

**Freedom of Religion and Belief in Egypt**

**Quarterly Report**

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## Report Summary

This report addresses the most significant developments seen in Egypt in the field of freedom of religion and belief in the months of April, May and June of 2009. The report documents six cases of Muslim-Christian sectarian violence that took place in the period under review in the governorates of Giza, Alexandria, Gharbya, Dakahlia, Beni Soueif and Qena. Four of these incidents began as fights between individuals before quickly developing into sectarian clashes. In addition, a romantic relationship between a Christian woman and a Muslim man sparked clashes in Manshiyat al-Salam, located in the Mahalla al-Kubra district of Gharbya, while violent clashes between residents of Izbet Bushra al-Sharqiya, located in the Fashin district of Beni Soueif, came after Christians held prayer services in a building that did not have the appropriate state license for this use.

The report notes the alarmingly high number of casualties to sectarian violence that occurred during the second quarter of 2009: a Muslim citizen lost his life in a fight in the Karmouz area of Alexandria in April, while two Copts were killed by Muslims in a revenge killing in Higaza Qibli, located in the Qus district of Qena. A 17-year-old Muslim was also killed during a fight that erupted in Kafr al-Barbari, located in the Miyiyit Ghamr district of Dakahlia.

This report documents how the security apparatus continues to employ arbitrary arrests and unlawful detention sanctioned by the Emergency Law following incidents of sectarian violence in an attempt to pressure the parties to the dispute to accept a truce or traditional reconciliation.

The report also discusses the verdict of a Minya criminal court case in which a man was acquitted of the murder of a Copt in sectarian clashes that took place in October 2008 in the village of al-Tiba, located in the Samalout district of Minya. The verdict was issued after the family of the deceased signed a reconciliation agreement sponsored by the governor and security, executive and representative leaders in the governorate.

The report also addresses the bombings that took place outside the Orthodox Coptic Archbishopric of the al-Zaytoun Church in May 2009, which recall the assaults in the 1990s that targeted Egyptian churches; blasts that did not result in any casualties.

The report notes the continued difficulties faced by some Christians seeking to practice their religious rites. In addition to the clashes in Izbet Bushra al-Sharqiya, the report documents the security apparatus's closure of two buildings used by Copts for prayer services without a permit, in Izbet Wassef Ghali Pasha, located in the al-Ayyat district of the 6th of October governorate, and in the village of Sabaa, located in the Samalout district of Minya. The executive and security authorities also demolished a building under construction in Matrouh, fearing it would be turned into a church. The report also notes that the Samalout prosecutor's office in Minya questioned a citizen from the village of Dabbous who allegedly "engaged in religious practice without a permit in his home." In addition, the report states that the security apparatus blocked two Salafi websites and

prohibited a citizen from traveling due to his arrest in 2007 for embracing Qur'anist thought.

As usual, the report reviews the most significant judicial rulings on freedom of religion and belief to be issued in the period under review. The report contains a detailed review of a number of cases: a decision from the Court of Administrative Justice canceling the license of *Ibda'a Magazine*, on the grounds that it published a poem that "offends the divinity," followed by a decision from the Supreme Administrative Court allowing the magazine to resume publication; a ruling from the Court of Administrative Justice refusing to recognize Maher al-Gohari's conversion from Islam to Christianity; and a ruling from the Court of Cassation giving Kamilia Lutfi custody of her two sons, Mario and Andrew, after their father's conversion to Islam.

The report also offers a summary of significant political developments, civil society activities and Egyptian and foreign reports related to religious affairs in Egypt, among them the annual report of the National Council for Human Rights and the annual report of the US Commission on International Religious Freedom on the situation in Egypt.

### **FRB quarterly reports**

The aim of the Freedom of Religion and Belief Quarterly Reports is to provide legislators, policymakers, researchers, the media and other stakeholders with a primary source for documented information on the most significant political, legal and social developments affecting freedom of religion and belief in Egypt. This report does not offer an analysis of the facts, but only documents them as a basis for further analysis.

In preparing this report the Freedom of Religion and Belief Program of the Egyptian Initiative for Personal Rights (EIPR) relies on field research by program staff, complaints received by the EIPR during the reporting period, information gleaned from news reports and confirmed by researchers and laws and governmental decrees related to freedom of religion and belief as published in the Official Gazette. This report is not a comprehensive overview of all pertinent developments, but is limited to the facts the report's authors view as most significant and were able to confirm.

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## I. Court rulings and trials

1. The Court of Administrative Justice, headed by Judge Mohamed Atiya, issued a ruling on 7 April 2009 in case no. 21751/61, canceling the license for *Ibda'a Magazine*, issued by the General Egyptian Book Organization (GEBO). The suit was filed by an attorney against the magazine editor, Ahmed Abd al-Muti Higazi, as well as the GEBO, the Minister of Culture, the Speaker of the Shura Council, the Sheikh of al-Azhar, and the Public Prosecutor. The petitioner asked that the magazine's publication license be revoked and that its offices be closed for publishing "Layla Murad's Balcony," a poem by Helmy Salim. The lawyer argued that the poem entailed an "offense to the divinity," which required revoking the magazine's license in order to "protect Muslim sensibilities and avert the strife provoked by the magazine."

In its ruling, a copy of which was obtained by the EIPR, the court stated that the poem, "Layla Murad's Balcony," published in the magazine in 2007, contained expressions representing an affront to the divinity and painted "an offensive image of the Lord, may He be exalted." The court went on: "The expressions published by this magazine entirely contradict the mission of the press as upheld by the Egyptian Constitution and the Press Law, which makes any association between this magazine and the Egyptian press, with its distinguished history, reprehensible....The publication of such expressions also contradicts the objective of the act of bestowing a license—which is to publish creative works so graciously bestowed by truly talented poets and writers." The court added that it "would not hesitate to hold the magazine responsible for its misdeeds and malicious intentions, an accounting deserved by anyone who wishes to mock the constituent elements of Egyptian society, such that this magazine may disappear from existence and the court may intervene between it and the poison it emits, and the ethics and values it violates."

Although the court referred to the importance of freedom of opinion and expression, noting that the press enjoys full freedom, it nevertheless made such freedom conditional on not assaulting society's constituent elements, including the family, religion, morals, patriotism and motherhood. "If the press diverges from the straight path in performing its assigned mission and becomes a danger instead of a ray of hope, it is of the utmost necessity that it be taken in hand by the fair judiciary until it finds its true direction within the order of society and the fabric of the community with all its various segments."

Justifying its decision to cancel the magazine's license for the publication of one poem, the court stated, "The magazine is the tool used to commit this crime against God and the sacred beliefs of this nation, regardless of who the perpetrator is; it is the means by which this heinous crime was committed. Moreover, the contempt shown for the Creator is eminently clear, an offense to God which is hidden from no one. It is inconceivable that this work was published by mistake, without having been seen by those who evaluate such works for publication. This indicates that some of these people have the conviction and willingness to publish insolent slights against the Lord." Responding to arguments from the administrative body that confiscating newspapers and magazines or suspending their licenses is forbidden, the court made a distinction between the suspension of a

license when done by an administrative body and when based on a judicial ruling: “The constitutional ban—an appropriate embodiment of freedom of opinion—is limited to administrative confiscation or suspension. The decision to license a newspaper or magazine does not however provide immunity from judicial suspension.”

The GEBO appealed the ruling before the Supreme Administrative Court, asking first for an urgent injunction against the ruling and second that it be overturned entirely. On 15 June 2009, the court, headed by Judge Ibrahim al-Saghir, issued the injunction. Although the court stated that it “would not neglect to affirm its utter rejection of every word—nay, every letter—of the foul poem...and the court affirms the need to take deterrent criminal and disciplinary measures against anyone who participated in this shameful work,” it nevertheless concluded that Egyptian law does not allow any authority, including the judicial authority, to cancel the license of a newspaper. Rather, it only allows the judiciary to hold the journalist responsible if he “abuses freedom of the press and freedom of expression...in addition to the measures that may be taken against the newspaper who abuses this freedom.” The court justified the urgent injunction against the ruling to cancel the magazine’s license by saying that closing the magazine would “impinge on freedom of the press, expression and opinion, a constitutional right which is always—in the proceedings of this court—granted the principle of urgency...and would displace the magazine’s staff and deprive them of a livelihood.” The court referred the appeal to the State Commissioners’ Authority to prepare a legal opinion before ruling on the demand to overturn the initial decision.

On 1 April 2008, the Court of Administrative Justice, headed by Judge Mohamed al-Husseini, had ruled to suspend the decision to grant poet Helmy Salim the State Award for Achievement in the Arts for his complete works and withdrew the prize from him because of the publication of the poem, “Layla Murad’s Balcony,” in *Ibda’a Magazine*. That court relied on the same reasoning used in the ruling to suspend the magazine’s license (see paragraph 1 of the Second Quarterly Report, 2008).

2. On 14 April 2009, the Court of Administrative Justice, headed by Judge Mohamed Atiya, rejected petition no. 27658/62, filed by Shahinaz Kamel, Kamilia Lutfi and Ghada Ayoub against the Minister of Interior and the head of the Civil Status Department. The petitioners contested the fact that the state had changed the religion of their children on official documents from Christianity to Islam after the children’s fathers had converted to Islam (see paragraph 5 of the Second Quarterly Report, 2008). The court ruling, a copy of which was reviewed by the EIPR, stated, “It is accepted in personal status laws of Muslims and non-Muslims that guardianship rests with the father. In turn, when the father changed the information in question, it was done in accordance with the law and the prerogatives of the guardian. As such, the administrative body cannot alter this information, which was provided by a person with legal standing to do so, without a basis in the law.”

The third petitioner did not appear before the court, leading the court to reject her petition. The court also noted that the second petitioner had dropped her claim and withdrawn from the petition. The ruling was issued in regard to the first petitioner only.

3. The state-owned daily *al-Ahram* reported on 19 April 2009 that the Council of State had overturned “a decision by the Minister of Education to remove women teachers who wear the *niqab* [full face veil] from teaching positions and place them in similar jobs in administration in education departments, as the decision violated the principles of religious, cultural and personal freedoms guaranteed by the Constitution and because the decision was not in the public interest.” The news report noted that the court stated in its ruling, “It is impermissible to prohibit those who wear the *niqab* from entering a school or engaging directly in the teaching duties of their positions.”

Newspapers reported that a teacher who wears the *niqab* at a primary school in Ismailia had filed a suit against the Minister of Education and the governor of Ismailia against the decision to transfer her from her position and place her in a position in educational administration. The EIPR was unable to review the text of the court ruling.

4. On 19 April 2009, the Court of Administrative Justice, headed by Judge Mohamed Ibrahim Qishta, rejected a motion from the head sheikh of the al-Azmiya Sufi order asking that Abd al-Hadi Ahmed Abd al-Hadi al-Qasabi not be recognized as the head sheikh of Sufi orders until the elections in the Supreme Council of Sufi Orders were verified (see paragraph 31 of the First Quarterly Report, 2009). The court rejected petition no. 9589/63 on formal grounds since there has been no relevant decree from the President; furthermore the law regulating Sufi orders does not require the President to appoint the head sheikh of Sufi orders within a particular time frame.

The petition contained other requests from the petitioner, including overturning the most recent elections to the Supreme Council for Sufi Orders, dissolving the current council and ordering the Minister of Interior, the Minister of Awqaf (Religious Endowments) and provincial governors to close the headquarters of 11 Sufi orders on the grounds that there is no legal basis for their recognition. The court referred the rest of the petitioner’s claims to the State Commissioners’ Authority asking for a legal opinion.

5. The Court of Administrative Justice, headed by Judge Mohamed Atiya, on 21 April 2009 rejected a motion from a Christian citizen seeking to enroll in graduate studies at the College of Sharia and Law at al-Azhar University. The plaintiff filed petition no. 3807/63 against the Prime Minister and the president of al-Azhar University, asking that the decision to reject him and other Christian students from entering graduate studies at the university be overturned.

In its ruling, which was reviewed by the EIPR, the court stated that the plaintiff did not meet the prerequisites for enrollment as a master’s student in the graduate studies program at the College of Sharia and Law at al-Azhar University. The law states that in order to register a student must “have received a first-class qualification from the college, or its equivalent, with at least a grade of ‘good’ and apply before the beginning of studies each year,” which does not apply to the plaintiff.



6. On 28 April 2009, the Court of Administrative Justice, headed by Judge Mohamed Atiya, rejected seven suits filed by Christian citizens against Pope Shenouda III in his capacity as the president of the General Denominational Council (al-Majlis al-Milli) of the Coptic Orthodox Patriarchate, asking that changes made by the council to the by-laws governing personal status for Orthodox Copts, issued in 1938, be overturned. On 20 May 2008, the council had introduced fundamental changes to the personal status by-laws, which are used to adjudicate disputes between Copts in family courts. The changes imposed further restrictions on the right of Copts to divorce or remarry after divorce (see paragraph 29 of the Second Quarterly Report, 2008).

The court rejected petition no. 47339/62 and six other petitions on the grounds that the plaintiffs lacked a direct personal interest in demanding the abolition of the changes. In its ruling, which was reviewed by the EIPR, the court said, "A suit cannot be filed by any citizen simply because he is a citizen on the grounds that he is interested in protecting the general welfare or that he is a member of a group of people whose welfare concerns him." Rather, the petitioner, in addition to being a citizen, must also have a direct personal interest according to conditions and circumstances.

7. On 28 April 2009, the Court of Administrative Justice, headed by Judge Mohamed Atiya, rejected the urgent section of suit no. 1610/63, filed by a Christian woman against the Minister of Interior and a Muslim man. The woman asked for an injunction against, and then a reversal of, a decision to accept her daughter's conversion to Islam. The woman argued that daughter had married the Muslim man named in the complaint and converted to Islam, though she was a minor and suffers from psychological problems and a mental disorder that makes it impossible for her to willingly convert to a new religion thereby nullifying her actions and claims.

In its ruling, a copy of which was reviewed by the EIPR, the court reasoned that "according to Article 46 of the Constitution, the state guarantees freedom of belief and the freedom to engage in religious practice. This concurs with Article 18 of the Universal Declaration of Human Rights, which states that every person has the freedom of religion, which includes the freedom of an individual to change his religion and engage in religious practices." The court added that it had concluded from the case papers that "the daughter of the plaintiff converted to Islam of her own free will and also married of her own free will without pressure or coercion. The mother's claim that her daughter is psychologically disturbed and has a mental disorder is a statement unsupported by evidence; the mother's real goal is to see her daughter return to Christianity, which it is impermissible to force her to do."

8. On 13 June 2009, the Court of Administrative Justice, headed by Judge Hamdi Yassin Okasha, rejected two suits, nos. 53717/62 and 22566/63, filed by Maher Ahmed al-Mutasim Billah (Maher al-Gohari) against the President and others. The plaintiff asked for a reversal of the decision to refuse to allow him to change his religion on his national identity card from Muslim to Christian following his conversion.

The court based its ruling, a copy of which was obtained by the EIPR, on several points, most prominently that “freedom of belief from the perspective of the Constitution must be understood in light of two things: firstly, that the Arab Republic of Egypt is not a wholly civil state, but rather a democratic, civil state in which Islam is the religion of the state and the principles of Islamic law are the primary source of legislation, and secondly, the principle of citizenship...and all this entails for the full, equal membership in the society for all citizens who live in the country in rights and duties, without the slightest discrimination based on arbitrary criteria such as religion or race...Hence, changing one’s religion is within the scope of freedom of belief. Whereas this does not create a problem in fully civil states, the situation is different in Egypt due to the significant legal consequences of changes in religion for family matters such as marriage, divorce and inheritance, which all differ depending on religion or confession.”

The court also addressed international conventions on rights and freedoms, noting that when Article 18 of the International Covenant on Civil and Political Rights (endorsed by the UN General Assembly in 1966 and ratified by Egypt in 1982) “gave every individual the right to freedom of thought, conscience and religion and the freedom to freely adopt any religion or faith and the freedom to manifest his religion...it recognized in part 3 of the same article the impermissibility of setting limits on a person’s freedom to manifest his religion or belief, except such limits prescribed by law and deemed necessary to protect public safety, public order, public health, public morals or the rights of others and their basic liberties.” The court stated that the Egyptian government had deposited reservations to the convention when ratifying it and stated that it would comply with it as long as it does not conflict with the judgments of Islamic law.

The court went on at length about its conception of the Islamic attitude toward freedom of belief, saying, “Freedom of thought is the path to the truth and so Islam renounced various restrictions on freedom of thought...It also assumes freedom to be an inseparable part of society’s structure, not only because belief can only exist in a free environment, after full conviction, but also because Islam bases human life in general on the principle that it is a test and a choice between good and evil. This in turn assumes and requires a strong presence for evil and temptation and the freedom of man to conform or resist...On the other hand, upholding freedom of belief in Islamic law preceded all constitutions by more than 14 centuries.” The court cited several Qur’anic verses in support of this and added that “faith is guidance and difference is foreordained, and they are both from God. Thus, God ordered His prophet to ‘shun’ the polytheists and ignorant for there is no compulsion in religion. He who believes is for himself and he who errs is held to account. Only God will judge between the people on matters about which they differ.”

Nevertheless, the court stated that freedom of belief in Islam is not absolute: “Nevertheless, the noble Qur’an does not accept that religion is a plaything, into which a person can enter one day and leave the next, in the matter of some Jews who said, ‘Believe in what has been sent down upon those who believe at the beginning of the day, and disbelieve at the end of it; haply they will then return’ Al Imran 72.”

Although the court conceded that Article 47 of the Civil Status Law “contains the absolute right to change information related to religious affiliation without restriction by the legislator,” the court offered a new interpretation of the article, stating, “The legislator requires a set of measures, conditions, safeguards and documents which must be provided for the administrative body to issue an order to change one’s religion or name on a birth certificate or personal identity card. These measures have nothing to do with proving belief, which remains between the servant and his Lord and requires no proof, but are rather conditions related to the exigencies of the regulatory system documenting particular information on the citizen’s identifying papers, to manage the legal ramifications of dealing with others in family matters such as marriage, divorce and inheritance, all of which differ according to religion or confession.”

The court listed these conditions as filing an application with the civil status department accompanied by documentation supporting the application to change religious affiliation, which can be legally proven with one of two documents: either a ruling on conversion from the competent court or a document on conversion issued by the competent authority. The court stated that the legislative reality is such that there is no court with the authority to authorize conversion and the measures to effect this change have not been proceduralized. Nor has the legislator designated an administrative body that is authorized to issue a document affirming a change of religion from Islam to Christianity. The court denied the church’s competence to issue such a document regarding conversion from Islam to Christianity saying, “If the patriarch [of the Orthodox Coptic Church] has the authority to clerically recognize those who practice religious rites, he has no authority to change a person’s religion by expelling an adherent of a particular faith from his religion in accordance with a religion over which he has no responsibility, even if it is the adherent’s wish, and bringing him into another religion over which he is responsible, as long as the law does not give him this authority.” Thus, the court concluded that although the text of Article 47 of the Civil Status Law allows conversions absolutely, the legal reality does not permit conversion from Islam to any other religion.

The court refused to recognize a baptismal certificate for the plaintiff issued by a church in Cyprus on 20 September 2005 or a certificate showing he joined the Orthodox Coptic Church on 8 April 2009, saying, “Since the two certificates in question lack all legal value, which means that neither one has any probative value toward conversion according to the existing legal system, and considering the foregoing, the decision of the administrative body to reject a recognition of the plaintiff’s conversion from Islam to Christianity is correct and based on the law, for it does not meet the formal and procedural conditions or –objective rules required by law to establish conversion [of religion].”

The court also asked the legislator to intervene to regulate the issue of conversion, saying, “There is a pressing need for legislation to protect religions from offense or jest, to be the basis of freedom of belief and the freedom to move from one religion to another while taking care not to violate the exigencies of the public order, and to elaborate the legal body with which one proclaims a new religion and which would set down the conditions for conversion in regard to age, mental condition, whether one’s parents share the same religion or differ, or whether there are pressures that amount to coercion or incentives that

lead to false conversion. Such a body should determine a punishment to prevent such folly and impose a stiff penalty on anyone who seeks strengthening of his position through support from the foreigner or [for those who] seek monetary benefit, work, marriage, divorce or inheritance through the trafficking in and manipulating of religions. It should consider the conditions of those confused by parents' different religions and the punishment should in all these cases be separated from the right to change one's religion. It should not be leveled because one returns to his original religion, but because he has rashly entered a religion in which he does not believe, and this to avert the social strife which continues to rear its [ugly] head among us from time to time."

9. The Court of Cassation, on 15 June 2009, overturned a ruling issued by the Alexandria Appeals Court for Family Affairs in September 2008, which withdrew Kamilia Lutfi's custody of her twin sons, Andrew and Mario, and compelled her to turn the children over to their father, Medhat Ramsis, after his conversion to Islam. The Court of Cassation issued its ruling in appeal no. 15277/78, filed by the Public Prosecutor on 25 November 2008 (see paragraph 3 of the First Quarterly Report, 2009).

In its ruling, a copy of which was obtained by the EIPR, the court stated that "By consensus, the most capable person of taking custody of the young child is the mother, even if she is a non-Muslim, because she is more compassionate and more able to raise a child...and compassion does not differ with religion." The court reiterated its previous rulings that "the child follows one of his parents in Islam, since it is the best religion, until he comes of age, and this dependency is not severed and the child does not come of age but through rationality and adulthood...The original principle of adulthood is that it shows the recognizable signs and does not exceed 15 *hijri* years." From this, the court concluded that the non-Muslim mother is equal to the Muslim mother in taking custody of a Muslim child "for they are equivalent in the thing that mandates this right, which is compassion for the young and which springs from human nature whatever the religion of its owner." The court then stipulated two conditions for negating custody from the non-Muslim mother over her Muslim child: the child's ability to distinguish between different religions and actions of the mother that influence the child's ability to adhere to Islam: "The child has to be capable of rational thought in order to distinguish between different religions, even if he is not capable of choosing one of them. This might happen when the child reaches a certain age, such as seven, or before or after; what determines the child's ability [to choose between religions] is the degree to which he can recognize ways of a religion other than Islam. " And also, if "the non-Muslim custodian engages in actions or words with the child that result in his becoming habituated to a religion other than Islam." The court added another reason that would affect the non-Muslim mother's custody: fears that the child would be corrupted by his non-Muslim custodian who might "feed him pork or give him alcohol to drink." In such cases, the mother will have to share the custody of the child with Muslims "so that they may monitor her actions," but the child would not be taken away from the mother.

From this and the case papers, the court concluded that Kamilia Lutfi has the right to custody of her children and that the contested ruling violated the law when it ordered the twins to go to their father without justifying its reasons for revoking the mother's right to

custody. "The papers contained nothing indicating that the court had ascertained that [Andrew and Mario] were capable of engaging in rational thought to distinguish between different religions," the court said, "and it was not established that [their mother] engaged in words or deeds that would habituate the young children to a religion other than Islam. If the contested ruling erred in this respect...it is marred by its violation of the law and is wrong in its application of Article 250 of the Code of Court Proceedings, which requires that it be overturned."

In the appeal brief, the Public Prosecutor argued that the Alexandria Appellate Court for Family Affairs should have allowed the two children to choose, since they had passed the age of seven, "so that they could exercise their role as defended by Islamic law [to choose] between remaining in the faith [Christianity] on which they were raised or voluntarily accepting the conversion to Islam." The Court of Cassation did not accept this argument and cleaved to its former rulings that held that if one parent converts to Islam, the children must follow that parent in Islam, "the best of religions," until they reach adulthood at age 15. The Court of Cassation returned custody of the children to their mother, although the children will remain Muslims on official documents following their father's conversion to Islam.

## II. Sectarian tension and violence

10. A fight erupted on 4 April 2009 in the Karmouz area of Alexandria between a Muslim and three Christian brothers, during which the Muslim, Ahmed Gomaa Abd al-Razeq, was stabbed several times; he died of his wounds the following day. The attorney for the Christians told EIPR researchers that the Karmouz prosecutor's office charged the three with premeditated murder based on eyewitness statements and ordered them to be placed under preventive detention. Their detention was renewed more than once before the case was referred to a criminal court on 2 July 2009. According to the sister of the three defendants, who spoke with EIPR researchers, tensions began between the two families, one Christian and one Muslim, in January due to a dispute over getting rid of some garbage. Information indicates that several area Muslims taking part in the victim's funeral on 5 April broke the windows of three stores owned by Christians, and threw stones at the Karmouz police station, where the three brothers were then detained. There have been no reports of police arresting any of those involved in these attacks.

11. The village of Higaza Qibli, located in the Qus district of Qena, was the scene of a revenge killing on the evening of 18 April 2009 that left two Copts dead (Amir Estafanos and Hydra Adib) and a third (Mina Samir) injured by gunfire. Information indicates that individuals from the family of the deceased were involved in the killing of a village Muslim in 2004. They were sentenced to three years in prison on charges of manslaughter, after which the security apparatus forced 17 Christian families to leave their homes in the village to mollify the family of the deceased Muslim. A church source with knowledge of the events told EIPR researchers that members of two of the 17 families who were forced out in 2004 returned to the village on the day of the incident to bury a relative in the village cemetery and that one of the victims was a member of the one of the families who had returned, while the second victim had nothing to do with the revenge. Four suspects

were referred to the Qena Criminal Court and the court began hearing the case on 29 June 2009.

Attempts to bring the two parties together in reconciliation continued without success as of the release of this report. The attempts are led by a group formed by General Magdi Ayoub, the governor of Qena, to complete the reconciliation. At the same time, information indicates that members of the two Christian families who returned to the village after being forced out five years ago have refused to respond to demands by the security apparatus that they leave the village again. Security forces continued to prevent them from leaving their homes as of the release of this report.

12. On 4 May 2009, the Minya Criminal Court acquitted Gamal Salim (aka Gamal Rustam) in the first session of his trial on charges of murdering Yeshua Gamal Nashed during sectarian clashes in the village of al-Tiba, located in the Samalout district of Minya, in October 2008. The Christian-majority village was the scene of a traditional reconciliation between the family of the deceased and the defendant shortly before the trial began, on 8 April 2009, in the presence of the governor, the Minya security director, and several members of the People's Assembly and the Shura Council, as well as local leaders, Muslim and Christian clerics, and some 5,000 village residents. Twenty young Muslims and Christians presented their shrouds to the father of the victim asking him to reconcile, in a symbolic expression of their collective participation in the clashes that led to the shooting death of the victim (see paragraph 8 of the Fourth Quarterly Report, 2008). According to statements made by the victim's father to EIPR researchers shortly before the reconciliation, the reconciliation involved the victim's family renouncing its civil right to damages and a promise to leave the criminal charges to the judiciary. Nevertheless, the court, in its first session, acquitted the defendant for lack of evidence in the crime after the defendant's lawyer presented the court with a copy of the reconciliation file between the two families.

A fight had erupted between a Muslim and Christian resident of the village on the evening of 3 October 2008 after a Muslim harassed a Christian girl and her brother intervened to defend her, a version of the events supported by the police and the prosecutor's office. The fight devolved into clashes between village Christians and Muslims that left Yeshua Gamal dead and four others injured, among them a Muslim man; several homes, lands, and property were also torched and vandalized.

13. Two explosions took place on the evening of 10 May 2009 in front of the Zaytoun Archbishopric for Orthodox Copts in the Zaytoun area of Cairo. According to statements to EIPR researchers from an eyewitness, the first explosion occurred at 8:40 pm in the front part of a car parked in front of the archbishopric, while the second, stronger blast, occurred at 12:40 am the same night, caused by an explosive device in the front tire of a car parked ahead of the first car. The blasts coincided with a wedding in the church and a church meeting inside, but there were no casualties or damage to the archbishopric building. Security forces surrounded the scene of the blasts and prevented the media from reaching the scene as soon as the attack occurred. No party had claimed responsibility for the attack as of the release of this report.

On 11 May 2009, the Ministry of Interior issued a statement about the incident, saying that the explosion was caused by a locally made device placed outside the church. "Another device was found, outfitted with a cell-phone detonator; it was detonated by experts with the Civil Defense Department," the statement said. Although there have been successive news reports about the arrest of a large number of suspects, no suspect had been indicted as of the release of this report.

14. On 13 May 2009, a fight erupted between Muslims and Christians in the Saft al-Laban area of Boulaq Dakrur in Giza. The fight grew into sectarian clashes in the area that left injuries on both sides. According to information obtained by EIPR researchers from eyewitnesses, the fight started when three Muslims verbally harassed a Christian girl as she was leaving school. A rumor later spread in the area that Christians had torched a mosque close to the scene of the fight, which was denied by the sheikh of the mosque to EIPR researchers. Nevertheless, the rumor led a large number of Muslims to intervene in the clashes, and the two sides exchanged gunfire. One Muslim was injured by a bullet in the face while a Christian was injured with a deep knife wound on the left side of his upper chest and another Christian sustained a head wound inflicted by a heavy object. The windows of three Christian-owned stores were smashed and two motorcycles were vandalized.

The same day, police officers arrested 23 Christians, among them children, in addition to the woman who was harassed. According to eyewitnesses, while searching the home of Christians police officers smashed pictures of Christian religious symbols. Fifteen Copts and approximately six Muslims appeared before the prosecutor and were questioned on charges of rioting. The prosecutor's office ordered their release on bail on 14 May. Despite the prosecutor's decision and the payment of bail, three people from each side continued to be detained inside the Boulaq Dakrur police station in an attempt to pressure the parties involved to conclude a traditional reconciliation. On 1 June, the six were placed under administrative detention, pursuant to the Emergency Law, and were still detained in the Burg al-Arab prison in Alexandria as of the release of this report.

15. Clashes took place on 5 June 2009 between a Christian and Muslim family in the Manshiyat al-Salam area, located in the Mahalla al-Kubra district of Gharbya. The clashes left at least 20 people injured and took place due to a romantic relationship between a Christian woman and a Muslim man. Security forces arrested 25 people, among them women, from both sides; the prosecutor's office released them the day following the incident, while keeping four individuals (two Muslims and two Christians). They were still detained at the Burg al-Arab prison in Alexandria as of the release of this report after they were placed under administrative detention. Relatives of some of the detained say they were beaten and verbally degraded while in detention.

Testimonies gathered by EIPR researchers indicate that the events can be traced to the disappearance of a 16-year-old Christian girl (her name is withheld to protect her privacy) on 21 May 2009 along with a member of a Muslim family. The Christian family filed a complaint with the security services and the girl returned to her family the same day in

unclear circumstances, after which her family removed her from the area. Testimonies given to the EIPR by both families indicate that tension and fights continued between the two families until they evolved into a clash, during which stones, clubs and knives were used.

16. On the morning of 21 June 2009, Izbet Bushra al-Sharqiya, located in the al-Fashin district of Beni Soueif, witnessed sectarian violence between Muslims and Christians in the town that left eight Muslims lightly injured and dozens of Christians with various wounds, most of them inflicted by security forces. According to field investigations conducted by EIPR researchers in the village after the incident, the fight erupted after some Christians attempted to convene prayers in a building owned by Orthodox Coptic Archbishopric of Biba, al-Fashin and Samsata—the same building in which security forces prevented prayers last year (August 2008). Father Ishaq Qastour, the village priest, told EIPR researchers that security forces' insistence on not allowing Christians to enter his home to visit him raised suspicions of Muslims in the town, who began to believe that the building was about to be turned into a church. On the day of the incident, clashes started when a Muslim woman in the village hit a Coptic woman standing in front of the building, which prompted intervention from men on both sides. As a result of the clashes, the building's windows were broken, and the priest's car was vandalized. Police reinforcements came to the town an hour after the clashes and arrested 19 Christians, in addition to eight Muslims who were hurt during the fight, all of them women and children. They were brought before the al-Fashin prosecutor at dawn on 22 June and were released later that evening.

Investigations by EIPR researchers found that all the Christians who were arrested by police were inside their homes at the time and that police used physical violence during the arrests, which increased the number of injured and also destroyed contents in the houses. The security forces imposed a curfew on the town's residents, finally allowing them to begin to move around on the fourth day after the incident. For three successive days after the clashes, agricultural lands owned by Copts in the village were vandalized. Some filed police reports naming only anonymous perpetrators, since their identities are unknown.

The security apparatus removed Father Ishaq Qastour from the town on 29 June 2009 and closed the building. In addition, three Christian families in the village left voluntarily because of attacks against them; they returned to their homes two days later following requests by both the church and police, in order to prevent an escalation of the situation.

On 30 June 2009, a reconciliation took place in the presence of Ezzat Abdullah, the governor of Beni Soueif; an EIPR researcher also attended. The meeting consisted solely of speeches given by the governor, the area archbishop and a delegate from the Minister of Awqaf in the governorate. At the end, the governor agreed to pave the two roads leading to the town, but did not mention the incident or the desire of local Copts to build a church or an alternative place for prayer.



Some 70 Christian families live in Izbat Bushra, according to Father Ishaq Qastour. The nearest licensed church is in the al-Fashin district about 9 km away; others pray in the Izbat Bushra al-Gharbya church, about 15 km away.

A previous report from the EIPR discussed anonymous attacks against some Copts in Izbat Bushra al-Sharqiya on 20 and 21 July 2008 that involved the destruction of agricultural lands and the torching of one house, after Muslims objected to the purchase by the archbishopric of a building in which to hold prayer and appointed a priest to the area. The town has no church. Investigations into this matter had come to naught as of the release of this report (see paragraph 10 of the Third Quarterly Report, 2008).

17. A fight took place on 29 June 2009 between a Muslim and members of a Christian family in Kafr al-Barbari, located in the Miyyit Ghamr district of Dakahlia, following a dispute over the price of a bottle of soda. The fight left one Muslim dead, Mohamed Ramadan Ezzat, age 17, the day following the argument. According to field investigations by EIPR researchers, eyewitnesses to the incident said that some 2,000 people gathered at the funeral of the deceased on 30 June 2009. During the funeral procession, some members of the deceased's family set fire to the home of the Christian family and to the shop where the fight took place. According to eyewitnesses, people from outside the village, while returning from the cemetery, threw stones at homes of village Copts and repeated religious slogans. Newspapers reported that a group of Muslims also cut off the Mansoura-Zaqaziq Road to protest the death of the Muslim boy. The area was surrounded by a heavy security cordon and the media were prevented from entering after the incident.

The police arrested the members of the Christian family involved in the fight (the mother, father and two boys) and brought them before the Miyyit Ghamr prosecutor, who charged them with murder and ordered them to be placed under preventive detention. The prosecutor's office released the mother on 4 July after it was found that she was not in the village at the time of the fight. In the early morning hours of 1 July, police forces launched a campaign of random arrests in Muslim homes in Kafr al-Barbari and the adjacent Miyyit al-Qarashi. The prosecutor's office ordered the release of 18 suspects and renewed the detention of one person on 15 July.

### **III. Security interventions and harassment**

18. On 1 April 2009, the security apparatus prevented Copts in Izbat Wassef Ghali Pasha, located in the al-Ayyat district of 6th of October governorate, from praying over the body of a Christian woman in an unlicensed building. A relative of the woman told EIPR researchers that the building has been owned by the Giza Archbishopric since 2003 and is licensed as a Sunday school. Nevertheless, security forces closed it down three years ago, fearing that it would be turned into an unlicensed church. The building was reopened for prayer in 2006 following the agreement of the security services, but sectarian clashes erupted in the town the same day when Muslims heard the news. The clashes began when a group of Muslims from the town attacked Christians' homes, vandalizing and torching some of them; the next day, Muslims from the adjacent towns joined their neighbors. The clashes, which lasted for two days, ended after security intervened and arrested several

Muslims and Christians. According to a report issued by a fact-finding commission sent by the Egyptian Association Against Torture after the 2006 events, the detainees were released after a reconciliation meeting in the town between the two parties to the conflict. After the reconciliation, security forces allowed the building to be used for prayers, but it prohibited prayer services for certain ceremonies, such as marriage and death. A relative of the recently deceased woman told EIPR researchers that they used to hold individual prayers in the building without any problem and that the closest church to the town is the Church of the Virgin in al-Amiriya, located 4 km away.

19. On 2 April 2009, security forces from the Samalout police station, in the governorate of Minya, closed a house of worship, the al-Nima Evangelical Church, used by the evangelical community in the village of Sabaa. Village Christians have been gathering in the structure since December 2008 for prayer services. The church pastor told EIPR researchers that the building was established in 2006 and that all the necessary paperwork had been submitted to obtain a license to use it as a church, but that the security apparatus continued to reject the application, on that grounds that it fears local Muslim opposition to the establishment of a church. This, despite the fact that Christians say there is no opposition. According to the church pastor, the closest church is 25 km away, and the al-Nima Evangelical Church is the only Christian place of worship in the village. Following the decision to close down the building, village Christians staged a two-day sit-in at the structure (3 and 4 April). On the morning of 5 April security forces surrounded the building backed up by Central Security Forces, which prompted some 350 Christians to hold impromptu prayers out in the open outside the building. As of the release of this report, the building remained closed, although security forces stationed near the building did allow the town's Christians to hold the Easter mass there.

20. On 2 April 2009, Benyamin Atiya was brought before the Samalout prosecutor, in the governorate of Minya, to be questioned on charges of "holding religious services without a permit" in his home in the village of Dabbous. Atiya's attorney told EIPR researchers that the police had filed an incident report (no. 2514/administrative/Samalout) against his client and referred him to the prosecutor's office, where a prosecutor questioned him for eight hours before ordering the investigation closed.

Father Dawoud Nashed, the deputy for the Samalout Archbishopric, told EIPR researchers that he had held a benediction service—a Christian rite held in homes seeking a divine blessing—in Atiya's apartment, after which Atiya was called in for questioning. The priest added that the archbishopric had applied for a permit to build a church in Dabbous, located in Minya, since 2007, but the application had not been settled as of the release of this report. According to Nashed, the village is home to some 1,000 Christians and 300 Muslims, but the closest church is the Church of the Virgin in al-Awr, located 2 km away, and the church is not big enough for Christians from both villages.

21. State Security officers at the Cairo airport prevented Abd al-Latif Mohamed Ahmed from traveling to the US on 24 April 2009, after his passport had already received an exit stamp and shortly before he boarded the plane. Abd al-Latif, who was arrested two years ago on charges of embracing Qur'anist thought, told EIPR researchers that he was

surprised to find police at the airport preventing him from boarding the plane. He was then led to a security room and informed that he had been prohibited from travel, based on orders from the State Security police; no explanation was offered for the cause of the order. Airport police then cancelled his exit stamp and asked him to leave the airport.

The EIPR filed a suit with the Court of Administrative Justice (no. 37542/63) against the Minister of Interior, the head of the General Security Department, and the head of the Passport, Immigration and Citizenship Department seeking an injunction against the order prohibiting Abd al-Latif from travel. The first court session was held on 30 June 2009.

Abd al-Latif was arrested pursuant to the Emergency Law in May 2007 for his Qur'anist beliefs. The Supreme State Security Court issued a final ruling overturning the arrest and ordering his release, after which the State Security Prosecutor's Office ordered his release in September 2007. Abd al-Latif, along with four others, was questioned on charges of showing contempt for Islam by his denial of the Prophetic Sunna and the Qur'anist belief that the Qur'an is the sole source of law in Islam.

22. Two Salafi websites, Sawt al-Salaf and Ana Salafi, were shut down briefly in April 2009, during which the following message appeared at the websites' homepage: "We apologize that the website is currently down; do not forget to pray for us." The website of the Muslim Brotherhood, which reported the news, said that on 24 April 2009 the security apparatus suspended the two sites for two weeks. The Muslim Brotherhood website stated that the closure was probably due to "the growing Salafi presence and an active media presence in the Alexandrian street, mosques and universities, and the dissemination of the Salafi program among young people and students."

23. At 7 am on 26 April 2009, Matrouh police forces with the Matrouh apparatus in the Marsa Matrouh governorate demolished a one-story structure (four ground-floor apartments) owned by a Copt, Mufrih Ibrahim Wissa, on the grounds that the building was in violation of construction codes due to it rising "130 cm off the ground." According to a statement by the building owner given to EIPR researchers, a police force composed of three trucks of Central Security Forces, ten police cars and more than 500 police recruits came to demolish the building. The police escorted the building owner and his brother away, cuffed them and placed them in one of the CSF trucks. The owner of the building also stated that security forces assaulted his daughter, one of the policemen slapped her on the face when they objected to the execution of the demolition order.

According to Wissa's testimony, he was constructing the building as a home for his children. He started work on the structure two years ago, and after he started laying the foundation, he was summoned by State Security police in Matrouh, where officers threatened to harm him if he turned the structure into a church. Wissa said that both State Security police and the Interior Ministry's Department of Criminal Investigations made periodic follow-ups while he was working on the building. He added that he was summoned to the Matrouh police station on 20 April 2009 where police officers told him that he had to complete the construction of the four apartments and occupy them within

four days; he responded that this was impossible to accomplish in such a short period. One day before the demolition, a committee from the Civil Surveying Council visited the construction site to decide on equipment necessary for the demolition. Nine pillars and the roof of the structure were demolished.

Wissa contacted a relative while the demolition was underway and his relative arrived with a group of Copts who had been at the church praying at the time. They stood in front of the building and managed to stop the demolition, denying that any Muslims gathered during the demolition. Wissa said that after the demolition, he turned the building over to the church for use, no longer wanting to use it himself. The priest of the Church of the Virgin in Matrouh, Father Shenouda Gabra, said that the building was now church property after Wissa had donated it as a church services center following the events. He added that the church had rebuilt the demolished sections although they received no compensation from the governorate. The priest denied that there had been any physical disputes between him or other Christians and the police. He said only verbal arguments had taken place between him and officials, after which the demolition had been suspended.

#### **IV. Discrimination on the basis of religion or belief**

24. On 12 April 2009, Minister of Justice Mamdouh Marei issued Decree 3499/2009, changing the name of Deir Abu Hanas village (literally, the Monastery of Abu Hanas), located in the Mallawi governorate of Minya, to Wadi al-Na'na' (Mint Valley). Villagers objected to the minister's decision by issuing a statement, a copy of which was obtained by EIPR researchers, demanding that the decree, which came "out of the blue" according to them, be rescinded and that the village retain its old name. A resident of the village told EIPR researchers that he was upset by the name change because "the village has, historically and religiously, a Christian character related to its name, and changing the name without cause makes residents feel that the provincial authorities want to erase the village's history. The village was named after Saint Yohannas the Short, who established the first church in the area in 413 CE after escaping attacks by Berbers."

On 11 and 14 June, villagers demonstrated after local authorities failed to respond to their request. Following the protest, Ahmed Dia al-Din, the governor of Minya, issued Decree 924/2009 on 15 June, which kept the village's name as it had been. Nevertheless, despite the governor's decree, some residents of the village received personal identity cards on 20 and 21 June 2009 listing their address as Wadi Na'na' instead of Deir Abu Hanas. One resident told EIPR researchers that employees at the local civil registry office told him, after he objected to the new name on his personal identity card, that they were administratively subordinate to the Interior Ministry and thus needed an order from the Minister of Interior, to the exclusion of any other official party, even the governor of Minya.

The villagers staged another demonstration on 21 June, and on the same day the Minister of Justice issued Decree 5755/2009, upholding the village's retention of its old name. As of

the release of this report, the civil registry office has stopped using Wadi Na'na' and returned to Deir Abu Hanas on official documents for residents of the village.

This is not the first time that the name of the village has been changed to Wadi Na'na'. A presidential decree was issued in 1964 (no. 619/1964) changing the village's name to Wadi Na'na', followed by a ministerial decree in 1979 (no. 30/1979) that reinstated the old name.

25. Several newspapers, among them the independent daily *al-Dustour* of 11 May 2009, reported that Minister of Awqaf Mahmoud Hamdi Zaqqouq had met with a delegation of students from the American University in Cairo to explain the role of various religious institutions in Egypt. When answering questions from the audience, the minister said, "Baha'ism is a phenomenon that turned into a religion, and it is an attempt to create strife in society. We must confront it to preserve society's security and stability."

26. The website of the Supreme Council for Islamic Affairs, subordinate to the Ministry of Awqaf, published a book in late May 2009 as part of its Islamic studies series titled *Baha'ism from an Islamic Perspective*. The book is a collection of three research papers that attack the Baha'i faith: "A Look at the Baha'i Religion," by Mohamed Farid Wagdi; "Baha'ism," by Sheikh Mohamed al-Khidr Hussein; and "Baha'ism between Sharia and the Law," by Judge Ali Ali Mansour.

## V. Laws, decrees and political developments

27. In the months of April, May and June 2009, EIPR researchers documented the issuance of six presidential decrees regarding churches, all of which concerned the renovation of existing churches, five of them in the Assyout governorate and one in the Minya governorate. The details are as follows:

- a. Decree 132/2009, 22 April 2009, for the Coptic Orthodox community at the existing Church of the Virgin, located in Beni Adi Aliwa, Manfalout district, Assyout governorate.
- b. Decree 143/2009, 13 May 2009, for the Coptic Catholic community at the existing Martyr Abadir Church, located in Amshoul, Dayrout district, Assyout governorate.
- c. Decree 144/2009, 13 May 2009, for the Coptic Orthodox community at the existing Martyr Abu Sayfein Church, located in al-Duweir, Sadfa district, Assyout governorate.
- d. Decree 174/2009, 30 May 2009, for the evangelical community at the existing Apostlic Church, located in Nahiet al-Tiba, Samalout district, Minya governorate.
- e. Decree 175/2009, 30 May 2009, for the evangelical community at the existing Christian Ideal Church, located in Nazlet al-Malak, Sahel Salim district, Assyout governorate.
- f. Decree 212/2009, 21 June 2009, for the Coptic Orthodox community at the existing Archangel Michael Church, located in Kom Abu Hagar, Sadfa district, Assyout governorate.

28. The People's Assembly decided to refer two urgent requests for information to the Defense, National Security and National Mobilization Committee on 5 April 2009. The requests were submitted by two deputies with the ruling NDP, Ahmed Abu Higgi and Safwat Youssef Abd al-Karim Hashem, regarding the airing of a television program on a satellite channel that led to violence against Egyptian Baha'is in the village of al-Shuraniya, located in the al-Maragha district of Sohag. The requests also contained demands for media oversight of the content of satellite channels that might at times lead to sectarian violence. The MPs praised the role NDP members played in calming down the situation during meetings held with villagers and individuals from the security apparatus. The two MPs also asked for clarification from the Ministry of Interior regarding the practice of allowing Baha'i citizens to leave the slot for religious affiliation on their personal identity cards blank and about Baha'is holding a public collective celebration at the Merryland Park.

On 28 March 2009, dozens of residents of al-Shuraniya had gathered outside the homes of Baha'i families in the village after a television program aired a segment featuring a Baha'i resident of the village. The crowd yelled chants, among them "There is no god but God, and the Baha'is are the enemies of God," and then began to throw stones at the houses, breaking their windows and attempting to enter them. On the evening of 31 March, the attacks escalated when village residents, who were known to the victims, threw firebombs and Molotov cocktails at the homes of the five Baha'i families living in the village, partially burning the homes (see paragraph 18 of the First Quarterly Report, 2009).

29. Several newspapers reported on a campaign launched by the Ministry of Awqaf in mid-April 2009 to fight the spread of the *niqab*, the full face veil. The campaign began with attempts to convince female employees at the ministry that "the *niqab* is a custom, not a religious duty." According to news reports, the campaign included a seminar attended by 15 women workers who wear the *niqab* to educate them about it from the Islamic viewpoint and show that "the *niqab* is simply a custom or tradition, and it should not be confused with proper Islamic teachings," according to the Ministry of Awqaf. The campaign included the publication and distribution of a book titled *The Niqab is Custom Not Religion*, issued by the ministry and distributed to imams and several other ministries, including the Ministry of Education, according to Dr. Salem Abd al-Galil, the Deputy Minister of Awqaf who was appointed by the minister to lead the campaign. Some newspapers reported that several women who attended the seminar removed the *niqab*.

The Ministry of Awqaf's campaign sparked a controversy in the Religious Committee of the People's Assembly. MP Sayyid Askar, who belongs to the Muslim Brotherhood bloc, submitted a request for information that was discussed by the committee in which he accused the Ministry of Awqaf of launching a war against the *niqab* and issuing directives to mosque imams to reiterate that the *niqab* is only custom during their Friday sermons. The MP also accused the ministry of squandering public monies by outfitting 900 caravans to cross several governorates to lobby against the *niqab*. The MP added that Muslim jurists disagree as to whether the *niqab* is a religious duty or a Prophetic custom, but no jurist has ruled that it is simply a worldly custom. The state-owned daily *al-Ahram* addressed the

topic in its issue of 12 May 2009, discussing the controversy about the Ministry of Awqaf's awareness-raising campaign on the legal status of the *niqab* in Islamic law. The report stated that the People's Assembly committee had settled the matter by "affirming that the *niqab* is a virtue, but not a religious duty, and it cannot be considered rejected. It is a disputed matter, and it should not be prohibited or fought, and those who wear it should not be blamed." The committee decided to send this recommendation to the Speaker of the Assembly for referral to the Minister of Awqaf.

30. On 19 April 2009, President Mohamed Hosni Mubarak sent congratulatory letters to Egyptian Copts abroad in honor of Easter. In the letters he stressed national unity between Egypt's Copts and Muslims and stated that everyone in Egyptian society enjoys "the full rights of citizenship" and believes that "religion is for God and the nation is for all." In the letters, the President said that he would "not permit attempts to splinter or come between the two parts of the nation" and that those responsible for such attempts would "be held accountable to the fullest extent of the law. Egypt will remain a secure homeland for all its children without any hint of discrimination."

31. In a joint meeting of the People's Assembly's Defense and National Security Committee and the Religious Committee on 28 April 2009, attendees reviewed a proposal for legislation criminalizing affiliation with the Baha'i faith during discussions of the urgent request for information filed by an MP following the events in al-Shuraniya, located in the Maragha district of Sohaq, which ended in the torching of several Baha'i homes (see paragraph 18 of the First Quarterly Report, 2009). Newspapers reported that heated arguments about the Baha'i faith took place, during which several MPs expressed fears about the danger of Baha'ism on national security and repeated allegations about the Baha'ism's link to Zionism. According to news reports, a small number of MPs rejected the idea of a law criminalizing the Baha'i faith and proposed dialogue with the community as an alternative.

According to the independent weekly *al-Yom al-Sabia*, in its 12 May 2009 issue, the report issued by the joint committee contained no recommendation for a law criminalizing the Baha'i faith, but it recommended that the Ministry of Awqaf and Azhar scholars hold seminars to raise citizens' awareness of Islam. The newspaper reported that the vice-chair of the Defense and National Security Committee, General Amin Radi, stated that "he had received many communications from senior NDP deputies advising a review of articles 2 and 40 of the Egyptian Constitution regarding liberties before a mistake was made." The deputy added, "I admit that my meager parliamentary experience is why I hastily supported those viewpoints calling for legislation to place restrictions on Baha'is."

32. On 19 May 2009, MP Saad Salim al-Gamal and MP Ibtisam Habib Mikhail submitted two requests for information regarding the car bomb that went off in front of the Church of the Virgin in Zaytoun on 10 May 2009 (see paragraph 13 of this report). Both statements condemned the incident and asked the Ministry of Interior to apprehend the perpetrators and provide information about the incident with full transparency. The Speaker of the Assembly added his voice to that of the two deputies, adding that such attacks seek to shake the stability of the entire country and undermine national unity.

33. Several newspapers reported on 26 June 2009 that the Islamic Research Council had refused to submit a legal opinion on a proposal from Dr. Nabil Luqa Bibawi, a Christian member of the Shura Council, on the issue of a Coptic personal status law because “al-Azhar and the Islamic Research Council have no authority in this matter, which is a purely Coptic religious affair,” according to a statement from Sheikh al-Azhar Dr. Mohamed Sayyid Tantawi, who headed the council’s meeting, published in the daily *al-Ahram*. According to other news reports, the MP submitted the request to the council to ascertain whether the law conflicted with Islamic law, which, according to Article 2 of the Egyptian Constitution, is the primary source of all legislation.

34. Newspapers reported the criticisms made by Hossam Zaki, the spokesman for the Egyptian Foreign Ministry, of US President Barack Obama’s remarks about the situation of Copts in Egypt and his labeling them as a minority. The independent daily *al-Shorouk* reported on 6 June 2009 that Zaki stated, “We differ with Obama in his remarks about Copts being a minority; indeed, in our view they are included among the rightful owners of the country.” The US President had given a speech addressed to the Islamic world on 4 June 2009 at Cairo University, part of which dealt with religious freedoms, using the example of both Maronites in Lebanon and Copts in Egypt.

## VI. Reports, publications and activities

35. The National Council for Human Rights, an official body subordinate to the Shura Council, issued its fifth annual report on 18 April 2009 on the state of human rights in Egypt during 2008 and the first quarter of 2009. The report carried the council’s recommendation for legislation to reinforce the values of citizenship and equal opportunity and ban discrimination on the basis of race, religion, ethnicity, wealth or political affiliation.

Regarding freedom of religion and belief, the report discussed the Ministry of Interior’s refusal to implement two judicial rulings. The first is a ruling from the Court of Administrative Justice, issued 29 January 2008, which upholds Egyptian Baha’is right to obtain personal identification documents without being required to choose affiliation with one of the three recognized religions in Egypt—Islam, Christianity and Judaism. The second is a ruling from the Supreme Administrative Court, issued on 9 February 2008, which granted 12 Christian citizens the right to have their re-conversion to Christianity recognized in the slot for religious affiliation on personal identity documents, with the notation that they had previously converted to Islam.

The report also took note of a ruling from the Cairo Court of Administrative Justice, issued in April 2008, which suspended the Minister of Culture’s decision to grant the State Award for Achievement in the Arts to poet Helmy Salim and withdrew the prize from him because of a poem he wrote and published in *Ibda’a Magazine*, published by the Ministry of Culture, in late 2007 (see paragraph 1 of the Second Quarterly Report, 2008, and paragraph 1 of this report).



The report addressed several human rights issues, among them sectarian tensions. The council stated in the report that the year 2008 witnessed “an increasing number of incidents and clashes that were prompted by personal disputes, unfounded rumors or criminal acts that soon acquired a sectarian cast and had sectarian repercussions. This is not to deny that other clashes occurred that were linked to extreme attitudes on conversions or the right of Muslim men to marry Christian women, or the increased intervention of religious institutions—both official and unofficial—in economic, social and political arenas.” The report addressed four incidents that occurred in Minya, the most prominent being the attack on the Abu Fana Monastery, as well as other incidents in the governorates of Cairo, Alexandria, Fayyoun and Beni Soueif and the assault on the homes of Egyptian Baha’is in the governorate of Sohag in March 2009.

The report also remarked that “the delay and disregard for several necessary pieces of legislation and cultural and media policies needed to cement the principles of citizenship, has contributed to increased bigotry and factionalism.”

In the section on complaints made to the council, the report mentioned the complaints received by citizens of the Bahai faith about the difficulties they faced in obtaining personal identity documents. Regarding Muslims-Christian relations, complaints were lodged about the assaults on Copts in the district of Esna, located in the Qena governorate, in mid-December 2007; events at the Abu Fana Monastery in the Minya governorate in May 2008; events in the village of al-Nazla, located in Fayyoun, in June 2008; and an incident in Ain Shams, in the Cairo governorate, in November 2008.

36. Egypt sent a high-level official delegation led by Dr. Mufid Shebah, the State Minister for Legal and Parliamentary Affairs, to the Durban II conference, held on 20-24 April 2009 in Geneva, Switzerland. The aim of the conference was to assess the progress made toward the objectives defined at the Durban I conference (the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance), held in Durban, South Africa in 2001.

The final resolution of the conference, drafted by a small group in which Egypt participated, condemned “the global rise and number of incidents of racial or religious intolerance and violence, including Islamophobia, anti-Semitism, Christianophobia and anti-Arabism manifested in particular by the derogatory stereotyping and stigmatization of persons based on their religion or belief.” The document reaffirmed the right of minorities to protect their existence and cultural, religious and linguistic identity and stressed “that persons belonging to these minorities should be treated equally and enjoy human rights and fundamental freedoms without discrimination of any kind.” The statement also urged nations to eliminate barriers to minority political participation, including people belonging to religious minorities, in the political, economic, social and cultural life of their societies and urged “political parties to work towards fair representation of national or ethnic, religious and linguistic minorities within and at all levels of their party system.” The document called on states “not to resort to profiling

founded on grounds of discrimination prohibited by international law, including on racial, ethnic or religious grounds and to prohibit it by law.”

In a press statement, Egyptian Foreign Minister Ahmed Abu al-Gheit praised the concluding document’s condemnation of discrimination against Muslims and Arabs.

On the sidelines of Durban II, the UN High Commissioner for Human Rights in Geneva organized a panel on 22 April on the issue of incitement to religious and racial hatred and its relationship to freedom of expression. The director of the EIPR made a presentation representing civil society during the seminar, which was inaugurated by Navanethem Pillay, the High Commissioner for Human Rights. Other presentations were made by Asma Jahangir, UN Special Rapporteur on Freedom of Religion or Belief; Frank La Rue, UN Special Rapporteur on the Promotion and Protection of the right to Freedom of Opinion and Expression; Githu Muigai, UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance ; Abdelfattah Amor, a member of the UN Human Rights Committee; and Patrick Thornberry, a member of the Committee on the Elimination of Racial Discrimination. The EIPR also discussed the situation of religious minorities in Egypt in another panel held on the sidelines of the conference, organized by the Cairo Institute for Human Rights Studies and Human Rights Watch on 24 April. The panel also discussed the situation of religious minorities in Iran and discrimination against Muslims in Europe.

On 23 April, on the sidelines of Durban II, the London-based group Article 19, which works on issues of freedom of expression, organized a panel to release the Camden Principles on Freedom of Expression and Equality, which were drafted over the span of five months by a team of 15 experts formed by Article 19, among them the director of the EIPR. The statement aims to suggest ways of reinforcing the right to equality and protection from discrimination while guaranteeing respect for freedom of opinion and expression.

The National Council for Human Rights and the Arab Organization for Human Rights held an Arab preparatory meeting on Durban II in Cairo on 28 and 29 March 2009 to draft a shared vision between national institutions and Arab civil society organizations for the Durban II conference in April 2009.

37. Egyptians Against Religious Discrimination, a group of volunteer activists committed to promoting religious tolerance, organized their second national conference against religious discrimination on 24-25 April 2009, titled “Education and Citizenship,” which focused on different aspects of religious discrimination in education in Egypt. Throughout its several sessions, the conference addressed the problem of religious discrimination in education and ways of combating it, which included the importance of education to the principle of equal citizenship, aspects of religious discrimination in various phases of education, ways of addressing ongoing forms of sectarianism and discrimination that compromise the principle of citizenship and how to create an enlightened national education system that helps realize this principle.

The conference produced several recommendations, among them demands to prepare educators through training sessions and panels on human rights and international standards; a suggestion to incorporate al-Azhar academies into the civil education system under the supervision of the Ministry of Education and make al-Azhar University once again an institution for Islamic religious studies, open to those who wish to pursue education after their university degrees; a demand to reinforce the state's power to impose the law on educational systems to ensure educational quality in practice; a recommendation to review all school curricula to purge it of material that deepens divisions and sectarianism; and a proposal to benefit from the experiences of developed countries to eliminate religious discrimination in schools and universities. The conference also recommended changing the official and society's view of education to make it a necessity for society and increasing the education budget. Finally, the conference recommended "amending part 2 of Article 6 of Education Law 139/1983, which provides for monetary prizes in contests to memorize the Qur'an at all educational levels, in order to make it compatible with the conditions of true citizenship."

38. On 1 May 2009, the US Commission on International Religious Freedom, an official body of independent experts appointed by the US President and congressional leaders, released its annual report, which contained a section on Egypt. This report continued to categorize Egypt as one of 11 countries on the watch list. The commission welcomed the judicial ruling in favor of Egyptian Baha'is issued in January 2008 by the Cairo Administrative Court of Justice, which permits Baha'is to place a dash (—) in the slot for religious affiliation on identity documents or leave the space blank. The commission welcomed the Supreme Administrative Court's rejection of all final appeals of the ruling in March 2009 and the Minister of Interior's decree of April 2009 allowing any Egyptian who belongs to a religious faith (other than those recognized by the state) and who hold identity documents proving their or their ancestors' religious affiliation, to place a dash (—) in the slot for religious affiliation on all official identification documents. The commission also praised a ruling from the Alexandria Court of Administrative Justice upholding the right of a citizen to obtain a personal identity card that notes his return to Christianity after a previous conversion to Islam. The report addressed a ruling from the Supreme Administrative Court in February 2008 allowing 12 Christians who had converted to Islam to document their re-conversion to Christianity while noting their former conversion to Islam. The report also noted that the Cairo Court of Administrative Justice had referred other cases of Christian "re-converts" to the Supreme Constitutional Court in March 2008.

The report discussed the arrest of blogger Rida Abd al-Rahman for his Qur'anist beliefs in October 2008, as well as the sectarian attacks on Copts in Ain Shams in Cairo in November 2008 and in Abu Fana Monastery in January and May 2008, and assaults on Baha'is in Sohag in March 2009. The report concluded with several recommendations, which it called on the US government to urge the Egyptian government to adopt. The report also recommended that the US State Department prepare a report every six months on the Egyptian government's progress on issues addressed by the report.