



Australian Government
Refugee Review Tribunal

Country Advice

Egypt

Egypt – EGY39216 – Treatment of Persons Accused of Proselytising – Treatment of Returnees – State Protection

26 September 2011

1. Would proselytising conduct such as taking a Muslim to a Church and giving him or her books on Christianity be illegal in Egypt?

The 2011 US Commission on International Religious Freedom (USCIRF) *Annual Report* notes ‘although neither the Constitution nor the Penal Code prohibits proselytizing or conversion, the Egyptian government has used Article 98(f) of the Penal Code to prosecute alleged proselytizing by non-Muslims’.¹ RRT Research Response *EGY39203* of 23 September 2011 provides further advice on whether proselytising is illegal in Egypt (Question 6).²

2. Could a person engaged in such proselytising conduct be arrested and detained and interrogated and tortured in Egypt by the police?

Persons engaged in proselytising have been arrested and detained by Egyptian police. Sources suggest some have been tortured or subjected to ill-treatment by police and security officers. Domestic and international human rights groups reported that the State Security Investigations Service, police, and other government entities continued to employ torture to extract information or force confessions.

The 2010 US Department of State (USDOS) *International Religious Freedom Report* notes:

... police have detained or otherwise harassed those accused of proselytizing on charges of ridiculing or insulting heavenly religions or inciting sectarian strife.³

The Egyptian government has used Article 98(f) of the Penal Code to prosecute alleged proselytising by non-Muslims.⁴ According to the Article, such persons may be punished with imprisonment between six months and five years. Article 98 (f) of the Penal Code states:

Whoever exploits religion in order to promote extremist ideologies by word of mouth, in writing or in any other manner, with a view to stirring up sedition, disparaging or contempt of any divine religion or its adherents, or prejudicing national unity shall be

¹ US Commission on International Religious Freedom 2011, *USCIRF Annual Report 2011 – Countries of Particular Concern: Egypt*, UNHCR Refworld website, 28 April <http://www.unhcr.org/refworld/docid/4dbe90c4c.html> – Accessed 6 July 2011

² RRT Country Advice Service 2011, *Country Advice EGY39203*, 23 September

³ US Department of State 2010, *International Religious Freedom Report 2010 - Egypt*, 17 November

⁴ US Commission on International Religious Freedom 2011, *USCIRF Annual Report 2011 – Countries of Particular Concern: Egypt*, UNHCR Refworld website, 28 April <http://www.unhcr.org/refworld/docid/4dbe90c4c.html> – Accessed 6 July 2011

punished with imprisonment between six months and five years or paying a fine of at least 500 Egyptian pounds.⁵

A number of sources published in 2009 and 2010 reported arrests of Christians accused of publicly distributing Christian material, however in all cases the detainees were released within a few days without charge.⁶ On 18 October 2008 police arrested a woman and two men in Al Fayoum on suspicion that they had distributed Christian tapes and publications. The three were released one day later without charges.⁷ On 1 February 2009 police arrested two citizens at the Cairo International Book Fair for distributing Bibles. The men were released after several days.⁸ On 23 September 2009, police officers arrested Abd al-Masih Kamel Barsoum, 61, who works with an evangelical church in Minya, while he was distributing religious material in downtown Cairo. He was released three days later.⁹

Sources suggest that persons accused of proselytising may be at risk of torture or other ill-treatment by Egyptian police and security officers. The two young men arrested at the Cairo International Book Fair told the Egyptian Initiative for Personal Rights (EIPR) that they were tortured with physical blows and electric shocks in the State Security police headquarters in Assiout after they were forcibly returned to the governorate.¹⁰ Similarly, Christian news agency *Compass Direct* reports that following his arrest Kamel Barsoum (mentioned above) remained in handcuffs for hours, was thrown to the ground, spit upon and threatened with violence.¹¹

The Egyptian police as well as the State Security Investigations Service (SSIS) have been criticised for using torture as a means of extracting information. The US Department of State *2010 Human Rights Report* notes:

Police, security personnel, and prison guards often tortured and abused prisoners and detainees, sometimes in cases of detentions under the Emergency Law, which authorizes incommunicado detention indefinitely, subject to a judge's ruling. The government rarely held security officials accountable, and officials often operated with impunity.

Domestic and international human rights groups reported that the SSIS, police, and other government entities continued to employ torture to extract information or force confessions. In numerous trials defendants alleged that police tortured them during questioning. Police and the SSIS reportedly employed methods such as stripping and blindfolding victims; suspending victims by the wrists and ankles in contorted positions or from a ceiling or door frame with feet just

⁵ United States Commission on International Religious Freedom 2009, *USCIRF Annual Report 2009 – The Commission’s Watch List: Egypt*, 1 May <http://www.unhcr.org/refworld/docid/4a4f272d38.html> – Accessed 23 February 2010; The Cairo Institute for Human Rights Studies (undated), *The Situation of Freedom of Religion and Belief in Egypt*, para 9-13 <http://www.cihrs.org/Images/ArticleFiles/Original/423.pdf> – Accessed 22 February 2010

⁶ US Department of State 2009, *International Religious Freedom Report 2009 – Egypt*, 26 October; Morris, W. 2009, ‘Christian arrested for distributing tracts in Egypt’ *Compass Direct News*, 6 October; Egyptian Initiative for Personal Rights 2009, *Freedom of Religion and Belief in Egypt Quarterly Report*, July-September, p.24

http://eipr.org/sites/default/files/reports/pdf/FRBQ_July_Sept_09_EN.pdf – Accessed 23 February 2010; Mayton, J. 2009, ‘Coptic arrests inflame Egypt’s sectarian tensions’ *The Jerusalem Post*, source: *The Media Line*, 9 February

⁷ US Department of State 2009, *International Religious Freedom Report 2009 – Egypt*, 26 October

⁸ US Department of State 2009, *International Religious Freedom Report 2009 – Egypt*, 26 October

⁹ Egyptian Initiative for Personal Rights 2009, *Freedom of Religion and Belief in Egypt Quarterly Report*, July-September, pp.27-28 http://eipr.org/sites/default/files/reports/pdf/FRBQ_July_Sept_09_EN.pdf – Accessed 23 February 2010

¹⁰ Egyptian Initiative for Personal Rights 2009, *Freedom of Religion and Belief in Egypt Quarterly Report*, July-September, pp.27-28 http://eipr.org/sites/default/files/reports/pdf/FRBQ_July_Sept_09_EN.pdf – Accessed 23 February 2010

¹¹ Morris, Will 2009, ‘Christian arrested for distributing tracts in Egypt’, *Compass Direct*, 6 October

touching the floor; beating victims with fists, whips, metal rods, or other objects; using electric shocks; dousing victims with cold water; sleep deprivation; and sexual abuse, including sodomy. There was evidence that security officials sexually assaulted some victims or threatened to rape them or their family members. Human rights groups reported that the lack of legally required written police records often effectively blocked investigations.¹²

3. If charges are laid against a person by the police for proselytising and evangelising Muslims and for fomenting sedition, would not the matter go before a court for dealing with the charges and the accused released on bail or on dismissal of the charges by the court?

In regards to arrest procedures and treatment of detainees, the US Department of State notes that the Emergency Law and the Penal Code grants the Egyptian government broad powers.¹³

The USCIRF *2011 Annual Report* notes that the Egyptian government has used Article 98(f) of the Penal Code to prosecute alleged proselytizing by non-Muslims.¹⁴ The USDOS *2010 Human Rights Report* provides the following information concerning arrests under the Penal Code:

Arrests under the penal code occurred openly and with warrants issued by a district prosecutor or judge. A prosecutor must bring charges within 48 hours following arrest or release the suspect. Detainees under the penal code sometimes were not informed promptly of charges against them. Authorities may hold a suspect for a maximum of six months while they investigate the case. There was a functioning system of bail for persons detained under the penal code. In criminal cases defendants have the right to counsel promptly after arrest and access to family members at the discretion of the court. In criminal cases the court is obligated to provide a lawyer to defendants who cannot afford one. However, in practice defendants often faced obstacles and were unable to secure regular access to lawyers or family visits.¹⁵

Freedom House notes that persons accused of violating Article 98(f) of the Penal Code (on charges of blasphemy or religious insult) have been detained under Emergency Law provision.¹⁶

The USDOS *2010 Human Rights Report* notes:

The Emergency Law allows arrest without a warrant and detention of an individual without charge for as long as 30 days, after which a detainee may demand a court hearing to challenge the legality of the detention order. A detainee may resubmit a motion for a hearing at one-month intervals thereafter; however, there is no limit to the detention period if a judge continues to uphold the order or if the detainee fails to exercise the right to a hearing, and there is no possibility of bail. Many detainees under the Emergency Law remained incommunicado in state security detention facilities without access to family members or to lawyers before their cases were transferred to trial, and some faced torture in detention.

¹² US Department of State 2011, *2010 Human Rights Report – Egypt*, 8 April

¹³ US Department of State 2011, *2010 Human Rights Report – Egypt*, 8 April

¹⁴ US Commission on International Religious Freedom 2011, *USCIRF Annual Report 2011 – Countries of Particular Concern: Egypt*, UNHCR Refworld website, 28 April <http://www.unhcr.org/refworld/docid/4dbe90c4c.html> – Accessed 6 July 2011

¹⁵ US Department of State 2011, *2010 Human Rights Report – Egypt*, 8 April

¹⁶ Freedom House 2010, *Policing Brief: The impact of blasphemy laws on human rights*, 21 October <http://freedomhouse.org/template.cfm?page=572> - Accessed 30 August 2011

The 2011 USCIRF *Annual Report* implies that due process remains a problem for persons charged with breaching Article 98(f) of the Penal Code. USCIRF called on the US Government to urge Egyptian authorities to repeal Article 98(f) and, in the interim, ‘provide the constitutional and international guarantees of the rule of law and due process for those individuals charged with violating Article 98(f)’.¹⁷

Further information could not be located regarding the applicable judicial process for persons prosecuted for proselytising Muslims. As detailed in question 2, a number of sources published in 2009 and 2010 reported arrests of Christians accused of proselytising, however in all cases the detainees were released within a few days without charge.

4. Could the state authorities in Egypt maintain adverse profile record so that on return from overseas the airport officials could identify the person as having this adverse profile and detain and interrogate at the airport?

Sources indicate that the Egyptian authorities have detained and interrogated persons with adverse profiles upon their return to Egypt, particularly persons known to the government for crimes, high-profile activism or terrorism.¹⁸

Sources suggest that airport authorities had ‘blacklists’ of persons with adverse profiles. On 6 September 2011, *Ahram Online* reported that a Lebanese blogger, Emad Bazi, was detained upon his arrival at Cairo airport before being deported. Emad Bazi is known to support Michael Nabil, an Egyptian activist who was detained and tried in an Egyptian military court last April on charges of insulting Egypt's armed forces. The blogger’s name was reportedly on a blacklist at the airport as a ‘security concern’.¹⁹

Reports from the Mubarak era note similar incidents. On 15 September 2010 the Egyptian Organisation for Human Rights (EOHR) called for the release of Dr. Shady El Ghazaly Harb, one of the leaders of the Democratic Front Party. According to EOHR, Dr Shady, who intended to travel to England, disappeared from Cairo airport on 14 September 2010 after his passport was checked by the immigration office.²⁰ According to the *Guardian*, Ghazaly was taken from within the controlled area at the airport. Two of his fellow workers, reportedly taken at an earlier stage and then released, ‘told of unmarked cars with tinted windows, of blindfolded interrogations and being released on a highway in the Nile delta’.²¹

A 28 July 2009 report from *Inter Press Service* (IPS) claims airport officials ‘keep lists of individuals wanted by police’.²² According to the report, several prominent Egyptian bloggers had ‘disappeared from the airport’s arrivals hall’ while others report suspiciously long delays that they claim is a cover for state security to search their belongings. The Arab Network for Human Rights Information (ANHRI) says detention of bloggers arriving at the airport is

¹⁷ US Commission on International Religious Freedom 2011, *USCIRF Annual Report 2011 – Countries of Particular Concern: Egypt*, UNHCR Refworld website, 28 April <http://www.unhcr.org/refworld/docid/4dbe90c4c.html> – Accessed 6 July 2011

¹⁸ RRT Country Advice Service 2011, *Coptic Christians Issues Paper*, 13 September; RRT Research & Information 2009, *Research Response EGY35749*, 23 November

¹⁹ ‘Lebanese blogger deported from Egypt for ties with detained Egyptian activist’ 2011, *Ahram Online*, 6 September

²⁰ Egyptian Organisation for Human Rights 2010, *EOHR calls for immediate release of Shady Harb*, 15 September

²¹ ‘The regime can fix the elections – but it can’t fix the Egyptian people’, 2010, *Guardian (Unlimited) (UK)*, 15 September

²² McGrath, Cam 2009, ‘Bloggers fly into security trap’, *Inter Press Service*, 28 July <http://ipsnews.net/print.asp?idnews=47843> - Accessed 29 September 2011

‘becoming a routine’.²³ State security officers reportedly intercepted prominent blogger Wael Abbas at Cairo airport on 30 June 2009 and detained him for 13 hours.²⁴

A 2008 *Amnesty International* report notes that terrorism suspects who had been forcibly returned to Egypt were ‘detained on arrival and tortured by Egyptian security forces [and] continued to be imprisoned’. According to *Amnesty International*, ‘many security suspects...forcibly returned to Egypt from abroad disappeared for months. Many were held in secret; the authorities either denied that the individuals had been detained or refused to disclose their fate or whereabouts to lawyers and relatives’.²⁵

No reports could be located to confirm that persons accused of proselytising had been detained or interrogated at the airport.

5. Would the beating of a proselytising Christian by the Muslim brothers be a criminal conduct for which the perpetrator(s) can be charged and punished?

An English translation of the relevant legislation could not be found to confirm such an assault would be a criminal offence; however press and government reports indicate that violent crimes, such as murder, are criminal offences for which perpetrators could be punished.²⁶ Additionally, *Ahram Online* reports that suspects involved in a sectarian attack in May 2011 were accused and later acquitted of ‘acts of thuggery... terrorising and threatening peaceful citizens as well as damaging public property’.²⁷ Although persons may be charged for committing such acts, a range of government and non-government reports published in 2009 and 2010 claim the Egyptian authorities fail to investigate many incidents of sectarian violence and to prosecute those responsible for attacks.²⁸ This criticism has continued in the post-Mubarak period.

The 2010 US DOS *International Religious Freedom Report* states Egyptian authorities failed to prosecute perpetrators of violence against Coptic Christians.²⁹ USCIRF noted ‘the Egyptian government has not taken sufficient steps to... punish those responsible for violence or other severe violations of religious freedom’.³⁰ Similarly, the 2010 Human Rights Watch *World Report* states that when sectarian violence occurs, the government often fails to investigate

²³ McGrath, Cam 2009, ‘Bloggers fly into security trap’, *Inter Press Service*, 28 July <http://ipsnews.net/print.asp?idnews=47843> - Accessed 29 September 2011

²⁴ McGrath, Cam 2009, ‘Bloggers fly into security trap’, *Inter Press Service*, 28 July <http://ipsnews.net/print.asp?idnews=47843> - Accessed 29 September 2011

²⁵ Amnesty International 2011, *Time for Justice: Egypt’s corrosive system of detention*, Amnesty International website, 20 April, p.16 <http://www.amnesty.org/en/library/info/MDE12/029/2011/en> – Accessed 29 June 2011

²⁶ In US Department of State 2010, *International Religious Freedom Report 2010 - Egypt*, 17 November

²⁷ This pertains to suspects involved in a clash between Copts and Muslims at a sit-in protest in May 2011, in ‘Two convicted for attacking Coptic sit-in in Egypt, while 16 walk’ 2011, *Ahram Online*, 5 June

²⁸ Human Rights Watch 2010, *World Report – Egypt* <http://www.hrw.org/en/node/87709> – Accessed 22 January 2010; US Department of State 2009, *International Religious Freedom Report 2009 – Egypt*, September, Introduction & Section 3; The Cairo Institute for Human Rights Studies (undated), *The Situation of Freedom of Religion and Belief in Egypt*, para 9-13 <http://www.cihrs.org/Images/ArticleFiles/Original/423.pdf> – Accessed 22 February 2010; United States Commission on International Religious Freedom 2009, *USCIRF Annual Report 2009 – The Commission’s Watch List: Egypt*, 1 May <http://www.unhcr.org/refworld/docid/4a4f272d38.html> – Accessed 23 February 2010; United States Commission on International Religious Freedom 2010, *Annual Report on International Religious Freedom*, May, p 227

²⁹ US State Department 2010, *International Religious Freedom Report 2010 – Egypt*, 17 November

³⁰ United States Commission on International Religious Freedom 2010, *Annual Report on International Religious Freedom*, May, p 227

properly and prosecute those responsible. According to USCIRF, the failure to prosecute those responsible fosters a growing climate of impunity, especially in Upper Egypt.³¹

The 2011 USCIRF *Annual Report* notes that in recent years Egyptian authorities have conducted “reconciliation sessions” between Muslims and Christians as a way resolving disputes. In some cases, authorities compelled victims to abandon their claims to any legal remedy.³² On 5 October 2008, the Minya Criminal Court sentenced a Muslim assailant who stabbed a Copt to death to a one-year suspended sentence following a reconciliation session at which the family of the killer promised to pay indemnity to the victim's family.³³ The US State Department also concluded in 2009 that reconciliation sessions not only ‘prevented the prosecution of perpetrators of crimes against Copts and precluded their recourse to the judicial system for restitution’ but also ‘contributed to a climate of impunity that encouraged further assaults’.³⁴

The RRT *Coptic Christians Issues Paper* provides information on state protection issues and lists incidents of sectarian violence (Attachment B) and the response of the authorities to such events.³⁵

³¹ United States Commission on International Religious Freedom 2010, *Annual Report on International Religious Freedom*, May, p 227

³² United States Commission on International Religious Freedom 2011, *Annual Report 2011*, May, p53 <http://www.uscirf.gov/images/book%20with%20cover%20for%20web.pdf> – Accessed 27 June 2011

³³ US Department of State 2009, *International Religious Freedom Report 2009 – Egypt*, 26 October

³⁴ US Department of State 2009, *International Religious Freedom Report 2009 – Egypt*, 26 October

³⁵ RRT Country Advice Service 2011, *Coptic Christians Issues Paper*, 13 September

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US Commission on International Religious Freedom 2009, *USCIRF Annual Report 2009 – The Commission’s Watch List: Egypt*, 1 May <http://www.unhcr.org/refworld/docid/4a4f272d38.html> - Accessed 30 September 2011.

US Commission on International Religious Freedom 2011, *Annual Report 2011*, May <http://www.uscirf.gov/images/book%20with%20cover%20for%20web.pdf> - Accessed 30 September 2011.

US Department of State 2009, *International Religious Freedom Report 2009 – Egypt*, 26 October

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US Department of State 2011, *2010 Human Rights Report – Egypt*, 8 April