

EGYPT

The Arab Republic of Egypt became a sovereign nation in 1952. The country's lack of arable land and dependence on the Nile River has been a source of tension not only on its rapidly growing population of more than ninety-four million inhabitants but also in relations with neighboring countries that depend on the Nile's sustaining waters.

Egypt has undergone considerable turmoil since 2010 when the Hosni Mubarak regime was overthrown and again in 2013 when Mohammed Morsi and the Muslim Brotherhood were removed from power in a military-led coup. In January 2014, Abdel Fattah El Sisi was elected to the presidency and a new parliament was created in December 2015.

Ninety percent of Egyptians are Sunni Muslim. Another ten percent of the population is Coptic Orthodox Christian along with smaller groups of Shi'a Muslims, Jews, Baha'is, and others. During the political unrest of 2013 considerable discrimination and violence was directed against the Coptic population. Seventy-eight churches and other properties were burned in mob actions.

Violence between Copts and Muslims has now become common, especially in the small villages of the Minya Province. In June 2016, a pastor's car was destroyed, houses were burned down, Copts were injured or even killed by Muslim mobs, and an elderly woman was beaten and stripped naked in the street because of rumors of an affair between her Coptic son and a Muslim woman.¹ Until now, the federal government's efforts to protect Copts and promote tolerance have been mild at best, and local authorities in the Minya province have been slow to prosecute or investigate crimes against Copts.

In 1960, Baha'i and Jehovah's Witnesses congregations were banned by presidential decrees. The Ministry of Religious Endowments has sponsored workshops warning the public of the 'growing dangers' of the Baha'i faith. Baha'i marriages are not recognized, which prevents couples from obtaining ID cards, making it extremely difficult to conduct ordinary transactions in Egypt such as banking, school registration, or purchasing a car or home.

Jehovah's Witnesses are not allowed to establish places of worship and can only hold meetings in private when less than thirty participants are present. The importation or distribution of their literature is banned, as is proselyting or conversion to the Jehovah's Witnesses faith.²

¹ World Watch Monitor 'Bishop pleads for justice as attack on Copt grandmother 'stripped naked' stirs Egypt'

² United States Department of State. 'Egypt 2014 International Religious Freedom Report'

Coptic Orthodox Christians in Prison

In April 2015, **Albert Ashraf, Muler Atef Daoud, Bassem Amgad Hanna, Gad Youssef Younan,** and **Clinton Madi Youseff,** all students between the ages of fifteen and seventeen, were arrested on charges of ‘contempt for Islam’ (Criminal Code Article 98). The students were arrested for making a cellphone video in which they pretended to pray with one boy kneeling and another appearing to behead him. During the trial the defense claimed that the video was not intended to insult Islam but was rather making a mockery of similar videos carried out by ISIS militants. The boys claimed that they did not even know about ISIS and were just trying to get their teacher’s attention. Between May and June the boys were released on bail, but on 25th February 2016, they received the maximum sentence of five years in prison. By the time they were sentenced the boys had fled to Istanbul and later granted asylum in Switzerland.

In November 2014, **Kirollos Shawki Atallah,** a nineteen-year-old, was arrested at a cafe in Beheira for posting photos on Facebook that were deemed by some to be defamatory to Islam. On 10th January 2015, he was sentenced by a minor offenses court to three years in prison.

On 2nd December 2013, **Bishoy Armia Boulous (Mohammed Hegazy** before his conversion) was arrested in a cafe at the agricultural association in Minya. He was charged with ‘disturbing peace by broadcasting false information to cause harm or damage public interests.’ Boulous claimed in his defense that he was only filming demonstrations against Christians. He was declared innocent in an appeal on 28th December 2015; however, he remained in prison on charges of blasphemy filed against him in 2009 related to his conversion from Islam to Christianity and his attempts to change the religious identity on his personal ID card. This was the first time that an Egyptian citizen had tried to change legal status from Muslim to Christian. The request was received with hostility from many clerics, lawyers, and journalists that demanded his execution. He was released on 23rd July 2016, after recanting his faith and returning to Islam.

In February 2012, **Makram Diab** was arrested for insulting the Prophet and provoking students. He claims that he told a Salafi Muslim that Muhammad had more than four wives, which resulted in an argument. In his case he was punished under Criminal Code Article 98, using religion to ‘propagate extremist ideas, incite strife, insult a monotheistic religion or damage national unity.’ He was sentenced to six years in prison at Assiut General Prison on 29th February 2012. His trial lasted only ten minutes and no defense attorney was present. When Diab made an appeal, the judge doubled the sentence to appease an angry mob that surrounded the courtroom demanding Diab’s death.

In September 2012, **Bishoy Kameel Garas** was arrested in Garas for posting cartoons deemed defamatory to Islam and the Prophet Muhammad on Facebook as well as for insulting President Mohamed Morsi and his family, which violates Criminal Code Article 98. The defendant claimed that he was hacked out of malice by someone named Michael. After serving over three years of his sentence, Garas was found innocent in another appeal on 13th

March 2016 and released. His three years in prison has been credited to him in the event that he is sentenced for any future offenses.

Sunni Muslims in Prison

In April 2015, **Al Behairy** was arrested for blasphemy and contempt of religion by insulting Islam. The defendant claims he was not insulting Islam but was merely discussing the religious views of certain preachers in the context of religious reform. In May of 2015 he was sentenced to five years in prison and then acquitted the following month of the blasphemy charge. On 29th December 2015, his sentence was reduced to one year in prison on appeal on the charge of ‘contempt of religion.’

Before his arrest Al-Behairy had sponsored a TV programme called ‘With Islam’ in which he discussed reforms in ‘traditional Islamic discourse’ and tackled controversial issues such as punishments for apostasy, early marriage, and various interpretations of the Hadith, the sayings and teachings of Prophet Mohamed. The show was cancelled in April after numerous complaints were filed. Egypt's constitution outlaws insults against the three monotheist religions recognised by the state: Islam, Christianity, and Judaism.

Fatima Naoot, a fifty-year-old, was arrested for insulting Islam and contempt of religion under Article 98. She claims that she had posted messages on Facebook to congratulate Muslims for Eid al-Adha but ‘urged them to respect the offering and not humiliate it by flooding the ground with animal blood.’ She denied that her aim was to insult Islam. Naoot was sentenced to three years in prison on 26th January 2016 and given a fine for LE20,000 (\$2,550). Naoot is a writer, poet, and broadcaster. She is also a former candidate for the Egyptian Parliament.

Shia Muslims in Prison

On November 14th 2013, **Amr Abdallah** was arrested for blasphemy and defamation of Prophet Muhammad’s companions in violation of Article 98 which pertains to those who use religion to propagate ‘extremist ideas,’ to incite strife, to insult a monotheistic religion, or to damage national unity. On 26th February 2014, Abdallah was sentenced to five years in prison by the Gamaliya Misdemeanor Court.

Atheists in Prison

In November of 2014, **Karim Ashraf Mohamed Al-Banna**, a twenty-one-year-old, was arrested at a cafe in Cairo for announcing on Facebook that he was atheist. He was sentenced to three years in prison but then released on bail pending the verdict of the court of appeals.

Karam Saber was arrested for ‘insulting the divine, encouraging atheism, inciting strife and spill of blood’ (Egyptian Penal Code Article 98) because of his 2010 collection of short stories called ‘Where is God?’ Saber’s book tells the stories of poor Egyptian farmers and

their relationship with deity. In his defense he stated that in the stories he seeks to ‘expose fake religious discourse and detect the scale of contradictions in a patriarchal society that claims religiousness while it practices the opposite, especially in terms of oppressing women.’ Saber says ‘I pose simple questions that seek God amid all this absurdity we are living in.’ On 5th June 2014, a court of appeals in Beba upheld Saber’s sentence of five years in prison.

The full list of documented cases of FoRB prisoners for each denomination is available on the USB key attached to this report and on our website: <http://eu.forb/forb-and-blasphemy-prisoners-list>

Laws Used to Criminalize Religious Activities

Penal Code Article 98(f) is the most commonly used law in Egypt to detain citizens based on their religious convictions. The law, also known as the Blasphemy Laws, prohibits ‘ridiculing or insulting heavenly religions or inciting sectarian strife’ and ‘contempt of religion.’ Authorities have used these laws to prosecute Egyptians whose views deviate from the Islamic norm or who are said to have insulted one of the three state recognized religions: Islam, Christianity, or Judaism. In recent years there has been an increase in cases against Christians that ‘insult’ Islam as well as against Muslims who express views that are controversial within their own faith. Atheism is also firmly opposed by the state and prosecuted in accordance with the criminal code.³

Egypt’s new constitution also includes a provision that prohibits blasphemy or ‘defamation’ of religions (Article 44). The constitution only allows for worship in the Islamic, Christian, and Jewish contexts, although converting from one religion to another is not mentioned. Recent cases such as the blasphemy conviction against Bishop Armia Boulous, who converted from Islam to Christianity, show that there is no tolerance for conversion from Islam to another faith.

Another practice that has severe consequences for the lives of minorities such as Baha’is is that of issuing ID cards that identify a person’s religion. Only the ‘revealed’ religions of Islam, Christianity, and Judaism are accepted on an ID card. Baha’is that want an ID card are rejected or find themselves having to lie and request a Muslim card. Not having an ID card is a serious issue in Egypt since it is required for many essential transactions, such as receiving pension, getting married, registering for university, or opening a bank account. A Baha’i that lies to obtain an ID can be charged with forgery if discovered. Two Baha’is related their experience with requesting ID cards in 2007:

State Security tried to persuade us both to be Muslims. We were exhausted, more than 24 hours with no food. When they failed to convince us to become Muslims, they referred us to criminal investigation. From five in the morning until five at night, the

³ U.S. Commission on International Religious Freedom: *2013 Annual Report on Egypt*

State Security grilled us. They said that they would bring forgery charges against both of us.⁴

National Standards for Detention Conditions

Article 52 of the Constitution of Egypt (2014): ‘All forms of torture are a crime with no statute of limitations.’

Article 55 of the Constitution of Egypt (2014): ‘All those who are apprehended, detained or have their freedom restricted shall be treated in a way that preserves their dignity. They may not be tortured, terrorized or coerced. They may not be physically or mentally harmed or arrested and confined in designated locations that are appropriate according to humanitarian and health standards. The state shall provide means of access for those with disabilities. Any violation of the above is a crime and the perpetrator shall be punished under the law.’

Article 56 of the Constitution of Egypt (2014): ‘Prison is a house for reform and rehabilitation. Prisons and detention centers shall be subject to judicial oversight. All that which violates the dignity of the person and or endangers his health is forbidden.’

Despite these provisions set out by the constitution, new prison laws passed in 2015 have actually legalized various forms of mistreatment that are in conflict with international UN Mandela Rules. For example, the new law allows prisoners to be held in solitary confinement for thirty days,⁵ whereas the Mandela Rules include a maximum limit of fifteen days. The new law also allows authorities to use physical force against prisoners if they ‘do not comply with an order.’⁶ This provision sanctions mistreatment and torture and provides impunity for the perpetrators of acts of violence against prisoners.

One positive development in the new amendments is that prisoners are now allowed to receive visits from family members twice a month instead of once and foreign prisoners can now be visited by representatives from their home embassies or consulates.⁷ Even still, based on Egypt's past record of human rights violations there are no guarantees that these laws will be respected.

National and International Reports on Prison Conditions in Egypt

In 2016, Egyptian prisons were at about 160% of capacity and pre-trial facilities at police stations are at 300%. According to the National Council for Human Rights, a quasi-governmental agency in Egypt, this overcrowding has led to unsafe prison conditions and a rise in deaths.⁸ Pre-trial detention facilities are extremely overcrowded since authorities

⁴ Human Rights Watch. ‘Egypt: Allow Citizens to List Actually Religion on ID Cards.’

⁵ Mazen, Maram. *San Diego Tribune*. ‘Egypt rights lawyers say new prison law legalizes abuses.’

⁶ *Alkarama*. ‘Egypt: New Prison Law Creates Breeding Ground for Abuses and Restricts Prisoners’ Rights.’

⁷ Mazen, Maram. *The San Diego Tribune*. ‘Egypt rights lawyers say new prison law legalizes abuses.’

⁸ Human Rights Watch. ‘Egypt: Detained for Protesting Jail Conditions.’

routinely extend detention periods multiple times and prisoners often remain in these facilities for months or years. At the end of 2015, about seven-hundred Egyptians had been held in preventative detention without a trial for two years after which time they legally must be released.⁹

The Al Nadeem Center for Rehabilitation of Victims of Violence released a 2015 report on prison conditions in Egypt that documents a plethora of issues based on its monitoring of media sources. According to the report, in 2015 in Egyptian prisons there were 137 deaths from brutality, eighty-nine of which were the result of medical neglect and thirty-nine the result of torture by prison authorities. Some of the main medical conditions that were cited include heat exhaustion, liver disease, and acute circulatory failure. These conditions were either developed in prison or accentuated as a result of mistreatment. In one example, an eighteen-year-old man Sameh Ibrahim Fotouh died in his cell in a police station for lack of ventilation. The Al Nadeem Center also reported about seven-hundred cases of torture in the prison system; however, they note that this number is ‘just the tip of the iceberg’ and reflects solely the cases that were reported in media. The actual number of torture victims is undoubtedly higher.¹⁰ Some common torture methods included beatings, floggings, electrocution, sexual harassment, and stripping.

One interview with Ibrahim Halawa, an ethnic Egyptian who is a native of Ireland, was arrested for getting caught up in a political rally in Cairo. Halawa shares a sobering first-hand account of life in Egyptian prisons and the abuses he has suffered there:

It’s normal to be cursed, stripped naked, beaten with a bar or put in solitary confinement or the ‘tank’ (a pitch-black 3.5m x 5.5m cell). They might also torture another prisoner in front of you. Of course you never forget. Ever.

After a prison ‘inspection’, you might go back to your cell and find things missing. If your family visits and you get something from them that the guards like, you may as well forget it.

Once, coming back from a hearing in my mass trial, I was hit with the back of an AK47 and asked where I was from. The officer put his AK47 to my chest and said: ‘I wish I could take you out, you fucking Irish. But I can’t.’

The capacity of the prison is 2,000. It currently holds more than 6,000 prisoners. Most cells have at least 30 people in them and they are all one size, 3.5m x 5.5m. There is no hygiene whatsoever. The bucket you get food in is the bucket they take the garbage in. It is prisoners who cook: they take a leak and spit in the food for laughs. My cell door has ‘extremely dangerous’ written on it because of a mix-up of prison papers, so I’m currently isolated. A lack of sun has caused me many skin diseases, weak bones, weak eyes, and constant pain.¹¹

⁹ Amnesty International. ‘Egypt 2015/2016’.

¹⁰ Al Nadeem Center for Rehabilitation of Victims of Violence. ‘2015 in Numbers.’

¹¹ Halawa, Ibrahim. *The Guardian* ‘I’m in an Egyptian prison- being stripped and beaten is normal.’

The prisons frequently lack ventilation, potable water, food, medication, and adequate hygiene. In one prison, inmates wrote to family members in 2015 complaining that they had no beds but were required to sleep on concrete slabs with only a sheet over them. One prisoner commented, 'They don't allow our families to bring us water from outside, so we are forced to buy sealed water bottles from the prison canteen. A box of bottled water here costs \$6, and we're only allowed one bottle a day each. We almost die here from the heat, and there's no draft or breeze of air, especially when the fans don't work. Insects, cockroaches, ants and even worms spread quickly in our cell because we're forced to keep our food inside. We have no refrigerator.'¹² Prisoners are sometimes denied visits with family by authorities, and NGO's were not permitted to visit the prisons in 2015.¹³

A facility in Cairo named Tora Maximum Security Prison, nicknamed the 'Scorpion Prison' for its brutal conditions, is an example of the impunity that results from a lack of independent oversight from international organizations. NGO's and international agencies are banned from visiting the Scorpion Prison and lawyers were permitted access starting only in 2015. When lawyers visit the prison they must meet with their client in the warden's office and are usually limited to visits of five to ten minutes. It is still common for the prison authorities to arbitrarily deny family members and lawyers a visit with inmates under a 1956 Egyptian law that vaguely reads that visits may be restricted or completely banned due to 'conditions at certain times for reasons of health or related to security.'¹⁴

Conclusions

Copts and other Christian groups were initially optimistic about the change from Morsi and the Muslim Brotherhood to El Sisi, hoping that there would be more tolerance for the Christian minority in the country under new leadership. However, little has changed that would signal improved relations between minority religions and Muslims in Egypt.

The blasphemy laws fully remain in force and are used and abused against individuals from various backgrounds to prevent conversions from Islam to another religion, to silence any voice questioning Islam, or to settle personal scores.

Mandatory ID cards which allow only for a religious affiliation to Islam, Christianity, or Judaism continue to discriminate against Baha'is and other non official religions that do not fit these categories. The Egyptian government's unwillingness to accept religious diversity perpetuates a culture of intolerance towards minority religions as well as non-religious people. Government resistance in this regard may also be linked to an effort to maintain societal order through the promotion of Islamic values. Appealing to Islam may be used by leaders as a way of garnering public support and defending the status quo. It also has the effect of

¹² *Aljazeera*. 'Life in an Egyptian prison.'

¹³ US Department of State Bureau of Democracy, Human Rights and Labor. *Country Reports on Human Rights Practices for 2015: Egypt*. Web accessed: October 2016

¹⁴ Human Rights Watch. 'Egypt: Serious Abuses in Scorpion Prison.'

discriminating against Baha'is, Jehovah's Witnesses, Muslim minority groups, and others in order to placate conservative elements within Egyptian society and avoid social instability.

President El Sisi should take actions to release the prisoners mentioned in this report who are imprisoned for peacefully practicing their religion. He should also end propaganda efforts against groups such as Baha'is and non-believers. The practice of identifying religious preference on official documents should likewise be terminated, as this leads to discriminatory behavior against non-Muslims and puts minorities at a social and economic disadvantage.

Finally, it is clear that greater priority must be given to the country's adherence to UN minimum rules for the treatment of prisoners and to penalizing prison officials that violate these standards. Egypt is at the crossroads of several political worlds and can therefore have considerable influence in the region. By providing a sustainable example for the rule of law and the humane treatment of prisoners, Egypt could realize even more its potential as a leader among nations.