

2013-06-24

Fråga-svar

Egypten. Straffsats för hädelse.

Fråga

Enligt landinformationen är hädelse straffbart, vad är straffsatsen för dylika brott?

Svar

Sammanställning av information:

New York Times (2013-06-18) skriver om en ökad frekvens av hädelsemål sedan 2011:

Egypt's prosecutors have been flooded with blasphemy complaints since 2011 as Islamists exercising their new societal clout have pushed for prosecutions and courts have handed down steep fines and prison terms for insulting religion.

This month alone, a Christian teacher in Luxor was fined \$14,000 for insulting the Prophet Muhammad in class, a writer was given five years in prison for promoting atheism and a Christian lawyer was sentenced to one year for insulting Islam — in a private conversation.

Blasphemy cases were once rare in Egypt, and their frequency has increased sharply since the revolution. More than two dozen cases have gone to trial, and nearly all defendants have been found guilty. At least 13 have received prison sentences.

United States Commission on International Religious Freedom (2012) rapporterar om artikel 98(f) i den egyptiska strafflagen som förbjuder hädelse. Några personer som utdömts fängelsestraff för detta exemplifieras:

Egyptian law forbids blasphemy through Article 98(f) of its Penal Code, which prohibits citizens from "ridiculing or insulting heavenly religions or inciting sectarian strife." This provision has been applied to detain and prosecute individuals and members of religious groups whose practices deviate from mainstream Islamic beliefs or whose activities are alleged to jeopardize "communal harmony" or to insult the three "heavenly religions:" Judaism, Christianity, and Islam. Groups and individuals impacted in recent years include Ahmadis, Qur'anists, Christians, and Sunni, Shi'a, and Sufi Muslims.

[...]

On February 1, 2012, well-known Egyptian actor and comedian, Adel Imam, was sentenced to three months in prison and fined by a Cairo court for "contempt of religion" because of characters he portrayed in several films in recent years. In October 2011, a Cairo court sentenced Ayman Yusef Mansour to three years in jail with hard labor for "insulting" Islam in postings on Facebook. The court found that Mansour "intentionally insulted the dignity of the Islamic religion and attacked it with insults and ridicule on Facebook." In another case, Egyptian telecom mogul and Coptic Christian parliamentarian Naguib Sawiris was tried in January 2012 for blasphemy under Article 98(f) of the Penal Code because he tweeted cartoons in June 2011 of Mickey and Minnie Mouse wearing conservative Muslim attire. The case was dismissed in February.

Refugee Review Tribunal (2011) återger artikel 98(f) i den egyptiska lagstiftningen. Straffsatsen uppges vara mellan 6 månader och fem år eller böter:

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

Freedom House (2010) rapporterar om Egyptens hädelselagstiftning. I rapporten nämns personer som anklagats för hädelse och dömts till fängelsestraff enligt artikel 98(f). Läs hela rapporten för information om hädelselagstiftningen och mänskliga rättigheter i Egypten:

Egypt's main blasphemy law, Article 98(f) of the EPC [Egyptian Penal Code], criminalizes "any use of religion to promote or advocate extremist ideologies ... with a view toward stirring up sedition, disparaging or showing contempt for any divinely revealed religion, or prejudicing national unity and social harmony."¹⁸ Other provisions of the EPC address various forms of religious insult. For example, Article 160 punishes the destruction, vandalism, or desecration of religious buildings, sites, symbols, cemeteries, and graves, as well as the hindering of religious ceremonies.¹⁹ Article 161 prohibits the printing and dissemination of deliberately distorted religious texts for state-approved religions (Islam, Christianity, and Judaism), and also criminalizes the mocking or ridicule of religious ceremonies in public.²⁰ Article 176 punishes public incitement and holding a religious community in hatred or contempt.²¹ And Article 178 provides up to two years of imprisonment for possession, distribution, or manufacturing of documents in violation of "public morals," though that term is not defined.²²

[...]

In addition to restricting fundamental human rights like freedom of expression, the blasphemy and religious insult laws lack internal safeguards to prevent abuses that result in further limits on these rights. For example, they are vaguely written and lack clear definitions for key terms. According to one commentator, Egyptian legislation is often "reactive in nature, whereby a law comes into existence to deal with a specific case. The law is selective due to the very process by which it is issued and in an attempt to make it more general it often becomes too vague."²⁴

The broad and undefined terms in Article 98(f) of the EPC have made it a useful tool for settling personal or political scores; silencing regime critics, human rights defenders, and opposition parties; and targeting vulnerable groups like homosexuals. For example, in May 2001, more than 50 alleged homosexuals were arrested following a raid on a popular gay nightclub. The men were charged with "habitual debauchery," and two of the supposed ringleaders of the "cult," Sherif Farhat

and Mahmoud Dokla, were charged with blasphemy under Article 98(f). They were ultimately found guilty and sentenced to five and three years in prison, respectively.²⁵

[...]

The blasphemy and religious insult laws are also used to muzzle any differing interpretations of Islam. Questioning of Islam can be prosecuted as blasphemy and lead to accusations of or convictions for apostasy. As the Becket Fund for Religious Liberty has argued, "Articles 98(f), 160, 161, 176, and 178 of the Penal Code are consistently used against individuals who engage in peaceful debate about religion."³⁰

Denna sammanställning av information/länkar är baserad på informationssökningar gjorda under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillmätas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende. Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden. Refererade dokument bör läsas i sitt sammanhang.

Källförteckning

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