argument between a Muslim and a Coptic Christian carpenter escalated into a brawl involving passersby and eventually 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.

Egypt has a tense history of communal violence. The pattern of mob attacks after Friday prayers, or incitement by local religious groups or clergymen - frequently ignited by simple street fights, personal grudges, property disputes, or rumours - is not a new phenomenon in Egypt.

Between July and August 2009, Watani newspaper⁴⁹ and various Egyptian NGOs and international media reported seven incidents in Beni-Sweif and Minya in Upper Egypt. On 7 August a masked man fired shots at a Coptic house in the village of Ezbet Bushra in Beni-Sweif. On 30 July, young men attacked the warehouse construction of a Coptic businessman, accusing him of building a church, in Rida, Minya. On 24 July, the security forces stopped a crowd of hundreds from burning a property used as a meeting place by Christians in Hawasliya, Minya. These were preceded by similar attacks on Coptic properties and halls of worship in Faqaai, Beni Sweif on 17 July; in Ezbet Basiliou, Minya on 11 July; in Ezbet Girgis, Beni Sweif on 3 July; and in Ezbet-Bushra, Beni Sweif on 21 June.

The majority of such attacks has been directed at the Christian minority. However, 2009 has seen similar incidents spread to the Bahá'í community. From 28-30 March 2009 in the southern governorate of Sohag, local crowds gathered around the homes of local Bahá'ís, chanting and breaking windows. Police dispersed the crowds, but no-one was arrested for the disturbance and damages. On 31 March, a similar mob assembled. Molotov cocktails were thrown at the houses, leading to significant destruction of property. The water supply had allegedly been cut off before the attacks began. Police again dispersed the crowd, but made no arrests. On 1 April, police forced the Bahá'ís in the village to leave. The initial attacks followed a television interview in which journalist Gamal Abd al-Rahim stated that Bahá'ís should be killed. He followed this with an article commending the initial attacks.⁵⁰ Government officials have stated that forcing the villages Bahá'ís to leave was necessary for their own protection.⁵¹

On Sunday 23 November 2008, a church in the Cairo district of Ain Shams was attacked in a mass riot, following protests outside the church's newly renovated extension building, despite the building being approved by the government. The rioting lasted until 4am the next morning. Stones and gas canisters were thrown at the building, destroying the glass front of the church building. Several people were injured in the attack. On the morning of the attack, the Sheikh of a nearby mosque called for a protest against the opening of the building. Police reportedly questioned approximately 60 rioters. Eight people were arrested but released shortly afterwards – three of whom were Christians. There have been no known prosecutions for the incident.⁵²

On 20 June 2008, homes and businesses owned by Copts living in al-Nazla in the governorate of Fayoum were attacked. Several houses and businesses were set on fire, damaged, vandalised or otherwise damaged, as well as being the target of theft. A number of

⁴⁹ Wattani, *To build a church...The unforgivable Crime*. 16 August 2009;

<http://www.wataninet.com/ArticleDetails.aspx?A=23312>

⁵⁰ Egyptian Initiative for Personal Rights (EIPR), joint press release; *Rights Groups Urge Prosecutions for Assault on Baha'i Egyptians*; 2 April 2009; <http://www.eipr.org/en/press/09/0204.htm>

⁵¹ CSW sources.

⁵² Christian Solidarity Worldwide (CSW); *Egypt – CSW calls for Official Investigation into Cairo Church Riot*; 3 December 2008; <http://dynamic.csw.org.uk/article.asp?t=press&id=810>

vehicles – including that of the local priest – were also damaged, and the front of the local church was shattered. The violence was triggered by false rumours that a convert from Christianity to Islam had been kidnapped by her Christian family in Cairo; the woman in question had been visiting her family. Following the attack, fifteen people were arrested, but were released shortly afterwards without charge. No further arrests were made in relation to the attack. Local authorities began a process of reconciliation meetings in early July in an attempt to resolve the conflict. Following initial refusals to commit to a reconciliation agreement, a compensation agreement was finally agreed upon in December 2008, whereby the governorate of Fayoum and the archbishopric of Fayoum equally split LE100,000 of compensation (approximately £10,000) to the victims of the June attacks. Despite achieving a degree of compensation, many victims emphasised the symbolic size of the compensation offered, given its marginal size in relation to the damage sustained.⁵³

On 31 May 2008, approximately 60 armed men attacked the Abu-Fana monastery in Minya, which CSW visited in September 2008, after workers began construction on a wall around the monastery. Some of the attackers started destroying the wall, while 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. A local Muslim, Khalil Mohammed was also killed in the attacks. 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. Local authorities dealt with this attack via numerous reconciliation meetings, in which the government focused solely on resolving the issue of the land dispute. Two of the monastery's contractors, Rifaat and Ibrahim Fawzy, were held for thirteen months in relation to Khalil's murder, despite alleged evidence to the contrary and court decisions ordering their release.

No one has been charged with the attack or the kidnap and torture of the monks. The terms of a reconciliation meeting following an attack in 2006, including a 500,000LE fine in the event of a future attack (approximately £50,000), were ignored in the aftermath of the May 2008 attacks. The monastery has been attacked numerous times in recent years, including a major attack in January 2008.⁵⁴ In July 2009, there was an official reconciliation agreement, which resulted in change of testimonies given by the monks and villagers. Both parties publicly acknowledged that they do not know who their attackers and the murderer of Khalil Mohammed were. Following this agreement, Fawzy brothers were finally released by the SSIS.

In April 2008, two separate 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 which 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.⁵⁵

⁵³ Egyptian Initiative for Personal Rights (EIPR); Freedom of Religion and Belief in Egypt – Second Quarterly Report, paragraph 12; Fourth Quarterly Report, paragraph 18; <http://www.eipr.org/en/reports/index.htm>
See also; Daily News Egypt; *Another Sectarian Outbreak in Fayoum, Ano Fana Attack Lingers On*; 22 June 2008; <http://www.thedailynewsegypt.com/article.aspx?ArticleID=14590>

⁵⁴ Christian Solidarity Worldwide (CSW); *Egypt: Attack on Abu-Fana Monastery, El-Minya*; 26 September 2008; <http://dynamic.csw.org.uk/article.asp?t=report&id=101>

⁵⁵ Watani; *When Hate Reigns*; 4 May 2008; <http://www.wataninet.com/ArticleDetail.aspx?A=m75w7Bw7Bn/oR/NatQMosQ==&l=e>

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 initial refusal of the Coptic community to sign a reconciliation agreement, the Governor's office granted financial recompense amounting to LE 1,295,000 (approximately £129,000) to the owners of damaged properties, in what was an unprecedented resolution.⁵⁶

On 25 October 2007, Coptic villagers were attacked by Muslim residents armed with a range of weaponry following rumours that the local Bishopric was planning on expanding by purchasing an adjacent plot of land which is public property. The Bishopric's walls were attacked, having been previously rebuilt a number of times following earlier attacks. A church member was detained upon reporting the incident at the local police station. Police arrived two hours later, by which time most of the wall was destroyed, and did not immediately intervene, allowing the violence to continue. Local Coptic owned farms were set alight, irrigation pumps worth LE 5,000 (approximately £500) were stolen, two trucks were attacked and eighteen people sustained light injuries which were treated at Samalout Central Hospital. In response, police detained 22 Copts and nineteen Muslims, who were questioned by the Samalut prosecutor. A reconciliation meeting was arranged by security officials, where permission to build a fence was given so long as it was 3m inside the Bishopric's boundaries, thus forcing it to give up 150m of land. A fine of LE100,000 (approximately £10,000) was set to be charged to whichever party broke the terms of the agreement. No compensation was paid to those who had sustained material damages.⁵⁷

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.⁵⁸

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.⁵⁹

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.⁶⁰

On 14 and 21 October 2005, a Muslim mob in Alexandria attacked St George's church, along with Christian residences and work places.⁶¹

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

Between 31 December 1999 and 2 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 31 December. Muslim-owned kiosks and Christian-owned shops were damaged or destroyed that day as

⁵⁶ Watani; *An Unprecedented Move*; 30 December 2007; <http://www.wataninet.com/ArticleDetail.aspx?A=OpZJoGnv9Fcq4h208kFPtA==&l=e>

⁵⁷ Watani; *Sectarian Violence in Gaba-el Teir*; 11 November 2009

⁵⁸ Al-Ahram Weekly, *Fanning the Flames*, Pierre Loza, 17-23 May 2007, Issue No. 845.

⁵⁹ Reuters, *Love Rumour Sparks Muslim-Christian Clash in Egypt*, 13 February 2007, accessed 17 August; 2007; <http://www.alertnet.org/thenews/newsdesk/L13256156.htm>.

⁶⁰ 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.

⁶¹ 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.

the violence escalated. The Muslim victim was shot by a stray bullet. Nobody claimed that Christians killed him. During the violence, local security forces either watched without helping or became actively involved in the attacks.⁶²

During various fact-finding visits to Egypt in the past two years, CSW met representatives from the Coptic Orthodox, Catholic and Protestant churches as well as journalists, lawyers and human rights activists. Their perspectives support the views of 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”.⁶³

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 are arbitrary, and result in the suspects’ acquittal or in mock reconciliation meetings such as the one held after the Bemha attacks.⁶⁴ 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, rooted in a consistent application of the law, Egypt will continue to suffer from damaging communal violence.

9. Treatment of the Zebeleen

In April 2009, the Egyptian Government decided to cull all the pigs in the country following the outbreak of the H1N1 virus pandemic, even though there had been no reported cases in the country at the time and there is no proven transmission of the virus between pigs and humans. Although this may simply be seen as an absurd decision by outsiders to the country, it was, in fact, an unjust policy towards a dominantly Christian community of refuse collectors, resulting in serious human rights abuses.

This unprecedented and unnecessary decision to cull all of the 300,000 pigs in Egypt has its roots in the religious attitudes of the Muslim majority towards pigs; they are deemed as unclean and inedible according to Islam, and in the continual marginalisation of the Christian Coptic community in the country, who are the dominant producers and consumers of pig products. Although these factors definitely play a role in the authorities’ decision to execute the culling orders, the culling brought to light a more complicated social issue.

The culling has deeply affected communities named *Zebeleen* - refuse collectors. *Zebeleen* are the contemporary outcasts of Egyptian society and originate from rural parts of the country. There are five *Zebeleen* communities around Cairo. In the 1940s they began moving to Cairo from their hometowns in search of employment. Given that there was no city-wide official

⁶² 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>

⁶³ Magdi Khalil, *Another Black Friday for Egypt’s Copts*, Watani, 3 June 2007.

⁶⁴ See Youssef Sidhom, *Shame on Reconciliation*, Watani, 31 May 2007.

refuse collection service in Cairo, *Zebeleen* started collecting the refuse from residences and apartment blocks for a small fee from the inhabitants.

The refuse is recycled by the *Zebeleen*. It is claimed that the *Zebeleen* are able to recycle up to 80% of the trash. The pigs played a crucial role in the recycling process by consuming the soft waste, amounting to up to 50% of the organic waste, which is said to be around 5,000 tons each day. The resale of recycled material and significant development of civil society movements among the *Zebeleen* have resulted in their social and economic flourishing. Their work and dwelling places are extremely organised, and a host of cultural, educational and religious activities enable their vibrancy.

Over the years, the Egyptian authorities have experimented in outsourcing refuse collection to other companies. This has led to tensions between the *Zebeleen* and company employees in various places, as well as complaints from the city dwellers about the limited services offered by these companies, which have resulted in these companies or local authorities terminating contracts.

CSW visited the biggest *Zebeleen* community in May 2009 following the culling, and interviewed various members of the community as well as members of the civil society groups that work among them.

Owners received 50 EGP per pig culled, and after much protest, 250 for sows. The market value of a pig is around 500 EGP. One pig owner interviewed by CSW had lost 100 pigs and has been only paid the minimum 50 EGP per head. He pointed out that this was not only a tenth of the market price of the stock, but also a total devastation of the future development of his future assets, as pigs multiply rather quickly. He said that he has no other source of income or any savings besides what he has been paid by the state following the culling.

Another pig owner, whose family has been raising pigs for three generations, told CSW that he had lost 60 pigs and had hardly any income left to take care of seven people who depend on his income. A similar story was told of a 69-year-old man who lost 108 pigs and who fears that when the compensation given after the culling runs out, he will have no income to take care of his family. A butcher interviewed by CSW showed his empty shop and stated that he had lost hundreds of pigs and only received a fraction of their market value.

The culling has also substantially damaged the recycling process, which the *Zebeleen* is renowned for. One man told CSW that now he is not able to process refuse fully and is often reluctant to pick up organic waste.

During the initial culling, various protests broke out, leading to detention of at least twenty young people for more than 25 days. Some claimed that the arrested youth were picked up randomly by security forces. A father of three boys told CSW that his children were working at a bakery and were arrested by security forces hours after the protests had stopped. His attempts to ensure the release of his children by providing witnesses to the police who could vouch for their whereabouts during the demonstrations was rejected by the security forces.

The *Zebeleen* have been promised employment by private refuse collecting firms for 400 EGP a month, which is less than they would normally earn in a week if they worked for themselves. The government also promised to provide an alternative pig farm for the farmers. However, the *Zebeleen* have pointed out that the proposed site is in the desert 70km outside Cairo, which is unsafe and too far away for families to relocate to or run their businesses based there.

One community leader told CSW that over the years, there have been various decrees to relocate, such as decrees no 807 of 1979, no 9 of 2005, no 805 of 2005. A relocation site in Alkatamya, after some 300,000 EGP was invested in 70 farms, was destroyed by the state in 2005. Presidential decree no 338 of 2008 ordered the removal of all pig farmers to 15th of May City. However, no action was taken. The community, as well as Egyptian society and international human rights organisations, believe that the H1N1 virus pandemic has provided a great opportunity for the Egyptian authorities to eradicate pig farming in the easiest and the least costly way.

Community leaders asked for relocation, rather than culling, as around 1,500 families depend on pigs for income. However, neither their concerns, nor statements from the World Health Organisation, that there has not been a case of transmission of H1N1 from pigs to humans and that culling of the pigs in the country was unnecessary⁶⁵, have stopped the government from pursuing its decision.

CSW has witnessed the outcome of prejudiced and problematic policies of the Egyptian authorities towards the *Zebeleen* firsthand. Although the gradual shift to professional refuse collecting services in Cairo might be a desirable development in the long run, the state has sought to eradicate the life of a unique community of people and in the process has committed serious injustices and human rights abuses.

10. Treatment of expatriate Christians

The state allows expatriates to gather for worship and often provides police officers to protect the church during services. 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 holding legal permits to work, are frequently arrested and deported immediately without prior notice.

11. Other issues: Treatment of refugees and asylum seekers

Egypt regularly and forcefully deports asylum seekers and those with confirmed refugee status back to their country of origin, even though this might result in a life threatening situation.

In June 2008, the Egyptian Government deported almost 1,000 of the 1,600 Eritrean refugees held in Egyptian prisons. While being detained for several months, the prisoners were kept in inhumane conditions, 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 of the United Nations Convention Relating to the Status of Refugees and the United Nations Protocol Relating to the Status of Refugees.

⁶⁵ Reuters, *UN agency slams Egypt order to cull all pigs*, 29 April 2009; <http://www.reuters.com/article/europeCrisis/idUSLTI1250>

Around 800 of the returned refugees remain in detention in Eritrea. According to reports, a number of the returned refugees were shot dead in front of the others. In December 2008 approximately 100 further Eritreans were detained in Sinai by Egyptian authorities after being returned by the Israeli Army after illegally crossing the border. The group was also denied access to the UNHCR, and at least 80 have been deported, some of whom were assaulted whilst in the custody of the Egyptian prison guards. Egyptian security forces have also been fatally shooting African migrants attempting to cross the border with Israel; to date at least 34 have been shot dead.

12. Conclusion

Behind the public image of sunshine, pyramids and a welcoming culture, a host of human rights concerns continue to evolve and repeat themselves without serious attention from the international community. The Egyptian Government's continual lack of will in addressing communal violence and halting lawless activities of the SSIS has created a culture of impunity, in which normal citizens or state officials often feel able to attack non-Muslim properties or individuals or undertake discriminatory activities and biased decisions without any fear of repercussions. For a long time, the Egyptian Government has been able to silence human rights concerns raised by the international community with the argument of the need for a strong-handed government to address the problem of Muslim religious extremists in the country. However, the last twenty years of President Mubarak's rule has only alienated various segments of the society and created deep resentments, which, ironically, continue to undermine the development of a flourishing democracy and civil society.

The international community must continue to highlight the grave human rights concerns in the country and urge the Egyptian Government to act in accordance with its responsibilities under international human rights law and trade agreements.