

2006 ANNUAL REPORT OF THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Countries on the Commission's Watch List

Egypt

Serious problems of discrimination, intolerance, and other human rights violations against members of religious minorities, as well as non-conforming Muslims, remain widespread in Egypt. In the past year, the Egyptian government has adopted several measures to acknowledge the religious pluralism of Egypt's society, including increased efforts in promoting interfaith activity and the issuance of a presidential decree that, if genuinely implemented, would improve the procedures required for building new and maintaining existing houses of worship. Yet, the government has not taken adequate steps to halt repression of and discrimination against religious believers, including the indigenous Coptic Orthodox Christians, or, in many cases, to punish those responsible for violence or other severe violations of religious freedom. Despite a recent positive court ruling, the government has also not taken steps to provide identity cards and other important documents to members of the Egyptian Baha'i community or to combat widespread and virulent anti-Semitism in the government-controlled media. Egypt remains on the Commission's Watch List, and the Commission continues to monitor the actions of the government of Egypt to see if the situation rises to a level that warrants designation as a "country of particular concern," or CPC.

Egypt has a poor overall human rights record that includes repressive practices which seriously violate freedom of thought, conscience, and religion or belief. The government maintains tight control over all Muslim religious institutions, including mosques and religious endowments, which are encouraged to promote an officially sanctioned interpretation of Islam. According to Egyptian officials, the government regulates these Muslim institutions and activities as a necessary precaution against religious extremism and terrorism. The state appoints and pays the salaries of all Sunni Muslim imams; all mosques must be licensed by the government; and sermons are monitored by the government.

Human rights organizations inside the country are seriously concerned that Islamic extremism is advancing in Egypt with detrimental effects on the prospects for democratic reform, religious tolerance, and the rights of women and girls and members of religious minorities. Some believe that the government is not acting to its fullest ability to counteract this problem, especially in the areas of public education and the media, where the extremist influence is growing.

There is continued prosecution in state security courts and imprisonment for those accused of "unorthodox" Islamic religious beliefs or practices that insult the three "heavenly religions": Judaism, Christianity, and Islam. Article 98(f) of the Penal Code, which prohibits citizens from "ridiculing or insulting heavenly religions or inciting sectarian strife," continues to be applied to prosecute alleged acts by purportedly

“unorthodox” Muslims. These include Muslims groups, such as the Koranites—a group that does not accept as authentic *hadith*, oral traditions of the life of the Prophet Muhammad, or *Sunna*, accounts of the way the Prophet Muhammad lived his life—who are accused of practicing beliefs deemed to deviate from Islamic law. In December 2003, state security services arrested and imprisoned 20 Shi’a Muslims without charge and subsequently interrogated them concerning their religious beliefs; they were reportedly also physically abused. All were released by June 2005. In December 2004, 13 “unorthodox” Muslims were referred to trial by a State Emergency Court on charges of “insulting heavenly religions”; their status remains unknown.

The Emergency Law, which has been in effect since 1981 and was renewed for another three years in February 2003, restricts many human rights, including freedom of religion or belief. The Law must be extended by May 2006 or it will expire. Under this Law, the security forces continue to mistreat and torture prisoners, arbitrarily arrest and detain persons, hold detainees in prolonged pretrial detention, and occasionally engage in mass arrests. Thousands of persons have been detained without charge on suspicion of illegal terrorist or political activity; others are serving sentences after being convicted on similar charges. Egyptian and international human rights groups have asserted that the primary purpose of the state emergency and military courts is to punish political activism and dissent, even when that dissent is peaceful. These courts are also used to detain and try individuals deemed by the state to have “unorthodox” or “deviant” Islamic or other religious beliefs or practices. In 2005, Egypt’s National Human Rights Commission formally called for the Law to be lifted and during his presidential campaign, President Hosni Mubarak pledged to rescind the Law.

Members of Egypt’s non-Muslim religious minorities, particularly Christians, Jews, and Baha’is, report discrimination, interference, harassment, and surveillance by the Egyptian state security services. Although neither the Constitution nor the Penal Code prohibits proselytizing or conversion, the State Department has observed that the Egyptian government uses the Penal Code to discourage proselytizing by non-Muslims. Article 98(f) of the Code is used frequently to prosecute alleged acts of proselytism by non-Muslims.

Coptic Orthodox and other Christian denominations face increasing problems with societal intolerance and violence by Muslim extremists and Egyptian authorities have been accused of being lax in protecting the lives and property of these groups. In October 2005, thousands of Muslim demonstrators took to the streets in Alexandria, reportedly angry over a play that was performed two years before in a Coptic church and recently distributed among church members on DVD. Some Muslims claimed that the play was anti-Islamic. Three Muslims were killed, a Christian nun was wounded, and dozens were injured, in what officials called the worst case of sectarian violence to strike Egypt since the Al-Kosheh incident in 2000. In February 2006, a criminal court in Alexandria sentenced a man to three years in prison for physically attacking the nun.

In January 2006, 14 people were injured, including two policemen, when clashes broke out between Muslims and Coptic Orthodox Christians near the southern Egyptian city of Luxor. One Coptic Orthodox Christian man died from injuries associated with the violence. The violence began when Muslims torched a house that Coptic Christians were using as a makeshift church. Police arrested ten youths for setting fire to the house, as well as the owners of the house for using it as a church without permission. As of this writing, the case was ongoing. In February 2006, in the village of Al-Ayat south of Cairo, five Muslims and three Christians were injured in clashes as a result of extremist attacks on a local Christian meeting place; the violence broke out in response to the rumor that the local Christian community was planning to convert the meeting place into a church. In April 2006, three Coptic Christian churches in Alexandria were attacked by a Muslim man, resulting in the death of one Christian and the wounding of approximately a dozen others. Three days of rioting followed the attacks, leaving one Muslim killed and almost 40 injured. According to the Interior Ministry, the man who attacked the churches was caught and is being held; he is believed to be "mentally unstable." At least 100 persons have been detained in response to these events, some for questioning and others on suspicion of incitement to riot and rioting.

Egyptian government officials have confirmed that in June 2004, the Court of Cassation upheld the acquittal of 94 of 96 suspects who were charged with various offenses in connection with the killing of 21 Christians in Al-Kosheh in late 1999 and early 2000. The decision has left public prosecutors and Christian advocates with no further legal options within the Egyptian legal system. Some Egyptian human rights advocates believe that the only recourse is to urge Egyptian authorities to investigate claims of police negligence and inadequate prosecution of those involved in the violence.

In addition to violence, Christians face official and societal discrimination. Although Egyptian government officials claim that there is no law or policy that prevents Christians from holding senior positions, the Coptic Orthodox Christian community faces *de facto* discrimination in appointments to high-level government posts. For all Christian groups, government permission must still be sought to build or repair a church, and the approval process for church construction is time consuming and inflexible. Although President Mubarak reportedly has approved applications for new construction and, under new regulations, provincial governors now have the authority to approve applications for church repair, many such applications are languishing in the system. At least 100 applications to build new churches have been submitted to President Mubarak for approval; though most of these applications were submitted over five years ago, none have received a response. Even some permits that have been approved cannot be acted upon because of interference by the state security services, at both the local and national levels. On a potentially positive note, in December 2005, President Mubarak issued decree 291 to alleviate the procedures required for renovating, building, and rebuilding existing churches. Reportedly, governors now must make a decision to

reject or approve an application within 30 days of its submission. However, it is still too early to determine if the decree will yield any positive results.

Known converts from Islam to Christianity generally receive attention from the state security services, and converts have been arrested for attempting to change their religious affiliation on identity documents. Most conversions are reportedly done quietly and privately. Egyptian government officials have stated that no law prevents conversion, but some individuals have been arrested for falsifying documents. In some instances, converts, who fear government harassment if they officially register their change in religion from Islam to Christianity, have reportedly altered their own identification cards and other official documents to reflect their new religious affiliation. A court decision in 2004 affirmed that the state could not prevent a woman from changing the religion on her identity card from Muslim to Christian. According to the State Department, it is not clear if this decision will set a precedent for future cases involving conversion of individuals from Islam to Christianity.

Baha'is also face repression and violations of their rights. All Baha'i institutions and community activities have been banned since 1960 by a presidential decree. As a result, Baha'is are unable to meet and engage in communal religious activities. Over the years, Baha'is have been arrested and imprisoned because of their religious beliefs, often on charges of insulting Islam. Almost all Baha'i community members are known to the state security services, and many are regularly subject to surveillance and other forms of harassment. Al-Azhar's Islamic Research Center has issued *fatwas* (religious edicts) in recent years urging the continued ban on the Baha'i community and condemning Baha'is as apostates. There has reportedly also been increased intolerance of Baha'is in both the independent and government-controlled media in recent years.

The Egyptian government's requirement that religious affiliation be included on national identity cards particularly affects the Baha'i community. Because "Muslim, Jew, or Christian" are the only allowable choices, Baha'is are effectively prevented from obtaining the cards, which are necessary to engage in many basic transactions, such as opening a bank account, buying a car, or obtaining a driver's license. Moreover, the Egyptian government has recently made it illegal to be in public without an identity card. Because the Baha'i faith is banned, the community also has difficulty obtaining or renewing passports, birth certificates, and death certificates. Egyptian government officials have stated that the rights of Baha'is are not protected under the Constitution, since, in accordance with Islamic principles, protection applies only to adherents of the three "heavenly religions." In a positive development, in April 2006, an Egyptian administrative court ruled that Egyptian Baha'is have the right to have their religion recognized in official documents. This ruling, in effect, forces the Interior Ministry to issue a national identity card for any citizen who identifies him or herself as a Baha'i.

However, as with Decree 291, it remains too early to determine if the ruling will be effectively implemented.

Material vilifying Jews—with historical and new anti-Semitic stereotypes—appears regularly in the state-controlled and semi-official media. This material includes Holocaust denial, anti-Semitic cartoons, and television programming, such as a 24-part series based on the notorious anti-Semitic “Protocols of the Elders of Zion.” Egyptian authorities have not taken adequate steps to combat anti-Semitism in the media. Human rights groups also cite persistent, virulent anti-Semitism in the education system, which is increasingly under the influence of Islamic extremists, a development that the Egyptian government has not adequately addressed. The small Jewish community maintains and owns its property and performs required maintenance through private donations without excessive interference from local authorities. However, state security services continue to regulate and approve those permitted to make repairs, which, in some cases, has created problems and delays.

After several years of close surveillance, authorities reportedly have increased repressive measures against the small community of Jehovah’s Witnesses, who are not recognized by the Egyptian government. In the past year, Jehovah’s Witnesses have reported harassment and abuse by government officials.

The Muslim Brotherhood and other Islamist political groups, which believe in or seek to establish an Islamic state in Egypt based on their interpretation of Islamic law, are considered illegal organizations by the Egyptian government under a law prohibiting political parties based on religion. Despite these restrictions, the Muslim Brotherhood has become more visible in Egypt’s political landscape. In fact, more than 100 members of the Muslim Brotherhood ran as independent candidates in the December 2005 parliamentary elections and won 88 seats, up significantly from their previous 15. The Muslim Brotherhood and other Islamist political groups have used violence in the past to achieve their aims, including the assassination of President Anwar al-Sadat in 1981 and attacks on foreign tourists. Some of these groups continue to advocate violence. Egyptian security forces continue to arrest hundreds of Islamists every year, and some are subject to torture and/or prolonged detention without charge. According to Egyptian and international human rights groups, there are 12,000-15,000 political detainees, including members of the Muslim Brotherhood and other Islamist political groups, in administrative detention at any given time whose cases are not being addressed. Groups that closely monitor the detention of such individuals claim that the vast majority of these prisoners are in prison as a result of their political beliefs or activities, and not on the basis of religion.

In July 2004, a Commission delegation traveled to Egypt. While there, the delegation met with senior government officials, religious leaders, human rights groups, scholars, educators, legal specialists, and others active in civil society. In June 2005, the Commission released a *Policy Focus* report brief on Egypt at an event held at the Woodrow Wilson Center in Washington. The *Policy Focus* on Egypt provides details about the Commission's visit to Egypt and presents new recommendations for U.S. policy.

In May 2005, the Commission issued a statement urging President Bush to press the government of Egypt for democratic reforms. The statement coincided with the visit of Egyptian Prime Minister Ahmed Nazif to the United States. In July 2005, Commission Vice Chair Felice Gaer testified before a Members Briefing of the Congressional Human Rights Caucus entitled, "The Human Rights Situation in Egypt: An Overview." In November 2005, Commissioner Elizabeth Prodromou testified before the Congressional Human Rights Caucus at a hearing entitled "Religious Freedom in Egypt."

In July 2005, House Resolution 413 was introduced, expressing the concern of the House of Representatives that the amount of U.S. foreign assistance provided to Egypt over the past 25 years has grown without any meaningful political reforms by the government of Egypt. The resolution contains a significant number of the Commission's recommendations with regard to Egypt.

Throughout the past year, the Commission and its staff met with Egyptian government officials, members of non-governmental organizations representing various religious communities in Egypt, as well as civil society and human rights groups, and other Egypt experts.

With regard to Egypt, the Commission recommends that the U.S. government should urge the Egyptian government to:

- remove *de facto* responsibility for religious affairs from the state security services with the exception of cases involving violence or the advocacy of violence;
- repeal the state of emergency, in existence since 1981, in order to allow for the full consolidation of the rule of law in Egypt;
- implement procedures which would ensure that all places of worship are subject to the same transparent, non-discriminatory, and efficient regulations regarding construction and maintenance;

- allow full access to the constitutional and international guarantees of the rule of law and due process for those individuals charged with violating Section 98(f) of the Penal Code, which “prohibits citizens from ridiculing or insulting heavenly religions or inciting sectarian strife,” instead of having those cases heard by the State Security Courts;
- exclude from all educational textbooks any language or images that promote enmity, intolerance, hatred, or violence toward any group of persons based on faith, gender, ethnicity, or nationality, and include in school curricula, in school textbooks, and in teacher training the concepts of tolerance and respect for human rights, including religious freedom, ensuring that textbooks meet the standards for education set out in the Universal Declaration of Human Rights;
- cease all messages of hatred and intolerance, particularly toward Jews and Baha'is, in the government-controlled media and take active measures to promote understanding and respect for members of these and other minority religious communities;
- take all appropriate steps to prevent and punish acts of anti-Semitism, including condemnation of anti-Semitic acts, and, while vigorously protecting freedom of expression, counteract anti-Semitic rhetoric and other organized anti-Semitic activities;
- ensure that every Egyptian is protected against discrimination in social, labor, and other rights by modifying the national identity card either (a) to omit mention of religious affiliation from identity documents, or (b) to make optional any mention of religious affiliation on identity documents, since currently, individuals must identify themselves as adherents of one of the three recognized faiths: Islam, Christianity, or Judaism;
- more actively investigate religious based violence against Egyptian citizens, particularly Coptic Christians, prosecute perpetrators responsible for the violence, and ensure compensation for victims;
- investigate claims of police negligence and inadequate prosecution of those involved in the Al-Kosheh case;

- request the National Council for Human Rights to investigate allegations of discrimination against Coptic Orthodox Christians as a human rights issue and to publish their findings and recommendations;
- repeal a 1960 presidential decree banning the Baha'i community from practicing their faith; and
- implement the 2002 recommendations of the UN Committee Against Torture.

In addition, the Commission recommends that the U.S. government should:

- negotiate an agreement with the Egyptian government to establish a timetable and specific steps to be taken to make progress on political and legal reforms, including the steps described in the recommendations above; if deadlines are met in a timely manner, the U.S. government should consider, within the boundaries of its overall aid to Egypt, providing economic assistance to areas where significant progress has been made, but if deadlines are not met, the U.S. government should re-consider the dimension and direction of its economic assistance;
- offer direct support for human rights and other civil society non-governmental organizations (NGOs) without prior approval by the Egyptian government;
- urge the Egyptian government to ensure that NGOs engaged in human rights work can pursue their activities without undue government interference, and monitor and report to what extent this is accomplished;
- expand support of initiatives to advance human rights, promote religious tolerance, and foster civic education among all Egyptians, including support for:
 - civic education and public awareness programs that reflect the multi-confessional nature of Egyptian society and the diversity of Egypt's religious past;
 - efforts by Egyptian and international NGOs to review Egyptian educational curricula and textbooks for messages of hatred, intolerance, and the advocacy of violence, and to monitor equal access to education by girls and boys regardless of religion or belief; and

--preservation of Egyptian Jewish properties and antiquities in a publicly accessible site, such as in a museum, so that all Egyptians can better understand past and present Jewish contributions to their history and culture; and

- as mandated by section 104 of IRFA, train Foreign Service Officers at Embassy Cairo about universal human rights, especially the right to freedom of religion or belief, the history, experiences, and contributions of different religions to Egyptian history, and ways to identify and respond to discriminatory and other abridgements of the rights of persons belonging to these communities.

In the context of the annual congressional appropriation for U.S. assistance to Egypt, Congress should require the State Department to report to it annually on the extent to which the government of Egypt has made progress on the issues described in this chapter, as well as on the progress of the U.S. government on offering funding directly to Egyptian NGOs without prior Egyptian government approval.