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USCIRF Annual Report 2012 - Countries of Particular Concern: Egypt

FINDINGS: Over the past year, the Egyptian transitional government continued to engage in and tolerate systematic, ongoing, and egregious violations of freedom of thought, conscience and religion or belief. Serious problems of discrimination, intolerance, and other human rights violations against members of religious minorities, as well as disfavored Muslims, remain widespread in Egypt. Violence targeting Coptic Orthodox Christians increased significantly during the reporting period. The transitional government has failed to protect religious minorities from violent attacks at a time when minority communities have been increasingly vulnerable. This high level of violence and the failure to convict those responsible continued to foster a climate of impunity, making further violence more likely. During the reporting period, military and security forces used excessive force and live ammunition targeting Coptic Christian demonstrators and places of worship resulting in dozens of deaths and hundreds of injuries. The government also continued to prosecute, convict, and impose prison terms on Egyptian citizens charged with blasphemy. Implementation of previous court rulings – related to granting official identity documents to Baha'is and changing religious affiliation on identity documents for converts to Christianity – has seen some progress but continues to lag, particularly for Baha'is. In addition, the government has not responded adequately to combat widespread and virulent anti-Semitism in the government-controlled media.

Based on these concerns, USCIRF again recommends in 2012 that Egypt be designated as a "country of particular concern," or CPC, for systematic, ongoing, and egregious violations of religious freedom.* In 2011, USCIRF, for the first time, recommended that Egypt be designated a CPC. Before that, Egypt had been on USCIRF's Watch List since 2002.

Despite claims by the Supreme Council of Armed Forces (SCAF) that it dismantled the state security apparatus, partially lifted the state of emergency, and addressed some ongoing religious freedom concerns, discriminatory and repressive laws and policies that restrict freedom of thought, conscience and religion or belief in Egypt remain in place. Religious freedom conditions have not improved in most areas and attacks targeting religious minorities have continued. In 2011, violent sectarian attacks, targeting primarily Coptic Orthodox Christians, have resulted in nearly 100 deaths, surpassing the death toll of the previous 10 years combined. During the transitional period, the lack of adequate security in the streets has contributed to lawlessness in parts of the country, particularly in Upper Egypt.

PRIORITY RECOMMENDATIONS: Egypt continues to experience a period of significant change during its transition, the success of which hinges on full respect for the rule of law and compliance with international human rights standards, including freedom of religion or belief. Pursuant to the Consolidated Appropriations Act of 2012 (P.L. 112-74), the U.S. government should not certify the disbursement of military assistance to Egypt until the Egyptian transitional government demonstrates that it is using funds appropriated through the Foreign Military Financing Program to implement policies that protect freedom of religion and related human rights in Egypt. In addition, once the Egyptian government demonstrates its commitment to freedom of religion and related rights, the U.S. government should ensure that a portion of military assistance is used to help the Egyptian police assess security needs and develop and implement an effective plan for dedicated police protection for religious minority communities and their places of worship. The U.S. government should press the transitional, and future civilian government, to undertake reforms to improve religious freedom conditions, including repealing decrees banning religious minority faiths, removing religion from official identity documents, and passing a unified law for the construction and repair of places of worship. In addition, the United States should more actively press the Egyptian government to prosecute perpetrators of sectarian violence and to ensure that responsibility for religious affairs is not

placed under the jurisdiction of the domestic security agency. Additional recommendations for U.S. policy toward Egypt can be found at the end of this chapter.

* Commissioner al-Hibri dissented from the CPC recommendation for Egypt. Her full dissent can be found at the end of this chapter.

Religious Freedom Conditions

Transition, Parliamentary Elections, Crackdown on Dissent, and the Emergency Law

On February 11, 2011, President Hosni Mubarak was removed from power following 18 days of a mostly non-violent, popular uprising by the Egyptian people. Subsequently, the Egyptian Supreme Council of Armed Forces (SCAF) took control of the country. Within days, the SCAF dissolved the parliament, suspended the constitution, formed a committee to recommend constitutional amendments, and called for presidential and parliamentary elections. Over the past year, the SCAF appointed a civilian cabinet; conducted a referendum that approved amendments to Egypt's constitution; issued a 63-article constitutional declaration to govern the country through the transition; and issued laws governing the formation of political parties and the structure of parliamentary elections.

The lower house of parliament (People's Assembly) was elected through a three-stage process between November 2011 and January 2012. The Freedom and Justice Party (Muslim Brotherhood alliance) and the Al-Nour Party (Salafi alliance) won approximately 47 percent and 24 percent, respectively, of the 498 seats in the lower house; all other political parties won less than 10 percent of the seats. No women and only two Christians won seats, slightly fewer than during the Mubarak regime. The SCAF appointed another 10 members, which included five Christians and three women. Elections for 180 of the 270 seats in the upper house (Shura Council) concluded in February 2012, followed by the convening of its first session at the end of that month. The remaining 90 seats of the Shura Council will be appointed by Egypt's next president. Once the parliament begins its session, it will name a 100-person constituent assembly to draft a new constitution. Presidential elections are expected to begin in May and conclude in June.

Although the parliamentary elections, despite some irregularities, were the most free and fair in decades, the SCAF tightened its grip on opposition groups. The SCAF used deadly force against public protestors, including Coptic Christians; arrested, tried, and imprisoned democracy activists; raided pro-democracy non-governmental organizations (NGOs) and also imposed travel bans on their American and European personnel; and fostered anti-Western xenophobia through state-run media. Over the past year, human rights groups have accused the military of arresting thousands of demonstrators and subsequently holding trials lacking due process, convicting, and sentencing many to three- to five-year prison terms. Many of those convicted did not have access to legal counsel and some of the trials and convictions were carried out the same day.

The transitional government undertook efforts to dismantle the state security apparatus that has operated under the Emergency Law, in effect since 1981 and most recently renewed for another two years in May 2010. In January 2012, the SCAF announced it would be lifting the Emergency Law except in cases of "thuggery," although it did not define that term. Because Egypt has operated under a state of emergency, the government has had the option to hear cases involving terrorism or drug trafficking in state security courts rather than criminal courts. The Emergency Laws restrict many human rights, including freedom of religion or belief as well as freedom of expression, assembly, and association. In addition, the state security courts do not allow the right to appeal guilty verdicts. Egyptian and international human rights groups have been critical of the courts' procedures and limits on the rule of law and due process.

Over the years, thousands of persons have been detained without charges under the Emergency Law on suspicion of illegal terrorist or political activity. Egyptian and international human rights groups have asserted that the primary purpose of the state security courts is to punish political activism and dissent, even when that dissent is peaceful. These courts also have been used to detain and try individuals deemed by the state to have "unorthodox" or "deviant" Islamic or other religious beliefs or practices. During the past year, many "security detainees" were released from prison.

Government Control of Islamic Institutions

As it did during the Mubarak era, the government maintains control over all Muslim religious institutions, including mosques and religious endowments, which are encouraged to promote an officially-sanctioned interpretation of Islam. According to Egyptian officials, the government regulates these Muslim institutions and activities as a necessary precaution against religious extremism and terrorism. The state appoints and pays the salaries of all Sunni Muslim imams, requires all mosques to be licensed by the government, and monitors sermons. During the reporting period, Egyptian transitional government officials were concerned that increasing numbers of mosques were operating independently of any government oversight and that some of these mosques were used to incite violence.

The government-funded Al-Azhar University is one of the preeminent Sunni Muslim centers of learning in the world. The Grand Sheikh of Al-Azhar, Ahmed Al-Tayeb, was appointed by former president Hosni Mubarak in 2010. The Islamic Research Center (IRC) of Al-Azhar has legal authority to censor and, since 2004, to confiscate any publications dealing with the Qur'an and *hadith* (oral traditions). In recent years, the IRC has ruled on the suitability of non-religious

books and artistic productions. Al-Azhar also has the legal right to recommend confiscations, but must obtain a court order to do so. In January 2012, before the People's Assembly convened for the first time, the SCAF passed a law mandating that the Grand Sheikh be elected by Al-Azhar's Senior Scholars Authority rather than chosen by the president of the country. Such a system of election previously was in force before 1961.

During the Mubarak regime, the Egyptian government consulted Al-Azhar on a wide range of religious issues impacting Muslims in the country. Over the years, clerics and scholars at Al-Azhar have issued discriminatory *fatwas* (religious edicts) and delivered controversial sermons about some non-Muslim faiths, particularly the Baha'i faith, as well as disfavored or dissenting Muslims. Non-Muslims are prohibited from attending Al-Azhar University. In January 2012, Al-Azhar Grand Sheikh Ahmed Al-Tayeb put forward a "Bill of Rights" that discussed freedom of belief and expression, among other things. (See in *Positive Developments in Egypt*)

Blasphemy and Violations against Muslims and Dissidents

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.

In 2010, government security officials arrested without charge 11 members of the country's small Ahmadi community; all were subsequently released within weeks or months. The Ahmadis were charged under Article 98(f) with "contempt for religion" and also on vague Emergency Law charges of undermining social cohesion. Although they were never prosecuted, the small Ahmadi community continues to fear government arrest and prosecution for alleged blasphemy.

Qur'anists – a tiny group that accepts only the Qur'an as the sole source of religious guidance and thus has been accused by the Egyptian government of deviating from Islamic law – also have been targeted in recent years, although not during the past year. Nevertheless, during the reporting period, members of the Qur'anist community report discrimination in employment and continue to suffer from harassment and surveillance by security services. Authorities have prevented some members from leaving the country.

Over the years, the small Shi'a Muslim community has faced periodic discrimination, harassment, arrests, and imprisonment. In January 2012, Egyptian authorities closed the Shi'a Hussein mosque in Cairo to prevent Shi'a Muslims from observing Ashura. In December 2011, at least four Shi'a Muslims reportedly were detained and charged with "insulting and denying tenets" of Islam. Among the four was an Australian national, who was freed after one month in detention. The status of the other three is unknown. In September and October 2010, Egyptian authorities detained nearly 100 Shi'a Muslims. According to media reports, at least 12 of the Shi'a Muslims were accused by a state security court of "contempt of religion" and forming an illegal group to overthrow the government. Their current status is unknown.

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.

Islamists and Extremism

The Muslim Brotherhood and other Islamist groups which advocate or seek to establish an Islamic state in Egypt based on their interpretation of Islamic law were illegal organizations during the Mubarak era under a law prohibiting political parties based on religion. While this prohibition remains in place even after new amendments to the constitution went into effect in March 2011, the Muslim Brotherhood and other Islamist groups formed political parties on other platforms. In April 2011, a Muslim Brotherhood alliance formed the Freedom and Justice Party. Similarly, in June an alliance of ultra-conservative Salafi Muslims formed the Al-Nour Party.

The Muslim Brotherhood and other Islamist groups have used violence in the past to achieve their aims, including the assassination of President Anwar al-Sadat in 1981 and attacks on foreign tourists. The Muslim Brotherhood publicly renounced violence in the 1970s. Under the Mubarak regime, Egyptian security forces arrested hundreds, if not thousands, of suspected Islamists every year, and some were subject to torture and/or prolonged detention without charge. Human rights groups that closely monitor the detention of such individuals claim that the vast majority are in prison as a result of their political beliefs or activities, and not on the basis of religion.

Human rights activists inside Egypt increasingly are concerned that extremist groups that support policies aimed at destroying the rights of others continue to advance in the country,

with detrimental effects on the prospects for genuine democratic reform or improvements in freedom of religion or belief. During the transition period, Egypt has witnessed an increase in crime and lawlessness due to a decrease in police and security presence. Some Islamist militant groups have used this lapse to impose extra-judicial punishments. During the early months of the transition, Sufi Muslims experienced increased attacks and harassment by Islamist militant groups, as they deem as heretical a number of Sufi religious practices, including the veneration of saints. In Alexandria, extremists targeted at least 16 historic mosques belonging to Sufi orders and attempted to deface and destroy tombs of important Sufi Islamic scholars. In Qalyoub, north of Cairo, militants attacked at least five Sufi shrines. By the end of the reporting period, at least two people had been detained in relation to the attacks, although no one had been brought to justice.

Incitement to violence in media and government-funded mosques

In the months leading up to the November 2011 parliamentary elections, an increase in incitement to violence in Egyptian media and government-funded mosques exacerbated sectarian tensions between Muslims and Coptic Christians. In October, Egypt state media falsely accused Coptic Christians of attacking the Egyptian military during peaceful protests marching toward the Maspero state television station. State media called on Egyptian citizens to support the Egyptian military in "protecting Egypt" from Christian protestors. This incitement by state media led to counter-revolutionary elements and extremists attacking Coptic Christians (see more detail below).

During the reporting period, there continued to be reports of incitement and anti-Christian hatred espoused by imams in mosques. In recent years, some imams in mosques have incited large crowds to oppose and/or prevent the building and maintenance of churches, particularly in Upper Egypt. For example, in late September 2011, in the Aswan province, local imams incited at least 1,000 Muslim villagers, who subsequently set fire to the St. George Coptic Orthodox Church as well as some Christian-owned businesses and homes (see more detail below).

There continues to be intolerance of Jews and Baha'is in both the independent and government-controlled media. Material vilifying Jews with both historical and new anti-Semitic stereotypes appear regularly in the state-controlled and semi-official media. In February 2012, a Salafi leader and former parliamentary candidate in Alexandria, Abdel Moneim al-Shahat, publicly stated on the al-Haqiqa television program that Baha'is should be prosecuted for treason because they are apostates and are not entitled to any rights in Egypt.

Violence Targeting Christians

Since early 2011, hundreds of Egyptians were killed in the streets as a result of a decrease in security and a dramatic increase in violence. Violent sectarian attacks targeting Coptic Orthodox Christians and their property also increased significantly. In 2011, Coptic and human rights groups reported more than 40 sectarian incidents resulting in nearly 100 deaths, mostly Coptic Christians, surpassing the death toll of the previous 10 years combined. In most cases, perpetrators have not been convicted. In other cases, alleged perpetrators have been detained for short periods but eventually released without charge.

The ongoing violence, and the failure to prosecute those responsible, continued to foster a climate of impunity, especially in Upper Egypt. In recent years, in response to sectarian violence, Egyptian authorities have conducted "reconciliation" sessions between Muslims and Christians as a way of easing tensions and resolving disputes. In some cases, authorities compelled victims to abandon their claims to any legal remedy. This continued during the reporting period. USCIRF has stated that reconciliation efforts should not be used to undermine enforcing the law and punishing perpetrators for wrongdoing. In recent years, the State Department concluded 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."

Below are examples of violent incidents, primarily during the reporting period, impacting the Coptic Orthodox community, who comprise approximately 10 to 15 per cent of Egypt's 80 million people.

In late January 2012, in the Sharbat village near Alexandria, Muslim villagers set on fire and destroyed several Christian-owned homes and businesses after a rumor surfaced about an alleged sexual relationship between a married Muslim woman and a Christian man. At least three people were injured. After reconciliation sessions convened by local politicians and religious leaders, eight Christian families were ordered to leave the village and to abandon their properties. Subsequently, a parliamentary delegation from Cairo visited the village and investigated the incidents. It concluded that the eviction of at least five of the Christian families should be overturned and their properties be returned. The delegation also blamed the local media for exaggerating facts and urged police to investigate to determine who was individually responsible for the destruction of Christian property and injuries suffered. An investigation is ongoing.

On October 9, 2011, at least 26 people were killed, mostly Coptic Orthodox Christians, and more than 300 injured in downtown Cairo after armed men confronted and attacked peaceful protestors. The demonstrators, both Christians and Muslims, were marching to the Maspero state television station to protest the September 30 destruction of a church in Aswan, Upper

Egypt. Egyptian state-owned media incited the violence when broadcasters urged Egyptians to go out into the streets to protect security forces from attacks by Christian protestors. Responding to the violence, Egyptian military forces used live ammunition and excessive force, including armored vehicles that deliberately crushed and killed at least 12 protestors. Dozens of suspects have been detained and interrogated. In December, a Cairo court decided to release, pending further investigations, the remaining 27 Coptic Christian detainees arrested in connection with the violence. The investigation reportedly is ongoing.

On September 30, in the Aswan province, an estimated mob of more than 1,000 Muslims looted and burned the St. George Coptic Orthodox Church, as well as some Christian-owned businesses and homes, after incitement by local imams in village mosques. Local media reports indicated that a Ministry of Justice fact-finding mission traveled to Aswan on October 12, in the aftermath of the Maspero violence, to investigate the St. George church burning. According to the State Department, the status of the investigation is unknown.

On May 8, at least 15 Christians and Muslims were killed and more than 200 people were wounded as Islamist extremists attacked Christians at the St. Mina Church in the Imbaba district of Cairo. Another church, the Church of the Virgin Mary, was burned to the ground and several Christian-owned shops were vandalized and looted. The government is prosecuting 48 individuals charged with murder, attempted murder, and a variety of other crimes. At the end of the reporting period, the prosecution is ongoing.

On March 8 in the Mokattam area of Cairo, 13 people were killed and nearly 150 wounded in clashes that erupted during large-scale demonstrations by Christians protesting the destruction of a church in the provincial town of Sol. The demonstrators called for rebuilding the church, punishment of perpetrators, and better treatment by Egyptian authorities. According to some accounts, troops from the Egyptian military stood by for as long as four hours without intervening. Egyptian officials said that all of those killed died of gunshot wounds, although it is still unclear who was responsible for the killings. While the SCAF expeditiously rebuilt the church by Easter, no one has been charged with the deaths. The status of the investigation is unknown.

On March 4, also in Sol, local Muslims set fire and destroyed a church after clashes between Christians and Muslims left two dead. The clashes reportedly resulted from a feud between the families of a Christian man and a Muslim woman who allegedly were having a romantic relationship. According to reports, there has been no investigation and no one has been brought to justice.

On February 23, the Egyptian military reportedly used excessive force and live ammunition at the Anba Bishoy monastery in Wadi Natroun, north of Cairo, to destroy a wall monks had built to defend their property from criminals recently set free from local prisons. One monk and six church workers were injured, and the monk later died. According to reports, military forces used heavy machine guns and armored personnel carriers to bulldoze the wall. To date, no one has been held accountable.

On January 1, 2011, a bomb exploded at the Coptic Orthodox Church of the Two Saints (Al Qiddissin) in Alexandria where a New Year's prayer service was being held, killing at least 23 people and wounding approximately 100. At the end of the reporting period, there were no suspects in custody and no one has been brought to trial for murder. The Egyptian government reports that its investigation is ongoing.

On January 6, 2010, in the town of Naga Hammadi, Qena Governorate, three men sprayed automatic gunfire on Coptic churchgoers leaving midnight Christmas Mass, resulting in the deaths of six Christians and one off-duty Muslim police officer and several injuries. On January 16, 2011, a state security court convicted and sentenced to death one of the three, Mohamed Ahmed Hussein. On February 20, 2011, the court ratified the verdict against Hussein but acquitted the two other men, who were known to be accomplices in the killings. Hussein was executed on October 10, 2011. According to official Egyptian government media reports in November 2011, an Egyptian state security court intends to retry the two defendants who were acquitted.

In 2004, the Court of Cassation upheld the acquittal of 94 out of the 96 persons suspected of involvement in the killing of 21 Christians in Al-Kosheh in late 1999 and early 2000. Some Egyptian human rights groups believe that Egyptian authorities should still investigate claims of police negligence and inadequate prosecution of those involved in this earlier violence.

Discrimination against Christians

In addition to violence, Christians face official and societal discrimination. Although Egyptian government officials claim that there is no law or policy that prevents Christians from holding senior positions, the Coptic Orthodox Christian community faces *de facto* discrimination in appointments to high-level government and military posts. There are only a few Christians in the upper ranks of the security services and armed forces. There are no Christian governors out of 27 in the country, after the SCAF approved 11 new governors in August 2011. Previously there had been one Christian governor. There are only a handful of elected members of the People's Assembly out of 498 seats, no known university presidents or deans, and very few legislators or judges. According to the State Department, public university training programs for Arabic-language teachers exclude non-Muslims because the curriculum involves the study of the Qur'an. Under Egyptian law, Muslim men can marry Christian women but Muslim women are prohibited

from marrying Christian men. Contacts between such persons are often a source of societal tension between Muslim and Christian communities in Egypt.

For all Christian groups, government permission is required to build a new church or repair an existing one, and the approval process for church construction is time-consuming and inflexible. Former President Mubarak had the authority to approve applications for new construction of churches. Although most of these applications were submitted more than five years ago, the majority have not received a response. Even some permits that have been approved cannot, in fact, be acted upon because of interference by the state security services at both the local and national levels.

In 2005, former President Mubarak devolved authority to approve the renovation and re-construction of churches from the president to the country's governors. Several years later, some churches continue to face delays in the issuance of permits. Even in cases where approval to build or maintain churches has been granted, many Christians complain that local security services have prevented construction or repair, in some cases for many years. In addition, local security services have been accused of being complicit in inciting violence against some churches undergoing routine maintenance or repair. In recent years, the government repeatedly has pledged, most recently in October 2011, to adopt a new law that would apply to all places of worship. In June, after consulting with religious leaders and other experts, the SCAF released publicly a draft version of the law. The draft was criticized widely by Muslims, Christians, and Egyptian human rights groups. While a subsequent version has not been made public, some reports have indicated that the revised draft law covers only churches and not other places of worship.

Converts and Reconverts to Christianity

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. In some instances, converts, who fear government harassment if they officially register their change in religion from Islam to Christianity, reportedly have altered their own identification cards and other official documents to reflect their new religious affiliation. Over the years, some individuals have been arrested for falsifying identity documents following conversion. Other converts have fled the country for fear of government and societal repercussions.

In 2008, Egypt's highest court ruled that 12 individuals who were born Christian could not be legally prohibited from returning to Christianity after converting to Islam. However, the court ruled that their identity documents must list them as "formerly declared Muslim," thus potentially making them subject to continued discrimination, police harassment, and societal violence. On July 3, 2011, the Supreme Administrative Court ruled that reconverts to Christianity would be permitted to obtain new national identity documents indicating their Christian faith without having to be listed as former Muslims. In October 2011, the first known implementation of the new ruling was made public when an Egyptian mother's twin sons received new identity cards identifying them as Christian.

In addition, reports in recent years support claims that there were cases of Muslim men forcing Coptic Christian women to convert to Islam. The State Department has asserted that such cases are often disputed and include "inflammatory allegations and categorical denials of kidnapping and rape." For example, there were credible cases in which Coptic girls voluntarily converted to Islam to marry Muslim men, and subsequently, when the relationship failed, sought to return to Christianity. Nevertheless, during the reporting period, experts and human rights groups have found that there were also credible cases where Coptic Christian women were lured deceptively into marriages with Muslim men and forced to convert to Islam. According to these reports, if a woman returns or escapes from the marriage and wants to convert back to Christianity, she faces the same legal hurdles in changing her religious affiliation on official identity documents as discussed above.

In contrast to the re-conversion cases, the Egyptian government generally does not recognize conversions of Muslims to other religions. Egyptian courts also have refused to allow Muslims who convert to Christianity to change their identity cards to reflect their conversions. In the first such case, brought by Muhammad Hegazy, a lower court ruled in January 2008 that Muslims are forbidden from converting from Islam based on principles of Islamic law because conversion would constitute a disparagement of the official state religion and entice other Muslims to convert. Hegazy is currently in hiding and has appealed the ruling. The second such case was brought in 2009 by Maher El-Gohary, who went into hiding for two and a half years because of threats and harassment by extremists. El-Gohary, with whom the USCIRF delegation met during its January 2010 visit, fled Egypt in late February 2011 when his travel ban was lifted just days after former president Mubarak stepped down. El-Gohary has applied for asylum in France with his 16 year-old daughter.

Baha'is

All Baha'i institutions and community activities have been banned since 1960 by a presidential decree. As a result, the approximately 2,000 Baha'is who live in Egypt are unable to meet or engage in communal religious activities. In the past, Baha'is have been arrested and imprisoned because of their religious beliefs, often on charges of insulting Islam. There have been no arrests in recent years. Most Baha'i community members are known to the state security services, and many are regularly subject to surveillance and other forms of harassment. Al-

Azhar's Islamic Research Center has issued *fatwas* over the years, most recently in 2003, urging the continued ban on the Baha'i community and condemning Baha'is as apostates.

Intolerance of Baha'is has increased in both the independent and government-controlled media in recent years. In March 2009, Muslim villagers vandalized several Baha'i homes in a village in the Sohag province. Egyptian human rights groups immediately condemned the violence and contended that it had been prompted by incitement by a media commentator who, during a television program, labeled an individual member of the Baha'i faith an apostate and called for her to be killed. Three years after the incident, there has been no investigation or prosecution. In late February 2011, after rumors that the Baha'i families would be returning to the homes vandalized in 2009, local villagers set on fire several Baha'i homes in the Sohag province. An Egyptian human rights group alleged that at least two local security officers incited local villagers to attack the homes. An investigation is ongoing.

There has been some legal progress for Baha'is related to identity documents. In March 2009, the Supreme Administrative Court rejected a final legal challenge to a 2008 lower court ruling that required the Egyptian government to issue national identification documents to three Baha'i plaintiffs containing a dash or other mark in the religion field. Until this ruling, identity documents permitted registration in only one of the three officially approved faiths – Islam, Christianity, or Judaism – thereby effectively preventing Baha'is from gaining the official recognition necessary to have access to numerous public services. Since the 2008 decision, the government has issued birth certificates to at least 120 Baha'is, documents which it previously refused to issue to them. In addition, approximately 20 to 30 single male and female Baha'is have received identity cards. However, no married couples have been able to receive identity cards because the Egyptian government does not recognize Baha'i marriages. Over the past few years, some Baha'is lost their jobs and a few young Baha'is were dismissed from universities because they did not have identity cards.

During the reporting period, representatives of the Baha'i community have had discussions with the SCAF and transitional government; however, there have been no long-term resolutions to their ongoing concerns.

Anti-Semitism and the Jewish Community

In 2011, material vilifying Jews with both historical and new anti-Semitic stereotypes continued to appear regularly in the state-controlled and semi-official media. This material includes anti-Semitic cartoons, images of Jews and Jewish symbols that reference Israel or Zionism, comparisons of Israeli leaders to Hitler and the Nazis, and Holocaust denial literature. Egyptian authorities have not taken adequate steps to combat anti-Semitism in the media, despite official claims that they have advised journalists to avoid anti-Semitism. Egyptian officials claim that anti-Semitic statements in the media are a reaction to Israeli government policy toward Palestinians and do not reflect historical anti-Semitism. Human rights groups cite persistent, virulent anti-Semitism in the education system, which increasingly is under the influence of Islamist extremists, a development the Egyptian government has not adequately addressed.

The small remnant of Egypt's once sizeable Jewish community, now consisting of fewer than 100 people, owns communal property and finances required maintenance largely through private donations. In 2007, Egyptian authorities, including the Minister of Culture and the head of the Ministry's Supreme Council of Antiquities, pledged to move forward over the next few years with the restoration of at least seven synagogues, as well as the possible development of a Jewish museum, sought by the Jewish community to memorialize Egypt's substantial and historic Jewish religious and cultural properties and relics. Restoration of the Maimonides synagogue in Cairo, named after a 12th century rabbinic scholar, was completed in March 2010, although Egyptian government authorities canceled an official public dedication ceremony.

Jehovah's Witnesses

A 1960 presidential decree banned all Jehovah's Witnesses activities. According to the State Department, there are between 800 and 1,200 Jehovah's Witnesses living in Egypt. While government interference into the activities of the small community has abated somewhat since former President Mubarak stepped down in February 2011, Egyptian authorities continue to conduct surveillance and sometimes impede their private worship. In past years, secret police monitored the homes, phones, and private meeting places of members. The Egyptian government permits Jehovah's Witnesses to meet in private homes in groups of less than 30 people, despite the community's request to meet in larger numbers.

For years, the Jehovah's Witnesses have pursued legal recognition through the court system. Finally, in December 2009, the Seventh Circuit Administrative Court handed down a verdict denying Jehovah's Witnesses legal status. The local community continues to appeal the verdict.

Egypt's Universal Periodic Review

In February 2010, the UN Human Rights Council examined the human rights record of Egyptian authorities under the Universal Periodic Review (UPR) procedure. The head of Egypt's delegation stated that freedom of religion and worship are guaranteed in the constitution and are not limited by law, despite the reality that, as described above, in practice the law is arbitrarily and inconsistently applied. The Egyptian delegation also characterized relations between Muslims and Coptic Christians as "healthy and positive," attributing recent sectarian tensions to extremism and asserting that the law is implemented whenever violent incidents occur.

The recommendations that the Egyptian delegation supported at the UPR included those that urged the government to take all necessary measures to guarantee religious freedom, prevent discrimination that affects this freedom, and promote inter-religious dialogue and tolerance. The delegation rejected recommendations which urged the Egyptian government to remove any categorization of religion on official government documents and to eliminate the legal and bureaucratic restrictions that complicate an individual's right to choose his or her religion.

Despite supporting a number of recommendations from the UPR, the Egyptian government has made little progress in implementing them in practice.

Positive Developments in Egypt

During the transition, there have been some positive developments. In January 2012, the Interior Ministry stated publicly that it worked with the SCAF on an extensive security plan to protect all churches around the celebration of Coptic Christmas. According to some reports, members of the Muslim Brotherhood also have participated in protecting churches. The 2011-2012 holiday season passed without incident. In May, the government began to re-open more than 50 churches that had been closed, in some cases for years. In March, the Egyptian government released Coptic Christian priest Mitaos Wahba from prison, where he had served three years of a five-year sentence for presiding over a wedding of a Christian convert from Islam.

In the aftermath of the October Maspero violence, the government took steps to reduce discrimination in the Penal Code. On October 15, the SCAF issued a decree amending Egypt's Penal Code to prohibit discrimination on the basis of religion, gender, language, faith, or race. The decree also delineated prison sentences and specific fines for discriminatory acts, as well as failure to prevent discrimination. These included more severe penalties for government officials found to be complicit in discrimination. These new Penal Code provisions, if applied, could strengthen the Egyptian constitution's ban on discrimination. At the end of the reporting period, however, there were no known cases in which the government applied the new amendments.

During the reporting period, Al-Azhar University spearheaded a number of initiatives and published statements expressing support for freedom of religion or belief in Egypt. In January 2012, Al-Azhar Grand Sheikh Ahmed Al-Tayeb put forward a "Bill of Rights" that discussed the importance of freedom of belief and expression, among other things, ahead of the drafting of the constitution. The statement asserts that "freedom of belief" and equal citizenship rights for all Egyptians are the cornerstones of a new modern society. The statement reportedly took three months to gain support of a number of diverse religious and political leaders in Egypt, as well as other domestic and international actors.

In June 2011, the Grand Sheikh released an 11-point program, known as the "Al-Azhar Document," setting out Al-Azhar's vision for Egypt's democratic future. The document endorsed a democratic government in Egypt, placing governance in the hands of the civil or secular powers of the parliament, the executive, and the judiciary. The document also expressed support for universal human rights and emphasized that religious minorities should be able to practice their religion freely and enjoy their rights as citizens in full equality with the majority. Some human rights groups have expressed concern over the document's vagueness, pointing out the lack of safeguards needed to prevent human rights abuses. Moreover, while both the January 2012 and June 2011 documents call for full respect and protection of the three "heavenly religions" – Judaism, Christianity, and Islam – no other faiths in Egypt were mentioned.

U.S. Policy

For many years, U.S. policy toward Egypt had focused on fostering strong bilateral relations, continuing security and military cooperation, maintaining regional stability, and sustaining the 1979 Camp David peace accords. Successive administrations viewed Egypt as a key ally in the region. Until a few years ago, Egypt was the second largest recipient of U.S. aid; it now ranks fourth, behind Afghanistan, Israel, and Pakistan. In recent years, including during the reporting period, the Obama administration and Congress have increased efforts to urge the Egyptian government to make more expeditious progress on economic and political reforms, including on human rights and religious freedom issues. During the past year, the relationship encountered a number of challenges, the most serious of which started in December 2011 when Egyptian authorities raided the offices of five foreign pro-democracy NGOs, four of which are American, and subsequently charged staff members with working without a license and receiving unauthorized foreign funding.

During the first few days of the January 2011 uprisings in Egypt, the Obama administration remained supportive of the Mubarak regime. Secretary of State Hillary Clinton expressed confidence that the regime was stable and urged peaceful protests by the Egyptian people. As the demonstrations continued and grew, high-level U.S. government officials expressed concern about incidents of government violence against peaceful protestors, and President Obama advocated that Mubarak step down. Mubarak did so on February 11, 2011. In March 2011, Secretary of State Hillary Clinton visited Egypt and the U.S. government announced that \$100 million in unspent economic support funds were being reprogrammed to support economic growth and development, in addition to \$65 million being reprogrammed to support democratic development in Egypt.

In the current reporting period, the U.S. government highlighted religious freedom concerns in Egypt through public statements and remarks more frequently than in previous years. For example, in January 2012, Deputy Secretary of State William Burns and Assistant Secretary of State for Democracy, Human Rights and Labor Michael Posner each publicly raised a number of religious freedom issues while visiting Egypt. On January 6, 2012, President Obama released a statement on Coptic Christmas eve asserting that in Egypt and elsewhere "freedom of religion, the protection of people of all faiths, and the ability to worship as you choose are critical to a peaceful, inclusive and thriving society." In October 2011, statements from both President Obama and Secretary of State Clinton expressed deep concern about the Maspéro violence and called for a prompt investigation, including into allegations of excessive security and police force. On May 19, 2011, President Obama delivered a major policy speech on the Middle East and North Africa and specifically raised the importance of freedom of religion, respecting religious minorities, and the plight of Coptic Christians in Egypt. On January 1, 2011, President Obama issued a strong statement condemning the New Year's Day bombing of a church targeting Christians in Alexandria and offered assistance to the Egyptian government to bring the perpetrators to justice.

U.S. assistance reflects the recognition of Egypt's continued and crucial role in ensuring Arab-Israeli peace. P.L. 112-74, the Consolidated Appropriations Act of 2012, appropriated \$1.3 billion in Foreign Military Financing (FMF) assistance and \$250 million for Economic Support Fund (ESF) assistance. For the first time, the law requires the Secretary of State to certify that the Egyptian government is using the funds appropriated through the Foreign Military Financing program to support "the transition to civilian government including holding free and fair elections" and "implementing policies to protect freedom of expression, association, and religion, and due process of law." The law also includes a national security interest waiver from the certification requirements. In seeking to meet the certification requirement, the State Department must report about positive progress and trends in Egypt only on the requirement about policies to protect freedom of religion. USCIRF worked with Congressional offices on including freedom of religion as one of the certification factors.

In recent years, only a small portion of U.S. programming has supported initiatives in areas related to religious freedom, including funding for programs of the Coptic Evangelical Organization for Social Services that work with Coptic and Muslim community groups in Upper Egypt, as well as support for NGOs that monitor the country's media for sectarian bias.

During the past year, the Obama administration reversed a controversial 2009 decision that restricted USAID funding for Egyptian civil society to those organizations whose official NGO registration has been approved by the Egyptian government. Direct grants to registered Egyptian NGOs previously had to be vetted by the Egyptian government. As a consequence, many new Egyptian NGOs did not seek formal registration, and instead formed a civil corporation, to avoid unnecessary government interference and oversight.

In July 2011, the Egyptian government launched an investigation into U.S. funding of civil corporations, suggesting that it violates Egyptian law. This cast serious doubt on the ability of the U.S. government to support the programs and activities it was already funding. The investigations culminated in December 2011 with raids on the offices of four American, and one European, pro-democracy NGOs and confiscation of materials from these offices. In January 2012, the Egyptian government announced criminal charges against 43 personnel, including 16 Americans, and issued travel bans against those remaining in the country, including seven Americans. Despite Egyptian judicial authorities lifting the travel ban in late February, staff members from these NGOs, including from the International Republican Institute, the National Democratic Institute, and Freedom House, face criminal charges and possible prison terms for working illegally in the country without a license and receiving and using unauthorized foreign funding. Since the raids on NGOs in December, an increasing number of members of Congress have advocated cutting off all U.S. aid to Egypt, although, at the end of the reporting period, no measure has been passed in Congress prohibiting aid to Egypt.

After former President Mubarak was removed from power, several congressional resolutions were introduced in the House and Senate in the 112th Congress to: encourage religious freedom (H.Res.459); express solidarity with the Egyptian people's democratic aspirations (H.Res. 88); respect human rights and the freedoms of religion and expression (H.Res. 200); support democracy, universal rights and the peaceful transition to a representative government (S. Res. 44); condemn the New Year's day attack on the Coptic church in Alexandria and urge the Egyptian government to investigate and prosecute the perpetrators (S.Res.22); and support democracy, human rights, and civil liberties (S. Res. 586).

In September 2011, in its most recent International Religious Freedom report, the State Department again concluded that religious freedom conditions remained poor, similar to its 2010 conclusion. From 2007 to 2009, the State Department reported that religious freedom conditions in Egypt had declined. This assertion did not result in any significant change in U.S. policy toward Egypt other than the increase in public comments and statements discussed above.

Recommendations

As described above, the Egyptian government has engaged in and tolerated religious freedom violations during the transition period. During the reporting period, violence targeting Coptic Orthodox Christians increased and the Egyptian government failed to convict those responsible

for the violence. In addition, the Egyptian government has failed to protect religious minorities from violent attacks during the transitional period when minority communities have been increasingly vulnerable. During the transition period, military and security forces used excessive force and live ammunition targeting Christian demonstrators and places of worship resulting in dozens of deaths and hundreds of injuries. Despite claims by the Supreme Council of Armed Forces that it dismantled the state security apparatus, partially lifted the state of emergency, and addressed some ongoing religious freedom concerns, discriminatory laws and policies continue to have a negative impact on freedom of religion or belief in Egypt.

Accordingly, based on the Egyptian government's systematic, ongoing, and egregious religious freedom violations, USCIRF is recommending for the second year in a row that Egypt be designated a country of particular concern, or CPC. Pursuant to the Consolidated Appropriations Act of 2012 (P.L. 112-74), the U.S. government should not certify the disbursement of military assistance to Egypt until the Egyptian government demonstrates that it is using the funds appropriated through the Foreign Military Financing program to implement policies that protect freedom of religion and related human rights in Egypt. The U.S. government also should direct a portion of existing military assistance and emergency economic assistance to enhance security for religious minority communities. In addition, the United States should press the Egyptian transitional government, as well as the future civilian government and newly elected parliament, to implement a series of reforms to advance freedom of religion or belief and related human rights.

I. Withholding Military Assistance and Directing a Targeted Amount of Military and Economic Assistance During Egypt's Transition

In addition to designating Egypt as a CPC, the U.S. government should:

- pursuant to the Consolidated Appropriations Act of 2012 (P.L. 112-74), not certify the disbursement of the appropriated \$1.3 billion in Foreign Military Financing (FMF) to Egypt until the Egyptian government demonstrates that it is using FMF funds to implement policies that protect freedom of religion and related human rights in Egypt;
- once the Egyptian government so demonstrates, ensure that a portion of the FMF funding for the Egyptian government is used to help the Egyptian police assess security needs and develop and implement a comprehensive and effective plan for dedicated police protection for religious minority communities and their places of worship, particularly Coptic Orthodox Christians, Sufi Muslims, and Jews, in consultation with these communities' representatives; and
- conduct or support specialized training, either in Egypt or abroad, for Egyptian military and police forces on human rights standards and non-lethal responses to crowd control and to quell sectarian violence.

The U.S. Congress should:

- require the Departments of State and Defense to report every 90 days on the Egyptian transitional government's progress on the issues described in this section.

II. Ensuring that Responsibility for Religious Affairs Not Fall Within the Jurisdiction of the New Egyptian Domestic Security Agency

The U.S. government should urge the Egyptian government to:

- repeal fully the state of emergency, in existence since 1981, in order to allow for the full consolidation of the rule of law in Egypt;
- ensure that *de facto* responsibility for religious affairs does not fall under the jurisdiction of the domestic security agency, with the exception of espionage cases or cases involving the use or advocacy of violence, including conspiracy to commit acts of terror;
- pass a unified law that would subject all places of worship to the same transparent, non-discriminatory, and efficient regulations regarding construction and maintenance, and continue to take special measures to preserve and restore Coptic Orthodox and other Christian properties and antiquities that have been subject to societal violence and official neglect; and
- consistent with the March and December 2011 resolutions of the UN Human Rights Council and the UN General Assembly on "combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief," repeal Article 98(f) of the Penal Code, which "prohibits citizens from ridiculing or insulting heavenly religions or inciting sectarian strife" 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).

III. Implementing Additional Reform in Order to Comply with International Human Rights Standards

The U.S. government should urge the transitional Egyptian government and newly elected parliament to:

- ensure that a new constitution has robust protections for the right to freedom of religion or belief consistent with international human rights law, including:
- – recognizing the universal right to the freedom of thought, conscience, and religion or belief for every individual and every religious or belief community;
- – recognizing that each person's freedom to hold and to manifest any religion or belief, or not to hold any religious belief, should not be limited, aside from the narrow exceptions delineated in international law;
- – affirming that the right to freedom of religion or belief includes the right to have, adopt, or change one's own religion or belief without coercion and to manifest it publicly, as well as to persuade others to change their beliefs or affiliations voluntarily;
- – ensuring that the rights and benefits of citizenship are not limited to individuals belonging to particular religious communities; and
- – ensuring that all persons are equal before the law and are entitled to the equal protection of law, regardless of religion or belief, and guaranteeing all persons equal and effective protection against discrimination on religious grounds;
- ensure the neutral non-discriminatory application of any laws according legal status and benefits to religious communities, even if one faith is declared as the official state religion;
- establish a special unit in the Office of the Public Prosecutor dedicated to investigating acts of violence against Egyptian citizens on the basis of religion or belief, vigorously prosecuting and bringing to justice perpetrators, and ensuring compensation for victims;
- address incitement to imminent violence and discrimination against disfavored Muslims and non-Muslims by:
 - – prosecuting in regular criminal courts government-funded clerics, government officials, or individuals who incite violence against Muslim minority communities or individual members of non-Muslim religious minority communities;
 - – disciplining or dismissing government-funded clerics who espouse intolerance;
 - – publicly and officially refuting incitement to violence and discrimination by clerics and the government-controlled media against Muslim minority communities, such as the Qur'anists, and members of non-Muslim religious minorities, such as Baha'is; and
 - – rescinding any previously-issued *fatwas* by Al-Azhar that are discriminatory toward or incite violence against Muslim minority communities or non-Muslim religious minority communities;
- discontinue the use of reconciliation sessions as a bypass for punishing perpetrators, commensurate with the gravity of the crime and in accordance with the rule of law;
- repeal 1960 presidential decrees banning members of the Baha'i faith and Jehovah's Witnesses from practicing their faith, officially grant legal personality to these and other minority faiths, and permit these faiths to congregate in public places of worship without government interference;
- remove mention of religious affiliation from national identity documents;
- cease all messages of hatred and intolerance in the government-controlled media and take active measures to promote understanding and respect for members of minority religious communities;
- take all appropriate steps to prevent and punish acts of anti-Semitism, including condemnation of anti-Semitic acts, and, while vigorously protecting freedom of expression, counteract anti-Semitic rhetoric and other organized anti-Semitic activities;
- permit any Egyptian citizen to learn voluntarily the Coptic language in the public school system; and
- investigate claims of police negligence and inadequate prosecution of those involved in the Al-Kosheh case, as well as other recent instances of violence targeting individuals on account of their religion or belief, particularly members of the vulnerable Coptic Orthodox Christian community.

IV. Ensuring that U.S. Government Aid Promotes Prompt and Genuine Political and Legal Reforms and is Offered Directly to Egyptian Civil Society Groups

The U.S. government should:

- provide direct support to human rights and other civil society or non-governmental organizations (NGOs) without vetting by the Egyptian government;

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- urge the Egyptian government to ensure that NGOs engaged in human rights work can pursue their activities without government interference, and monitor and report to what extent this is accomplished; and
- expand support of initiatives to advance human rights, promote religious tolerance, and foster civic education among all Egyptians, including support for:
 - revising all textbooks and other educational materials to remove any language or images that promote enmity, intolerance, hatred, or violence toward any group of persons based on faith, gender, ethnicity, or nationality, and including the concepts of tolerance and respect for human rights of all persons, including religious freedom, in all school curricula, textbooks, and teacher training;
 - civic education and public awareness programs that reflect the multi-confessional nature of Egyptian society and the diversity of Egypt's religious past;
 - efforts by Egyptian and international NGOs to review Egyptian educational curricula and textbooks for messages of hatred, intolerance, and the advocacy of violence, and to monitor equal access to education by girls and boys regardless of religion or belief; and
 - preserving and restoring Egyptian Jewish properties and antiquities in publicly accessible sites.

V. Promoting Freedom of Religion and Belief and Related Human Rights in Multilateral Fora

The U.S. government should:

- call on the Egyptian government to comply with and fully implement recommendations from the UN Human Rights Council's February 2010 Universal Periodic Review of Egypt, including those related to freedom of religion or belief; and
- urge the Egyptian government to invite, provide specific dates, and admit UN special procedures mandate holders who are waiting for an invitation, including the UN Special Rapporteur on Freedom of Religion or Belief, the UN Special Rapporteur on Human Rights Defenders, and the UN Special Rapporteur on Torture.

Dissenting Statement of Commissioner al-Hibri:

So much is happening in Egypt this year. The peaceful revolution has been unfortunately marred by violence that spread across Egypt from Maspero to Aswan to Port Said. Over 850 Egyptians have died during this period, around 6,000 were injured, and the dust has not settled yet. The transitional military government has not done enough to stem the violence and, as the report points out, together with the official media, it encouraged sectarian violence by counterrevolutionaries and extremists in Maspero.

At the same time, al-Azhar, the venerable religious institution, extended its hand in dialogue to the Coptic leadership, including the late Pope Shenouda. Also, Egyptians spoke loud and clear in the streets and on private television, rejecting sectarian and other violence. The photo on the cover of the report shows average Egyptians, Muslim and Coptic, mourning the victims of the Maspero violence. Many Egyptians carried signs saying "Muslim + Christian= Egyptian."

Now Egyptians are voting for a new parliament, and a new government and constitution. I believe in the fundamental fairness of the Egyptian people and their ability to ultimately rebuild a nation based on religious freedom. After all, this is a tradition that has deep roots in their history.

For this reason, I respectfully dissent from designating Egypt as a CPC at a time when the whole nation is undergoing indiscriminate violence. I would also revisit the situation after the election of a democratic government and the drafting of the new constitution.

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