

**Freedom of Religion and Belief in Egypt**  
**Quarterly Report**  
**(July - September 2008)**

**Freedom of Religion and Belief Program**  
**Egyptian Initiative for Personal Rights**  
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## **This Report**

This report addresses a number of significant developments seen in Egypt in the field of freedom of religion and belief during the months of July, August, and September of 2008. It documents an expansion in the geographical scope of sectarian violence and tensions, reaching from Shubra al-Kheima in Greater Cairo and the district of Atfih in Giza to Naga' Hamadi in Qena, al-Fashn in Beni Soueif, and Samalut and Mallawi in Minya. The report also documents interference by security agencies to prevent night prayers and vigils during Ramadan in some governorates and to unlawfully prevent the renovation of churches in the governorates of Beni Soueif and Qena.

The report reviews several court rulings relevant to freedom of religion and belief during the reporting period, most importantly a decision taking custody of two children, Mario and Andrew Ramsis, from their Christian mother and granting it to their father, who converted to Islam; a ruling sentencing Bahiya al-Sisi to three years in prison on charges of identifying her religion as Christian given that her father had converted to Islam; and a ruling upholding a state decree that refused to recognize a new Orthodox confession.

Also reviewed are some recent reports dealing with freedom of religion and belief in Egypt, such as the report of the National Council for Human Rights regarding the attacks on the Abu Fana Monastery in Minya in May 2008, the U.S. State Department's report on religious freedom in Egypt, and the annual reports of the Arab Organization for Human Rights and the US-based group Freedom House.

## **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. On 5 July 2008, the Appeals Inspection Chamber of the Supreme Administrative Court began considering an appeal filed by a lawyer contesting a ruling issued by the lower Court of Administrative Justice on 29 January 2008, which granted Baha'i citizens the right to obtain personal identity documents that contain no mention of their religious affiliation (see paragraph 1 of the First Quarterly Report, 2008). The petitioner argued (in appeal no. 10831 / 54) that the ruling issued in favor of Baha'i Egyptians contravened public order. The advisory opinion on the case prepared by the Court's State Commissioners' Authority recommended that the appeal be declared inadmissible, arguing that the government (the party against which the decision was issued) did not itself appeal the decision before the Supreme Administrative Court, and that the individual lawyer had no standing in appealing the decision. The appeal was still pending before the court at the end of the reporting period.

2. On 6 July 2008, the Supreme Administrative Court (in appeal no. 9295 / 54) upheld a ruling issued by the Court of Administrative Justice, refusing to recognize Mr. Max Michel Hanna as the archbishop and patriarch of a new Christian confession in Egypt. In 2005 Max Michel filed an application with the Interior Ministry for the approval of an orthodox Christian sect, the Holy Assembly of the Church of St. Athanasius, based on formal recognition extended to the group in the United States. The Interior Ministry rejected the application, arguing that the sect is not part of any of the orthodox confessions recognized in Egypt and that the Coptic Orthodox Patriarchate did not recognize Max Michel as a bishop. On 25 December 2007, the Court of Administrative Justice upheld the Interior Ministry's decree, reasoning that the ministry had no legal obligation to grant legal status to a religious community that is recognized in another country. The Supreme Administrative Court further reasoned that the state's obligation to respect the right of a certain sect to practice religious rites does not extend to an administrative recognition of the sect. Notably, the Egyptian government currently recognizes four orthodox Christian sects: Copts, Armenians, Greeks and Assyrians.

3. On 7 July 2008, the Supreme Constitutional Court's (SCC) Commissioners' Authority, a department of legal experts entrusted with the task of submitting advisory opinions on cases referred to the SCC, held its first preparatory hearing on case no. 92 / 30 concerning the constitutionality of the legal provision to allow citizens to change their religion from Islam to another religion in official records. At the end of the hearing, the Commissioners' Authority decided to grant parties in the case a period of thirty days to submit written arguments. Subsequently, the Commissioners' Authority will submit their advisory opinion on the case to SCC judges who are expected to start hearings on the matter later this year.

The case was referred to the SCC on 4 March 2008 by the Court of Administrative Justice, headed by Judge Mohammed al-Husseini. Judge al-Husseini decided to suspend consideration of all appeals filed before his court by Christian citizens who had converted to Islam and were seeking recognition of their re-conversion to Christianity. He petitioned

the SCC to rule on the constitutionality of Article 47 of the Civil Status Law (Law 143 / 1994), regulating the procedures for changing or correcting one's religion, nationality or profession on official identification documents. The SCC will consider whether this legal provision, which allows one to freely change one's religion, is compatible with Article 2 of the Constitution, stipulating that Islam is the official religion of the State and that the principles of Shari'a are the main source of legislation.

4. On 16 August 2008, the Supreme State Security Emergency Court, headed by Judge Mohammed al-Sayyid, revoked a detention order issued for Emad Adib Atiya Suleiman in complaint no. 1372 / 2008. Adib was placed under administrative detention on 26 August 2007, pursuant to an order issued by the Interior Minister under the Emergency Law. The detention order – a copy of which was seen by EIPR lawyers – stated the cause of the detention as “a romantic relationship between the aforementioned and a Muslim woman living in the same area. When brought to the attention of the minister, he agreed to the detention of the aforementioned for one period, in order to deter him.” The Interior Ministry appealed the release order before another chamber of the same court but lost the appeal on 10 September 2008. However, the Ministry did not implement the court order and issued a new administrative detention order against Adib.

The Emergency Law allows for the administrative detention of individuals deemed “dangerous to security and the public order”, but it contains no provisions allowing for detention as a “deterrent”.

5. On 2 September 2008, the Court of Administrative Justice began hearing a case filed by Maher Ahmed al-Mu'tasim Billah, who sought to change his religion and that of his minor daughter from Islam to Christianity (case no. 53717 / 62). During the session, the plaintiff's lawyers requested a stay to amend the suit to exclude his daughter, and the case was adjourned until 4 November 2008. The same court issued a ruling in a similar case on 29 January 2008, refusing to grant legal recognition to a Muslim citizen's conversion to any other religion on the grounds that such recognition would violate public order. An appeal against that ruling is still pending before the Supreme Administrative Court (see paragraph 5 of the First Quarterly Report, 2008).

6. On 4 September 2008, the Court of Administrative Justice, headed by Judge Ahmed Mohammed al-Shazli, declared inadmissible a case filed by a lawyer asking for the dismissal of a lecturer of *hadith* (compilation of the Prophet's deeds and sayings) at the Al-Azhar University's Faculty of *Usul al-Deen*, and for one of his books to be removed from the teaching curricula. The case (no. 24180 / 61) argued that the book, *Daf' al-shubhat 'an al-sunna al-nabawiya* (Removing Doubts from the Prophetic *Sunna*), contained descriptions offensive to the Prophet. The court based its ruling on the protection afforded to freedom of opinion and expression by Article 47 of the Constitution. “If freedom of opinion and thought is necessary in the political, social, and cultural fields... it is even more necessary in research and opinions related to belief and religion so as to clarify obscurities in its rules and explicate complex matters that are evident only to specialists,” the court said in its ruling. The court ruling added, “All of this [is to be undertaken] on the condition that the

opinion does not undermine a proven, settled matter supported by a consensus of jurists and scholars in the field.”

7. On 17 September 2008, the Shubra al-Kheima Criminal Court sentenced Bahiya al-Sisi to three years in prison on charges of knowingly using a forged document. In 1996, the Public Prosecutor charged al-Sisi with obtaining a personal identity card in 1994 that listed her name and religion as Christian, although her father had converted from Christianity to Islam in 1964. She was sentenced to three years imprisonment in absentia. On 5 May 2008, the Sentence Implementation Police of Shubra al-Kheima arrested al-Sisi pursuant to the sentence and her case (no. 14223/1996) was transferred to court for retrial. At the outset of the new trial, on 20 July 2008, the judge ordered the release of the defendant for the duration of the proceedings. Al-Sisi had not been rearrested at the end of the reporting period.

Shadiya al-Sisi, the sister of Bahiya al-Sisi, was convicted on the same charge and also sentenced to three years in prison, at which point the Public Prosecutor challenged the verdict before the Court of Cassation and ordered her release pending the appeal. Shadiya al-Sisi had already served four months of her sentence (see paragraph 7 of the First Quarterly Report, 2008).

8. On 24 September 2008, the Alexandria Appellate Court revoked custody of the twins Andrew and Mario (aged 14) from their mother, Mrs. Kamilia Lutfi Gaballah, and granted custody to their father, who had converted to Islam and changed his children’s religious affiliation in official records from Christianity to Islam. The ruling (in appeal no. 820 - 679 / 62) upheld a similar ruling issued in the case by the lower Attarin Family Court on 28 February 2006.

Notably, both advisory reports submitted on the case by the Family Court's psychologist and social worker recommended that the children should remain in the mother’s custody. Mrs. Gaballah, in her defense, presented a fatwa to the court obtained from the Egyptian Dar al-Ifta on 4 April 2006, stating that being a Muslim is not necessary to obtain child custody, and that legally “custody should go to the child’s mother, even if she is a member of the People of the Book or an infidel who clings to her unbelief.”

## II. Sectarian tension and violence

9. Violence erupted between Muslims and Christians in the village of al-Rahmaniya, located in the Naga' Hammadi district of the Governorate of Qena, on 19 July 2008. The clashes began following an argument, sparked when a Muslim objected to a Christian parking his car in front of the Muslim's house. As the argument progressed, several Muslims gathered and then broke into the Christian man's house and beat his family, causing physical injuries to seven people, among them two women, destroying a car, and stealing and vandalizing property. Press reports said that two Muslims were also injured in the clashes. The Christian injured parties accused the imam of a mosque located adjacent to their home of inciting village Muslims to the attacks.

In statements to EIPR researchers, the injured parties and Coptic eyewitnesses complained of the delayed police response; police were slow to reach the scene of the attacks although they were informed as soon as the argument began and the police station is located nearby. The victims also said they had been pressured by the police to withdraw the police report that they filed against the assailants. They said that the police detained two of the injured Copts to pressure their families to sign a reconciliation statement. The police also forced the Christian family to go ahead with the wedding of one of their daughters, scheduled for the day after the attacks. The marriage was concluded inside the village church in the presence of security leaders and the Muslim family accused of the attacks.

10. On 20 and 21 July 2008, several Copts living in the 'Izbat Bushra al-Sharqiya, located in the al-Fashn district of the Beni Soueif governorate, had their land attacked by unknown assailants, who destroyed their crops and torched one of their homes. According to field research undertaken by EIPR researcher, the attacks followed a dispute with a Muslim in the village, who objected when the archbishopric of Beni Soueif bought a plot of land from another Copt—which had been bought from a Muslim a year before—and appointed a priest to lead prayer services in the house built on the land (there is no church in the village, which is home to some 100 Christian families). Police reports were filed at the al-Fashn police station about the destruction of crops on lands owned by Mu'awwad Sami Fu'ad, Salama Rizq Fam, Mikhail Wahba Khalil, Emile Sadeq Khalil, and 'Abdel-Malik 'Ayad Abdel-Malik. A police report was also filed concerning the arson of the home of Kamel Rizq Khalil. The police had arrested no suspects in these cases as of October 2008.

The opposition Wafd Party issued a statement about the incident in the daily *al-Wafd* on 14 August 2008, urging the governor of Beni Soueif and the security authorities “to take immediate measures to resolve the dispute in order to prevent incidents of violence.”

It is noteworthy that on 18 July 2008, prior to the attacks, the wall separating the land owned by the archbishopric and the adjacent agricultural land was demolished. Father Ishaq Qastour, who lives in the village, told EIPR researchers that he filed a police report accusing the former owner of the land of vandalizing the wall. After the report was investigated and brought before the prosecutor, the police convened a traditional reconciliation hearing, during which it was pledged that the land would not be attacked

again and the priest withdrew the complaint. Nevertheless, the attacks on the Copts' land began only a few days after the reconciliation statement was signed.

11. Early signs of sectarian friction were detected in the district of Atfih in the governorate of Giza during July 2008, between the residents of the Christian-majority village of Deir al-Meimun and the Muslim population of the nearby 'Izbat al-Haggara. According to village residents, the tension began when residents of 'Izbat al-Haggara appropriated a plot of empty, state-owned land located on the border with Deir al-Meimun. Deir al-Meimun is home to the historic al-Gemeiza Monastery, considered by historical sources to be the oldest monastery in the world.

12. The daily independent *al-Badeel* reported on 2 July 2008, that a judge in the Northern Giza Court ordered the release of suspects detained in connection with a fight between Christians and Muslims in Imbaba in March 2007, which left a Christian man and his son dead. A relative of the deceased told EIPR researchers that the suspects, whose precise number is unknown, were released on a LE500 bail and have not been brought to trial yet, although more than a year has passed since the crimes were committed.

13. On 17 August 2008, the independent daily *al-Masri al-Yaum* reported a fight between Muslims and Christians in the Shubra al-Kheima district on 15 August 2008. According to the newspaper, the Shubra al-Kheima II police station received a report "of a fight that erupted because two Christian children were playing soccer in front of a garage owned by Said and Mohammed Mahmoud Madkour, who asked them to take the game elsewhere after the children broke a car windshield. When they did not respond, the owner of the garage cursed them. The children went to their family and told them what happened, after which their brothers, Ayman and Safwat Youssef Ishaq, went to see the owners of the garage. An argument ensued, in the course of which the Christians broke the windshield of three cars in the garage. Police were able to gain control of the situation and filed a report. The two parties agreed to reconciliation at [the prosecutor's office.]"

14. On 24 August 2008, violence erupted between Muslims and Christians in the village of Deir al-Barsha, located in the district of Mallawi in the Minya governorate. Father Youssef Ibrahim, a priest at the Church of the Virgin in the village, told EIPR researchers that an argument took place between a Muslim and a Christian when one of the parties was unable to move his livestock across a road that was blocked by the car of the other party. The argument devolved into stone throwing that led to minor injuries. A report from the independent daily *al-Dustour* on 26 August carried a differing version of events, attributing the argument to a land dispute between two families. The paper reported that the two families exchanged gunfire, injuring Mahfouz Abdel-'Alim, his son Nasr, Maged Rizq Yunan, Nageh Matta Yunan, his son Shenouda, and Maged Tianon Yunan. Local Muslim and Christian leaders convened a reconciliation meeting between the two parties, who signed a reconciliation statement at the village police station.

15. At dawn on 19 September 2008, an old church building of the Greek Orthodox community in the district of Rosetta in the Beheira governorate, was partially destroyed by



a bulldozer. Father Luqa Asaad 'Awad, a priest at the city's Coptic Orthodox St. Mark's church, accused Judge Mohamed Mustafa Tiranli and his sons, who are both prosecutors, of demolishing part of the Greek Orthodox church building, in addition to assaulting the church guard and vandalizing icons and relics inside the church, due to a dispute over the ownership of the land on which the church and several nearby shops sit. Eyewitnesses told EIPR researchers that the assault on the ancient church was committed by some 40 people, led by the judge and his two sons. The police arrested the three men on charges of participating in the attack and transferred them to the Rosetta prosecutor's office, which is investigating the complaint. The case had not come to trial at the time of this report. Church officials also filed a complaint against the judge with the Ministry of Justice's judicial inspection agency.

Legal documents obtained by EIPR researchers from both parties to the dispute show that the Greek Orthodox community held prayer services in the church for decades until the mid-1950s, when the community left the city and the church was closed. The judge then bought the property from the community in 1990, but the Egyptian Awqaf (Religious Endowments) Ministry, claiming that the land was originally an endowment in the name of Sidi Dawoud Pasha, intervened and placed the land under its supervision, along with the church building and 14 shops built on the disputed land, most of them rented by Muslims. The judge became involved in a legal dispute with the Awqaf over the title of the property, which was resolved by a court ruling that granted him ownership of the land and gave him the right to expel the shop renters.

The Coptic church objected to the sale, arguing that it had concluded an agreement with the Greek Orthodox community that passed on the use of churches abandoned by them to the Coptic community. The Coptic church appointed a priest who began leading prayer services in the church four months before the attack. The Coptic church also says that the decision to sell the land violates public order, citing a legal opinion issued by the State's Council in the late 1990s that prohibits the purchase or sale of any place used for prayer services and considers it Awqaf property.

On the other hand, the judge who purchased the land argued that the building cannot be considered a church, but had become an abandoned property after the Greek Orthodox community left. The judge also accused Copts in charge of the church of demolishing it to make way for reconstruction into a Coptic church. He denied any responsibility for the attack and said he was not present at the time of the events. Newspapers reported that the Coptic and Greek Orthodox churches offered to return the sum paid for the land in 1990 to the judge, in addition to compensation of the same amount in exchange for nullifying the sale contract. The dispute was still ongoing as of October 2008.

16. Sectarian tensions returned to the Christian-majority village of Dafash, located in the district of Samalut in the Minya governorate, on 24 September 2008, when a fight erupted between a Muslim and a Christian after one of them obstructed the road with his car. The ensuing fight left one Christian injured, Shenouda Milad; he sustained a head injury and received treatment at the Samalut General Hospital. Information gathered by EIPR

researchers from village residents indicates that the homes of some Copts who live in a Muslim area of the village were pelted with stones and had their windows broken with clubs. When police arrived on the scene, they arrested the two parties to the argument, in addition to the random arrest of an estimated 50 Muslim and Christian youths.

Copts living in the village said that after the incident, they were pressured by police to withdraw the complaint they filed about the injury of Shenouda Milad. They added that in response to the Copts' refusal to withdraw the complaint, the security forces engaged in random campaigns that involved sending inspectors from electricity, environmental, food, and tax authorities to Coptic-owned shops to issue violations. The police also imposed a curfew in the village, which was lifted two days later. As of October 2008, there were no reports of the Copts agreeing to withdraw their complaints.

Dafash was the site of a demonstration by hundreds of Copts on 5 June 2008, which took place after a young Coptic man from the village was killed. Security and church sources say that a village Muslim stabbed the young man in a field as revenge for snooping around the home of the murderer's husband and his wife. Security imposed a curfew in the village for several days fearing sectarian attacks, and the murder suspect was arrested and referred to court. A traditional reconciliation meeting was held about a week after the incident, during which the family of the killer agreed to pay indemnity to the family of the deceased. On 5 October 2008 the Minya Criminal Court sentenced the defendant to a suspended one year imprisonment.

17. On 24 September 2008, four Coptic monasteries published a statement in various newspapers announcing that they would not accept tours and visitors from 24 September to 14 October. Several newspapers reported that the four monasteries—al-Qiddis al-Anba Bishoi Monastery, al-Suryan Monastery, al-Baramos Monastery in Wadi al-Natron, and the Mar Mina Monastery in Maryout—had decided to close their doors during this period after several websites posted threats to attack Coptic monasteries in Egypt. No official statement was issued on the matter by the government. Church leaders said that the threat against the monasteries had come after Muslim preacher Zaghoul al-Naggar claimed he had information about the alleged death of Wafa Costantine, the wife of a Coptic priest who converted to Islam in 2004. At the time, the news sparked unprecedented Coptic protests and she later renounced her conversion before the Public Prosecutor; she has been missing ever since. Church sources announced that Costantine is living in seclusion in a monastery and that whether she should appear to dispel rumors of her death is solely up to Pope Shenouda.

### III. Prosecutions and other security interventions

18. On 13 July 2008, State Security Intelligence (SSI) in the Naga' Hammadi district of the Governorate of Qena, issued an order suspending renovation of the Archangel Michael Church in the village of Huw. The church priest told EIPR researchers that he had filed a complaint with the Public Prosecutor pointing to the danger the deterioration of the church posed to worshipers. The church had received a permit to repair one of its walls and the renovations began in April 2008. During the work, however, the ceiling cracked, at which point SSI intervened and suspended repairs, apparently suspecting that church leaders were trying to expand the building. Notably, Presidential Decree 391 / 2005 allows the renovation of existing churches without a prior permit but requires that the authorities be notified.

19. The independent daily *al-Dustour* reported on 27 July 2008 that SSI officers in Upper Egypt had refused all requests by imams of major mosques in various governorates to organize night vigils and special night prayers during the last ten days of Ramadan. According to the report, SSI summoned imams from the provinces of Beni Soueif, Minya, Assyout, Sohag, and Qena on 24 July 2008, and informed them that their requests to organize the vigils had been denied on the grounds that they are "acts which lead to assembling people and disseminating salafist and jihadist thought among them." The newspaper added that SSI officers had directed all imams of mosques to apply for security approval for these actions well before the month of Ramadan.

The daily independent *al-Masri al-Yawm* carried a story on 2 September 2008 on the written directives sent by the Daqahliya Awqaf administration to all mosques in the governorate. The directives, a copy of which was obtained by the newspaper, stressed that imams and preachers needed to prevent night vigils from being held in mosques, prohibit the collection of alms from worshipers, and close mosques directly after the *tarawih* evening prayers in Ramadan. The document warned of "legal culpability" if the directives were violated.

On 27 September, *al-Dustour* published another report on SSI campaigns undertaken during the last ten days of Ramadan against mosques in Fayyoun, Beheira, and Daqahliya. SSI reportedly removed worshipers holding vigils in mosques and closed the mosques after the evening prayers.

In a statement to the state-owned daily *al-Ahram*, the Assistant Minister for Religious Affairs denied that any directives had been issued prohibiting vigils, adding that the Ministry of Awqaf "is the only party authorized to engage in proselytization work and the sole party responsible for organizing rituals in Egyptian mosques."

20. On 17 August 2008, a policeman assigned to guard the Archangel Michael Church in Deshasha, located in the Sumusta district of the governorate of Beni Soueif, assaulted three women taking sand inside the church to repair the flooring, which had been cracked by the accumulation of water below. According to the victims and eyewitnesses, the

policeman blocked the three women and refused to allow them to bring the sand into the church.

Information obtained by EIPR researchers during a fact-finding mission to Deshasha indicates that on 17 and 18 August the police arrested six Coptic youths from the village: Rizq Labib Basili, Ashraf Youssef Sama'an, Samir Ibrahim Amin, Samir Ramzi Zaki, Sameh Makram Armanius, and Wahid 'Ayad Hanna. According to the detainees' lawyer, they were transferred to the prosecutor's office, which released them after questioning them on charges of attacking a public servant and forcibly preventing him from fulfilling his duties. The prosecutor also released the policeman after questioning him on charges of hitting the three women.

Article 2 of Presidential Decree 391 / 2005 allows the repair of existing church facilities without a prior permit; church officials need to provide written notice to the provincial engineering authorities about repair plans. Nevertheless, officials from the Archangel Michael Church and the Archbishopric of Biba, al-Fashan, and Sumusta (to which the church is affiliated) say that State Security Intelligence has prevented any repairs to the church for the last eleven years. Church officials say it is the oldest church in the Sumsuta district, built in 1895 and last renovated in 1930. EIPR researchers personally observed the dilapidated state of the wood and brick church, which serves 100 Christian families in the village.

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

21. Father Mikhael, the archbishop of Assyout and the head of the Monastery of the Virgin in al-Gabal al-Gharbi in Assyout, issued an order closing the monastery and canceling the celebrations for the holiday of the Virgin, held in August every year, to protest the Assyout governor's decision to allocate a plot of land located on the road to the monastery to an investor, who plans to turn it into a public park. The Assyout Archbishopric had offered to buy the plot more than once, to use it as a welcoming spot for visitors to the monastery during festivals. Every year, 1.5 to 2 million people, both Christians and Muslims, visit the monastery for the holiday.

On 10 March 2008, the Local Council in Assyout had issued Decree 163 / 2008 approving the use of 13 feddans of state-owned land located in front of the monastery of the Church of the Virgin in Assyout Mountain. For this usage, the monastery had agreed to pay a fee. The governor of Assyout, Gen. Nabil al-'Izbi, however did not comply with the decree, stating instead that he wanted to turn the plot of land into a public park that belonged neither to Christians nor Muslims.

After the monastery threatened to cancel the annual celebrations, the governor of Assyout intervened and agreed to allocate the disputed plot of land to the archbishopric for its use to resolve the problem, and the land was handed over to monastery officials.

On the morning of 21 August 2008, during the celebrations, a fire started in several trees on another plot of land north of the monastery. The fire continued to burn for nearly three hours. Archpriest Yaqoub Suleiman, a monastery official, told EIPR researchers that the civil defense forces and the army forces put out the fire, which resulted in no loss of life or property. The archpriest ruled out the possibility that sectarian motives might be behind the fire. The prosecutor's office has not revealed the findings of its investigation into the cause of the fire as of October 2008.

22. In a similar case, the governor of Matrouh, Gen. Saad Khalil, issued a decree in July 2008 allocating a plot of land to the Marina Church in Alamein as compensation for another plot of land which, according to the church, the previous governor had unlawfully taken from them the year before. The church land dispute had erupted in August 2007 when the former governor allocated 5,000 sq. meters adjacent to the church to an investor, who had built a road separating the church from the plot of land. The church says that it had already purchased the plot, while the former governor claims that the church bought the land from a party that did not actually own it. Father Angelos, the church priest, told EIPR researchers that the new governor, who assumed his position in April, gave the church an alternate plot of land, measuring 3,644 sq. meters, and that the church had taken possession of it and built a wall around it.

23. On 25 August 2008, the disciplinary board at Minya University rejected an appeal filed by Diana Habib Samuel, a student at the School of Education, that upheld an earlier order (issued on 14 July 2008) to suspend her for a full academic term. In May, the university

president had issued an order referring the student to the disciplinary board because she “undermined the university order, traditions, regulations, and laws by writing offensive phrases on a wall... in the female student dorms.”

Several Muslim students living in the Minya University dorms had demonstrated on 19 May 2008, and tried to assault Christian students in the dorm after Diana Samuel was accused of writing anti-Islamic phrases on a wall next to her dorm room (see paragraph 16 of the Second Quarterly Report, 2008).

The student’s mother and lawyer complained to EIPR researchers that the disciplinary board did not give the student a chance to defend herself because of its bias and the desire of its members to close the file and punish the student. In her appeal, the student insisted that she did not write anti-Islamic phrases on the wall, but that she had written Bible verses on the door of her room, which were later erased by an unknown party and replaced with an Islamic saying. That was also later erased and replaced with anti-Islamic expressions.

## V. Laws, decrees, and political developments

24. During the reporting period, EIPR researchers documented two new presidential decrees on churches, both of which concerned the renovation of existing churches:

A. Decree 217 / 2008, issued on 12 July 2008, for the Coptic Orthodox community at the existing Mar Girgis Church in Beyala, located in the governorate of Kafr al-Sheikh.

B. Decree 218 / 2008, issued on 12 July 2008, for the Coptic Orthodox community at the existing Angel Gabriel Church, located in al-Masoudi village in the district of Abu Tig, Assyout governorate.

25. On 27 July 2008, Presidential Decree 221 / 2008 was issued appointing Ahmed Ahmed Kamel Yassin al-Rifai as the supreme sheikh of Sufi orders, following the death of Supreme Sheikh Hassan al-Shinawi, on 27 June 2008. Article 7 of Law 118 / 1976 regulating Sufi orders stipulates that “the supreme sheikh for Sufi orders is appointed by presidential decree from among the elected members of the Supreme Council of Sufi Orders after consultation with the Council.” According to the decree, Ahmed Ahmed Kamel Yassin al-Rifai was chosen following the approval of the council in a meeting held on 28 June 2008.

26. The state-owned daily *al-Ahram* reported on 21 August 2008, that the Minister of Awqaf had issued a decree to bring an additional 1,000 local mosques in 22 governorates under the ministry’s supervision. The newspaper added that after the order, there are now 101,784 mosques and 23,536 *zawiyas* (small mosques) under the ministry’s purview. The paper quoted the minister as saying, “These mosques were annexed as part of a ministry plan to bring all mosques in the republic under the ministry’s supervision by the end of this year.”

27. Demonstrations by Copts living in Europe and North America continued during July 2008, with protesters showing their solidarity with Egyptian Copts and demanding that discrimination against them end (see paragraph 38 of the Second Quarterly Report, 2008). Demonstrations took place in Canada on 5 July, in Austria on 11 July, in France on 13 July, and in the U.S. on 16 July. Egyptian church leaders stridently criticized the organizers of these demonstrations, with Father Bishoi, the secretary of the Holy Synod, telling the independent daily *al-Masri al-Yawm* on 12 August 2008 that “some expatriate Copts... violated the teachings of Christ with their protests.”

The official Egyptian news agency, MENA, reported on 1 August 2008 that a meeting took place in New York between “bishops representing Pope Shenouda; the Egyptian Foreign Ministry, represented by Ambassador Sherif al-Khouli; the Egyptian consul in New York; and representatives of Coptic Orthodox organizations abroad.” During the meeting, it was decided to stop demonstrations abroad about the status of Copts in Egypt. Later, however, church leaders in Egypt and some expatriate Coptic organizations denied that they had

participated in the meeting or that an agreement had been reached to suspend the demonstrations.

28. On 2 August 2008, the independent daily *al-Badeel* carried statements by Gen. Abu Bakr al-Gindi, the head of the Central Agency for Public Mobilization and Statistics, that stated, "The agency does not have statistics about the number of Christians or adherents of other religions in Egypt... The question on religious affiliation in the census is optional, which allows citizens to leave the area blank and not to note their religion. Thus, there is no accurate figure for the number of adherents of various religions in Egyptian society." According to the paper al-Gindi added, "Egypt makes the slot for religion optional as an expression of the value of citizenship, upheld in Article 1 of the Constitution. Egyptian citizens have the right to embrace any religion because this is between each person and whom he worships."

29. The state-owned daily *Rose al-Youssef* published a fatwa on 18 August 2008, reportedly issued by the Fatwa Committee at al-Azhar in response to a question received by the Committee about "Islamic youth groups attacking Israeli and American websites in defense of Islam and to destroy the information therein." According to the newspaper's report, the fatwa considered this "electronic jihad legally permissible" and said it was "a type of legitimate jihad whose participants will be rewarded." The fatwa added, "There is no objection to pursuing all paths that will preserve Islam and Muslims." The fatwa further stated that "wars these days are different from ancient wars, and the enemy uses various methods in the cultural invasion and electronic wars. Muslims should stand up to these fierce campaigns against Islam, which, through this electronic invasion, seek to portray it inappropriately. These wars must be confronted insofar as possible, particularly since the enemy is sly and cunning, always putting poison in the honey. Muslims must be aware of this and know that war is deceit. Muslims have the right to use any means to defend their religion and homeland."

On 19 August, Egyptians Against Religious Discrimination, a collective of activists working for religious tolerance, issued a press release saying that their website had been hacked the same day that the press published the fatwa. According to the press release, the hackers, who were identified as three individuals living in Saudi Arabia, left a message on the website saying that it was attacked because of "the Christian websites contained on the server and as a show of support for our divine religion, Islam."

30. The Chairman of the Doctors' Syndicate, Dr. Hamdi al-Sayyid, sparked a heated controversy in mid-August 2008 when he declared that the Doctors' Syndicate intended to refuse to license organ transplants between adherents of different faiths. He justified his decision by noting that the syndicate had documented 48 cases over the last two years in which organs were transplanted from Muslims to Christians and five cases in which organs were transplanted from Christian to Muslims. He said that these could not be cases of organ donation, but represented trafficking in human organs and must be stopped.



The decision was widely criticized by human rights organizations, representatives of various Christian confessions, Muslim scholars, and the media, as well as the Union of Arab Doctors, all of whom accused al-Sayyid of damaging national unity and deepening the rift between Muslims and Christians. Faced with these protests, al-Sayyid reconsidered the decision and settled instead for the establishment of a new agency that aims to regulate organ transplant and donation and combat organ trafficking. This agency is part of a new law about organ transplant regulation that will be presented to the parliament this year.

31. The United Nations' Human Rights Council (HRC) again discussed the issue of "defamation of religion" during its ninth regular session, held in Geneva from September 8 to 26. The session's agenda included the discussion of a new report on defamation of religions, particularly Islamophobia, prepared by the UN Special Rapporteur on Racism. During the debate, Egypt's permanent representative to the UN in Geneva, Ambassador Hisham Badr, delivered a statement in which he reiterated the Egyptian government's demand that "political will be mobilized at all levels to combat defamation of religions before it runs out of control and brings back the crimes, genocides and crimes against humanity seen in Europe's modern history."

The HCR session's documents on the topic included a memorandum drafted and submitted by the EIPR, in cooperation with the Cairo Institute for Human Rights Studies, (UN Doc. A/HRC/9/NGO/33), entitled "'Defamation of Religions' in Egypt." The document contained a critical analysis of articles from the Egyptian penal code that addressed "contempt for revealed religions" and detailed the instances in which the Egyptian government has recently used these provisions to violate freedom of religion and belief and freedom of opinion and expression. These included the imprisonment of blogger Karim Amer, the arrest of Shiites and Quranists, discrimination against unrecognized religious communities, such as Baha'is and Jehovah's Witnesses, and the legal actions taken against individual citizens such as poet Helmi Salem and writer Nawal al-Saadawi.

## VI. Reports, publications, and activities

32. The state-created National Council for Human Rights issued a report in July 2008 titled "On the Events at the Abu Fana Monastery in Minya." The report examined the armed attack on the monastery by Bedouins from the area on 31 May 2008, which left one Muslim dead and several monks injured. The attack took place amid a dispute over land surrounding the monastery (see paragraph 10 of the Second Quarterly Report, 2008). The three-page report, summarizing the findings of two fact-finding missions, warned of "increased rancor that is exploited by both Muslim and Christian extremists and cannot be ignored. It is attributable to socioeconomic and political causes and feeds on a climate of growing sectarian tension between simple folk who flee their reality for imaginary religious battles, aided by the absence of the security establishment, which simply applies security remedies after conditions explode."

The report contained several recommendations focusing on legal and media responses to the sectarian problem. The report also criticized the state's practice of addressing sectarian attacks "solely with reconciliation sessions and security solutions." The Council urged the state to guarantee "accountability for the events; reveal the facts surrounding the battle that took place, the man who was killed, and the others who were injured; and bring the perpetrators to trial and punish them." The report concluded that "all parties' rejection of foreign interference and attempts to exploit these events to pressure Egypt should not entail ignoring the urgent need for efforts to preserve national unity." The government has issued no comment on the report.

33. The Arab Organization for Human Rights issued its annual report on the state of human rights in the Arab world in July 2008. The report included in its section on minority and ethnic rights the issue of discrimination against Copts in Egypt and the problems faced by Egyptian Baha'is when trying to obtain mandatory identity documents.

34. The US-based NGO Freedom House issued its annual report in July 2008 entitled "Freedom in the World", which continues to classify Egypt as a "not free" country. The report addressed the problems associated with converting from Islam to other religions, an incident of sectarian violence in Armant, located in the governorate of Minya, in February 2007, problems encountered by Baha'i Egyptians when trying to obtain identity documents, and the government's targeting of Shiites.

35. On 19 September 2008, the US State Department issued its annual Report on International Religious Freedoms. The report's section on Egypt examines laws and decrees that discriminate on the basis of religion and belief, particularly those related to the construction and renovation of churches, religious conversion, and the legal status of Baha'is and other unrecognized religious communities. The report discusses state supervision of mosques by the Ministry of Awqaf, al-Azhar's censorship of publications and art works, arrests made on the basis of religion, and the detentions and military trials for members of the Muslim Brotherhood.

The report also listed instances of sectarian violence and the reconciliation meetings organized by the state after such events to supposedly resolve conflict. It also noted the printing of anti-Semitic articles and drawings in the Egyptian press. Among positive developments, the report remarked on the court rulings issued in favor of Baha'is and Christian converts to Islam who wanted to reconvert to Christianity. It should be noted that the government has not implemented these rulings as of the writing of this report.

The State Department report also noted other positive developments, such as the financial compensation paid to victims of sectarian violence in Esna, the governorate of Qena, in December 2007, and the holding of the first conference of the collective Egyptians Against Religious Discrimination. It also referred to the fact that the fourth annual report of the National Council for Human Rights addressed the issue of religious freedoms and that state representatives had taken part in the celebration for the 100th anniversary of the Jewish synagogue on Adli Street in downtown Cairo.

The Egyptian Foreign Ministry issued a press release on 23 September 2008, stating that "Egypt again rejects the contents of the Report on International Religious Freedom issued by the U.S. State Department." The statement said that the report "contains false and confused information and allusions, and intervenes in issues that only concern the Egyptian society and government, and any interference by foreign parties in matters that only concern the domestic sphere is unacceptable."

36. Four Egyptian opposition parties—the Wafd, the Tagammu', the Nasserist Party, and the Democratic Front—organized a national unity conference on 16 July 2008, held under the banner of "Against Bigotry, Against Extremism, Against Backwardness."

Participants in the conference held the state responsible for growing sectarian tensions and the failure to address them. The closing statement of the conference contained several recommendations, among them a stress on the importance of sovereignty of the law, the need to pass a unified law regulating the construction of places of worship and an anti-discrimination law, the need to review academic curricula to remove material that promotes religious bigotry, and the need to prevent minor children from changing their religion under any circumstances "while examining the motives that lead a person to change his religion."

37. Egyptians Against Religious Discrimination held a panel discussion on 16 August 2008, titled "From Christianity to Islam: Religious Conversion in Mamluk Egypt," during which Tamer al-Leithi, assistant professor of Mamluk history at New York University, presented a paper. The goal of the event, according to the organizers, was to start a public debate about why Egyptians converted to Islam when the religion was first introduced in the region.

According to the organizers, the debate so far has coalesced "between those who claim that Christians converted to Islam in droves because their hearts were opened to the religion of Truth [Islam] and those who claim that most Christians converted to Islam in

order to avoid being killed or having to pay the *jizya* [the Islamic tax levied on non-Muslims].” The talk by Dr. al-Leithi presented a review of the historical sources on conversion and how it took place, emphasizing the gradual nature of the conversion process, that was assisted by the Mamluk state policy that required public officers to be Muslims.

## Errata

A. Paragraph 3 of the Second Quarterly Report of 2008 contained several errors. It should read as follows:

On 29 April 2008, the Court of Administrative Justice headed by Judge Mohammed al-Husseini rejected an appeal (no. 60 / 12802) filed by a citizen challenging a presidential decree that delegates to provincial governors the authority to issue licenses to Christian confessions for the reparation and expansion of existing churches. Presidential Decree 391 / 2005 eased legal restrictions on licensing for renovations or changes to existing churches, giving provincial governors the authority "to permit Christian confessions to demolish a church and build another on the same site or add a structure or undertake renovations or expansions to an existing church." The decree also permitted "renovations or repairs to existing churches after a church official sends a written notice to the competent administrative body in the province" without having to acquire a prior license.

The citizen who filed the appeal argued that the decree "will be manipulated in the construction of churches, without a permit or authorization, thus leading to problems that can be exploited by some Copts living abroad and private satellite channels." He also argued that "several foreign countries prevent Muslims from manifesting their religion in worship and that some in the Arab world are of the opinion that the construction of churches should not be permitted."

However, the court said that the law grants the President, as the head of state and the head of the executive authority, the right to delegate governors to make such decisions. The court also argued that "Islam is the official religion of the state and it does affirm freedom of belief and freedom to practice religious rituals." The court added that "enlightened Islamic thinking accepts the presence of non-Muslims as part and parcel of one nation, where they can practice their beliefs freely and safely within the frame of public order, which regulates relations among individuals as well as their relations with the state."

B. Paragraph 21 of the Second Quarterly Report of 2008 noted that Sami Samir Ghayis, who had been detained following clashes between Muslim and Christian youth in Alexandria's Sidi Bishr area in September 2007, was still under administrative detention at the time the report was issued in July 2008. EIPR has learned that the detainee was released on 12 June 2008.

C. Paragraph 27 of the Freedom of Religion and Belief Quarterly Report for the second quarter (2008) listed presidential decrees about the repair of existing churches issued in April, May, and June 2008. It should be modified to include the following decree:

Decree 194/2008, issued on 22 June 2008, for the Coptic Evangelical community at the existing Nahdat al-Qadasa Church, located in Beni Shaqir, Manfalout district, Assyout governorate.