



## Religious Freedom and Persecution in Egypt

### BACKGROUND AND LEGAL FRAMEWORK

Egypt is notorious for persecution of and discrimination against religious minorities, including Christians and Baha'is. Sectarian attacks on Coptic Christians are on the rise.<sup>1</sup> Converts from Islam to any other religion are persecuted by both the government and private actors.<sup>2</sup>

The Constitution provides for freedom of belief and the practice of religious rites, but the Government restricts those rights in practice.<sup>3</sup> Islam is the official state religion, and Shari'a law is the primary source of legislation.<sup>4</sup> Despite international disapproval, "[t]he Egyptian government continues to deny Copts basic rights such as judicial and police protection from persecution, [and] freedom of religious expression and worship . . . ."<sup>5</sup> Egypt's own National Council of Human Rights has recognized that Coptic Christians' demands for basic civil rights "are not met expeditiously for fear of inciting sensitivities among the Muslim majority that may in turn lead to eruption of uncontrollable tension."<sup>6</sup>

Almost 90 percent of the population is Sunni Muslim. Shi'a Muslims constitute less than 1 percent of the population. Estimates of the percentage of Christians ranges from 8 to 12 percent, (6 to 10 million), the majority of whom belong to the Coptic Orthodox Church. Other Christian communities include Catholic, Protestant, and various Orthodox denominations. There are many foreign religious groups, especially Roman Catholics and Protestants, who have had a presence in the country for almost a century.<sup>7</sup>

Article 46 of the Egyptian Constitution provides for freedom of belief and the practice of

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<sup>1</sup> AMNESTY INT'L, REPORT 2009: STATE OF WORLD'S HUMAN RIGHTS: EGYPT (2009), *available at* <http://thereport.amnesty.org/en/regions/middle-east-north-africa/Egypt>.

<sup>2</sup> U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS & LABOR, INT'L RELIGIOUS FREEDOM REPORT 2008: EGYPT (2009), *available at* <http://www.state.gov/g/drl/rls/irf/2008/108481.htm> [hereinafter RELIGIOUS FREEDOM REPORT 2008].

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Aladdin Elaasar, *Egyptian Christians: Strangers in their Native Land*, ARAB WRITERS GROUP SYNDICATE, Nov. 2, 2007, <http://arabwritersgroup.wordpress.com/2007/11/02/elaasar-egyptian-christians-strangers-in-their-own-lands-for-immediate-release-11-02-07/>.

<sup>6</sup> NATIONAL COUNCIL FOR HUMAN RIGHTS, ANNUAL REPORT, Chapter Two, p. 51 (2005/2006), *available at* [http://www.nchr.org.eg/popup\\_window.html?pdf\\_url=annual\\_pdf/05\\_en/report2006.PDF](http://www.nchr.org.eg/popup_window.html?pdf_url=annual_pdf/05_en/report2006.PDF).

<sup>7</sup> RELIGIOUS FREEDOM REPORT 2008, *supra* note 2.

religious rites. However, the Government does not recognize conversions of Muslims to Christianity or other religions, and resistance to such conversions by local officials is, in effect, a prohibition of religious practice. In January 2008, the Cairo Administrative Court ruled that freedom to convert does not extend to Muslim citizens.<sup>8</sup>

While there is no legal ban on proselytizing to Muslims, the Government restricts such efforts. Neither the Constitution nor the Civil and Penal Codes prohibit proselytizing, but police have harassed those accused of proselytizing on charges of ridiculing or insulting heavenly religions or inciting sectarian strife.<sup>9</sup>

## PERSECUTION OF CONVERTS

A wide range of instances of government sponsored and societal persecution are reported every year by the United States Department of State, Amnesty International, and the media. “Over the past 20 years, more than 30 massacres of Coptic Christians have occurred.”<sup>10</sup> According to the U.S. Commission on International Religious Freedom 2007 Report:

Violent attacks on Christian communities over the years have resulted in very few prosecutions of perpetrators, including the 2004 Court of Cassation decision to uphold the acquittal of 94 of 96 suspects who were charged with various offenses in connection with the killing of 21 Christians in Al-Kosheh in late 1999 and early 2000.<sup>11</sup>

At this time, no Christian convert in Egypt has “obtained a baptismal certificate, which amounts to official proof of conversion. Churches fear that issuing such certificates would create a severe backlash. As a result, converts cannot apply for a change of religion on their ID . . . .”<sup>12</sup> Converts have religious edicts issued against them, and they often must go into hiding, unable to travel or seek asylum for fear of death at the hands of Islamists.<sup>13</sup>

Muslims who convert to Christianity lose all rights of inheritance, custody of their children is often given to Muslim relatives, they face false criminal charges,<sup>14</sup> and are subject to abuse and torture by government authorities. In June 2007, two young Christian twin boys were forced to become Muslim through Islamic education at the behest of their estranged father, a new convert to Islam.<sup>15</sup> Their father used his legal right to change their religion based on a shari’a law that mandates giving custody to whichever parent is Muslim. The twins refused to take an

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Kate O’Beirne, *Crusading Martyred: Muslim murder and mayhem against Christians*, NATIONAL REVIEW, Dec. 3, 2001, Vol. LIII, No. 23, available at <http://www.encyclopedia.com/doc/1G1-80099512.html>.

<sup>11</sup> United Copts of Great Britain, *USCIRF Report about Egypt 2007* (May 3, 2007), [http://www.unitedcopts.org/index.php?option=com\\_content&task=view&id=1033&Itemid=80](http://www.unitedcopts.org/index.php?option=com_content&task=view&id=1033&Itemid=80).

<sup>12</sup> *Egypt: Convert’s Religious Rights Case Threatens Islamists*, COMPASS DIRECT NEWS, May 12, 2009, <http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5917&backpage=archives&critere=egypt&countryname=&rowcur=0>.

<sup>13</sup> *Id.*

<sup>14</sup> RELIGIOUS FREEDOM REPORT 2008, *supra* note 2.

<sup>15</sup> *Egypt—Christian twins forced to ‘become’ Muslims*, OPEN DOORS UK, Sept. 6, 2007, available at [http://opendoorsuk.org.uk/news/news\\_archives/001971.php](http://opendoorsuk.org.uk/news/news_archives/001971.php).

Islamic religion exam. Their future hinges on whether Egyptian civil law will be applied (leaving them free to revert to Christianity) or shari'a law (applying the penalty for apostasy—death).<sup>16</sup>

## LACK OF GOVERNMENT PROTECTION

### *Judges*

- Convert Martha Samuel Makkar was arrested at Cairo's airport in December 2008 while attempting to flee anti-Christian hostilities in Egypt.<sup>17</sup> Before she made bail, "a judge took her aside and said he would like to kill her." The Judge reportedly said, "I want to talk with Martha alone . . . . Nobody changes from Muslim to Christian—you are a Muslim . . . ." Upon Martha's reply of, "No, I am a Christian," the Judge told her, "If I had a knife now, I would kill you."<sup>18</sup> Martha says that police and members of her extended family threaten her constantly.<sup>19</sup>

### *Police*

- On May 29, 2009, police released two Copts "wrongfully arrested for killing a Muslim during an attack on Abu Fana monastery in Egypt in May 2008, but then re-arrested them as part of an intimidation campaign against Christians . . . ." <sup>20</sup> The two accused brothers, Refaat and Ibrahim Fawzy Abdo, had been in jail for over a year.<sup>21</sup> Egyptian security forces can incarcerate people without cause, according to provisions in Egypt's criminal law.<sup>22</sup> "Police arrested them for reasons of 'security concerns' in spite of no evidence . . . . They are comforting Islamists by scapegoating Christians."<sup>23</sup> Nearly sixty armed Muslims attacked the monastery in May 2008, killing one Muslim and injuring four Christians; they also briefly kidnapped and tortured two monks.<sup>24</sup> Five days later, security forces arrested the Fawzy Abdo brothers, charging them with murder. In November 2008, they were sent to El Wadi El Gadid Detention Camp near the Egypt-Sudan border and—according to their lawyer—tortured in order to obtain false confessions of murder. The two men have faced solitary confinement and beatings in prison, and they have not been allowed to see their families.<sup>25</sup>

## CHURCH DESTRUCTION AND ASSAULT ON THE RIGHT TO WORSHIP

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<sup>16</sup> *Id.*

<sup>17</sup> *Egypt: Judge Tells of Desire to Kill Christian*, COMPASS DIRECT NEWS, Jan. 27, 2009, <http://www.compassdirect.org/en/display.php?page=news&idelement=5778&lang=en&length=short&backpage=archives&critere=egypt&countryname=&rowcur=0>.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Egypt: Two Copts Re-Arrested in Abu Fana Murder*, COMPASS DIRECT NEWS, May 29, 2009, <http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5942&backpage=archives&critere=egypt&countryname=&rowcur=0>.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

There have been numerous reports of arson attacks on Christian owned businesses and attacks on Coptic Churches.<sup>26</sup>

- **May 2:** Three Muslims stabbed a 21-year-old Coptic Christian while he was leaving a worship service in Minya. He suffered internal injuries and is currently receiving medical treatment. Three men were arrested on May 5 and have been given a 16-day initial incarceration while the investigation is underway. However, according to the president of the Al-Kalema Centre for Human Rights, “it is unlikely that they will be convicted[:] ‘From my experience over the last 15 years, in Minya in particular, all cases of attacks and murder against Christians either went without punishment and [the accused] were totally exonerated, or they were given suspended sentences.’”<sup>27</sup>
- **May 9:** A makeshift bomb placed under a car exploded outside a renowned church in Cairo, disrupting a wedding and Bible study. There were no injuries, but panicked passersby called police. This incident is thought to be linked to actions by Hezbollah.

## WIDESPREAD USE OF TORTURE

The use of torture as a law enforcement tool and to extract confessions is habitual, widespread, and systematic in Egypt.<sup>28</sup> Amnesty International is particularly concerned with the use of prolonged detention, emergency-style powers, anti-terrorism law, and counter-terrorism techniques as justification for human rights violations.<sup>29</sup>

The ACLJ and ECLJ filed an *amici curiae* brief in *Khouzam v. Chertoff*, 549 F.3d 235 (3d Cir. 2008), in support of Sameh Sami S. Khouzam’s petition for review that discussed in detail Egypt’s extensive record of torture and other human rights abuses. The brief noted that “[t]here is consensus among international monitoring agencies that the Egyptian government routinely uses torture, especially as a method of law enforcement.” In particular, “Coptic Christians, like Sameh Khouzam, struggle for basic human rights, including religious freedom, in Egypt. Despite international disapproval ‘the Egyptian government continues to deny Copts basic rights such as judicial and police protection from persecution, freedom of religious expression and worship, and equal opportunity employment.’” The brief also stated that Khouzam’s situation was not unique in that “[t]rump charges are often used after violent conflicts between Muslim radicals and Coptic Christians to restore order. Human rights groups have documented numerous accounts of authorities attempting to placate Muslims by manufacturing trump charges against Coptic Christians after a conflict.”

<sup>26</sup> RELIGIOUS FREEDOM REPORT 2008, *supra* note 2.

<sup>27</sup> *Egypt: Stabbing, Bombing Attacks Strike Near Two Churches*, COMPASS DIRECT NEWS, May 22, 2009, <http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5936&backpage=archives&critere=egypt&countryname=&rowcur=0>.

<sup>28</sup> U.N. Comm. Against Torture, *Summary account of the results of the proceedings concerning the inquiry on Egypt*, ¶ 200, U.N. Doc. A/51/44 (May 3, 1996); *see also* Amnesty International, *Report 2007: The state of the world’s human rights: Egypt*, 106 (2007), available at <http://thereport.amnesty.org/document/15>.

<sup>29</sup> USA: *Amnesty International on President Obama’s upcoming trip to Saudi Arabia and Egypt*, AMNESTY INTERNATIONAL USA, June 1, 2009, available at <http://www.amnestyusa.org/document.php?id=ENGUSA20090601001>.

Khouzam, an Egyptian citizen and Coptic Christian, feared being tortured if he were returned to Egypt. In 1998, while Khouzam was traveling from Egypt to New York, Egyptian authorities contacted the State Department and claimed that Khouzam had committed a murder before leaving Egypt. Khouzam's visa was cancelled and he was taken into custody upon his arrival in the United States. Khouzam was granted relief under the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment ("CAT") because it was more likely than not that he would be tortured if returned to Egypt. The Department of Homeland Security ("DHS") once again detained Khouzam without notice or a hearing and planned to send him back to Egypt based on the Egyptian government's diplomatic assurances that he would not be tortured. The United States Court of Appeals for the Third Circuit held that Khouzam was entitled to due process before he could be removed on the basis of diplomatic assurances from the Egyptian government.

Additionally, the ACLJ and ECLJ are currently assisting a U.S. citizen who is desperately trying to bring his family out of Egypt for fear of persecution. Our client is a Christian minister whose criticism of Islam and the Egyptian government's failure to protect Christians from persecution has put his family in serious danger in Egypt. He fears that his family will lose their lives like so many other Egyptian Christians.