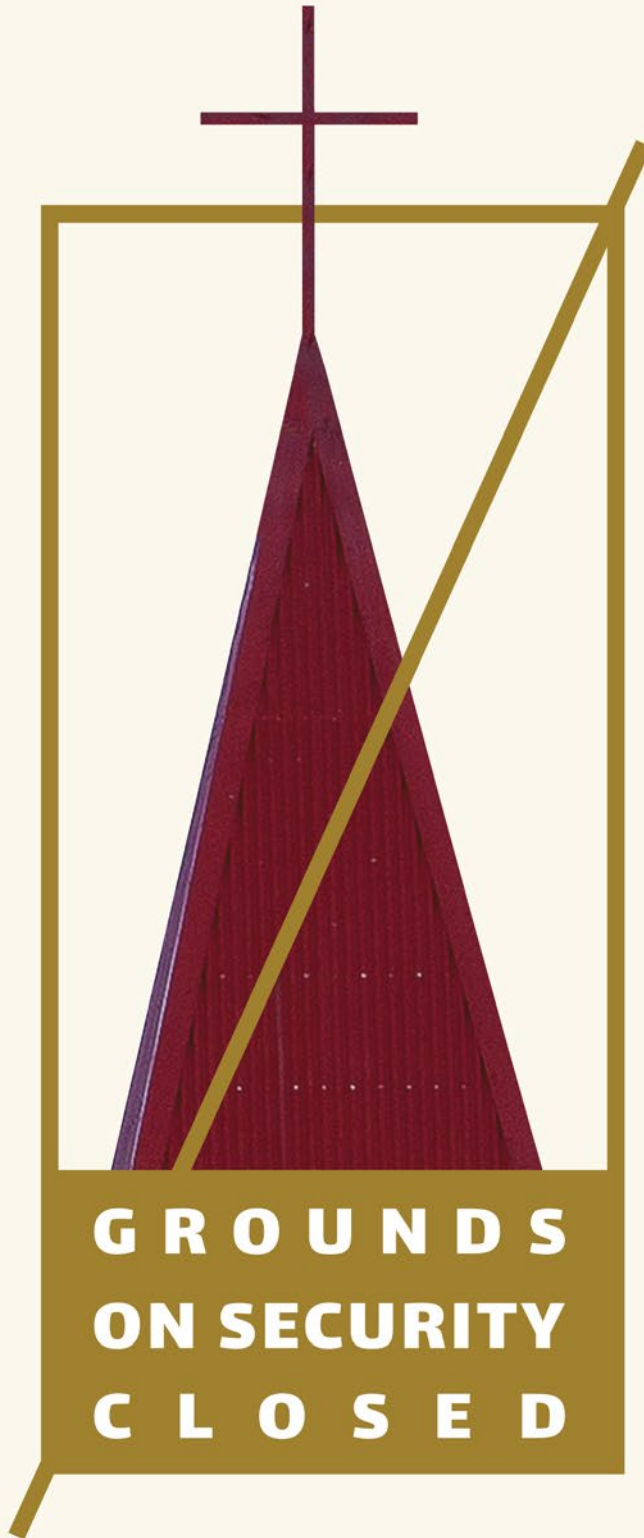




Egyptian Initiative  
for Personal Rights



**Sectarian tensions and attacks resulting  
from the construction and renovation of churches**

## **Closed on security grounds**

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## Introduction

In August 2016, the House of Representatives adopted Law 80/2016 on the construction of churches to fulfill the terms of Article 235 of the 2014 Constitution, which required the House to issue a law regulating the construction of churches in its first session. While the law was under debate in Parliament, the EIPR launched a campaign entitled “Closed on Security Grounds” in an attempt to draw attention to the most significant hurdles to Egyptian Coptic citizens’ exercise of their right to religious practice and worship—most notably, the administrative and security complications involved in the construction of churches. In the campaign, the EIPR noted that the persistence of these barriers is the most significant driver of sectarian violence, particularly following Egypt’s 2011 revolution. Although the uprising paved the way for Coptic Egyptians to claim hard-won rights, attempts to do so soon ran up against an extensive set of obstacles.

The EIPR also issued a detailed commentary on the new law as soon as it was passed, expressing primary reservations on its contents and the manner in which it was issued. The EIPR noted that the new law merely legitimated and codified into law pre-existing discrimination against Coptic citizens who seek to exercise the right to worship, both by formulating extremely complex conditions for the approval of the construction of new churches and delegating, for all practical purposes, the task of regulating church construction almost exclusively to the security apparatus. This is a recipe for the reproduction of sectarian violence, which contradicts the declared objective of the long-awaited law. The EIPR also criticized the way the law was drafted and ultimately adopted—discussions were limited to representatives of the government and the Coptic Orthodox Church, with virtually no input from civil society or regular citizens (or even parliamentarians themselves), as if the matter of regulating a fundamental constitutional right is a purely ecclesiastical and/or security issue that does not concern Egyptian Muslims or Copts.

This study attempts to present the most significant findings of our legal and field research on the challenges facing Egyptian Copts in the exercise of their right to worship, which the new law fails to understand, let alone remedy. With other interventions from civil society, we hope this study helps to clarify the magnitude of the crisis and subsequently encourages major actors in government agencies, Parliament, civil society organizations and religious institutions to assume their responsibilities to ensure that the implementation of the new law does not lead to further restrictions on church construction. Ultimately, we encourage lawmakers to amend the legislation based on a perspective that takes into account the findings of this study, as well as other research that has been undertaken on the matter.

This study is divided into a section on analysis, along with two annexes. The analytical section looks at legislation regulating church construction and relevant court rulings, as well as the impact of these on the legal status of existing churches and their permits. It then examines sectarian tensions and attacks linked to the right of worship, and divides violations perpetrated against Coptic citizens into five categories:

1. Those that take place in areas without churches, looking at their legal and social causes and the types of transgressions that occur in these areas—most importantly, the denial of would-be worshippers access to churches in other villages, and attacks provoked by rumors about the conversion of homes into churches.

2. Those related to churches that were active prior to being closed by the security apparatus on security grounds. Some of these churches were located in residential Christian areas; others were not, but Muslim residents in the area had no objections to their presence.
3. Those related to what the study terms “house churches.” These are churches that cannot be externally distinguished from private residences, and do not have a tower or cross or other defining features on their exteriors. Built in circumvention of stringent legal conditions and without official permits, they have nevertheless been active for years based on the oral consent of state agencies and with the knowledge of Muslim neighbors.
4. Those related to the demolition, reconstruction and renovation of existing churches. Although older legislation gives governors the power to grant permits, and several court rulings only require churches to obtain engineering permits from local authorities, security bodies prove recalcitrant and bar the renovation of churches or the entry of building materials in some instances. In several cases, churches have won lawsuits requiring security bodies to allow Christians to rebuild or renovate a church, but these rulings have gone unimplemented.
5. Those related to religious service buildings. These are the easiest structures to obtain a permit for, since they do not require presidential decrees, only the approval of governors and administrative bodies, such as social solidarity directorates. These buildings offer various health, social and educational services to both Christian and Muslim citizens. In many cases in which a church obtains a license for a service building, however, security bodies prevent execution.

The study also offers an analysis of sectarian strife and attacks in Egypt from January 25, 2011 to August 2016. Looking at a total of 74 incidents, the report examines the hotspots for sectarian violence, the different types of violence that occur, the link between these incidents to ruling parties or state forces, as well as the development of attacks in recent years in connection with changes in government.

The violations discussed here are committed by a broad spectrum of citizens and state agencies that cite legal bases to justify them, especially if the transgressions involve churches located in informal or rural areas. Permits for these churches can take many years to acquire, and citizens seeking to build or inaugurate a church are often prevented from doing so by disapproving residents in the area or interventions by security agencies, even after official permits are obtained.

The analytical section of the report concludes with EIPR’s commentary on the new church construction law issued on August 31, 2016.

The first annex of the report offers detailed documentation of incidents of sectarian violence prompted by controversies over the construction or renovation of churches. The second annex suggests a set of basic criteria that should be adhered to in any law regulating church construction, citing examples of legislation from other countries regulating the construction of houses of worship.

## Legislation regulating the construction and renovation of churches in Egypt: A critical historical overview

The issues around the construction and renovation of churches is a primary driver of sectarian violence in Egypt. The existing legal framework for church construction is vague and restrictive, rendering the process nearly impossible. Various social and political forces—not limited to the church or Coptic citizens—have criticized and objected to this situation, and consider the persistence of these restrictions an erosion of civil rights and a manifestation of deeply entrenched discriminatory practices.

For these reasons, there were growing calls for a new law to regulate the construction of houses of worship under the rule of former President Hosni Mubarak. These demands intensified after the 2011 revolution, as public space increasingly allowed for the civic participation of Egyptian citizens, among them Copts. After a spate of sectarian attacks, the Essam Sharaf government began discussing the new law, but official Islamic religious institutions and a number of Islamist political forces objected to the idea of a law regulating both mosques and churches, stymying efforts to draft the statute. Calls for a new law waned thereafter, particularly after the Muslim Brotherhood's ascension to the presidency.

After the ouster of the Brotherhood, the drafting of a new constitution in 2013 was driven by new political considerations. Demands made by the Church and civil society for a fair church construction law that would address the existing statutory flaws were heard. The 50-member Constituent Assembly subsequently included an article in the chapter on general and transitional provisions requiring the new parliament to issue a law regulating the construction and renovation of churches that would guarantee freedom of worship.

The problem of church construction is a long-standing one, perhaps dating back to Islam's entry to Egypt in 641 AD, when Amr Ibn al-Aas permitted Pope Benjamin to rebuild churches and monasteries demolished under Byzantine Emperor Heraclius, who favored Chalcedon Christianity over Coptic Orthodoxy. Subsequent Muslim rulers and governors had no clear, established rules or policies on the construction and renovation of churches; even individual rulers did not always pursue a consistent policy.<sup>1</sup>

The treatment of Christians and the regulation of their religious rites was an important tool used by rulers to influence their Muslim subjects. Egyptian subjects were divided into various categories: al-mawali (recent, non-Arab converts to Islam); the masses; subjects; and ahl al-dhimma, or protected minorities (with clear distinctions between Arab Muslims and Egyptian Muslim converts). In order to cement this division, Egyptian Muslims were "ranked" higher than Egyptian Christians, and rulers often sought to bolster their legitimacy or appease Muslims by persecuting Copts, which could take the form of demolishing new churches, either directly by authorities or by the general populace as authorities turned a blind eye.<sup>2</sup>

This situation involved a bitter struggle, in which Copts resisted these practices by taking their grievances to governors and rulers. As such, many researchers have attributed the lack of a fixed policy on church construction to social and political conditions, rather than scripture. For example, under the Caliph Harun al-Rashid, Ali Ibn Suleiman demolished newly established churches in Egypt. Harun al-Rashid's next governor, Moussa Ibn Issa, then permitted Copts to rebuild the demolished churches, not for religious reasons, but as part of a program for urban development.

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1- Samir Murqus, al-Qawanin al-muta'alliqa bi-hurriyat al-'ibada (bina' al-kana'is namudhajan), Arab Badail Forum for Research, 2012.

2- Walid Suleiman Qalada, al-Muwatana al-misriya: harakat al-mahkumin nahw al-musawa wa-l-musharaka, General Egyptian Book Organization, 2015.

The nature of the individual ruler and his relationship to prominent Copts and the Coptic patriarch continued to be decisive until Ottoman Sultan Abdul Hamid I issued what is known as the Hamayouni proclamation

(al-Khatt al-Hamayuni) on February 18, 1856, which introduced religious reforms to Ottoman lands in the context of the conflict between the Ottoman state and European powers. In the proclamation, the sultan pledged to maintain the religious rights—“spiritual concessions and exemptions”—of confessions and sects subject to the Ottoman state, among them the privilege of constructing and renovating churches or any structure designated for religious or sectarian communal use.

The Hamayouni Decree distinguished between two types of religious buildings in its treatment of religious practice. The first was concerned with houses of worship in areas in which there was no communal fraternizing, and religiously homogenous groups of residents could freely and publicly worship. The second category dealt with houses of worship for non-Muslims located in more religiously diverse regions. In these spaces, the renovation of structures followed existing procedures, but the construction of new churches was dependent on a permit from the Ottoman Porte.

Some experts believe that the Hamayouni proclamation is not a form of binding legislation, likening it instead to any declaration by a head of state. In fact, *Al-Waqa’l’ al-Misriyya*, the official gazette for laws and statutes established in 1830, did not publish the Hamayouni proclamation.

Therefore, the Hamayouni proclamation did not acquire the status of binding law, and historians and lawyers agree that Egypt already enjoyed considerable statutory independence from the Ottoman Porte at the time it was issued. In this view, then, the proclamation was directed to Christian groups subject to the communal millet system in the Levant, a system unknown in Egypt.<sup>3</sup>

But this interpretation runs counter to reality on the ground, where it became customary for the head of state in Egypt—whether the khedive, king, or president—to grant authorization for the construction of new churches. In addition, the modern-day State Council has upheld the validity of the Hamayouni proclamation in several rulings, and it remains part of Egyptian law to this day, making it necessary for the head of state to issue licenses for churches until legislation is issued replacing the proclamation.

In the 1923 Constitution, Article 167 provides for the continued enforcement of laws and decrees issued prior to the Constitution on the condition that they do not conflict with the principles of freedom and equality. In slightly different forms, all subsequent Egyptian constitutions have contained a similar article. In addition, Article 153 of the 1923 Constitution provides for a law regulating the exercise of the king’s authority in regard to religions permitted in the country. This was the context for the 1927 law regulating the operation of religious institutes and the selection of their religious heads. Until very recently, this law was cited in presidential decrees authorizing the construction of new churches, although the law does not address the establishment of Christian houses of worship.

Regardless of the legality or constitutionality of the Hamayouni proclamation, the proclamation lays out no clear, specific procedures for church construction, other than requiring the approval of the Ottoman Porte. The first detailed administrative regulations for church construction were those established by Deputy Interior Minister al-Ezabi Pasha in 1934, known as the Ten Conditions of al-Ezabi, or the al-Ezabi decree. Issued after the coup against the 1923 Constitution and democratic rule under Prime Minister Ismail Sidqi and the adoption of the more restrictive 1930 Constitution, the al-Ezabi decree reflects the political direction of this era, tending to be more prohibitive than lenient regarding church construction.

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3- Ibid.

## **The conditions stipulated in the al-Ezabi decree that impede the construction of churches are of four types:**

1. Those related to Christians: How many members of the confession want to build a church? Is there another church for the same confession in the same town? If there is no other church, how far is the town from the closest church for the confession?
2. Those related to Muslims in the area: How far is the church located from mosques and Islamic mausoleums? If the land is empty, is it in the midst of Muslim or Christian areas? If located in a Muslim area, is there some objection to construction?
3. Those related to the land designated for the church: Is it unused or agricultural land? Is it near any bridges or irrigation canals? The competent authorities must be consulted on these matters.
4. Those related to procedural matters: The head of the confession and an engineer must submit an application that includes architectural plans to build a new church, as well as file an official report for investigation.

Although in the decades that followed Ezabi Pasha, Egypt moved from a monarchy to a republic and witnessed a succession of presidents and prime ministers, under none of these governments has a fair church construction law been drafted or the al-Ezabi decree been repealed. In fact, the conditions stipulated in the decree are still used today to complicate the process of church construction.

As for the renovation or demolition and reconstruction of existing churches, several presidential decrees have been issued to theoretically facilitate the process for citizens, most significantly:

1. Presidential Decree 13/1998 authorizing governors in their jurisdiction to exercise the prerogatives of the president in licensing the support and repair of churches.
2. Presidential Decree 453/1999, which gives the competent administrative body in each governorate the right to issue permits to repair or renovate houses of worship.
3. Presidential Decree 291/2005 authorizing governors to issue licenses for construction or expansion in existing churches.

Courts have also issued rulings that are pertinent to church construction. Some of these uphold Christians' right of worship and criticize the Interior Ministry's restrictive practices in regard to church construction, while other support the Interior Ministry, citing the Hamayouni proclamation and the al-Ezabi decree. The most significant rulings and legal opinions issued by the State Council are:

1. Legal opinion no. 23-3-145 of April 20, 1949, holding that meetings organized by Coptic individuals for the purposes of studying the Bible or giving religious lessons are no different in status than churches and temples in which religious rites take place, and thus require a royal edict.
2. Ruling in case no. 269/4JY of February 26, 1952, overturning a decision by the interior minister refusing to license the establishment of a church in Port Fouad, located in the Port Said governorate, on the grounds that the confession was not large enough. The court ruled that there is no minimum number of individuals required for the establishment of a church. The ministry refused to pursue procedures to obtain a royal decree licensing the church based on the Hamayouni proclamation; the court held that the Constitution guarantees worship for all confessions within the bounds of law and customs and did not cite the Hamayouni proclamation.



3. Ruling in case no. 615/5JY of December 16, 1952, which affirmed that a permit is required to change the status of a building to a house of worship, but held that this is not grounds to halt religious activity or religious meetings guaranteed under the Constitution, even absent a permit. The court overturned the Interior Ministry decree suspending religious meetings in a church that had not obtained a permit from the monarch.<sup>4</sup>

The ruling stated, “The condition for a license to establish houses of worship as provided for in the Hamayouni proclamation cannot be taken as grounds to establish unjustified obstacles to the establishment of houses of worship, which is not consistent with the freedom of worship. The intent of the required license is not to impede religious worship. Rather, it seeks, in the construction of houses of worship, to ensure the consideration of necessary conditions such that these houses are established in a respectable environment consistent with the esteem and purity of religious rites and are not a cause for friction among different religious confessions.” The court affirmed that freedom of religious association was among the liberties protected by the Constitution and, as such, the order obstructing religious association was legally void. The court subsequently ruled to overturn the contested decree barring religious meetings.

4. Legal opinion no. 524 of October 27, 1952, issued by the opinion section of the State Council. Contradicting the previous two rulings, the opinion affirmed the use of Interior Ministry directives as a reference to consider applications for the construction of churches. The opinion stated that this did not conflict with freedom of worship, but rather reflected the fact that houses of worship are subject to permits from the administration under the Hamayouni Decree.

5. The Administrative Court in 1959 rejected an appeal of an Interior Ministry decree, arguing that the ministry “has the right of discretion, in light of the public interest, in order to prevent strife and friction between Muslims and Copts.”

6. In the ruling on case no. 1416/7JY of May 30, 1964, the court accepted an appeal of a ministry decree, arguing that its assessment was unsound. The ministry had rejected the establishment of a church in an area in which other Christian confessions maintained churches. No infringement of security resulted.

7. In appeal no. 8364/48JY of April 2, 2008, the Supreme Administrative Court ruled that the Interior Ministry’s approval—or lack thereof—is not an independent administrative decree subject to appeal, but is rather purely an opinion given to the authority competent to license churches, which is the president.

8. In case no. 7635/10JY of February 26, 2013, the first circuit of the Administrative Court ruled on the authority to grant licenses for the demolition and reconstruction of existing churches. The court overturned a presidential decree authorizing governors to issue permits for these actions, arguing that the president does not possess the relevant power to authorize governors to exercise it. The court stated that churches are subject to two types of licenses: one authorizing religious activity, and a second based on construction codes that would apply to any other ordinary building. The court argued that since the church had already obtained a license from the president for religious activity, it was not required to do so again when rebuilding, renovating or expanding. The president’s authorization was therefore without legal basis. The court ruled that renovation and repair works are subject only to the rules of general building codes, licensed by the local administration. The same principle holds for churches, mosques and buildings designated for any other activity.

4- Amr Ezzat, “Tarkhis bi-l-sala: azmat hurriyat ittikhadh dur al-‘ibada fi Misr,” EIPR, Dec. 2014.

## Types of violations of the freedom of worship

The restrictive, contradictory legislative framework regarding church construction has given rise to various types of churches, not all of them possessing licenses granted by royal or presidential decree. There exist antiquated churches and mosques established centuries ago that never obtained a license from the Ottoman Porte or through royal or presidential decree. Other churches were established based on oral approval from the security apparatus and have hosted worship services for decades, without official documents. Some of these look like traditional churches, while others are halls or homes in which worship services are regularly held. There are also a small number of churches built pursuant to presidential decree.

The report issued by the Atifi Commission, a body formed by the People's Assembly to investigate sectarian violence in al-Khanka in 1972, found that this legislative framework was one of the main causes of Christian-Muslim tension and conflict. The report clarified that it takes a substantial amount of time to obtain a presidential decree, during which the features of the site designated for the construction of a church may change. For example, a mosque may be built next door, which violates conditions for the establishment of a church. In other cases, Copts may set up Coptic associations without a permit, sometimes with the administration's consent and in other instances without it.

With time, the powers of the local administration and security apparatus to restrict worship by Copts have expanded. They now go beyond withholding permits required to build or renovate a church to include imposing conditions on church construction, such as making construction conditional on denying worshippers from outside the village access to the church. Violations of Christians' right of worship can be broadly divided into five major types:

### 1. Areas without churches

It is not known precisely how many villages, cities or neighborhoods exist that include Christians but contain no churches, but according to numerous bishops, hundreds of villages and hamlets are without churches or places for worship or religious services. For example, in the Minya and Abu Qurqas parish alone, which covers just two districts of the Minya governorate, there are 150 villages and areas that need churches for prayer services.<sup>5</sup>

Looking at presidential decrees licensing the construction of churches issued from January 25, 2011 through August 2016, we find that only 11 such decrees have been issued, and it is unknown whether these licenses were issued for pre-existing, unlicensed churches or new ones. In fact, most decrees licensing churches are granted for existing churches that already host worship services; only a very small number are issued for entirely new churches. The distribution of decrees issued since January 25, 2011 by governing authorities is as follows:

- President Abdel Fattah al-Sisi, since assuming office in June 2014, has issued seven decrees: two for the Catholic rite, four for Evangelical churches, and one for the Coptic Orthodox Church.
- Former interim President Adly Mansour issued three decrees: one for the Coptic Orthodox Church and two for the Evangelical rite.
- President Mohamed Morsi issued one decree to establish a church for the Coptic Orthodox confession in June 2013.

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5- Interview with Father Makarius, the bishop of Minya and Abu Qurqas, at the bishopric, Apr. 16, 2016.

- The Supreme Council of the Armed Forces (SCAF) issued no decrees on churches from January 2011 to June 2012.<sup>6</sup>

Typically, Copts in villages submit applications for the construction of a church to official bodies after meeting all the required conditions, but the applications are frozen due to objections from the security apparatus or as a result of incitement from local residents opposed to the construction of a church.

One example is the city of al-Adwa, located in the Minya governorate, which still has no church. Father Athnadius, the late archbishop of Beni Soueif (the ecclesiastical jurisdiction of al-Adwa), purchased a plot of land next to the Adwa police station in 1984. He obtained all the necessary approvals and permits for a church, but failed to obtain a presidential decree licensing construction and was unable to persuade officials to allow construction without a license. Father Aghathun, the bishop of Maghagha and al-Adwa, assumed religious leadership after him in 2011. He sold the plot of land and bought another one in the city council neighborhood. In 2014, he submitted an official application to the governor to build a church and services building. The governor notified the city council and security directorate, which requested investigations from the Adwa police station. A week after submitting the application, a local Muslim resident built a mosque on what was to be the western face of the proposed church. The bishop was unable to reach the security establishment for clarification on the circumstances of the hasty, sudden construction of the mosque. On July 22, 2015, Aghathun submitted another application to establish a branch of the League of Clerical College Alumni, established in 1976, but the security establishment denied the application, citing inauspicious security conditions.<sup>7</sup>

This example demonstrates how building a mosque next to any plot of land designated for the construction of a church is an indirect but effective means of obstructing the construction and establishment of churches, since it automatically puts the would-be church in violation of one of the conditions of the al-Ezabi decree. Even if the church obtains a presidential decree authorizing construction, often the site designated for the church is tampered with to prevent execution of the decree.

Coptic residents in these villages are forced to travel to faraway, often overcrowded churches, at times located over 10 kilometers away. In some cases, Muslim residents of villages with churches prevent worshippers from outside the village from entering, claiming that the church is designated for village residents only, is an association and not a church, or other pretexts that Copts ultimately submit to.

In many cases, when a number of Copts gather in a home to celebrate a religious occasion, worship together or meet a Christian cleric, they are attacked and crowds gather around the residence. Security forces later intervene by arresting a number of Copts in order to contain the communal strife, on the ready-made grounds that the property was unlawfully converted into a church. This type of attack confuses worship, a right closely associated with freedom of belief, and which is guaranteed without restriction in the Constitution, with worship in a house of worship, which is regulated by law.

The security apparatus has seized the homes of citizens under construction, citing rumors that the buildings are to be converted into churches, instead of supporting owners' right to build as they please provided they are not in violation of the law. In many cases of this nature, buildings have been seized, further construction has been banned and the owners of the property in question have been arrested.

6- Official Gazette, from Jan. 1, 2011 to Aug. 31, 2016.

7- Interview with Father Aghathun, Aug. 2016.

## 2. Churches closed on security grounds

These are churches that have hosted worship services for years, but were later shut down by the security establishment, citing unfavorable security conditions, even though some of these churches are located within Christian residential communities and neighboring Muslims had not lodged complaints. This matter was put forward for discussion under Prime Minister Essam Sharaf in May 2011, following the sectarian violence in Imbaba and the burning of the Church of the Virgin on al-Wihda Street. Christian officials and activists submitted a list of 49 churches and service buildings in 12 governorates—including Minya, Sharqiya, Assyout, and Qena—that had been closed on security grounds and which the prime minister had pledged would be reopened. Ultimately, only three of the churches were reopened.

This list, however, does not represent the accurate number of churches closed down by security forces. The lead author of this report visited several other churches that hosted worship services in the past and were closed on orders from the security apparatus. These include the Archangel Michael Church in the town of al-Aqalta in the Luxor governorate, which was shut down by security in 1995 despite being located in the midst of a Christian neighborhood known as “Nazarene Street.” The church had hosted prayer services for decades with the knowledge of the security apparatus, local officials and Muslim villagers, who did not object; it also hosted other religious services, such as weddings and funerals. In 1995, security officials requested the church’s official registration papers, which local Copts did not possess. Security forces then arrested two people, claiming they were responsible for the church, and shut it down. The Church of the Virgin in al-Bayadiya was closed after a group of Muslims torched the building, and assaulted the people inside.<sup>8</sup>

Another example is the Mar Girgis Church in al-Ghanayem, located in the Assyout governorate. Established decades ago as a religious association for meetings, it began organizing mass services in 1981. This continued until 1996, when a State Security official shut it down. Father Andraus, the bishop of Abu Tig and al-Ghanayem, submitted several applications to have it reopened, all of which were denied.<sup>9</sup>

## 3. “House churches”

The legal hurdles to building churches, as well as objections from Muslim citizens and state agencies’ yielding to these protests, have given rise to a phenomenon of churches that cannot be distinguished in appearance from houses, with necessity for houses of worship leading to a circumvention of official construction. Often, Coptic citizens purchase a residence and gut it to remove all the interior walls and make it suitable for worship services, or build what appears to be a small factory and begin holding worship services regularly, after appointing a priest to lead the mass and other liturgical rituals. The security establishment learns that the location has been converted into a church, with local officials and neighbors being made aware as well. In some cases, security forces shut down the space upon direct orders from the government, or due to pressure from Muslims who object to the idea of a church or religious building in the area.

Many such churches have been established in recent decades. They do not possess official permits and do not obtain presidential decrees, but are de facto churches nevertheless, typically built using

8- See a video of previously operating churches that were closed on security grounds, produced by the EIPR in Aug. 2016, <https://www.youtube.com/watch?v=-MykP7HyANG>.

9- Interview with Father Ibrahim Luqa, church official, Jun. 16, 2016.

mud brick and poorly maintained. When the congregation submits an application for demolition and reconstruction or renovation, administrative bodies reject the request on the grounds that the building is not sanctioned by presidential decree.

The Father Karas Church in Samalout is an example of a house church. Built in 2015 as a nail factory, interior preparations were made for prayer services. After the first story was built, Christian clerics began holding mass inside. The security establishment objected, and a policeman assaulted the priest, prevented him from entering, and posted a guard outside the building, inciting Muslim neighbors to protest against the presence of the church in the area. When the priest was able to secure signatures from resident Muslims to prove their lack of objection to the church, the security apparatus initially balked at the idea of reopening it. It subsequently approved worship therein without a presidential decree—one of the few cases in which Coptic citizens have managed to open a new church.<sup>10</sup>

#### 4. The demolition and reconstruction, renovation, and expansion of churches

Above, we reviewed the presidential decrees authorizing governors to issue decrees for the reconstruction, expansion and renovation of churches, as well as the Administrative Court ruling holding that such actions require no special approval; approval from the local construction authorities in engineering departments is sufficient, and there is no legal basis requiring additional permission from the governor.

In reality, however, there are hundreds of churches in such a dilapidated state that they pose a hazard to the lives of worshippers, even as administrative and security bodies refuse to grant the permits necessary for renovations or reconstruction. This is true not only of unlicensed churches, but churches with licenses granted by royal or presidential decree. In some cases, these churches have even won lawsuits that allow them to demolish and rebuild, but security authorities still refuse to comply.

This demonstrates how security and executive bodies continue to treat the construction and repair of churches as purely a security matter, even if a church obtains approvals from higher administrative bodies. For example, the Tuwa church for Catholic Copts in the Minya governorate obtained a demolition order 18 years ago, but only obtained a reconstruction decree last year. The church had obtained a presidential decree prior to this, but the security apparatus stalled, ultimately imposing conditions for reconstruction: that there be no bell or cross on the church, ostensibly because security conditions did not permit it.<sup>11</sup>

The Mar Girgis Church in the town of Hegaza, located in the Qus district of the Qena governorate, is a stunning example of the lack of enforcement of court rulings. The church has existed for more than a century and is well known among local citizens. It received a demolition and reconstruction permit, but before reconstruction was complete, the church was attacked and burned. The security bodies halted implementation of the decree, allowing the congregation to hold mass in the courtyard

10- Interview with Istafanus Shehata, the church priest, Apr. 18, 2016.

11- Interview with Father Botros Fahim, the bishop of Minya for Catholic Copts, Apr. 19, 2016.

and then in the church between the wooden scaffolding.<sup>12</sup> The ecclesiastical official for the church filed suit with the Administrative Court in Qena against the minister of interior, the Qena governor and security officials. He won the case in 2005, obtaining a court ruling overturning the passive decree preventing Copts from rebuilding the church, and ordering reconstruction to resume. To this day, however, security bodies continue to prohibit the completion of the church.<sup>13</sup>

In some cases, churches obtain demolition orders from city engineering departments, but are unable to obtain approval from the security establishment and governor to proceed. This is true of the two Mar Girgis churches in al-Nawahid and al-Qara, located in the district of Abu Tisht. Church officials have repeatedly reached out to the competent bodies, to no avail. They fear that the demolition orders will be carried out absent a reconstruction order, and so they risk holding prayer services in a building on the verge of collapse.<sup>14</sup>

Violations common in these situations include building conditions dictated by security bodies and some Muslim locals, such as that the church remain without a tower, domes, bell, cross or any external religious markers. Church officials are compelled to accept these conditions, fearing the church could be shut down and its services banned if they do not, which has indeed happened in a number of cases.

Many churches waiting for renovation orders have also been attacked in the presence of security forces that were either on guard at the site or arrived at the scene after the attack began.

## 5. Religious and service buildings

As religious establishments have come to play manifold roles in recent years, offering their congregants social services, churches use service annexes and buildings to offer health, educational and social services to Christians and Muslims alike, as well as to house clergy, since licensing procedures are less onerous than those necessary for churches, requiring only the approval of the Ministry of Social Solidarity. Churches increasingly use these buildings, or part of them, for religious rites and Sunday schools, with the consent of the security apparatus. In many cases, however, security or local residents reject the construction of these buildings, even after all legal procedures are adhered to, and in a number of cases, the construction of service and social annexes has been prevented even when there is a church in the village.

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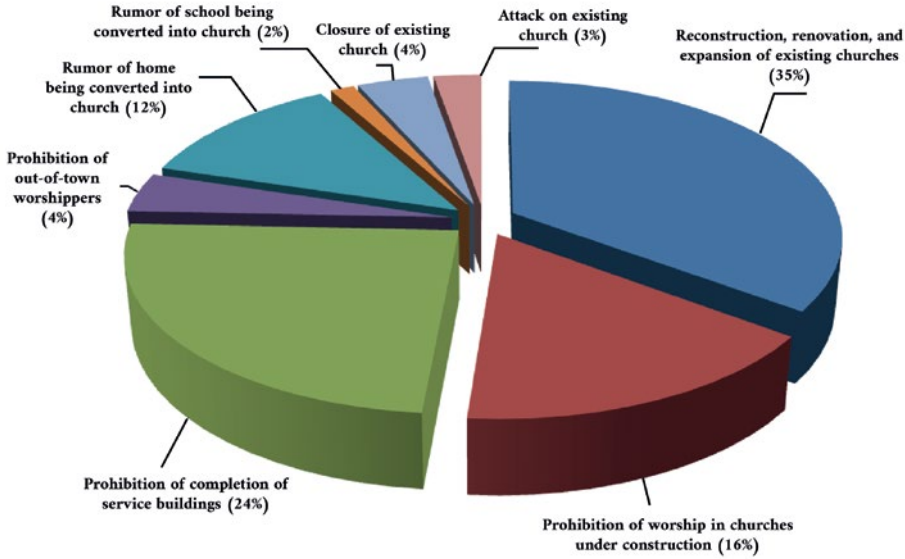
12- See the EIPR video on churches that won court and administrative orders that went unimplemented, <https://www.youtube.com/watch?v=DFyYKzAxIS4>.

13- Administrative Court ruling in Qena in case no. 1935/8JY, Sep. 4, 2005.

14- See the EIPR video on derelict churches for which the security bodies refuse to grant reconstruction permits, <https://www.youtube.com/watch?v=en5zNJUICLg>.

## Sectarian tension resulting from the construction and renovation of churches after the 2011 revolution

The EIPR documented 74 incidents of sectarian violence and attacks related to religious practice from January 25, 2011 through August 2016. This number does not include the numerous churches and religious facilities attacked in the wake of the violent dispersal of the Rabaa al-Adawiya and Nahda square sit-ins in August 2013, nor does it include attacks on churches provoked by other causes, such as inter-confessional romantic relationships, ordinary disputes that later took on a sectarian cast, or violence in the wake of rumors of blasphemy.



*Caption: Types of attacks related to religious practice*

As the graph above illustrates, the reconstruction, renovation and expansion of existing churches occasion the most violations, typically in the Egyptian countryside. In these cases, a church may initiate an expansion by adding a plot of adjacent land to the grounds, build a wall, or even start repairing a dilapidated one. Local residents then gather and surround the church, demanding that the renovation be halted. In cases in which the church has obtained official demolition and reconstruction permits after much effort, there may be a series of objections to the shape of the building or demands that it not look like a Coptic church, or consist of only one story without a tower, bell or cross on the exterior. In such cases, other villagers dictate conditions to local Christians, who then have only two options after the church has already been demolished: either accept the conditions and proceed with construction, or reject them and begin holding worship services in the open air. Muslims have also stipulated that churches be moved to another site, arguing that a mosque is next door, even in cases where the church was built prior to the mosque in question.

As a result of security and community interference, among the ten cases in which a church obtained a demolition and reconstruction permit, only one church was actually rebuilt with a tower and a cross: the Church of the Two Martyrs in Sol, which was demolished by a crowd of villagers in March 2011 and rebuilt by the Armed Forces; the nine other churches were rebuilt without a tower or cross on the exterior.

In 16 cases, churches began to renovate or expand, but in only one case were the renovations completed. In the other cases, work was suspended and the entry of equipment and construction materials barred. In several of these instances, the church was forced to build a wall separating the old building from the new land it had hoped to annex.

Although service buildings are typically registered with the Ministry of Social Affairs as civic organizations offering services to the general public, in many instances, attacks prevented the opening of these buildings. These cases account for 25 percent of violations, although the government is meant to supervise activities at these facilities. In most cases, rumors circulated that the service building was actually a church that would be used for mass and worship.

In the Qalyoubiya governorate, the Coptic Orthodox Church was unable to open four service buildings, even after obtaining the necessary approvals from the governor and the Ministry of Social Solidarity. In some cases, a group of local residents occupied the building before eventually leaving. On November 3, 2012, a group of citizens gathered on a plot of land owned by the bishopric of Shubra al-Kheima and put up a banner declaring the site to be the Ibad al-Rahman Mosque and quoting a Quranic verse (“Only he shall inhabit God’s places of worship who believes in God and the Last Day”). The group remained on the site until dawn the following day.

Construction was halted in 17 service buildings; only the service building in Kom Gharib in the Sohag governorate was allowed to operate after removing the tower and cross on top.

Sectarian violence related to church construction may also occur when it is claimed that a building is undergoing construction to be converted into a church. Indeed, some Coptic citizens may not declare their intention to build a church, fearing objections from other locals or the security apparatus, but in several cases in which their intention became known, the building was attacked and construction stopped.

Out of 12 buildings that were planned for worship purposes, only two of them were opened as churches following oral approval from Homeland Security and the appeasement of local residents: the Anba Karas Church in Samalout and the Mar Girgis Church in al-Noseirat, located in the Dar al-Salam district in the southern Sohag governorate. Religious practices were allowed to continue in three other buildings on the condition that changes be made to the building, while the Church of the Martyrs in al-Awr in Samalout was moved to another site in the village. Six buildings were closed and worship in them prohibited.

These cases are distinct from another type, in which rumors surface that the home of a Copt will be converted into a church. In these cases, there are no plans to use the structure as a church, but when the rumors circulate, the house is attacked or torched, along with neighboring buildings. There were four such incidents in June and July 2016 in three different governorates: in al-Bayda al-Mohandiseen in Alexandria, Saft al-Kharsa in Beni Soueif, and Nazlet Abu Yaaqoub and Kom al-Lofi in Minya.<sup>15</sup>

In most of these cases, security forces summon the Coptic citizen in question to sign an affidavit declaring that the structure is a private residence and is not designated for any other purpose. Christians have also signed similar affidavits for prominent families in the village, but attacks have followed regardless. In some cases, citizens are forced to sell their homes in the wake of rumors that they will be used as a church. In one case, the home of Sharaqa Gadallah in the Beheira governorate was demolished by a mob of several hundred local Muslims who claimed it was a church, even though Gadallah is the sole Christian in the village.

15- See the EIPR video on homes and property that were burned and looted after rumors that a house would be converted into church, <https://www.youtube.com/watch?v=ZMzSbTIGqUA>.

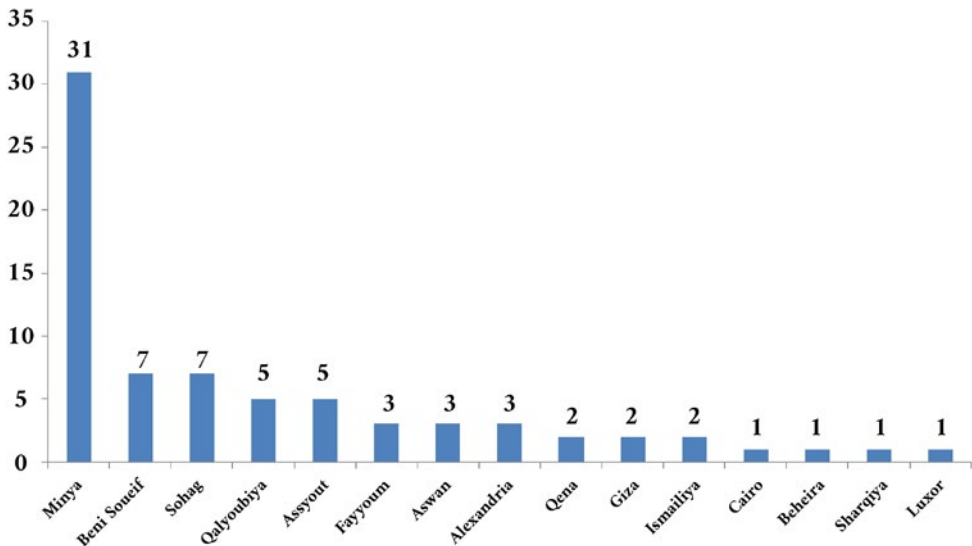


Another type of violation occurs when worshippers from outside the village are attacked and prevented from worship. In many cases, a crowd of local Muslims attacks Christians coming from outside the village to pray in a church, refusing to allow strangers entry to the village or claiming that the church in the town is an association in which only village Copts are allowed to pray. Some of these interventions have entailed acts of violence, as would-be worshippers are attacked and their cars vandalized. In all cases, customary reconciliation sessions have convened after the fact under official aegis. The sessions conclude by affirming that outside worshippers are not welcome and police reports filed against the assailants are withdrawn. Three such incidents took place in the towns of al-Uleiquat in Aswan, Marco Tala in Beni Soueif, and al-Basra in Alexandria.

In one incident, the Notre Dame School in the Aswan governorate was attacked and three nuns detained inside; the assailants claimed that a school annex building used as a rest house for staff was being converted into a church. Security forces then intervened and dispersed the crowd, and the local education directorate issued a report that the claim was baseless.

In a number of other cases, Christians are compelled to replace the church priest, who is barred entry on the grounds that his presence is the root of the problem or that he does not cooperate with the security apparatus. The church typically yields to these dictates in order to minimize tension.

Often, attacks begin in village mosques after clear incitement from mosque officials and their public rejection of a church in the village. In many of these cases, the attacks follow Friday Muslim prayers, as demonstrated in the annex documenting incidents.

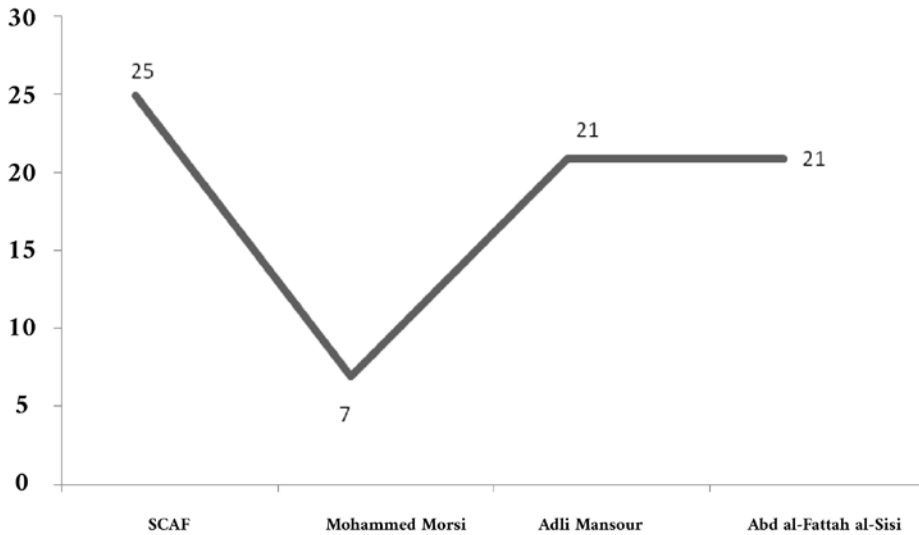


*Caption: Map of tension and attacks*

Sectarian tension and acts of violence in connection with religious practice were seen in over half of the county's governorates (15 of 27), indicating that the problem is widespread and not limited to a particular region. Violations took place in both rural and urban areas, though they were much more frequent in rural towns and villages. A total of 68 villages witnessed tension and attacks because of Christian religious practice, while six incidents occurred in cities, the most prominent of which was the demonstration to prevent the opening of the Church of the Virgin in Ain Shams in May 2011.

All governorates in Greater Cairo and Upper Egypt witnessed different degrees of sectarian violence in connection with the construction and renovation of churches, including in the capital. Minya was the site of the largest number of attacks, accounting for 42 percent of total incidents, followed by Beni Soueif, Sohag, Qalyoubiya, and Assyout. This may be attributable to the large Christian population in Minya, which entails a greater need for places of worship, as well as growth of Islamist currents in the governorate, most of which adopt a clearly sectarian vision.

Violence associated with religious practice also accounts for 40 percent of all incidents of sectarian violence in the governorate of Minya (totaling 77 incidents in the same period). This demonstrates that the construction and renovation of churches is a significant driver of sectarian attacks in the governorate, particularly since the incidents took place in all districts of the province.



***Caption: Sectarian attacks by government***

2012 saw the most incidents of sectarian violence in connection with the construction and renovation of churches, with 18 cases, followed by 2013 and 2011, with 14 and 13 cases respectively, and 2014 and 2015, with 11 and 10 cases respectively. As is evident, each year witnessed consistent levels of violence.

Categorizing incidents by government, we find that tension and violence was least frequent under interim President Adly Mansour, with seven incidents in the space of approximately a year. The rate of attacks was similar under current President Abdel Fattah al-Sisi (June 8, 2014–August 2016) and SCAF (February 11, 2011–June 30, 2012), with 25 and 21 incidents respectively, for a rate of approximately one incident per month under Sisi and a little more than one per month under SCAF. The largest number of attacks took place under President Mohamed Morsi (July 1, 2012–July 3, 2013), with 21 incidents, for a rate of 1.75 per month.

These figures indicate that the rate of violent incidents does not vary widely with changes in government, with the exception of the year under interim President Adly Mansour, when attacks declined markedly. A comprehensive explanation for this lies outside the scope of this study, but may be attributable to the political context at the time. Mansour’s tenure began with the dispersion

of the Rabaa al-Adawiya and Nahda sit-ins and the subsequent large-scale attacks on churches and Coptic property in Upper Egypt. This may have deterred other citizens from involvement in attacks on churches, for fear of being stigmatized and persecuted as members of the Muslim Brotherhood.

## Position of major actors

### Official institutions: Prohibition is the solution

Homeland Security and its predecessor, State Security Investigations, have generally been in charge of managing the state's relations with Copts. The construction and renovation of churches in particular is an area in which the security establishment plays a major role, even beyond that of political and executive officials. In many cases, churches have obtained the necessary construction licenses after years of tireless effort, but were unable to proceed with construction due to the security apparatus, which halts construction and renovation works. Select practices of the security apparatus include:

- Shutting down operating churches or service buildings under construction, citing the lack of a license or a divergence from architectural plans, even absent complaints from any body or individual against the church. Typically, such violations involve attacks on persons present on the scene and, in some cases, arrests and interrogation. For example, security forces shut down the St. Joseph the Pious building in the village of Miyana, located in the Maghagha district in the northern Minya governorate, destroying religious icons and confiscating chairs, although the building had hosted prayer services for years with the oral approval of the security apparatus.<sup>16</sup> In a similar incident, security closed a building belonging to the Minya bishopric in the town of Ismailiya and prevented prayer service there, although no local Muslims had complained. After some time, security permitted the congregation to hold services in a tent next to the building. Numerous prominent Muslim families in the village petitioned the security directorate to open the church building and not interfere further, but the building remains closed.
- Refusing to grant renovation and expansion permits. Surprisingly, this is true even of long-standing but dilapidated churches that possess official licenses and are located in uniformly Christian areas. In such cases, police personnel deployed to protect the church play a major role in surveilling them and filing reports of any changes, no matter how minor, to the nature of the building.
- Imposing arbitrary conditions on Coptic citizens when rebuilding or repairing a church in response to demands from Islamist groups or a group of local residents. Conditions can stipulate that the building not exhibit religious markings on the exterior, including domes, towers or crosses. In some cases, security forces arrest Copts, citing a divergence from architectural plans or a violation of licensing conditions, although some of the specifications in question are listed in the official permits.
- Refusing to implement court rulings for the demolition and/or reconstruction of numerous licensed churches that have cleared the requisite legal hurdles despite the recalcitrance of the security apparatus. One example is the aforementioned Mar Girgis Church in Hegaza in the Qena governorate, where the congregation prays amidst wooden scaffolding because security refuses to allow construction of the church to proceed.
- Seizing citizens' homes under construction, following rumors that the building will be converted into a church. Representatives of these security bodies have participated in customary reconciliation sessions that have forced citizens to sell their homes in fear of the conversion of these properties into churches, despite written affidavits from owners that the site is designated as a residence and they have no intention of using it as a church.
- Mediating customary reconciliation sessions, supporting decisions to suspend services in churches and bar further renovations pending official permits from security bodies. These same

16- <https://www.youtube.com/watch?v=89HdxUK8PFE>.

bodies then refuse to approve applications later submitted by the Christian party.

- Failing to defuse incipient sectarian violence and deal with it before it escalates, despite early signs of increasing tension in villages. Security bodies have also failed to protect victims during attacks. For example, when tension was running high in the village of al-Marina in northern Aswan throughout September 2011, shortly before the tragic Maspero massacre in October of that year, security forces in the village failed to resolve the issue, although the Christian side accepted local residents' condition that they remove the domes from the church and not place a tower or cross on its exterior. In fact, incitement to the attacks in this instance came from a mosque attended by the police inspector during the Friday prayer.
- Failing to apprehend persons involved in inciting and participating in violence against churches and Christian-owned property that is looted and burned, even after Coptic and Muslim citizens offer video and photographic evidence taken during the attacks that clearly reveals the assailants' identity. In a small number of cases, some assailants are arrested but later released.

## Community rejection: We don't want a church

In many cases of sectarian violence and tension, objections from non-official actors—local residents—play a pivotal role in obstructing Christians' religious practice, often imposing degrading conditions on Copts before allowing them to build or renovate a church.

In the tension hotspots that we observed, an area is likely to erupt in violence at the earliest sign of the construction or renovation of a church, especially in light of the security apparatus' slow response to nascent crises. Typically, incidents begin when several local Copts begin renovating or expanding a church or holding prayer services in a home. Muslims opposed to this assembly surround the building, and deny Christians entry. In some cases, churches are attacked and may even be burned and demolished; the property of Christians in the area is also frequently subject to arbitrary attack. Many attacks have taken place in the presence of security forces, whether they are already at the scene during regular patrol or have arrived after violence has broken out.

After January 25, 2011, many incidents were sparked by disputes between a Muslim and a Christian that had nothing to do with a church or religious practice, but which led to attacks on a local church or the prohibition of church renovation or reconstruction nonetheless. For example, in the village of Sol in the Atfih district, clashes erupted in February 2011 in connection to a relationship between a Christian man and Muslim woman. This was followed by an attack on the church, which was torched and destroyed. Local residents refused to allow the church to be rebuilt until military forces and Salafi leaders intervened.<sup>17</sup>

Customary reconciliation sessions are commonly used as a means for community interference in Christian religious practice. These sessions were convened in 26 cases of tension and violence, and most of them concluded with a decision to suspend worship service or renovation. At best, a decision is made to impose certain conditions on the building, as noted above, for religious practice to proceed.<sup>18</sup>

17- See the EIPR report, "al-Aqbat taht hukm al-'askar," 2012, <http://eipr.org/report/2012/10/09/1520>.

18- For further information, see the EIPR report, "Whose Customs? The Role of Customary Reconciliation in Sectarian Disputes and State Responsibility," 2015, <http://eipr.org/en/report/2015/06/11/2405>.

Local communities oppose the construction and renovation of churches for both religious and cultural reasons. Here, we will review three reasons which have been cited in several testimonies and in interviews with religious and community leaders:

1. A conservative or authoritarian religious outlook that rejects churches: a segment of the citizenry considers this rejection to be a component of Islamic teachings. This mentality is demonstrated by a statement made by Sheikh Abdel Gawad in front of the mosque in the village of Kom al-Lofi in Samalout, in which he comments on the burning of several Copts' homes following claims that one of their houses was being converted into a church:

The town is about 20,000 people. Copts are only 7.3 percent of the population, a small proportion. They number no more than 500 individuals. Their numbers don't allow the construction of a church. As you know, they must constitute at least 15 percent of the population for us to let them to build a church...This isn't allowed because our religion is against you building. This is a Muslim state. It's also unacceptable from a security standpoint. For a long time, since the 1980s, we haven't heard of a church built in the village. We say that we have laws, so apply them. More than 30 village residents filed a complaint saying that a church was being built, and no one, not even the police, responded. They said it would be demolished, and it didn't happen. The owner of the place is our neighbor, and we're the ones who give him work and a livelihood, but it seems someone manipulated him and convinced him to build a church.<sup>19</sup>

2. Sociocultural views of how Muslims see Christians as citizens: do Christians have equal rights and duties? Some citizens still see Christians as second-class citizens, even if they occupy a distinguished professional or social position. A church is more than just a place for worship; it plays manifold social, educational and cultural roles. In turn, some Muslims may reject the presence of a church or service building that could contribute to development that may alter this sense of superiority.<sup>20</sup>
3. Incitement by certain state agencies, particularly security bodies: such conduct sends a message to Muslims that the state itself is uninterested in the exercise of Copts' rights. In fact, the state itself engages in discriminatory practices, most notably when laws are not applied and persons involved in attacks are not brought to justice, at the behest of the local community or authoritarian forces involved.

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19- Hanan Haggag, "al-Mutashaddidun yasna'un al-fitna wa-l-fuqara' yadfa'un al-thaman," al-Ahram, Aug. 15, 2016.

20- Interview with Sheikh Mohammed Abd al-Aal, a popular leader in the Minya governorate, Jun. 2016.

## Sectarian logic and persistent discrimination: A reading of the new church construction law

As stipulated by international human rights conventions, which—according to Article 93 of the Constitution—are an integral component of Egyptian legislation, and other constitutional principles, all citizens should be able to freely build houses of worship. Conditions for the construction of houses of worship should be limited to general construction codes in force in every region, without enacting a specific law to regulate the right of worship. At the very least, a law regulating the construction of houses of worship should treat all citizens equally irrespective of religion and make no distinction between faiths. A special law to regulate the construction of churches already sends a discriminatory message, whereby the state blatantly distinguishes Christian citizens from Muslim ones. While the state permits the construction of mosques based on compliance with building codes and subordination to the Ministry of Endowments, it imposes additional conditions on churches, most significantly the need to obtain a permit from the competent governor approving the practice of religious rites at a specific location.

If the Constitution required the issuance of a specific law regulating the construction of churches, that law should not differ in its objectives from the law regulating the construction of mosques, and it should be based on standards guaranteeing equality and non-discrimination. One law should not permit construction while another places obstacles to construction and renovation.

In addition, the new law rests on the false assumption that Christian religious rites must be practiced in a church, which allows for the conflation of a prayer meeting or a religious celebration in a public or private space with prayers and worship in houses of worship. There is a distinction between the practice of religious rites—a right guaranteed to every citizen, as an individual or within a group, which can be exercised in any place—and the construction of houses of worship and churches, which are regulated by law. The right of individuals and groups to celebrate and observe religious occasions should not be restricted on the grounds that the site of the celebration is not a house of worship. The freedom to assemble for religious purposes, in homes or public places and without a permit, must be guaranteed. Freedom of assembly is a constitutional right also enshrined in international human rights conventions.

This discriminatory logic pervades the various provisions of the new law on church construction, even its very language. For example, the law uses the term “the Christian sect” to refer to Christian citizens—a disreputable phrasing, given that the term has political and social connotations that run counter to constitutional rights of citizenship. The use of the term “sect” reflects the state’s preferred way of dealing with Coptic citizens: as subjects who are members of a uniform religious sect represented by the Church and the pope. This paradigm has long been criticized as inimical to the values of citizenship.

Article 1 of the law, which defines the terms used therein, begins by defining a church as “an independent building topped by one or more domes in which prayer and religious rites of the Christian sects are practiced regularly in traditional form. It is composed of one or more floors and one or more roofs, provided the building is surrounded with a wall if the plot of land exceeds 300 meters.” The article then determines the components of a church as being comprised of four—and only four—elements: the altar, nave, baptismal chamber and bell tower. The article goes on to define what constitutes a church annex, service building, place of retreat, place for the preparation of the sacrament, religious leader, competent governor and religious sect.

Problematic aspects of this article include the requirement of a wall around any church built on an area of land larger than 300 meters. This should depend on the needs of every church and the area in which it is located. The definitions of the components of a church are also unnecessary, and allow the executive authority to interfere in the form and composition of a church, which infringes on the independence of the Christian religious establishment. The law should allow each church to define its own components based on the nature of the church, its needs, the desires of members and the confession, and the local environment.

Article 2 states, “The area of the church seeking a permit for construction and the church annex shall be proportionate to the number and need of citizens of the Christian sect in the area in which it is to be built, while considering rates of population growth. The church may include more than one altar and more than one nave, baptismal chamber and bell tower.” This article links the size of the church to the number of Christians in the area and their needs, which is a two-pronged restriction on the construction of churches. First, the reference to the number of Christians violates the Constitution, which provides for freedom of worship for adherents of revealed religions regardless of their number in Article 64. (This is aside from our principled objection to the constitutional article, which limits the right to build houses of worship to adherents of revealed religions, in clear disregard for the religious diversity of the Egyptian populace, which includes adherents of religions and confessions not officially recognized as revealed religions, such as Baha’is.) Moreover, the Constitution makes no mention of a specific required number. There is obviously no single, fixed standard for proportionality, which will differ from one region to the next depending on whether it is the security establishment or the church that defines it. Second, the article sets an additional restriction—need—but does not define criteria through which to determine it. Does the existence of one church in a particular area, for example, mean there is no need for a new church? Does the existence of multiple Christian confessions in one area affect the determination of need? Furthermore, and perhaps most crucially, the law does not identify the person responsible for determining this need.

Article 3 states, “The legal representative of the sect shall submit to the competent governor an application for the necessary legal approvals to conduct any works that require a permit. The administrative body must give the applicant an item indicating receipt of the application on the day of submission. The application shall be supported with ownership documentation and documentation explaining the nature of the works requested, their location, and their boundaries. In all cases, no application shall be accepted without the aforementioned documentation.” In this article, the legislator does not specify the nature of the required legal approvals for which the sect’s legal representative must apply or which bodies must be consulted to obtain these permits.

Article 4 states, “The legal representative of the sect may apply to the competent governor to obtain the necessary legal approvals to demolish and rebuild a church constructed with a license or brought into compliance with the provisions of this law by following the procedures set forth herein.” With this article, the law requires Christians seeking a permit to demolish and rebuild or repair an existing church to follow the same procedures for constructing an entirely new church. This condition not only restricts the right of worship, it infringes on rulings issued by Egyptian courts, most significantly the ruling of the first circuit of the Administrative Court in case no. 7635/10JY, issued on February 26, 2013, which concerns permits for the demolition and reconstruction of existing churches. This ruling overturned a presidential decree authorizing governors to grant licenses for the demolition and reconstruction of existing churches, on the grounds that the power to grant such permits was not within the remit of the president, who could therefore not delegate it to governors.

The Administrative Court ruling noted that churches are subject to two types of permits: a permit to engage in religious activity and a building permit like all other buildings. The ruling reasoned that if



a church has already obtained an operating permit from the president, it need not obtain it a second time for reconstruction, renovation or expansion. The president's authority to delegate this power to governors is therefore without legal basis. Renovations are subject only to general building code permits, granted by the local administration, and this holds true for mosques, churches or buildings designated for any other type of activity.

Article 5 sets forth how the governor should process applications. It requires the governor "to rule on the application, after confirming that all conditions are met, within four months from the date of application, provided the response states cause in the case of denial."

The article neglects to address the procedures subsequent to a denial of the application or whether a failure to respond within the deadline constitutes tacit approval of the application. The explanatory memorandum that the Ministry of Legal Affairs attached to the bill for the House, however, sheds further light on the article, defining several grounds on which the governor may deny an application: "The competent governor shall examine the application in light of his authorities to preserve public security and safety and oversee utilities and protect their security, as well as uphold the freedom to practice religious rites."

The explanatory memorandum thus prioritizes the preservation of security over the right of worship. This clause can be interpreted to mean that if there are objections to the presence of a church that could spark unrest, the governor has the right to deny the church a permit. In other words, a religious majority in a particular area can control the worship practices of a minority religious community. Also noteworthy is that the law sets forth no sanctions for officials who consistently refuse to grant construction and renovation permits to churches.

Article 7 states, "The purpose of a licensed church or licensed church annex may not be converted to any other purpose. If prayer and religious rites cease to be practiced in it, any conduct other than this is invalid." While this article seems geared to preserve churches and their annexes, it also usurps the right of local church members and leaders to make decisions about the future of the church and its annex buildings. For example, if church parishioners find another location for a church annex that is better equipped or a more suitable size and want to use the old annex for a different activity, or sell it to use the proceeds to support church activities, this article precludes this and compels them to maintain the old annex unused.

Articles 8, 9, and 10 deal with legalizing the status of active but unlicensed churches, service buildings, and places of retreat used for prayer, as well as the provision of religious services to Christians. Article 8 provides for the formation of a committee of ministers, competent bodies and a representative of the sect to examine the status of these buildings and propose solutions to legalize their status, but does not identify the "competent bodies" or set a deadline for the formation of the committee, though it does require applications to be submitted to the committee within one year of the date the law enters into force. Nor does the law set a timetable for the operation of the committee or a deadline for its decisions on applications for legal status. It also does not specify the procedures to be followed in the event of a dispute between the sect's representative and committee members over the interpretation of conditions that must be met by the building, or in the case of rejected applications that have met the necessary conditions.

Article 9 sets forth five conditions that an existing church building must meet before consideration of its application for legal status:

1. "Proof of the building's structural integrity": This condition cannot be met by hundreds of churches built decades ago with the knowledge of state authorities. Though they are dilapidated,

they continue to host prayer services. Dozens of applications for the demolition and restoration of these structures have been submitted, but the competent bodies have refused to grant the necessary permits. This condition is also not met by “house churches,” which are located in rural areas and built using mud brick, for example.

2. “Construction of the building in accordance with approved construction codes”: Similarly, this condition is an obstacle for the legalization of churches located in villages and informal areas, which do not comply with construction codes and are not within zoned urban areas.
3. “Compliance with rules and regulations regulated by state defense affairs”: The plain and intended meaning of this condition is inscrutable, as is its relationship to permits for already existing churches.
4. Compliance with “laws regulating public and private state property.”
5. “The application submitted within a year after the law enters into force”: The committee will not consider applications filed after this date.

These conditions subvert the very purpose for which they were formulated, and serve to exclude the consideration of legal statuses of hundreds of functioning churches. Instead, the law should have provided for the submission of a list of existing churches to be granted permits unconditionally, without the need for a supervisory government committee.

## **Recommendations**

### **To civil society:**

- Continue to lobby for full transparency in the proceedings of the new committee tasked with examining the status of existing churches and ensure that its decisions and operating methods are covered in the media.
- Continue to lobby to introduce fundamental changes to the new law regulating the construction of churches, based on a foundation of Egyptians' equal right to worship and engage in religious practice.

### **To parliamentarians:**

- Take initiative to introduce fundamental changes to the new law that do away entirely with the need for a license from the administrative bodies based on the assessment of the area's needs and the size of the affected population; ensure that conditions for the construction of churches are those found in the existing building code.

### **To the government and representatives of Egyptian churches:**

- Ensure that the committee tasked with examining the status of existing churches operates with full transparency, whereby it releases its operating methodology and decisions to the public to guarantee a basic level of social dialogue.

## Annex (I)

### Documentation of sectarian tensions and violence in connection with religious practice

1. February 2, 2011: A large crowd of Muslim residents assembled, wielding sticks and bladed weapons, in al-Haridiya in the Tahta district of the Sohag governorate, in protest to moves by local Christians to install a bell on the Mar Girgis Church. Christians immediately removed the bell from the church—which had been established in 1965—to prevent matters from escalating. Nevertheless, some people in the crowd began to attack and demolish the church, while others attempted to deter them. Calm was restored to the village.<sup>21</sup>

2. March 4, 2011: A group of Muslims in Sol, located in the district of Atfih in the Helwan governorate, set fire to and destroyed the Church of the Two Martyrs Mar Girgis and Mar Mina, after reports of a romantic relationship between a Christian youth and a Muslim woman surfaced. Village residents demanded that the church not be rebuilt as a condition for peace in the town, while hundreds of Coptic citizens staged a sit-in in front of the Maspero building, the headquarters of the Egyptian Radio and Television Union, condemning the incident and demanding that the Armed Forces rebuild the church and punish those who destroyed it.<sup>22</sup> On March 12, 2011, a large conference was held in the village, attended by military leaders and several sheikhs, led by Sheikh Mohamed Hassan. They declared that, based on Islamic legal opinion and “the consensus of Muslim scholars,” the Supreme Council of the Armed Forces (SCAF) had decided to rebuild the church on the same site at the military’s expense and under the supervision of the Armed Forces Engineering Authority.

3. March 3, 2011: Dozens of Muslims in Beni Ahmed, located in the Minya governorate, gathered in front of the Mar Girgis Church, objecting to expansion plans into an empty plot of land owned by the church. They demanded that the expansions completed be demolished and that the priest, Father Georgi Thabet, leave the village.<sup>23</sup> The assembled Muslims gave the church two days to comply, threatening to demolish it themselves following the next Friday prayer if their conditions were not met. A customary reconciliation session was convened for Muslims and Christians in the village, attended by the military governor. In the meeting, it was decided that the Christians would halt expansion work and build a wall between the church and the empty plot it owned.

4. March 27, 2011: Dozens of Muslims from the Bashtil area of the Giza governorate headed to the Virgin and Mar Girgis services building located on Tiraat al-Zumr Street in the Luaba village. Carrying sticks, they were objecting to local Christians worshipping in the building and demanded that the building be moved to another site. Sitting on a plot of 17 kirat (approximately 2,975 square meters), the building is a garment factory registered in the name of the International Garment Company. A Copt purchased it and obtained the necessary permits to convert it into a service complex, including a kindergarten, an association and a small hospital. Three months prior to the incident, Copts began to hold religious services in it, having received the requisite permission from security bodies. The area is home to hundreds of Christian families who must travel several kilometers to the nearest church. That same evening, security bodies hosted a friendly meeting between Christian and Muslim representatives in the Warraq police station. It was agreed that the service building would

21- Girgis Bushra, United Copts website, Feb. 23, 2011.

22- For more details see the EIPR report, “al-Aqbat taht hukm al-‘askar,” [http://eipr.org/sites/default/files/pressreleases/pdf/copts\\_under\\_military\\_rule.pdf](http://eipr.org/sites/default/files/pressreleases/pdf/copts_under_military_rule.pdf).

23- Television interview with Father Georgi Thabet.

keep its current form and that religious services would continue.<sup>24</sup>

5. April 4, 2011: Dozens of Muslims in al-Qamadir, located in the Samalout district, prevented village Christians from entering the Mar Yohanna Church. The crowd assembled in front of the church and locked it, halting all religious services. According to statements made to the EIPR by local residents, the mud-brick church had been operating for 12 years and had its own police guard. The presence of the church was well-known among local Muslims, who built a religious institute and mosque facing the church, as well as an association in the adjacent building, in the years after it was established. After the 2011 revolution, local Christians requested assistance from the executive authorities and SCAF, asking that the dilapidated church building be rebuilt, as it posed a danger to the worshippers' lives. The city engineering department and the Samalout district dispatched a committee to conduct the necessary surveys of the structure, provoking objections by many local Muslims, who in turned filed several complaints with the Samalout police station accusing Christians of turning the association into a church and worshipping in it. Several local Muslims then gathered in front of the church and prevented Christians from entering. Dozens of village Copts subsequently gathered in front of the governor's office in Minya, asking for the governor and military to intervene, allow them to reopen the church and protect it from further attacks. A customary reconciliation session was held in a hall at the Coptic orphanage in Samalout, attended by representatives from both sides, members of the People's Assembly, priests with the bishopric, sheikhs and security leaders. The two conflicting parties signed an agreement at the end of the session, ratified by the military governor and security director. Under the terms of the agreement, the church would be moved to a new location, about 200 meters from the original one. Copts would be permitted to worship in the old church until the new building was completed within three months. The new church would be built on a site of 240 square meters, would consist of only one story and would not have any clear church markings on its exterior.<sup>25</sup>

6. May 19, 2011: On a Thursday morning, a group of Christian youth, along with Archpriest Morqos Barti and Archpriest Antonius Salah, the two priests posted at the Church of the Virgin, and Father Abram in Atef, in western Ain Shams, headed to the church, located at the intersection of Tawfiya and Masnaa al-Sharq streets, to prepare it for religious services after several government officials announced that it was on the list of closed churches that would soon be re-opened. Calls quickly went out from shops near the church urging Muslims to go to the Nour Mosque facing the church and prevent it from being opened. Dozens of Muslims assembled to inquire about the operation of the church and demand that the Christians leave, declaring their rejection of a church in the area.<sup>26</sup> Security forces with the al-Salam police arrived, along with a military force to back them up. They set up a security cordon in front of the church's three entrances to prevent the crowd from reaching it. A customary reconciliation session was convened on Saturday evening, hosted by the Kerdasa family and attended by other prominent families from the area, an Azhar official and a deputy endowments minister, several police and military leaders, as well as bishops and local Copts. A report was filed at the conclusion of the meeting stating that residents had agreed that the building could be used as a church provided all necessary licenses were obtained from the competent bodies and on the proviso that the building have no bell, cross or religious markings on the exterior. The church remains closed.<sup>27</sup>

24- Various statements from the Giza bishopric, the location of the service building.

25- The EIPR has a copy of the reconciliation agreement.

26- The author was present when the church was surrounded and the priests exited it.

27- The author was present during the reconciliation session.

7. June 25, 2011: The village of Awlad Khalaf, located in the Dar al-Salam district of the Sohag governorate, saw sectarian clashes between Muslims and Christians that left two Muslims wounded by gunfire and two Christians with head wounds. The homes of several Copts were also burned and damaged. The attacks took place following a rumor that a Copt was building a church in the village. Coptic citizen Wahba Halim Atiya Boqtor obtained a license from the local authority to build a house on a 95-square meter plot of agricultural land, but began laying the concrete foundations on an area of 350 square meters. A citizen filed a complaint against him, and the Dar al-Salam city council suspended work on the building until violations were addressed. It secured a pledge from Boqtor to suspend construction, but he did not comply and brought in workers to complete the construction. An argument then erupted between Boqtor and several Muslims, after which a rumor spread that the house was, in fact, a church. Eyewitnesses said that at 11 am, dozens of Muslims set out for Christian homes near Boqtor's residence carrying firearms, bladed weapons, sticks and gas canisters. They fired shots in the air, and a Christian exchanged fire with them, injuring Sameh Ahmed Hamdan, 23, in the lower back and Talat Alam al-Din on the scalp. The Muslim crowd then set fire to the house under construction, and burned and damaged eight houses owned by Copts.<sup>28</sup>

Locals from both sides held a reconciliation session on July 2, attended by governorate leaders and security bodies. Both sides pledged to restore calm, while Muslims promised to help repair the damaged houses and return stolen property to its owners, including gold jewelry, most of which was indeed returned. Both parties to the dispute abandoned claims filed with Public Prosecution in order to secure the release of arrested persons from both sides.

8. August 13, 2011: A fight broke out between Muslims and Christians in Abu Suweir, located in the Ismailiya governorate, following a dispute over a plot of land separating the Mar Girgis Church and a mosque, when local Muslims refused to allow the Christian reception hall to open a door facing the plot of land. The clashes left several people mildly injured. Military leaders, along with General Aboul Fotouh Wardani, the director of Ismailiya security, and General Mohamed Eid, the head of the security directorate, brokered a reconciliation agreement between the two sides. Under the terms of the agreement, contractor Magdi Bekheit would build a reception hall on an empty 200 square meter plot of land next to the Mar Girgis Church, following the architectural plans issued to him, and would receive a few additional meters to complete construction, provided no door was opened facing the mosque in respect of the religious rites of both sides.<sup>29</sup>

9. September 2, 2011: The village of Marinab, located in the Edfu district in the northern Aswan governorate, was the site of sectarian violence that lasted from Friday, September 2, until the end of that month, in connection with local Muslims' rejection of the Mar Girgis Church, which had been in regular operation after it was rebuilt. Since the 1980s, local Copts had worshipped in a mud-brick house owned by Youssef Muawwad, donating money to have the church rebuilt. In 2009, the Aswan bishopric filed an application to demolish and rebuild the dilapidated structure, which posed a danger to the congregants' lives. When work began, Muslims attacked and set fire to the building, partially destroyed it. Several customary reconciliation sessions failed to resolve the dispute. The church was later built without domes, a tower, a cross or any exterior religious markings.<sup>30</sup>

10. September 6, 2011: Dozens of Muslim residents of the towns of al-Tanagha, al-Nazala, and Sheikh Dawoud, located in the Qusiya district of the Assyout governorate, assembled to demolish the tower of the Evangelical church in Tanagha, along with two rooms built without a license. On

28- Based on interviews with several victims from the houses attacked.

29- Middle East News Agency, Aug. 13, 2011.

30- See the EIPR report on events in Marinab, <http://www.eipr.org/pressrelease/2011/10/05/1265>.

September 7, the local engineering department, with the assistance of the Qusiya police station, removed the supports for the extra story built by the church.<sup>31</sup>

11. September 29, 2011: Dozens of local Muslims in the town of Abu al-Abbas, located in the Beni Mazar district of Minya, gathered in front of the Church of the Virgin and Archangel Michael to protest the construction of a service complex adjacent to the church on a 200 square meter plot of land, despite the procurement of all necessary permits. Military and security forces moved to the village and dispersed the crowd, suspending construction.<sup>32</sup>

12. October 3, 2011: Hundreds of Muslims gathered in al-Mudammir, located in the Tama district of the Sohag governorate, in front of a building used for worship by village Christians. They pelted the building with stones and attempted to break its iron door and windows, objecting to worship services in the building, known as the Church of the Virgin and Archangel Michael. Condemning the installation of concrete pillars, the crowd held signs saying, "No church, no association," and repeated chants such as "Islamic, Islamic." They threatened to stage an open-ended sit-in to prevent the establishment of a church on the site. According to information provided by the Tama bishopric, Anwar Shenouda, a local Christian, had purchased a plot of land and built a house on it in 2003. He then gave it to the Tama bishopric to use for worship services. The bishopric held a weekly mass in the building for five months after receiving oral approvals from security, and Christians had used the site for worship for a period of four years. The security apparatus met with the crowd and convinced them to disperse by promising to question the bishopric official and securing a pledge from him not to hold any future religious services in the building except with permits from the competent bodies. An incident report was filed (no. 5116/Tama administrative), and security forces were deployed in front of the building to prevent any further incidents.

13. November 10, 2011: Hundreds of Muslims in Kom Gharib, located in the Tama district of Sohag, assembled in front of the Catholic Church of the Virgin to stop the construction of a licensed services building. Local Muslims objected to the construction of a tower and placement of a cross on top of the building. The security director arrived in the village, and the tower built on the top of the building was removed.<sup>33</sup>

14. January 19, 2012: Dozens of Muslims in the Bahtim area of the Qalyoubiya governorate assembled and surrounded the Abu Maqar services building belonging to the Shubra al-Kheima bishopric. The crowd objected to bishops entering the building to pray and demanded to see official documents permitting them to do so. According to telephone interviews conducted by the EIPR, the Shubra al-Kheima bishopric constructed the building after obtaining a license and oral approval from security bodies, in order to serve more than 1,000 local Christian families. The first day the building was used, several bishops arrived for mass on the occasion of the Feast of the Epiphany, but were denied entry by Muslim crowds. Members of the crowd then entered the building and destroyed some of the equipment inside the structure.<sup>34</sup>

15. January 27, 2012: Hundreds of Muslims from Ezbat Gabr and neighboring villages in the Dayrout district in the northern Assiout governorate assembled following the Friday prayer in front of the Church of the Virgin and the Archangel Gabriel in Ezbat Gabr, to oppose expansions to the

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31- Telephone interview with Father Samer Ibrahim, the pastor of the church.

32- Telephone interview with Father Mikhail Ibrahim, the church official.

33- Interview with Father Youssef Fawzi, the church official.

34- Telephone interview with Father Morqos, the bishop of Shubra al-Kheima, Jan. 19, 2012.

church. According to statements of local residents to the EIPR, security forces arrived as soon as the crowd gathered and managed to persuade people assembled from the towns of Ezbat Gabr, Wissa, Masarra and Sanbo to disperse, suspending construction of the church until they received necessary permits. Public Prosecution issued an order the following day suspending the church's expansion plans until completion of licensing procedures.

16. February 15, 2012: Hundreds of Muslims from the village of Ismailiya, located in the district of Minya, surrounded a house owned by the Minya and Abu Qurqas bishopric while Copts were praying inside. The bishopric issued a statement about the incident at the Mar Girgis Church, saying, "On Wednesday morning, village Copts opened the place and prayed in it. There were light skirmishes with some local residents, but most Muslims were cooperative and understanding of the situation. The security establishment, led by the Minya Governor Serag al-Din al-Roubi and General Mamdouh Muqallad, the director of security, came to the village and agreed that a meeting of understanding would be held on Thursday involving the parties to the dispute."<sup>35</sup> The security establishment later allowed Copts to pray in a tent next to the services building, despite requests from prominent Muslim families to allow the opening of the building as a church for worship.

17. March 4, 2012: Dozens of residents of the Abu al-Rish area of the Aswan governorate demonstrated in front of an annex building of the Notre Dame Primary School, before breaking into the premises. They detained three nuns teaching at the school, who resided in one of the school's rest houses, for three hours, claiming the building was being converted into a church. In village mosques, several local residents declared that the school was on the verge of establishing a church, provoking dozens of local residents to assemble with bladed weapons in front of the rest house where the three nuns lived. They sealed off the doors of the building and destroyed one of the gates and a satellite dish on top of the rest house. The school administration contacted the security establishment and the governorate, and the security director arrived to negotiate with local residents. Representatives of the crowd were allowed into the building to search it and ascertain that it was not a church. They then left and allowed the nuns to leave the site as well. The building was closed down with iron locks. Safnaz Ibrahim, the education director in the Aswan governorate, said that a committee from the education department had been formed to monitor the situation and investigate the incident, and determined that the building in question was a rest house for three nuns. School officials revoked the nuns' appointment at the school to resolve the situation.<sup>36</sup>

18. April 1, 2012: Several residents of Ezbat al-Sheikh Younes in the Sanoures district of the Fayyoun governorate demolished parts of a house under construction, owned by Hosni Abdel Shahid, claiming it was a church. Police forces arrived and summoned a local Christian cleric. The citizen in question signed an affidavit allowing him to complete construction and declaring that the building was a private residence, not a church. A reconciliation session was convened under the aegis of members of the Freedom and Justice Party and the Nour Party in the town to calm the tension.<sup>37</sup>

19. June 1, 2012: Several hundred Muslims from Edmu in the Minya district gathered in front of the Evangelical church in town to oppose the renovation of the only church in the village, some of them carrying prayer mats and rugs to pray inside the building. Security forces arrived, surrounding the village and deploying in the streets after the crowd attacked the homes and property of the Khayyat family near the church. According to information obtained by the EIPR, the church obtained a permit during the tenure of SCAF to demolish and rebuild the structure. It had already completed

35- The EIPR has a copy of the statement.

36- Mahmoud al-Mulla, al-Masry al-Youm, Mar. 5, 2012.

37- Rabab al-Gali, al-Yom al-Sabia, Apr. 2, 2012.



the first and second stories, but when it began construction on the third, a group of citizens came and demanded LE50,000 from the church priest, Father Medhat Zahyan, to allow the church to complete construction in peace. The priest rejected the offer.<sup>38</sup> The group subsequently incited local residents against the church, claiming that it had exceeded height restrictions. Police leaders asked church officials to make do with the parts already built and to suspend additional construction. The church agreed, and misdemeanor report no. 10379/2012/Minya was filed. Security forces made no arrests.

20. May 22, 2012: Executive and security bodies prohibited Coptic citizen Louis Abdullah Fawzi from completing construction on his home, located in Ezbat Baramel, part of the village Helwa located in the Matay district of the northern Minya governorate, claiming he was converting it into a church and hosting Christian religious services. Several local Muslims, led by Mustafa Fathi Mahmoud, a member of the Salafi Nour Party, had demanded that construction cease, which Fawzi refused. Mahmoud then filed a complaint (no. 1927/2012) with the Matay police station, claiming that Fawzi was building a house on a plot of 300 square meters and that it would be used as a Coptic church. The security bodies halted construction and referred the complaint to Public Prosecution, which ordered the formation of a committee from the local engineering department to examine the house and compile a report. In the report, the local authority stated that Fawzi had violated the conditions of license no. 112/2012, issued by the Helwa local authority, diverging from the building specifications of the architectural plans and using concrete for the building structure and part of the load-bearing walls. The local authority suspended construction and sent the documents to the Minya governor to approve the demolition order. The owner of the house was summoned to provide a written pledge to halt construction.<sup>39</sup>

21. June 25, 2012: Muslims in the village of al-Basra, located in the Amiriya district of Alexandria, attacked Coptic worshippers visiting the priest of the Father Wanas Church, objecting to tours and worshippers from outside the village. A customary reconciliation session was held, attended by prominent villagers, and it was agreed that the church would not receive visitors from outside the village.<sup>40</sup>

22. August 2012: Muslims in the village of al-Daramali, located in the Beni Soueif district, objected to Christians replacing the wooden roof of the Mar Mina Church in the village with a concrete roof, which took place pursuant to official permits from the local engineering department, and prevented the completion of construction. Security forces arrived and surrounded the building. Beni Soueif Governor Maher Baybars subsequently formed an engineering committee from the housing department to inspect the renovations and their compliance with the permits.<sup>41</sup> The report concluded that the renovations adhered to the specifications and building codes, that there were no violations or infringements and that the area of the church was the same as it was prior to the renovation. The church priest signed a written pledge to honor the terms of the license and not proceed with construction except in the presence of an engineer from the Beni Soueif district engineering department to monitor the work.

23. August 21, 2012: Dozens of Muslim youth in the village of al-Uleiqat in the northern Aswan governorate intercepted the cars of Christians arriving to celebrate the annual Feast of the Virgin

38- Statement from Father Medhat Zahyan, Jun. 5, 2012.

39- Middle East News Agency, Jun. 3, 2012.

40- Several statements from Archpriest Sawiris, the church priest, Jun. 2012.

41- Interview with Father Armiya Abduh, the church priest.

in the village church. They pelted the cars with stones and refused to allow their owners entry, claiming they were strangers to the village. Security forces arrived to secure the worship service and the return of residents to their homes. Father Rafael Rizq, the priest of the Church of the Virgin in al-Uleiqat, told the EIPR that Christians from neighboring villages often come to celebrate various religious occasions, including the Feast of the Virgin, and to pray in the village church. A number of local Muslims interfered in celebrations that year, throwing bricks at Coptic visitors' cars and demanding that they leave. Security forces arrived and secured the worship service.

24. August 23, 2012: Several thousand Muslims from al-Sheikh Qassem, located in the Abu al-Matamir district of the Beheira governorate, and neighboring villages assembled in front of the home of Sharaqa Gadallah, which was under construction, claiming it was being converted into a church. The crowd was carrying firearms, bladed weapons, demolition tools and sticks, after several mosques announced that Christians were building a new church. The mob cut off electricity in the area and used two bulldozers to demolish the 180 square meter house. According to a statement to the EIPR from Ghali Abd al-Masih, the lawyer representing the owner of the residence, there are no Christians in the village except for Gadallah, whose home was demolished. When he attempted to enter the house, he was prevented from doing so by unidentified persons. An incident report was filed (no. 5458/2012/Abu al-Matamir administrative).

25. September 21, 2012: Dozens of Muslims in Shubra al-Kheima in the Qalyoubiya governorate assembled in front of the licensed Samiriya services building and attempted to storm it, claiming it was being converted into a church. According to a statement to the EIPR from Father Morqos, the bishop for Shubra al-Kheima, Morqos contacted security forces, which arrived quickly. The city head and security leaders dispersed the crowd, explaining that the facility was a licensed services building subject to the oversight of the city council and the governorate engineering department. A group of Muslims in front of the building insisted the afternoon prayer was being conducted in the building and objected to the presence of any service building. Security forces protected the building and negotiated with the crowd to disperse it, after securing pledges that the building would not be used for Christian religious practice or as a church.

26. August 23, 2012: Security forces in the village of al-Khawaga, located in the Beni Mazar district of the Minya governorate, prevented the demolition and reconstruction of the services building of the Amir Tadros al-Shatbi Church, saying that several local Muslims had filed complaints (entered as no. 6611/2012/Beni Mazar administrative) asking for a suspension of renovations. Religious leaders in the village said that the building had obtained a permit from the Beni Mazar local council to demolish and rebuild a several-story structure (permit no. 75/2011) to be used as a religious reception annex to the church.<sup>42</sup>

27. October 20, 2012: Dozens of Muslims in Kafr Ata, located in the Zaqaqiy district of the Shariqiya governorate, surrounded the Church of the Virgin to oppose the demolition and reconstruction of part of an old wall, despite the issuance of a permit from the local council. Several young people who were in church when the crowd assembled were unable to leave, and became trapped inside the church.<sup>43</sup> The governor of Shariqiya had issued an order to the local council (no. 1/2012) for the demolition of the wall and the interior renovation of the church. Local residents objected because this involved expanding half a meter into the street, which they claimed would obstruct traffic. A

42- Middle East Christians News Agency, Aug. 24, 2012.

43- For more details, see the EIPR press statement urging the issuance of a church construction law and the punishment of persons responsible for attacks on Christian worshippers, <http://www.eipr.org/pressrelease/2012/10/31/1524>.

customary reconciliation session was convened, attended by representatives of the church and local Muslims, during which Father Bakhoum Abd al-Malak, the church priest, pledged to demolish the old wall, pursuant to the demolition order from the local council.

28. October 28, 2012: On a Sunday morning, Christian worshippers were attacked while leaving the Mar Girgis Church in Ezbat Marco Tala in the Beni Soueif governorate. Dozens of Muslims from the village and neighboring towns attacked worshippers coming from outside the village at the end of the mass, using sticks, clubs and stones; many of them were also armed with chains and bladed weapons. Local Muslims objected to Christians coming from surrounding villages, which have no churches, to pray in the Mar Girgis Church. Prominent families from the town and neighboring towns held a customary reconciliation session, hosted and attended by General Mohamed Rustum, the head of the Fashn police station, and Major Mostafa Abu Aqrab, the head of investigations at the station. It was agreed that no Copts from neighboring villages would be allowed to attend mass in the church until a presidential decree was granted to the church, since Muslim residents considered the church a civic association hosting religious practices, which could therefore not admit worshippers from outside the village.<sup>44</sup>

29. November 5, 2012: At about 10 am, several Salafis, as described by church officials, assembled in front of land owned by the Shubra al-Kheima bishopric carrying firearms, bladed weapons and demolition tools. They attacked workers on the site, expelling them from it. They then seized the land and set to demolish the concrete pillars, but failed. They held the dusk and evening prayer on the site and hung up a banner between two concrete pillars declaring, "Ibad al-Rahman Mosque: Only he shall inhabit God's places of worship who believes in God and the Last Day." They remained on the site until dawn the following day. Police forces arrived, but did not remove the banner, which remained in place until the afternoon of Tuesday, November 6, when several area Muslims removed it from the building. The church filed an incident report (no. 4380/Qalyoub administrative) on November 6.<sup>45</sup> At approximately 9 pm, hundreds of Muslims assembled on the plot of land, some them carrying firearms, and chanted religious slogans rejecting the presence of a church or church buildings in the area. They replaced the banner on the building and left the site the next morning, threatening to hold the Friday prayers there the coming Friday. The Shubra al-Kheima bishopric filed a second incident report on November 7 to protect the land, as well as a complaint with the public prosecutor.

30. November 2012: Muslim residents Talaat Dahi Touni Seif al-Nasr and Ahmed Touni Seif al-Nasr demolished the wall of the Mar Girgis Catholic Church in Delga, located in the Deir Mawas district in the southern Minya governorate, claiming that they owned part of the land inside the wall. Father Ayyoub Youssef, the church pastor, told EIPR researchers that the people living in the house next to the rest house on the northern side of the church claimed, prior to the demolition, that they owned half an kirat (approximately 87 square meters) and six ashum of land inside the rest house, although the church has owned the land since 1946. He added that the church had donated about 40 square meters of the land to the mosque adjacent to its southern wall. Minya security forces set up a cordon in the area of and a report was filed (no. 3471/2012/Deir Mawas administrative). Investigations by the Deir Mawas police found that 10 meters of the wall around the rest house from the north, about half a kirat, had been demolished. The public solicitor with the Southern Minya Prosecutions allowed the church to rebuild the destroyed wall.

44- Statements from several local residents and Father Sharubim Shehab, the church pastor.

45- For more details, see the EIPR statement urging the president to initiate dialogue on the a new, fair law regulating the construction of houses of worship, <http://www.eipr.org/pressrelease/2012/11/08/1528>.

31. December 2, 2012: Dozens of Muslims in Ezbat al-Saayda, part of the Manshaat al-Sawi village in the Adwa district of the Minya governorate, surrounded a building in which Christians regularly hold religious services. Officials with the Maghagha and Adwa bishopric told the EIPR that the building is a church and is recognized as such by officials and local residents. It consists of three stories over an area of 205 square meters. Security forces arrived and filed a report (no. 3602/2012/Adwa police station administrative). Father Aghathus, the bishop of Maghagha and Adwa, said in a statement issued by the bishopric that the building, the Church of the Virgin and Mar Girgis, was established 30 years ago, during the time of the late Father Athnasius, his predecessor. According to Aghathus, the state had included the church in its list of churches associated with the Maghagha and Adwa bishopric in Minya in the past, including under the rule of SCAF. The Adwa Prosecution released Sameh Mahrous, who was accused of converting his house into a church without the necessary licenses, after he testified that the house was owned by the Maghagha and Adwa bishopric. The prosecution asked the police to investigate the incident and formed a committee from the local authority to survey the site to determine if the building was licensed.

32. January 12, 2013: An argument broke out between Muslims and Christians in Kaff al-Gazira, located in the Nasser district of the Beni Soueif governorate, after reports that Christian resident Said Nuwara Riyad had demolished an old building, measuring 40 square meters, that was designated as the Mar Girgis Association for Orthodox Copts, which had been non-operative since 2009. Muslims Mohamed Abdel Rahman and Azouz Taha both filed an official complaint against Riyad accusing him of demolishing the unused property for the Mar Girgis Association, in order to rebuild it for use as a reception hall and services building for local Christians.<sup>46</sup> According to statements to the EIPR from local residents, the building was designated as a services building prior to the establishment of the Mar Girgis Church in the village in December 2009. Ownership of the building reverted to its owner, who wanted to demolish the structure and build a new house for his family. As soon as the complaint was filed, a force with the Nasser police station arrived. Riyad, the owner of the building, signed a pledge to use the building as a family residence, and a friendly reconciliation session was held in the district to clear the air.

33. January 26, 2013: Dozens of Muslims from the village of Fanous, located in the Tamiya district of the Fayyoud governorate, demolished a building under construction owned by the Agayibi Orthodox Coptic Association. Local Christians had obtained a decision from the associations department of the Fayyoud Social Solidarity Directorate on August 8, 2011, registering the association in the village. The registration decree states that the association operates to provide cultural, educational, health, social services and care for special groups.<sup>47</sup> Eyewitnesses said that citizens used megaphones at a village mosque to urge people to demolish the “church under construction,” prompting hundreds of people to head to the site and destroy the structure.

34. February 10, 2013: Dozens of Muslims in Girgis, located in the Abu Qurqas district of the Minya governorate, assembled in front of a plot of land measuring 180 square meters, designated for the establishment of a services building for the Church of the Virgin. Magdi Ilya Daniel, the Coptic owner of the house adjacent to the plot of land, had demolished his house, dug a foundation, and begun setting up concrete supports for the new services building. Fathi Nagi Abd al-Megid, the village watchman, subsequently filed a report at the Abu Qurqas police station (no. 3409) on February 7, 2013. Police officials summoned the respondent and secured a written pledge from him stating that he would not proceed with construction until he obtained necessary permits and licenses. After

46- Various statements to EIPR from local residents, Jan. 20, 2013.

47- The EIPR obtained the association’s documentation and the approvals from the executive bodies, as well as statements from local residents.

the crowd gathered, he was summoned again and asked to sell the plot of land to another person, to avoid an escalation between Christians and Muslims. He agreed and another incident report (no. 44/Abu Qurqas incidents) was filed.<sup>48</sup>

35. February 15, 2013: A fight broke out between Father Domadeus Habib, the priest of the Mar Girgis Church in Sersana in the Tamiya district, and his Muslim neighbors after the church began to pour concrete supports on empty land adjacent to and owned by the church. The plot of land separates the church from the residence of Hussein Kamel, its Muslim neighbor to the north. Dozens of Muslims assembled and declared their rejection of the church, which was established in the 1980s and renovated in 2000 pursuant to an official license (no. 347) as a reception hall for Christian religious practice. A security guard was posted to the building, as is the case with other churches. The church is a one-story building, with a surface area of 170 square meters and a height of 2.8 meters, made of mud brick and topped with a wooden dome. Next to it is a 400 square meter plot of land owned by the church, which separates the church from its neighbor.<sup>49</sup> A customary reconciliation session was held, mediated by the chief of the Tamiya police, in the Tamiya police station. The session concluded under the following terms:

- A 30 centimeter wide wall will be built separating the neighbor from the church land.
- No buildings will be built on the empty church-owned land, which will be used solely for storage purposes.
- The empty land will not be annexed to the building in which religious services are held.
- The church building will remain as is, without expansion, and must remain under a height of three meters.
- Church officials will install insulation on the roof of the church and a layer of tiles on the roof of the neighbor's home at the church's expense.

36. February 18, 2013: Muslim youth objected to renovations undertaken by the Mar Girgis Church in al-Kom al-Asfar, located in the Tahta district of the Sohag governorate, after one of the church walls collapsed. The church priest attempted to secure the necessary permits, but was met with administrative complications and the recalcitrance of local bodies. He then began repairing the collapsed wall without a permit. In response, dozens of Muslims assembled in front of the church, chanting hostile slogans and demanding a suspension of the repairs; some threw bricks and stones at the building. A force from the Tahta police station arrived on the scene and suspended renovations. The security forces escorted the priest, Father Elisha Nasri, to the Tahta police station to take his statement regarding construction in the church. He was referred to Public Prosecution the same evening; the prosecution took his statement and released him.<sup>50</sup>

37. February 25, 2013: Dozens of Muslims surrounded the Abu Maqar service building in the Ibn al-Hukm neighborhood of Shubra Kheima, located in the Qalyoubiya governorate, carrying weapons and sticks. They forced workers to suspend construction, claiming the building was not licensed and that it would be converted into a church. According to documents obtained by the EIPR from the Shubra al-Kheima bishopric, an official permit from the Western Shubra al-Kheima engineering department was issued, entitled "Building and use change to the building licensed as no. 28/2009,

48- News story on the incident, Watani, Feb. 20, 2013.

49- For more details, see the EIPR statement, <http://www.eipr.org/pressrelease/2013/02/17/1628>.

50- Telephone interview with Father Elisha Nasri.

pursuant to the governor's directives."<sup>51</sup> According to the license, the licensee is Father Morqos, the bishop of Shubra al-Kheima, and his subordinates. It licenses a ground floor and four additional stories while changing the use of the build from a storehouse to the Abu Maqar services building. The EIPR also obtained a letter from the engineering department to Father Morqos, dated February 12, 2013, and numbered 1469, which states, "It was found that a room and two bathrooms on the ground floor are in violation of the approved architectural plans. Please take the necessary measures to correct the works in violation within 15 days from the date of this letter, or we will be compelled to take legal action against the violations."

38. March 21, 2013: Religious tension resurfaced in Abu al-Abbas, located in the Beni Mazar district in the northern Minya governorate, after dozens of Muslim residents assembled and surrounded the Church of the Virgin and the Archangel Michael, protesting the expansion of the church, for which the church had obtained all official permits. The expansion involved the addition of a 200 square meter plot of land that had been slated for the construction of a services complex adjacent to the church. The EIPR obtained numerous statements from local residents saying that the church had obtained a license to build a service complex consisting of a basement, ground floor and two additional stories. The complex was to include a reception hall, clinic, guesthouse and workshop. When the church began construction, several local Muslims objected. According to a statement from the Minya security directorate, General Ahmed Suleiman, director of security, received a notice from the chief of the Beni Mazar police station saying the latter had received a report from the forces deployed to secure the church. The force reported that "approximately 150 people, Muslims of the village, gathered in front of the church to protest Father Mikhail Ibrahim's move to demolish a wall of the home adjacent to the church, owned by Emad Fawzi Sadeq, in preparation for annexing the house to the church." The reported added, "Incident report no. 2474/2013/Bani Mazar administrative was filed and a meeting was held at the police station with prominent families in the village after local residents went to the church to assess the transgressions, in which the relevant parties agreed to redress the infractions. The situation was contained and an agreement was made that the church pastor would restore the previous state of affairs and rebuild the wall."

39. April 2, 2013: Dozens of residents of Ezbat Sayyed Musaad, located in the al-Adwa district of the northern Minya governorate, attacked a church building while Father Aghathun, the bishop of Maghagha and al-Adwa; Father Azra Fangari, the bishopric secretary; and Father Samir Ishaq, a priest at the bishopric, were performing religious rites inside. The assailants threw bricks and stones at worshippers, threw furniture into the street and smashed the windshield of one of the Christian cleric's cars.<sup>52</sup> Security forces from the Adwa police station arrived at the scene and dispersed the crowd, before sending worshippers and clerics on their way. The following day, al-Adwa Prosecution questioned Father Ishaq Samir, releasing him after he signed a pledge not to open the building and suspend worship activities pending the acquisition of necessary licenses.

40. April 16, 2013: Citizens in al-Zara in the Girga district of Sohag governorate prevented the local Mar Mina Church from building an exterior wall, although the church had obtained the necessary permits. They threatened to attack the wall and demolish it themselves if it was built.<sup>53</sup> As soon as the incident occurred, Father Andraos al-Qummus Moussa contacted Sohag Governor Yehya Abdel Azim and General Mohsen al-Gindi, the director of Sohag security. They arrived the next day and convened a customary reconciliation session, during which it was decided that the situation would

51- Building permit no. 9/2012, issued on Nov. 8, 2012.

52- Telephone interview with Father Azra Fangari, Apr. 3, 2013.

53- Abu al-Ezz Tawfiq, United Copts website, Apr. 16, 2013.

be left as is and that the harmed party could seek recourse through the court system. Father Andraos, the church priest, said that although they had obtained all the building permits to construct a wall around the church—because the church was located in the middle of agricultural land—a group of local residents distributed flyers and declared that they would prevent construction and demolish the church. The governor did not issue an official decree to halt construction of the wall.

41. May 18, 2013: The security apparatus compelled the Church of the Virgin in Taha al-Amida, located in the Samalout district in the northern Minya governorate, to suspend construction on a licensed services building for the church, claiming that construction was inappropriate given security conditions. Archpriest Dawoud Nashed, the deputy archbishop of Samalout for Orthodox Cops, told the EIPR, “Two days after digging the foundation for the services building, set on a plot of 1,200 square meters in the middle of a Coptic-majority area, we were surprised to find church priests being summoned to the Samalout police station. There, security bodies asked them to suspend construction, fearing it could cause sectarian tensions.” He added that the bishopric and the church had applied for the permit more than two years prior to the revolution. After inspections by the municipal unit, the governorate and engineering departments, the church received approval from the governor of Minya on January 18, 2012.

42. June 3, 2013: Security bodies stopped the Evangelical church in al-Sultan Hassan, located in the Abu Qurqas district of the southern Minya governorate, from moving ahead with expansions. Church officials built two doors for two houses, one adjacent to the church and the other behind it. Dozens of Muslim villagers assembled in response to the expansion and filed an incident report (no. 3121/2013/Abu Qurqas administrative), accusing the church of provoking the anger of Muslims with this move. Security forces arrived at the scene, dispersed the crowd and suspended construction.<sup>54</sup>

43. August 11, 2013: The Church of the Archangel Michael and Father Antonius in al-Diyabiya, located in the al-Wasiti district in the northern Beni Soueif governorate, was set on fire by local Muslims in the midst of attacks on Copts’ property in the area. The attack was precipitated by a fight between two families, one Muslim and one Christian, over a speed bump constructed by a local resident in front of his home that obstructed traffic. Village Muslims objected to the rebuilding of the church in the wake of the attacks, and the local council and security forces refused to issue the necessary permits. In 2015, authorities reconsidered and granted permits for reconstruction of the church.<sup>55</sup>

44. December 18, 2013: Several Muslims from al-Berba, located in the Sadfa district of Assyout, attacked a services building under construction affiliated with the Mar Girgis Church. They demolished the first floor of the building after church officials refused to pay them not to approach the structure. The church filed a report with the Sadfa police station and contacted the Assyout security director, who sent security forces to the area. The assailants fled, but after the police force left the village, they returned to intimidate churchgoers. Archpriest Philemon Abdullah Mashriqi, the priest at the Mar Girgis Church, said, “The Church managed to obtain an official permit to construct a services building for the Mar Girgis Church on a 600 square meter plot land, to be used for Sunday schools, as well as education and health services. All the official documents were completed and the ground floor was built. After the foundation was placed for the first floor, a phone call was received

54- Based on a copy of police report no. 3121/2013/Abu Qurqas administrative.

55- Based on statements obtained by EIPR researchers during a visit to the village. For more information about sectarian attacks documented by EIPR from July 10, 2013 to August 11, 2013, see <https://goo.gl/PyjrXE>.

from village thugs demanding a cash payment in order to let them complete construction. They demanded a payment of more than LE100,000.<sup>56</sup>

45. December 23, 2013: Several Muslims from Tarshoub, located in the Beba district in the southern Beni Soueif governorate, shut down the Mar Girgis Church and forced the priest to leave after a Muslim neighbor spread a rumor that Copts were installing a bell on the church gate. According to a statement Archpriest Abd al-Qaddous Hanna, an official with the bishopric of Beba and Fashn, gave to the EIPR, the church has hosted Christian worship services for 20 years with the knowledge of security agencies and village residents. A new priest was appointed to the church, and local Christians began building a rest house for him on top of the church. A rumor that Christians were placing a cross on top of the church gate then circulated, prompting dozens of local residents to assemble and throw stones and bottles at Christian homes. They closed down the church and demanded the priest leave the village and not return. The attacks resulted in damage to doors and windows of homes, while part of a shop owned by Badr Maher and a tuk-tuk belonging to Magdi Fathi Rizq, both Coptic residents, were torched. Security forces were able to contain the situation, according to Archpriest Hanna. A reconciliation session was held in the Beba district and attended by General Zakariya Abu Zina, the head of police investigations, the chief of the Beba police station, several arbiters and representatives from parties to the dispute. Participants agreed to close the 20-year-old church and designate another location in the village for worship—an unused hall. It was agreed that mass, including Christmas mass, would be held in a private residence until the new church building was ready.

46. March 14, 2014: The crosses on the Archangel Michael Church in al-Rirmon, located in the Mallawi district in southern Minya, were smashed. An incident report was filed (no. 1633/2014/Mallawi administrative).

47. March 19, 2014: Minya security forces took charge of a three-story church building in the town of al-Megidi, located in the Minya district, and prohibited worship inside, claiming that village Copts were holding religious services there without a license. A security detail was posted to the church and the local unit, along with regulatory and administrative officials, were notified of the incident.<sup>57</sup>

48. March 28, 2014: The village of Nagaa al-Noseirat, located in the Dar al-Salam district of Sohag, witnessed sectarian attacks on local Copts after a rumor spread that Copts were building a church. Hundreds of local Muslims attacked a guesthouse under construction, owned by Copt al-Nimr Aziz Hanna,<sup>58</sup> assaulting workers and destroying construction materials. Dozens of children pelted Christian homes with bricks, attempting to break into some of them. It was later agreed that the Mar Girgis Church would be built in the village, construction of which was completed in 2015.

49. May 8, 2014: Security forces with the al-Adwa police station arrested Bebawi Habib Suriyal, a 55-year-old worker at the Catholic church in Zawiyat Bermasha, and charged him with converting his home into a church for public worship.<sup>59</sup>

50. June 24, 2014: A customary reconciliation session in the town of al-Mahamid Bahri, located in the Armant district of Luxor, ruled to shut down a guesthouse used by local Copts for worship, Sunday school and religious occasions, after a Christian youth was prosecuted for blasphemy. Although

56- Nader Shukri, Middle East Christians News Agency, Dec. 18, 2013.

57- Telephone interview with Father Makarius, the bishop of Minya and Abu Qurqas.

58- Telephone interview with al-Nimr Aziz Hanna.

59- Statement issued by the Maghagha and Adwa bishopric.



the youth was sentenced to six years in prison, several local Muslims insisted that the guesthouse be shut down nonetheless.<sup>60</sup>

51. July 14, 2014: The police arrested three Christians in the village of Edmu in Minya after they installed doors and windows on the Evangelical church. Police detained them at the police station in Minya for several days.<sup>61</sup>

52. August 3, 2014: A customary reconciliation session ruled to suspend construction on the Mar Girgis Church in Ezbat Yaaqoub al-Qibliya, located in the Samalout district of Minya. Clashes broke out in the village between several local Muslims and Christians in connection with the church's construction, and several people on both sides sustained mild injuries. The church had received security approvals for the building.<sup>62</sup>

53. August 8, 2014: A security force from the Samalout police station shut down a building owned by the Samalout bishopric that was meant to be converted to the Father Karas Church.<sup>63</sup> A policeman stationed to guard the building verbally and physically assaulted Archpriest Astafanus Shehata and threatened to kill him, brandishing his weapon in the priest's face. The policeman barred him from holding the Friday mass, forced him to leave the church, and shut down the building to prevent worship inside. The church was later able to obtain security permits and reopen.

54. August 11, 2014: Muslims in the village of Nazlet Faragallah, located in the Minya district, attacked local Copts and surrounded a plot of land owned by a Copt, claiming that he intended to build a church on the land.<sup>64</sup>

55. October 2, 2014: A crisis flared yet again in connection with the Church of the Virgin and Pope Kirolos in Ezbat al-Hagana, located in Amiriya in western Alexandria, after Amiriya police arrested three drivers of cement mixers working with the church. The drivers were supplying workers with building materials for renovations inside the church. The police force also confiscated the equipment, and one policeman disposed of the cement on the side of the Cairo-Alexandria Desert Road.

56. October 31, 2014: Several Muslim residents of Sheikh Abdel Razeq, located in the city of Minya, assembled and prevented worship inside the Mar Girgis Church after the Friday prayer. Father Markarius, the bishop of Minya, said in a statement, "The village of Sheikh Abdel Razeq, part of al-Dahab al-Qibliya, has a church known as the Mar Girgis Church, though it has no appointed pastor. An application was filed with the Minya security directorate to move the church to another location to use for worship, as an alternative to the original church, in light of the emergency circumstances of the church, even though the new place is smaller than the current church."

He added, "But a rumor spread that we were about to build a new church, despite the existence of the old one. Several villagers thus thought that there would be two churches in the village, but after the situation was explained and several reasonable village Muslims intervened to clarify the facts, things calmed down and the situation was brought under control."

57. March 7, 2015: The security apparatus suspended construction of a rest house inside the Coptic

60- The EIPR visited the town and met with several local residents on Jul. 1, 2014.

61- Telephone interview with one of the persons arrested after his release, Jul. 20, 2014.

62- Statement from Father Astafanus Shehata, an official with the Samalout bishopric.

63- The EIPR visited the church and met with the clerics responsible for it.

64- Statement from the Minya archbishopric.

cemetery in the Dëshna district, in the northern Qena governorate, after several neighbors filed a complaint accusing Copts of building a church inside the cemetery.<sup>65</sup>

58. February–April 2015: The village of al-Galaa al-Sharoubi, located in the Samalout district in the northern Minya governorate, witnessed ongoing sectarian attacks starting in February, after several prominent Muslim families in the village refused to allow the implementation of a decree from the Minya governor for the demolition and reconstruction of the Church of the Virgin, which has hosted worship services since 1977. Although church leaders accepted most of the conditions imposed by the Muslim party to the dispute during several customary reconciliation sessions brokered by the security apparatus, various issues were manufactured to impede the execution of the agreements decided upon in the reconciliation sessions.<sup>66</sup>

59. March 2015: Minya Governor Salah Ziyada convened a customary reconciliation session to discuss protests against the construction of the Martyrs Church in al-Awr, located in the Samalout district. Several local residents attacked the church building and Copt-owned property in the town. It was agreed in the session that the location of the new church would be moved from the western part to the eastern part of the village. In exchange, seven people were released after being arrested for involvement in the attack on the church, injuring several Coptic citizens and torching a car owned by a Copt.<sup>67</sup>

60. March 30, 2015: Children in the village of Garf Sirhan, located in the Dayrout district of Asyout, set fire to lumber owned by a local citizen, claiming that the citizen intended to build an unlicensed church. The local unit filed a works report (no. 30/2015), as well as a building code violation report on March 25, 2015, subsequently issuing a demolition order.<sup>68</sup>

61. April 3, 2015: At midnight on Friday, security forces, led by the prefect of the northern zone of the Minya governorate, raided the St. Joseph the Pious house, owned by the Maghagha and al-Adwa bishopric, in the village of Miyana in the Minya governorate. The house was used for prayer services. Security forces vandalized the interior of the house and seized the vessels used in liturgical practices, claiming the site was unlicensed. The bishopric denied this in an official statement, in which it included correspondence between the church and the official bodies that had issued necessary permits.<sup>69</sup>

62. July 1, 2015: Several Muslim residents assembled in front of the Church of the Virgin, Mar Girgis, and Mother Sarah in the village of Arab Asmant, located in the Abu Qurqas district of the southern Minya governorate, claiming that a local Copt had turned his home into a place for worship and prayer. In a statement, the Minya and Abu Qurqas bishopric said, “There is no truth to claims that a Copt in the village of Arab Asmant, located in the district of Abu Qurqas in southern Minya, converted his home into a church. A church already exists in the village. It is not a home, but a church called the Church of the Virgin, Mar Girgis, and Mother Sarah, which hosts worship services.”

65- Middle East Christians News Agency, Mar. 7, 2015, [http://mcndirect.com/showsubject\\_ar.aspx?id=60001#.V-ulzdGli1E](http://mcndirect.com/showsubject_ar.aspx?id=60001#.V-ulzdGli1E).

66- See statement issued by the EIPR, <http://www.eipr.org/en/press/2015/04/comment-latest-sectarian-attacks-minya-eipr-condemns-security-approach-sectarian>.

67- Statement from Father Dawoud Nashed, an official with the Samalout bishopric.

68- Copts United website, Mar. 30, 2015, <http://www.copts-united.com/Article.php?I=2220&A=195975>.

69- See statement issued by the EIPR, <http://www.eipr.org/en/press/2015/04/comment-latest-sectarian-attacks-minya-eipr-condemns-security-approach-sectarian>.

63. August 20, 2015: Coptic youths forced opened a door of the Archangel Michael Church in Rahmaniya, located in Nagaa Hamadi in Qena, which had been closed by order of security; the youths then prayed inside the church. The Nagaa Hamadi deputy police chief, the head of criminal investigations, and several police officers arrived and demanded that the church be shuttered once more. On August 25, Father Rufael Shaker, the pastor of the Church of the Virgin in Rahmaniya al-Qibliya, told the EIPR, “The survey committee with the Nagaa Hamadi district came to inspect the church. They established that the building is the Church of the Virgin, which was built in 1936. It has two altars, which were used for mass 40 years ago.”

64. September 7, 2015: The Fashn Prosecution in southern Beni Soueif released Father Samaan, the pastor at the Ezbat Girgis Church, located in the Fashn district, after accusing him of building a church on agricultural land without obtaining the approval of the competent bodies. Colonel Amr al-Adl, the chief of the Fashn police, received a report from a building official with the Aqfahas village council, also located in the Fashn district, saying that Father Samaan was building a church without the required permits.

65. December 11, 2015: Minya security shut down the Church of the Virgin and the Two Saints in Sawada, located in Minya City, after the church was attacked by several local residents. Security posted a guard to protect the church, where Copts have worshipped for three years. The church also hosts a kindergarten and children’s Sunday school classes.<sup>70</sup> The church priest refused to name any of the assailants, seeking to preserve good relations with the neighbors. The interfaith Family House convened a customary reconciliation session in Sawada, in which it was agreed that church construction be suspended.

66. December 25, 2015: Security forces arrested Coptic citizens in the village of Abu Hanas, located in the Samalout district, for building a wall around the St. Abu Maqqar Church in the town. The church was licensed as a civic association in 2003 by the Ministry of Social Affairs for the purpose of religious services and development activities. The second floor of the association is used as the church.<sup>71</sup> Given the limited space available and the numerous activities hosted—remedial classes, Sunday school, and music classes—residents of the town decided to establish an adjacent building to expand the association and the church. Other residents attempted to appropriate the land where the new building would be erected, after which members of the association began building a wall around it to protect it. The Samalout Prosecution released the citizens on LE1,000 bail each.

67. January 14, 2016: Security forces attempted to shut down the Church of Father Ibram and Father Karas, located in the area of al-Khusous al-Qadima below the Ring Road, claiming it was unlicensed, although there were no apparent problems with the church’s Muslim neighbors. The upper floors of the church building are designated as a hospice for elderly, disabled, and sick patients and provide care for more than 1,000 people. The chief of the Khusous station and security leaders had visited the church the week before, on Christmas Day, to offer holiday wishes. An assembly by several Copts in the area prevented the closure, after which several parliamentarians intervened to caution security bodies against the measure. The closure was reconsidered.<sup>72</sup>

68. May 12, 2016: The temporary building housing the Church of the Virgin in the town of Ismailiya al-Bahariya, located in the Minya governorate, was set alight at 2 am on Thursday. Father Makarius, the bishop of Minya, accused “extremists” of being responsible for the criminal act. The

70- Statement from Father Makarius, the bishop of Minya and Abu Qurqas.

71- Telephone interview with Father Astafanus Shehata, an official with the Samalout bishopric.

72- Statement from the church priest and several persons on the scene at the time of the attempted closure.

security apparatus was notified of the incident. In a press statement obtained by the EIPR, the bishop of Minya said that the church was temporarily housed in a large tent in which local Copts prayed, located 6 kilometers from Minya City. Local Copts had been holding all their meetings on the site for more than a year, with the knowledge of the security bodies, local officials and a Muslim guard, and were served by Father Yonathan Adel, pending security approval for the inauguration of the church building, which was completed in 2009.

69. June 17, 2016: Several local residents of al-Beida, located in the Amiriya area of Alexandria, instigated an attack following rumors that a religious services building was being converted into a church. Following the Friday prayer, several Muslims took to the streets chanting anti-Coptic slogans. They threw stones at the homes of several Copts, vandalized the car of a Christian cleric, injured two people and intimidated residents. Although security forces were deployed to the scene, the assailants continued to march in the streets chanting, "We don't want a church."<sup>73</sup>

The security forces arrested six Copts in connection to the incident. The Amiriya Prosecution later released two of them, Maurice Aziz Moussa and his brother Moussa, on LE500 bail each, and released the other four on surety of residence. They were charged with unlicensed construction and converting a home into a church services building. Naim Aziz, the original owner of the building who had sold it to the church, and his brother Emad Aziz, were barred from entering their home until an agreement was reached in a customary reconciliation session following the intervention of several MPs. The service building was shut down and its use prohibited.

70. June 29, 2016: Several hundred Muslims in Kom al-Loufi, located in Samalout in the Minya governorate, attacked the home of Ayyoub Khalaf Fahmi, which was under construction at the time, claiming it was a church. They set fire to the house and four adjacent houses owned by Fahmi's siblings. The village had seen tensions and an incipient crisis building between Muslims and Christians in the days leading up to the incident. Following rumors that the house would be used as a church, on Monday, June 27, security forces from the Samalout police station suspended construction on the house and contacted the city engineering department to take necessary measures. Ashraf Khalaf, the owner of the house, signed an affidavit at the police station, in the presence of police officials and the town mayor and sheikh, saying that the house was being built for the purpose of habitation and he had no intention of using it for any other purpose.<sup>74</sup> Nevertheless, the tension and incitement against Copts persisted. The owner of the house then went to the homes of prominent Muslim families to assure them that the house was intended only for residence, and that he and several other Copts signed another affidavit saying that the building was not a church. On Wednesday evening, during a customary reconciliation session in the home of the town sheikh, hundreds of people attacked and set fire to Khalaf's house. They also threatened to kill his siblings, who lived nearby. A Muslim neighbor helped the Christian families to flee the village. Forces arrived from the Samalout police station, but they were pelted with bricks and stones, which damaged the windshields of two police vehicles, one of which was occupied by the chief of the Samalout station.

71. July 15, 2016: Several hundred people attacked the homes of Copts in Nazlet Abu Yaaqoub, part of Manshaat al-Dahab in the Minya district, after a rumor spread that a local house was being converted into a church. Statements obtained by the EIPR and a statement from the Minya and Abu Qurqas bishopric agreed that Reda Khalil and his brother Ibrahim began to outfit an 80 square meter apartment on the ground floor of a house, consisting of two rooms and an entry room, to use as a kindergarten for village children, both Muslim and Christian. Eyewitnesses said that cars with

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73- Interview with Naim Aziz and several telephone statements from local residents.

74- For more details, see the EIPR statement, <https://goo.gl/HHYubA>

people from nearby villages joined forces with villagers and began attacking Copts' homes, threatening Copts present in the street with weapons and expelling others from their homes. Several Copts took cover in nearby agricultural land.<sup>75</sup> The attacks saw five houses, owned by Coptic residents Istamalek Youssef, Yohanna Youssef, Abdel Malak Salib, Ibrahim Khalil, and Wadie Farag, burned down. Security forces arrested several suspects, later releasing them after a customary reconciliation between the Muslim and Christian parties.

72. July 22, 2016: Dozens of Muslims in Saft al-Kharsa, part of the Tulut local unit in the Fashn district of Beni Soueif, attacked the homes of Coptic residents, claiming that a house was being converted into a church. They threw stones at the houses, alarming the owners and breaking windows. A video of the attacks shows boys and young men pelting the homes of Coptics residents Ishaq Fahim, Nadi Yaaqoub and Ezzat Samir, as well as the car of Nadi Fahim, with stones. The assailants claimed that the Copts were building a church, though the structure under construction was licensed as a private residence. A customary reconciliation session was convened by officials, in which the following terms were agreed upon:

- Christians are free to hold worship services in any of the Christian homes in the village without harassment by Muslims under any condition and at any time.
- Muslims have no objections to Christians building a church in the village after obtaining the necessary permits from the competent bodies. Muslims will offer support and will undertake no action that could impede Christians' efforts to obtain the necessary permits.
- Muslims will not tamper with the connection of utilities to the house in dispute, provided the owner complies with the permits for a residential building and adheres to the architectural interior plans, without large halls or any exterior or interior decorative elements in the house that indicate it is a church or house of worship.
- The two parties agree to abide by the agreement.<sup>76</sup>

Security forces arrested 18 Muslim citizens who were detained pending further investigations. The Fashn police station also detained seven Copts before releasing them without charges.

73. August 7, 2016: The force deployed to secure the Evangelical church in the Ismailiya governorate accosted Father Ezzat Afifi, the priest assigned for Evangelical Christians in Ismailiya by the Evangelical Delta Synod in February 2016. The security detail insulted the priest, physically attacked him, and brandished their weapons in his presence and that of his companions, even after they were shown personal identification and authorization from the Evangelical confession to preside over services on the site. The guards refused to listen to the priest and continued to insult and physically assault one member of the party, Father Shadi Afifi.<sup>77</sup>

Security forces arrived at the church and escorted some of those present, including Father Ezzat Afifi, to the station to file an official police report (no. 1386/2016/Ismailiya station administrative). The report was submitted to the Ismailiya Prosecution the following morning, which determined, based on the documents provided to it, that the Evangelical church had the right to appoint a church priest to oversee religious affairs for the parish.

75- For more details, see the EIPR video on the incident, released on Aug. 23, 2016.

76- The terms of the reconciliation agreement were published on the website of al-Youm al-Sabia, Jul. 24, 2016.

77- Statement from the evangelical church on the incident.

74. August 26, 2016: Security forces arrested several Copts in Awlad Ibrahim, located in the Assyout district, for holding prayer services inside a building. Local residents had filed several applications to build a church, all of which were denied by officials. A number of Copts then began using a private residence for worship, installing cement and sand flooring to prepare it for use.<sup>78</sup>

The population of Awlad Ibrahim is approximately 18,000, about 25 percent of which are Copts. The village is administratively part of the village of al-Mutayaa. There are some 22 mosques in the town, but no church. Village Copts attend churches in the neighboring villages of Shatab, al-Mutaya, and Assyout City. The closest church is approximately 5 kilometers away and Copts find it difficult to move between one village to the next.

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78- Phone interviews with several village residents.

## Annex (2)

### Proposed standards for a law regulating church construction

International human rights conventions and the Egyptian Constitution uphold the principles of freedom of belief and religion, along with their related rights, including the right to freely worship and build houses of worship without administrative restrictions, and the principle of religious non-discrimination. These principles mean that Egypt's 2016 law on the construction and renovation of churches should never have been issued in its current form, and regulations governing church construction should be part of the general building code. At the very least, the law should have covered the construction of all houses of worship, without distinguishing between mosques and churches or other places of worship. This, however, was not the direction taken by official institutions in Egypt. In fact, the Egyptian Constitution states in Article 235, "The House of Representatives shall issue a law regulating the construction and renovation of churches in its first session in a way to guarantee the freedom of Christians to practice their religious rites."

In this context, general standards that should be met by any law to ensure that it is fair and achieves its intended purpose can be identified. The objective is not to draft a church construction law that reproduces the al-Ezabi decree, but for Egyptian legislation to guarantee the construction of churches and places of worship and to offer religious services to citizens. As such, we believe that any law governing church construction should meet the following criteria:

1. The right of freedom of religion and belief enshrined in the Constitution is broader than the freedom to simply choose a particular faith. Rather, it encompasses the protection of all aspects of freedom of belief, including the freedom to worship collectively and to educate children in the teachings of the belief embraced by the individual.
2. There is a difference between religious practice—a right guaranteed to every citizen, which can be exercised individually or as part of a group in any place—and the construction of houses of worship or churches as regulated by law. The right of individuals and groups to observe religious occasions and celebrations should not be restricted on the grounds that the site on which these events take place is not a house of worship. The freedom to assemble for religious purposes must apply to homes, public spaces and other sites without need for a permit.
3. The law must include a definition of a place worship and other places providing religious services that does not enumerate the details of their contents or components. Any such specification that aims to restrict the autonomy of religious institutions and their members to determine the form of their religious practice and worship is, in fact, a restriction on the right to worship.
4. The law must respect historical and cultural rights and inherited religious practices as they relate to the construction of houses of worship. Limiting the shape of a religious structure for any reason infringes upon freedom of worship. No restrictions should be placed on the practice of licensed activity, such as specifications that a church building cannot have a tower, bell or cross on its exterior.
5. All religions must be treated equally, and discrimination against vulnerable religious groups prohibited. If the Constitution requires the issuance of a law on the construction of churches, the objectives of the law should be no different than laws regulating the construction of mosques. There must be standards ensuring equality and non-discrimination. One religion should not be allowed to build houses of worship while the other faces legal impediments to construction and renovation.
6. The law should set an appropriate timeframe for responses to applications to construct a church, and the response must list cause if the application is denied. The law must set forth procedures to appeal administrative decisions through a higher administrative body or the judiciary.

7. The establishment, renovation, repair or replacement of a house of worship should not be conditional on the approval of a particular religious majority in a neighborhood, village or city. This is a constitutional right that must be guaranteed for all citizens without discrimination, which the state must uphold.
8. The role of the government should be limited to respecting, protecting and promoting the right to build in a way that guarantees freedom of worship.
9. The law must ensure that no security agency has any ties to activities within houses of worship except to ensure an appropriate response to incitement of violence, hatred or discrimination. No restrictions should be imposed on persons who attend the house of worship, sermons or religious lessons, and no alterations to religious buildings should be imposed.
10. The law must not set conditions for the construction of churches related to the number of adherents in the area or the proximity or distance of other churches or mosques in the area.
11. The law must address the status of existing churches and church buildings that host religious and worship services without a license by extending a comprehensive license to them all without requiring further administrative measures or bureaucratic complications; existing churches should be able to apply for a license with a single state body with the authority to issue it.
12. The law should affirm equal protection under the law, the rule of law and mutual respect among religious confessions. It should specify punitive measures for officials who refuse to grant permits for the construction and renovation of churches, as well as for citizens who attack churches or prevent worship therein.

## **Examples of laws regulating the construction of houses of worship in some states**

Below, we look at examples from other countries and the most significant factors considered when drafting laws on houses of worship. We also examine the discretion granted to local authorities, such as governors or mayors, and their biases to particular religious confessions, as well as the distinction between houses of worship and other religious utilities and facilities.

### **New York City, the United States**

The US administers laws regulating houses of worship in concert with zoning and public planning laws. Lands are zoned for residential, commercial or industrial use. Houses of worship can be built on residential-use land, but local authorities may place general restrictions on buildings that do not specifically target houses of worship. For example, local authorities can set height restrictions on all buildings, including mosques and churches. Houses of worship must comply with general building codes and safety regulations.

Nevertheless, if a landowner requests that an area be rezoned or seeks changes in zoning policy, a uniform land-use review process takes place to determine whether the proposal should be accepted or rejected. Under the aegis of the administrative body, the local community council, the mayor, the city council and the city planning board review these proposals. It should be noted that meetings of the local community council and the planning board are open to the public, which can comment



on land-use proposals. While the recommendations of the community council and city council are non-binding, a rejection from the city planning board can override most applications, absent special permits or changes to the zoning map approved by the mayor.

While there is wide latitude for independent action in this planning and zoning system, local institutions and city officials do not arbitrarily use their authority to discriminate against houses of worship. New York is distinguished by its vast array of religious organizations, and the general sentiment and policies of the religious majority rarely have an impact on the construction and maintenance of houses of worship in the city.

## Cape Town, South Africa

Under zoning regulations in Cape Town, a place of worship is defined as a church, mosque, temple, chapel, or any other space intended for the practice of faith or religion. It includes additional uses as well, such as the residence, office, or place of religious instruction for religious leaders, but does not include funeral homes, cemeteries, or crematoriums. A residence shared by members of the same faith does not constitute a place of worship.

Cape Town is zoned for two types of use: the first is primary use, which requires no approval from the city council, and the second is for use that must be approved by the city council. Areas are further divided into community, residential, commercial and industrial zones. Houses of worship located in community and commercial areas are zoned as primary use. If a house of worship is established in residential or industrial zones, it falls within secondary use and must be approved.

Citizens can apply to have land areas rezoned so that a house of worship can be established in areas designated for primary or secondary usage. When applications are submitted, the city council sets aside a period of time for objections from the public. If the applicant or the person who objected to the application is dissatisfied with the outcome of the city council's preliminary review, they can appeal the decision under the Cape Town planning law.

## Catalonia, autonomous region of Spain

Catalonia is the area of Spain with the highest concentration of Muslims, and the region frequently witnesses violence against the Muslim minority by local residents. The 2009 law on houses of worship was therefore designed and adopted to permit a fair distribution of property to be used for the construction of houses of worship for all religions.

The law requires municipalities to designate land for the construction of community utilities and houses of worship and offer fair space and opportunities without discrimination against any group. The law distinguishes houses of worship (buildings used largely for worship) from other institutions that may host worship services or be used at times for worship.

The law requires religious communities to register with the Catalonian government before building a new house of worship or offering religious services. Churches, mosques and other institutions must register with the government and submit an application for a license to build new facilities.

In 2011, the law was amended to stipulate that new buildings must be consistent with society's values. More precisely, the government now requires that sites for proposed houses of worship take into consideration the architectural, cultural, traditional and historical features of the area.