# Issues Paper

State Protection for Coptic Christians in Egypt

7 December 2012

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1. OVERVIEW

An estimated 10 per cent of Egypt’s population of 83 million are Christians.1 Christians reside throughout the country, although they are proportionally most numerous in Upper Egypt (the southern part of the country) and in some sections of Cairo and Alexandria.2

Government and non-government reports criticised the Mubarak government for not adequately protecting Coptic Christians and their property. The Supreme Council of the Armed Forces, the interim military council that governed Egypt from February 2011 until June 2012, was similarly criticised for not adequately protecting Coptic Christians in the post-Mubarak period. Sources indicate that violence targeting Coptic Christians increased in the aftermath of the 2011 revolution and Copts reportedly feel less protected by the state since the fall of the Mubarak government.3

In June 2012, Mohammed Morsi, Chairman of the Muslim Brotherhood’s Freedom and Justice Party, was elected president. President Morsi has stated that Coptic Christians are equal citizens in Egypt; however, the political agenda of the Freedom and Justice Party remains vague in practical terms.4 The implications of Islamist rule for the protection of Egypt’s Coptic Christians is still unclear. For more information on Egypt’s transition to civilian rule and the platforms of the major political parties see the RRT Egypt Elections Roundup of 2 April 2012.

It is in this context that this paper provides information on state protection for Coptic Christians in Egypt in the post-Mubarak period. The paper also discusses relevant contextual factors including the applicable legal framework, the general state of criminality in Egypt and levels of corruption in the public sector. It provides an overview of the relevant institutions of state protection, including the military, the police and the judiciary. The paper then analyses state protection for Coptic Christians in the post-Mubarak period, including the response of the aforementioned state institutions to instances of sectarian violence and the treatment of Copts in the judicial system.

2. THE POST-MUBARAK CONTEXT

2.1 Legislative Context

This section elucidates the applicable legislative context in regards to the protection of Coptic Christians. Egypt’s position vis-à-vis international human rights bodies and treaties are outlined in addition to relevant domestic laws providing for the protection of religious communities in the country. This legal framework remains in effect following the 2011 revolution and overthrow of the Mubarak government.

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Egypt is a party to several key international human rights agreements and bodies. It was the first Arab state to become a signatory of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in June 1986. Egypt is also a party to the International Convention on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the African Charter on Human and Peoples’ Rights and the Convention on the Rights of the Child (CRC). Egypt has been a member of the UN Human Rights Council since 2007.

The Egyptian Penal Code (EPC) grants certain protections for religious communities in Egypt. Although some of these provisions provide for the protection of religious groups and their property, the Becket Fund for Religious Liberty states that ‘Articles 98(f), 160, 161, 176, and 178 of the EPC are consistently used against individuals who engage in peaceful debate about religion’. These articles state:

**Article 98(f):** criminalises any use of religion to promote or advocate extremist ideologies… with a view to stirring up sedition, disparaging or showing contempt for any divinely revealed religion, or prejudicing national unity and harmony.

**Article 160:** punished the destruction, vandalism, or desecration of religious buildings, sites, symbols, cemeteries, and graves, as well as the hindering of religious ceremonies.

**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.

**Article 176:** punishes public incitement and holding a religious community in hatred or contempt.

**Article 178:** provides up to two years of imprisonment for possession, distribution, or manufacturing of documents in violation of public morals.

Freedom House notes that the broad and undefined terms in Article 98(f) ‘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’. Moreover, under Article 98(f), questioning Islam can be prosecuted as blasphemy and lead to convictions for...
apostasy. For further information pertaining to religious freedom, including blasphemy and religious insult laws, and restrictions on the construction and renovation of Coptic places of worship see the RRT Issues Paper on the Treatment of Coptic Christians in Egypt.

Discrimination on the basis of religion is prohibited by law in Egypt. In October 2011, the Supreme Council of the Armed Forced (SCAF) issued a decree to amend provisions of the EPC to explicitly prohibit discrimination on religious grounds. The EPC had hitherto lacked enforceable articles and penalties in relation to religious discrimination. The decree added article 161(ii), which defines discrimination as “any action, or lack of action, that leads to discrimination between people or against a sect due to gender, origin, language, religion, or belief”. It establishes a minimum fine of EGP 30,000 (AUD $4,684) and a maximum fine of EGP 50,000 (AUD $7,808) and/or imprisonment, for perpetrators of acts of discrimination. The article adds more severe penalties for government officials who commit a discriminatory act, with a minimum sentence of three months’ imprisonment and/or a minimum fine of EGP 50,000 (AUD $7,808) and a maximum fine of EGP 100,000 (AUD $15,616). Egyptian law also contains protections against torture and other ill-treatment committed by state agents. Article 40 of the Code of Criminal Procedure (CCP) prohibits the ‘physical and moral harm’ of detainees. The March 2011 constitutional declaration stipulates that ‘every citizen who is arrested or detained must be treated in a way that preserves his/her human dignity’ and forbids abuse ‘in body or mind, as it is forbidden to detain him/her in places outside of those designated by the prisons law’. An amendment to the EPC in May 2012 increased the penalty to five years’ imprisonment for a public employee who tortures a person, participates in torture or incites torture to extract a certain confession. The amendment also provides for a one-year prison term for anyone who does not report a crime of torture to the relevant authorities.

Despite these legislative protections and restrictions on the state, the state of emergency renewed by Mubarak in 2010 and then enforced by the SCAF, provided the legal basis for the state to arbitrarily detain people and engage in torture. In January 2012, the SCAF announced that emergency laws would no longer be used, except in cases of “thuggery”. On 22 November 2012, Mohammed Morsi issued a decree granting him the power to take ‘due measures and steps’ to deal with any threat to the revolution, national unity and safety or anything that obstructs the work of state institutions. Associated Press reports that the move

has been interpreted by rights activists as ‘a de facto declaration of emergency law’. The legal implications of the decree are still unclear.

2.1.1 The Constitution

The 1971 constitution was suspended following the 2011 revolution and resignation of Hosni Mubarak. In March 2011 a provisional constitutional declaration was adopted via public referendum. The provisional charter preserved Article 2 of the 1971 constitution stipulating that Islam is the religion of the state and the principles of Islamic Sharia are the main source of legislation. The constitutional declaration has undergone a series of amendments since March 2011 as both the SCAF and President Morsi unilaterally amended the interim charter by decree during their respective periods of rule. A constituent assembly was formed to draft Egypt’s new constitution. The controversial assembly has been subject to criticism and legal challenges for being dominated by Islamists and not representative of broader Egyptian society. (Please see the RRT Political Update of 13 July 2012 for more information on the constituent assembly.) On 1 December 2012, President Morsi announced that a national referendum on the draft constitution will occur on 15 December 2012.

2.3 The Morsi Government’s Public Position on Coptic Christians

Mohammed Morsi, former Chairman of the Muslim Brotherhood’s Freedom and Justice Party, was elected president after the 16-17 June 2012 run-off with Hosni Mubarak’s former prime minister, Ahmed Shafiq. Morsi has sought to allay fears among Coptic Christians that he will use his presidency to impose Sharia law and has said all Egyptians will be equal before the law. During a speech at Cairo Stadium on 6 October 2012, President Morsi reportedly declared that “Any assault on Copts is an assault on me”. The Muslim Brotherhood website has also stated that ‘the President is determined to provide full safety, peace and security to all citizens, regardless of religion or race’. According to the website, ‘The Presidency rejects any distinction or discrimination between citizens. It considers them all equal’. The implications of Islamist rule for the protection of Copts is still unclear. May 2012 advice on this issue from Dr Paul Rowe, Associate Professor and Chair of the Department of History, Geography, and Political and International Studies at Trinity Western University in Canada, stated:

25 Ikhwanweb 2012, President Morsi orders authorities to provide full security to all families in Egypt’s Sinai, 1 October <http://www.ikhwanweb.com/article.php?id=30309> Accessed 11 October 2012
26 Ikhwanweb 2012, President Morsi orders authorities to provide full security to all families in Egypt’s Sinai, 1 October <http://www.ikhwanweb.com/article.php?id=30309> Accessed 11 October 2012
The success of the Islamist parties in the recent elections will be a mixed result for Egypt’s Copts. As Islamists take power, they are more likely to soften their stance against Copts in an attempt to cultivate Egyptian unity and support behind their political parties (the Freedom and Justice and Nour Parties). At the same time, political power will cultivate a greater freedom of action among Islamists and may contribute to a greater sense of impunity.27

See the RRT Egypt Elections Roundup of 2 April 2012 for more information on the platforms of the Muslim Brotherhood’s Freedom and Justice Party and the Salafi Al Nour Party.

2.4 Criminality

The 2011 revolution saw a concomitant reduction in police presence and an increase in crime and lawlessness. Reports indicate that the police presence has increased since Mohammed Morsi came to power in June 2012 and pledged to prioritise security during his first 100 days in office.28 However, reports continue to question the effectiveness of the Egyptian police given the absence of serious reforms or training.29

In the immediate aftermath of the revolution, a March 2011 BBC report noted that the police had not fully returned to the streets and the military did not have sufficient troops for full policing duties.30 A New York Times news article, dated 15 May 2011, similarly noted:

In addition to sectarian violence, general crime has jumped in Cairo since the revolution as the military council running the country has struggled to rebuild the police force. Many police officers, who were a primary target of the revolution because of their past abusive practices, deserted the force or have returned timidly. Some leaders of the protests that brought down the old government suspect a counterrevolutionary conspiracy to stir up lawlessness.31

Other news articles reported that many police officers abandoned their posts due to anger over their treatment during the 2011 revolution and fear of retribution.32 In September 2011, the Associated Press reported that ‘current and former officers say some members of the force are thwarting any attempt at change, and in many cases are avenging their fall from power by refusing to do their jobs’.33 In November 2011, The Los Angeles Times reported that ‘patrolmen, angry over low pay and fearing retribution, have not returned to many neighborhoods in cities and towns across the nation that are plagued by lawlessness, clan feuds

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27 Rowe, P 2012, Email to RRT, Country Information Request EGY40504: Treatment of Coptic Christians/NDP supporters in post-Mubarak Egypt, 31 May
28 Tarek S 2012, ‘Egypt’s police: Back on the beat but little changed’, Ahram Online, 8 October
29 Tarek S 2012, ‘Egypt’s police: Back on the beat but little changed’, Ahram Online, 8 October
32 Hendawi, H 2011, ‘Reform of Egypt’s police hits a wall: The police’, Associated Press, 18 September, Al-Masry Al-Youm
33 Hendawi, H 2011, ‘Reform of Egypt’s police hits a wall: The police’, Associated Press, 18 September, Al-Masry Al-Youm

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and vigilantes’. In November 2011, Integrated Regional Information Networks reported that police stations had been attacked, vandalised and torched and thousands of inmates had escaped from prisons across the country. According to a security analyst interviewed for the report, ‘tens of millions’ of citizens do not feel safe due to the ‘marked rise in crime and also a noticeable absence of policemen’. Egyptians were reportedly ‘discovering the need to defend themselves’ and it was ‘not uncommon to find long queues outside arms shops in Cairo’.

The 2012 Annual Report from the US Commission on International Religious Freedom (USCIRF) corroborated the abovementioned press reports, noting that ‘during the transition period, Egypt has witnessed an increase in crime and lawlessness due to a decrease in police and security presence’. The lack of adequate security in the streets reportedly contributed to lawlessness in parts of the country, particularly in Upper Egypt, where most of Egypt’s Coptic Christians live. USCIRF also reported that militant Islamist groups used the lapse in security precipitated by the 2011 revolution ‘to impose extra-judicial punishments’ on Sufi Muslims for following religious practices that they consider heretical. In addition, a March 2012 report from the BBC noted that there had been a recent ‘spate of serious crimes of a kind not seen in the past, including armed robberies and kidnappings for ransom’. According to the report, petty theft had also ‘risen dramatically’ in the context of an ongoing security vacuum.

In May 2012, Dr Paul Rowe, Associate Professor at Trinity Western University in Canada, provided advice to the RRT on the treatment of Coptic Christians in post-Mubarak Egypt. Dr Rowe advised that Coptic Christians were at greater risk of harm since the 2011 revolution due to the lack of security provided by the police and security services. According to Dr Rowe:

The interim period that has followed the revolution has seen the erosion of the rule of law in Egypt. Crime rates have increased and the willingness of the police and security services to step in to restore public order has been reduced. In this permissive environment, local activists, especially those associated with the Salafist trend, have targeted Copts and their churches for violence.

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43 Rowe, P 2012, Email to RRT, Country Information Request EGY40504: Treatment of Coptic Christians/NDP supporters in post-Mubarak Egypt, 31 May
More recent reports indicate that police presence has increased since Mohammed Morsi came to power in June 2012 and pledged to prioritise security.44 Two reports published in October 2012 by the Egyptian government-owned Ahram Online state that the police presence increased during President Morsi’s first 100 days in power (30 June – 9 October 2012).45 However, security experts reportedly question the effectiveness of the Egyptian police in the absence of changes in their training or tactics.46 An ex-brigadier general and former ‘ministry insider’ reportedly told Ahram Online that the new police presence ‘is all but worthless’ given the failure to implement ‘the correct, basic policies that can bring security’.47 Another report published in October 2012 by Reuters noted that the Egyptian police force ‘has yet to regain full authority over the population since last year’s uprising’.48

2.5 Corruption

Egypt has weak governance indicators and a corrupt and nepotistic public sector.49 Transparency International’s National Integrity System Assessments for 2010 found that nepotism is so rife in Egypt that it is widely accepted as a ‘fact of life’.50 It is reportedly common for civil servants to accept bribes in return for speeding up the process of carrying out governmental action.51 According to Transparency International:

> corruption in Egypt is pervasive and has taken many forms, ranging from bribery and facilitation payments in order to get things done in different sectors (e.g. police, customs, education), to kickbacks paid by companies to public officials in order to receive government tenders, trading in influence, embezzlement of public funds, money laundering as well as political corruption and widespread nepotism.52

A March 2012 Jane’s Sentinel security assessment notes that corruption ‘has been rife in Egypt for decades’ and governmental efforts at addressing the problem ‘appear to have been largely cosmetic, with very little being done to deal with the root causes of the corruption’.53

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Governmental decision-making in the post-Mubarak period reportedly remains opaque and centralised and public services are inefficient.\textsuperscript{54}

3. INSTITUTIONS OF STATE PROTECTION

3.1 The Military

The Egyptian Armed Forces (EAF) is organised into four distinct services; the army, navy, air force and air defence command.\textsuperscript{55} The president is commander-in-chief of the four services; however, everyday management is the responsibility of the minister of defence and the armed forces chief of staff.\textsuperscript{56} The active-duty strength of the Egyptian army is 468,500 with 479,000 in the reserves and 72,000 in attached paramilitary forces.\textsuperscript{57} The EAF also provides active-duty officers to fill a significant number of senior operational and administrative positions in the Interior Ministry and the General Intelligence Directorate (see Section 3.2 The Police below).\textsuperscript{58}

The Egyptian military ruled Egypt from the coup of 1952 until Mohammed Morsi was elected president in 2012.\textsuperscript{59} In April 2012, the International Crisis Group described the Egyptian military as ‘an old, tradition-oriented and risk-averse’ institution with a strict hierarchical structure.\textsuperscript{60} The Egyptian military is reported to have a profound adversity to change, a predilection for secrecy, and hostility to dissent. In the post-Mubarak period, the SCAF sought to defend the military’s special budgetary status, obtain de facto immunity from prosecution and protect the institution’s vast business interests.\textsuperscript{61} These moves fostered a growing divergence with activists and protesters.\textsuperscript{62}

The three presidents who ruled Egypt prior to the 2011 revolution, along with their defence ministers, all had military backgrounds and ‘bestowed unrivalled powers and benefits upon the armed forces’.\textsuperscript{63} Active and retired army officers are reportedly provided with a generous package of benefits, such as treatment at special military hospitals, subsidised housing, vacation accommodation, membership in exclusive social clubs and subsidised wedding

\textsuperscript{59} International Crisis Group 2012, Lost in Transition: The World According to Egypt’s SCAF, Middle East Report No 121, 24 April, p.20
\textsuperscript{60} International Crisis Group 2012, Lost in Transition: The World According to Egypt’s SCAF, Middle East Report No 121, 24 April, p.17
\textsuperscript{61} International Crisis Group 2012, Lost in Transition: The World According to Egypt’s SCAF, Middle East Report No 121, 24 April, p.17
\textsuperscript{62} International Crisis Group 2012, Lost in Transition: The World According to Egypt’s SCAF, Middle East Report No 121, 24 April, p.18
\textsuperscript{63} International Crisis Group 2012, Lost in Transition: The World According to Egypt’s SCAF, Middle East Report No 121, 24 April, p.20
ceremonies for them and their families. Additionally, vast businesses run by the military have served as an important means to reward retiring generals with appointments as chairmen and board executives with generous salaries.

According to Yezid Sayigh, senior associate at the Carnegie Middle East Center, self-perpetuating military networks permeate virtually all branches and levels of state administration and of the state-owned sectors of the economy. The number of military retirees in management positions at all levels of the civilian bureaucracy and state-owned commercial enterprises reportedly runs into many thousands. According to Sayigh, this bureaucratic penetration was a tool of “regime maintenance” during the last 20 years of Mubarak’s rule and focused in particular on select oversight and administrative agencies, local government, and the security services. It was a means to provide senior officers with post-retirement financial security, and the armed forces as a whole with major income streams.

The greatest concentration of former military officers is in local government, where they reportedly number into the several thousands. Professor Sayigh elucidates the government structure and the substantial penetration of the military at the local level:

The structure of local government has remained highly hierarchical since 1960, when the country was reorganized into 26 governorates, with authority flowing exclusively from the top down. Egypt now has 27 governorates, following the latest reorganization in 2011, although the Cairo governorate is additionally subdivided into four administrative districts, each headed by a deputy governor, three of them former officers. At the next level down, there are 166 “centers” and 200 metropolitan areas designated as “cities” nationwide (2002 figures). Then come hundreds of city boroughs – Cairo alone had 23 in 2002 and 34 by 2012 by one count, besides those of Giza, which though part of the Cairo metropolis forms a separate governorate. And even further down are the 4,617 villages, of which 920 (2002 figures) are large enough to have their own local council. The entire structure is constituted by appointment from above. The president appoints governors while the prime minister appoints the heads of centers, cities, and boroughs; governors appoint village heads, and the Interior Ministry appoints the “umda (mayors) of smaller, “satellite” villages that do not have a local council. There is a local council at each level from the governorate down, consisting of salaried members who are appointed by the senior executive at that level to undertake operational tasks …

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The entire edifice is extensively staffed by former officers, providing them with post-retirement job security, while extending the reach of presidential power into every corner of the country. Since the 1990s, 50 – 80 percent of the governors at any given moment have been drawn from the military, with another 20 percent coming from the police or internal security agencies. And the distribution of governorships follows a clear pattern: former military region commanders (drawn from the Army, that is, ground forces) usually assume governorships in Cairo (or its four subdistricts), Suez, and Sinai provinces, for example, while Air Defense, the Border Guard, and the Navy customarily take the Western, Southern, and Alexandria and Red Sea provinces. However, the popular focus among commentators on how many governors are drawn from the EAF grossly understates the true scale of military penetration. Retired officers hold an even-larger proportion of the subordinate posts of deputy governor, director of the governor’s office, and secretary-general and assistant secretary-general of the governorate local council. This whole range is broadly replicated at the lower administrative levels of “centers,” cities, urban boroughs, and villages…Governors additionally have military advisers who, not surprisingly, come from the EAF. Adding these retirees to the count inescapably takes the total number of former officers occupying administrative posts throughout the local government edifice into the several thousands.71

3.1.1 Islamist Influence of the Military

The Egyptian military is reportedly wary of Islamist influence within its ranks and monitors its soldiers to ensure their loyalty.72 According a 2012 Jane’s Sentinel report, known Islamists are not permitted to join the army; individuals with Islamist links are given exemption status from military service based on security grounds.73 The main role of Military Intelligence, located within the Ministry of Defence, is reportedly ‘to guarantee the political reliability of the armed forces’ and, under the Mubarak government, the organisation ensured that military officers supported the president and were not affiliated with Islamist extremists.74 According to Jane’s Sentinel, the military establishment remains wary of extreme forms of Islam ‘and the pervasive presence of the security and intelligence forces is intended to ensure that its influence remains negligible, especially in the armed forces’.75 An April 2012 Reuters report quoted mid-ranking army officers as saying that the military ‘has kept up a strong intelligence network’ to ensure the Muslim Brotherhood does not infiltrate the institution.76 While most soldiers and officers are reportedly religious, ‘the military does not allow religious organisations to set up within its ranks’.77

3.1.2 Military Abuses in the Post-Mubarak Period

The Egyptian military was criticised for committing human rights abuses during the period of SCAF rule following Mubarak’s resignation in February 2011. Various branches of the military were involved in policing protests during the transition period. The military police, wearing red berets, were frequently deployed and were most notably in charge during the Maspero protest on 9 October 2011. The clashes at Maspero, which occurred at a protest organised by Coptic Christians and their supporters, left 28 people dead and hundreds injured (See RRT Aswan church attack and Maspero protest update of 19 October 2011 and the RRT Issues Paper on the Treatment of Coptic Christians in Egypt of October 2012 for further information). Paratroopers and commando forces (saaqa), elite forces usually wearing camouflage uniform, were involved in securing the premises of the parliament building and clashed with protesters during December 2011.

In October 2012, Amnesty International published a report on human rights abuses committed by the military during the 2011 revolution and subsequent period, noting that:

The army repeatedly used unnecessary and excessive force, including lethal force, to disperse peaceful demonstrations and sit-ins that escalated into clashes, killing dozens of protesters, assaulting bystanders in the process, and intimidating people simply for daring to protest. On some occasions, troops ostensibly stood back while pro-military “thugs” in civilian dress attacked protesters. At other times, military forces targeted women activists for abuse – including forced “virginity tests” – in what transpired to be futile attempts to intimidate them into not protesting. The armed forces also arbitrarily detained and tortured thousands of protesters – including women – of whom then faced grossly unfair trials before military courts. Between January and August 2011, over 12,000 civilians were unfairly tried before such tribunals…All these serious human rights violations were committed with impunity by people who believed that they would never be punished for their crimes.

According to the Military Justice Code (Law 25 of 1966), the jurisdiction for crimes committed by military personnel lies with the military judiciary. According to Amnesty International, this is the primary legal obstacle to holding members of the armed forces accountable for human rights violations. Military courts have reportedly been unwilling to provide justice in cases where people have been killed, injured or tortured by members of the armed forces.

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Additionally, civilians can be referred to military courts ‘if they commit a crime in a military zone or against military interests or military personnel carrying out their duties’. This can reportedly include anyone who allegedly commits offences in or against any of the holdings, properties, establishments or industries owned by the armed forces. Article 48 of the Military Justice Code empowers military judicial authorities to decide whether a crime falls under its jurisdiction or not. Although the first post-Mubarak parliament amended Article 6 of the Military Justice Code thereby stripping the president of the authority to refer civilians to military courts, no amendments were made in regards to the jurisdiction of the courts.

3.2 The Police

The Egyptian Police is comprised of three main agencies: the General Investigations Police, Egypt’s national police force; the Central Security Forces (CSF), known as the riot police; and the National Security Force (also known as the National Security Agency and Homeland Security). The Egyptian Police come under the control of the Ministry of Interior.

Textbox 1: Egyptian Police Agencies.

**General Investigations Police (GIP)**

The General Investigations Police is Egypt’s national police force. The agency is responsible for detecting, preventing and investigating crimes. GIP officers are most visible in police stations and have for decades routinely tortured and ill-treated detainees to extract confessions or intimidate relatives, in some cases leading to deaths. The GIP has also been responsible for abusive practices associated with criminal administrative detainees (those held in administrative detention on suspicion of involvement in ordinary criminal activity – as opposed to political or security detainees).

**Central Security Forces (CSF)**

Widely known as the riot police, the Central Security Forces are mandated to maintain public order. The agency was established in 1977 as a paramilitary force designed to augment the police and to obviate the need to call out the military to deal with domestic disturbances. Comprising an estimated 325,000 personnel in 2010, the agency combines police officers and conscript soldiers who can perform some of their military service with the CSF. The CSF guards public buildings and institutions as well as other vital and strategic installations and carries out special operations. It is best known, however, for policing and violently dispersing protests.

**National Security Force (formerly the SSIS)**

The National Security Force (NSF) was set up in March 2011 to replace the State Security Investigations Service, which was dissolved after the fall of the Mubarak government amid accusations of human rights abuses. The SSIS benefited from sweeping powers of arrest and detention provided by the Emergency Law and constitutional amendments introduced in March 2007. The SSIS became synonymous with the worst abuses associated with the relentless crackdown on dissent, including arbitrary arrests and detention, intimidation and torture. Similar to its predecessor agency, the NSF comes under the control of the Interior Minister, and has the role of preserving internal security and fighting terrorism.

Adapted from Amnesty International *Agents of Repression: Egypt’s Police and the Case for Reform* and Jane’s Sentinel *Egypt: Security and Foreign Forces*.

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between the military and security establishments in the role of regime maintenance’. As noted above, conscript soldiers can perform some of their military service with the CSF. The EAF also reportedly provides ‘a great many of the senior operational and administrative officers in the Interior Ministry’.

The International Crisis Group has reported that, during the latter years of Mubarak’s rule, ‘he visibly was favouring the interior ministry and police force, whose influence and power swelled’. According to a report published by the Carnegie Endowment, in the decade preceding Mubarak’s ouster, the Interior Ministry’s annual budget rose at three times the rate of increase of the defence budget. Although the military’s budget consistently exceeded the amount provided to the Interior Ministry in absolute terms, its growth rate over the past decade has reportedly been comparatively meagre. In effect, the police budget was multiplied by a factor of more than six over the past decade, whereas that of the military’s barely doubled. In 2012, there were reportedly over 800,000 interior ministry employees; in 2010 active military troops numbered approximately 468,500.

Jane’s Sentinel reports that in each governorate ‘a director of police commands the police and, along with the governor, is responsible for maintaining public order’. Both the director and the governor report to the Ministry of the Interior, the director through police channels. Municipal Police enforce law and order in smaller towns.

Police cadets are trained at the Mubarak Police Academy in Cairo, which comprises the Police College, the Post-Graduate Studies College, the Training and Development College and the Police Research Centre. Ministry of Interior officials have stated that police officers, as well as members of the judiciary, receive human rights training under a UN Development Programme human rights capacity building project. However, the second phase of the


project was reportedly postponed as a result of the 2011 revolution. Additionally, Amnesty International reported that the human rights capacity building project:

was limited to workshops and seminars on international human rights standards and thus failed to address the underlying problem, i.e. the absence of any measures and mechanisms that would effectively enforce the compliance with human rights of all police operations (such as through orders, operational procedures, supervision and control as well as independent oversight). It was also criticized for excluding human rights and civil society experts and those perceived as opposing the then ruling National Democratic Party.

A report published in October 2012 by the Egyptian government-owned Ahram Online notes that the Ministry of Interior continues to be criticised for a perceived lack of will to provide adequate police training.

3.2.1 Police Abuses

Torture in police custody has been systematic and widespread in Egypt for decades. In October 2012 Amnesty International released a report on abuses committed by Egyptian police, finding that:

For decades Egypt’s police and other security forces, empowered under emergency legislation, persistently committed serious human rights violations and did so with almost total impunity. The police were responsible for arbitrary arrests and detention, systematic torture and other ill-treatment, enforced disappearances and deaths in custody in suspicious circumstances. They also curtailed freedoms of expression, association and assembly by enforcing tight restrictions on political and human rights activists, putting them under surveillance, and assaulting and detaining peaceful protesters.

According to Amnesty International, police officers appear to be accountable only internally to their senior officials, who in turn are accountable to the Minister of Interior. The current Minister of Interior is General Ahmed Gamal El Din, a career security services officer. These accountability mechanisms have reportedly been ‘opaque, unknown to the public, and

they have failed to provide redress for victims of human rights violations’. Moreover, most victims of police torture or their relatives ‘do not report the abuse because of fear that to do so would lead to further torture or other forms of retribution. Police officers have frequently harassed and intimidated people who have filed complaints’.  

3.2.2 The Egyptian Police in the post-Mubarak period

The brutal killing of activist Khaled Said at the hands of police in Alexandria in 2010 was reportedly one of the factors that sparked the 2011 revolution that toppled Hosni Mubarak. Following the 2011 revolution, Egyptian officials pledged to rebuild public confidence in the police force.  

However, the 2012 Human Rights Watch Annual Report notes that, despite these official pledges, ‘no process of security sector reform was initiated’. According to the aforementioned report, there has been ‘no comprehensive investigation into systematic acts of torture and ill-treatment practiced in recent years by Egyptian police’. In October 2012 Amnesty International similarly reported that despite numerous official pledges that police would respect human rights, videos of torture and other ill-treatment continue to emerge. According to Amnesty International, ‘there is little sign that Egypt’s three main police forces have in practice fundamentally changed’. The agency notes that, apart from dissolving the SSIS, the authorities have taken no major steps to ‘rein in the police’ or to ‘introduce the urgently needed reforms to ensure that the police are accountable and respect and protect human rights when exercising the powers invested in them by law’.

Violations by the CSF reportedly peaked during the 2011 revolution when thousands of riot police were deployed in response to protests. This same pattern of excessive use of force has reportedly continued in 2012. Amnesty International reports that police have continued to

121 Amnesty International 2012, Agents of repression: Egypt’s police and the case for reform, 2 October, p.38-9  
122 Amnesty International 2012, Agents of repression: Egypt’s police and the case for reform, 2 October, p.21  
123 Fayed, S 2012, ‘Activists rally to end prison torture in Egypt’, Reuters, 3 November  
125 Human Rights Watch 2012, World Report – Egypt, January  
127 Amnesty International 2012, Agents of repression: Egypt’s police and the case for reform, 2 October, p.22  
128 Amnesty International 2012, Agents of repression: Egypt’s police and the case for reform, 2 October, p.3  
129 Amnesty International 2012, Agents of repression: Egypt’s police and the case for reform, 2 October, p.3  
130 Amnesty International 2012, Agents of repression: Egypt’s police and the case for reform, 2 October, p.2  
131 Amnesty International 2012, Agents of repression: Egypt’s police and the case for reform, 2 October, p.2  
132 Amnesty International 2012, Agents of repression: Egypt’s police and the case for reform, 2 October, p.2  
133 Amnesty International 2012, Agents of repression: Egypt’s police and the case for reform, 2 October, p.2
torture and mistreat people in their custody in the post-Mubarak period. In November 2012, HRW reported that Egyptian police, as well as military officers, arrested and detained over 300 children during protests in Cairo over the past year, in some cases beating or torturing them. On 9 October 2012 the Nadim Centre for the Rehabilitation of Torture Victims (hereafter Nadim Center), based in Cairo, released a report chronicling cases of police abuse during President Morsi’s first 100 days in power (30 June – 9 October 2012). The report cites 34 deaths, 88 cases of torture, and seven cases of sexual assault at the hands of Egyptian police during the period under review. In total, the Nadim Centre recorded 247 cases of alleged police brutality during the 100 days. According to the Director of the Nadim Centre, police torture tactics have not changed since the 2011 Egyptian revolution, but ‘on the contrary, there is a retaliation attitude used by the police while torturing activists’. The Egyptian Initiative for Personal Rights, an Egyptian NGO that the US State Department described as ‘reputable’, has reportedly stated that police abuses became more brutal in the period following Mohammed Morsi’s inauguration.

In October 2012 Amnesty International reported that President Morsi has ‘made no moves to introduce the significant reforms needed to guarantee a framework that would ensure that police operate within the law and do not repeat the abuses of the past’. Additionally, Morsi’s failure to hold the police and military accountable for the abuses that occurred during the period of SCAF rule has ‘fueled a culture of impunity that is allowing violations to continue’, according to the report.


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3.3 The Judicial System

The Egyptian legal system is a combination of English common law, the Napoleonic Code and Islamic law. Judicial authority is exercised through three levels of ordinary courts: Summary Tribunals in the districts that hear minor civil, commercial and criminal cases; Assize Courts that deal with serious criminal cases that may be referred to the seven Courts of Appeal in the governorates; and the Supreme Court, or Court of Cassation, which serves as the final court of appeal in criminal and civil cases. The Supreme Constitutional Court is the highest judicial body in Egypt, with exclusive jurisdiction over questions of the constitutionality of laws, rules and regulations.

Textbox 2: Egyptian Judicial Bodies

Regular Courts/Court of Cassation

Egypt’s courts of general jurisdiction, covering the vast majority of civil, criminal, and personal status cases, have three main levels: Summary Tribunals, Assize Courts and the Court of Cassation. The Court of Cassation is the supreme appellate court for these cases. It has jurisdiction over disputes in parliamentary elections but not in presidential elections.

Supreme Judicial Council

The Supreme Judicial Council handles administrative affairs, judicial appointments and promotions for the regular courts. Its membership is established by law, and it is headed by the president of the Court of Cassation, making him one of Egypt’s chief justices.

Military Courts

Military courts are standing bodies that have jurisdiction over military cases. They are not part of the regular court system and are therefore not subject to the Court of Cassation or Supreme Judicial Council. During a state of emergency, these courts also have jurisdiction over any case or category of offenses transferred to them by the president. The most recent state of emergency expired on 31 May 2011. But that does not mean that civilians will be exempt from these courts. The military brought demonstrators before its own courts completely outside of the emergency legal framework. Article 48 of the Military Justice Code empowers military judicial authorities to decide whether a crime falls under its jurisdiction or not.

State Council

The State Council (Majlis al-Dawla) is a judicial body that gives legal advice to the government, drafts legislation and exercises jurisdiction over administrative cases. In this last regard, the council includes a set of administrative courts that adjudicate disputes in which a state body is a party. The Council has a growing reputation of boldness and independence in its rulings. Each province has a lower-level administrative court, and a Supreme Administrative Court sits above them in Cairo. There is also a Commissioners Body that helps prepare cases and draft opinions for the court.\footnote{Brown, N. J 2012, A guide through the Egyptian maze of justice, The Carnegie Endowment for International Peace, 6 June \<http://carnegieendowment.org/2012/06/06/guide-through-egyptian-maze-of-justice/b681\> Accessed 30 November 2012}

**Supreme Constitutional Court (SCC)**

The SCC decides cases in which the constitutionality of a law or regulation is challenged. It is an independent judicial body, which, like the State Council, has a Commissioners Body that prepares cases for the main group of justices.\footnote{Brown, N. J 2012, A guide through the Egyptian maze of justice, The Carnegie Endowment for International Peace, 6 June \<http://carnegieendowment.org/2012/06/06/guide-through-egyptian-maze-of-justice/b681\> Accessed 30 November 2012}

**Public Prosecutor**

The Public Prosecutor (also known as Niyaba) is a judicial body responsible for the investigation and prosecution of crime.\footnote{Amnesty International 2012, Agents of repression: Egypt’s police and the case for reform, 2 October, p.39 \<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf\> Accessed 22 November 2012} It has judicial functions empowering it to initiate and proceed with criminal, and sometimes civil, cases by conducting investigations into offences. It is entrusted with the powers to order arrests and detentions, to investigate, order releases, search homes, as well as indict and pursue cases in the court system until a final judgment is rendered and enforced.\footnote{Amnesty International 2012, Agents of repression: Egypt’s police and the case for reform, 2 October, p.39 \<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf\> Accessed 22 November 2012}

The Public Prosecutor also has the power to inspect prisons and other places where sentences are being served or where detainees are held and for ensuring no one is detained illegally, including by ordering their release.\footnote{Amnesty International 2012, Agents of repression: Egypt’s police and the case for reform, 2 October, p.39 \<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf\> Accessed 22 November 2012} Members of the prosecution are tasked with investigating allegations levelled at police officers, whenever such accusations concern committing a felony or a misdemeanour, irrespective of whether it occurred during the performance of their duties.\footnote{Brown, N. J 2012, Egypt’s judges in a revolutionary age, The Carnegie Endowment for International Peace, p.9 \<http://www.carnegieendowment.org/files/egypt_judiciary.pdf\> Accessed 30 November 2012}

3.3.1 Islamism Influence of the Judiciary

Under the Mubarak government members and sympathisers of Islamist groups were reportedly unlikely to have been hired as judges as the security apparatus would have blocked their appointment.\footnote{Brown, N. J 2012, Egypt’s judges in a revolutionary age, The Carnegie Endowment for International Peace, p.9 \<http://www.carnegieendowment.org/files/egypt_judiciary.pdf\> Accessed 30 November 2012} However, according to a February 2012 piece by Professor Brown for the...
Carnegie Endowment, ‘socially conservative and highly religious judges did join the judicial corps, and some seem to have developed general but marked Islamist inclinations as their careers progressed’.  

According Professor Brown ‘several prominent members of the current judiciary are sometimes whispered about because of their supposed Islamist tendencies. The suspicions are difficult to verify until after retirement’.  

The article further noted that: 

whatever political order the future holds for Egypt, it is likely to be one in which the strict security vetting of past decades loosens considerably. Islamists have a widespread presence in Egyptian public life, but there have been considerable portions of the Egyptian state that have been off limits – the diplomatic corps, the security apparatus, and the upper military ranks. Yet with Islamists having been able to slip through the cracks into judicial positions even in the old order, an Islamist tendency may increase considerably in future years.  

Egyptian Judge Mohamed El-Gamal, former head of the State Council, reportedly told the state-owned Ahram Online that Islamists are trying to dominate the judiciary as well as other sectors of society.  

3.3.2 Independence of the Judiciary 

According to a 2012 Jane’s Sentinel report, the Egyptian judiciary is regarded as relatively independent and has provided a credible mechanism to challenge the authorities. However, Egyptian judges have reportedly complained for decades about direct interference by the government in judicial affairs. Human rights lawyer Negad El-Borei told the state-owned Egyptian daily Ahram Online that ‘an obstacle facing judicial independence is the culture of nepotism and favoritism’ that exists in the country. An article published in October 2012 by The Wall Street Journal stated that the Egyptian judiciary, like many Egyptian public institutions, is corrupt and permeated by outside influence. According to an article published by Ahram Online, experts state that ‘loopholes in the Judicial Authority Law and appointment systems allow the executive authority to meddle in the judiciary’. The Ministry of Justice reportedly controls the annual budget of the judiciary and, through its Judicial Inspection Department, is empowered to take disciplinary measures against judges. In addition to

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monitoring judges, the department reportedly supervises the processes for transferring, appointing and promoting judges to various posts within the judiciary.  

Several prominent judges who were involved in a campaign for judicial reform during Mubarak’s rule have been appointed to key positions in the Morsi government. Ahmed Mekki was appointed as Minister of Justice and his brother, Mohamed Mekki became Egypt’s first civilian vice president. Hossam El-Gheriany became the head of the Supreme Judicial Council and the president of the constituent assembly tasked with drafting Egypt’s new constitution.  

3.3.3 Judicial Independence in the Post-Mubarak Period

In the post-Mubarak period, a series of controversial court rulings along the ostensible transition to civilian rule have fuelled calls for a purge of the judiciary. Those aligned with the Muslim Brotherhood have been particularly vociferous in their demands for a purge of the institution. Contentious court rulings led to the dissolution of the first constituent assembly in April 2012 and the lower house of parliament in June 2012. Both bodies were dominated by Islamists (see RRT Political Update of 13 July 2012 for further information). Additionally, multiple Mubarak-era officials have been acquitted for killing protesters during the 2011 revolution. On 10 October 2012, the chief prosecutor acquitted dozens of senior figures of the Mubarak government accused of orchestrating the infamous Camel Battle incident in Cairo’s Tahrir square, during which assailants on horses and camels violently attacked protesters. A human rights lawyer involved in the case reportedly claimed that evidence presented to the court was not taken into consideration and other evidence was tampered with. The multiple acquittals fueled calls for reforming the judiciary, which, according to an Associated Press report, is still made up of judges appointed under Mubarak. A researcher with the Egyptian Initiative for Personal Rights claimed that ‘judges past decisions reflect outside influence by political elites inimical to Mr. Morsi’s new guard’.  

Amnesty International reported in October 2012 that investigations by civilian judges have also failed to hold to account members of the military forces for alleged violations during protests in late 2011. According to Amnesty International:

these investigations have not led to those responsible for violations being held to account nor to the victims receiving an effective remedy. Human rights lawyers and others expressed doubt to Amnesty International about the impartiality of the appointed judges. Lawyers have also complained that they have been prevented from seeing the case files and investigation documents of the detainees on preventive detention to be able to argue for their release.

On 22 November 2012 Mohammed Morsi issued a controversial decree stipulating that all decisions he has made since coming into office, and all decisions he will make until a new constitution is passed, will not be subject to review by the judiciary. President Morsi also declared that no court can dissolve the current constituent assembly or the upper house of parliament. The president has also ordered the re-trial of key figures in the Mubarak government and sacked the former Mubarak-appointed prosecutor-general, Abdel Meguid Mahmud, replacing him with Talaat Ibrahim Abdallah, a career judge. Additionally, in what has been interpreted by rights activists as a de facto declaration of emergency law, Morsi decreed that he had the power to take ‘due measures and steps’ to deal with any threat to the revolution, national unity and safety or anything that obstructs the work of state institutions. President Morsi’s spokesperson said that the decree was aimed at

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173 Pursuant to Military Justice Code (Law 25 of 1966), jurisdiction for crimes committed by military personnel lies with the military judiciary. However, civilian investigative judges looked into alleged violations committed by the military during protests at Mohamed Mahmoud Street (November 2011), the Cabinet offices (December 2011) in addition to the use of live ammunition during the Maspero protest in October 2011. The investigations reportedly occurred in response to calls by human rights lawyers and others to conduct independent and impartial investigations in cases involving protests against the government. Amnesty International 2012, Brutality unpunished and unchecked: Egypt’s military kill and torture protesters with impunity, 2 October, p.43

174 Amnesty International 2012, Brutality unpunished and unchecked: Egypt’s military kill and torture protesters with impunity, 2 October, p.43

175 Mursi accused of becoming “new pharaoh” 2012, Agence France Presse/Bloomberg, 23 November, The Sydney Morning Herald

176 Mursi accused of becoming “new pharaoh” 2012, Agence France Presse/Bloomberg, 23 November, The Sydney Morning Herald

177 Mursi accused of becoming “new pharaoh” 2012, Agence France Presse/Bloomberg, 23 November, The Sydney Morning Herald

‘cleansing state institutions’ and ‘destroying the infrastructure of the old regime’. Morsi has said that his new powers would expire as soon as Egypt’s new constitution has been ratified.

The full implications of the decree for the functioning of the judiciary are not yet clear. The decision has been widely criticised by liberal activists as well as the judiciary, which called for strikes across courts nationwide. Egypt’s highest appellate court, the Court of Cassation, has reportedly suspended work in protest of the decree. The Supreme Constitutional Court, the highest court in Egypt, described the decree as an attack on the justice system and vowed to resist Morsi’s attempt to ‘undermine the court system’. The Supreme Constitutional Court has now suspended work for an indefinite period amid growing tensions between the presidency and the judiciary.

4. STATE PROTECTION FOR COPTIC CHRISTIANS

Given the limited time the Morsi government has been in power, there is little information currently available that analyses the degree of state protection to Copts. Historically, there have been failures of state protection for Copts and reports detail such failures continuing in 2011 and 2012. For example, in the post-Mubarak period, the Egyptian authorities have failed to investigate instances of sectarian violence or prosecute perpetrators. Reports indicate that the response of the security forces to sectarian incidents has been slow and ineffective. Although perpetrators of violence against Copts have been prosecuted in a minority of cases, the preferred response of the Egyptian authorities is to sponsor informal reconciliation sessions, a


process which reportedly contributes to a climate of impunity that encourages further assaults.\textsuperscript{188}

Government and non-government reports published in 2009 and 2010 stated that the Egyptian authorities generally failed to investigate incidents of sectarian violence and to prosecute those responsible.\textsuperscript{189} Following the January 2011 revolution, sources continue to report a failure on the part of the Egyptian authorities to adequately respond to sectarian violence and to protect religious minorities. The International Federation for Human Rights, US Commission on International Religious Freedom, the Egyptian Initiative for Personal Rights and the US State Department report that police and military forces have failed to adequately protect Christians and their property in the post-Mubarak period.\textsuperscript{190} According to the USCIRF Annual Report, covering the period 1 April 2011 – 29 February 2012, ‘the transitional government failed to protect religious minorities from violent attacks at a time when minority communities have been increasingly vulnerable’.\textsuperscript{191} The January 2012 Human Rights Watch World Report noted that there had been ‘no improvement in human rights protections in Egypt’.\textsuperscript{192} According to USCIRF, ‘the high level of violence and the failure to convict those responsible continued to foster a climate of impunity, making further violence more likely’.\textsuperscript{193}

The Egyptian Initiative for Personal Rights has reported that government officials for many years have generally denied that sectarian tensions were among the causes of violence between Christians and Muslims, pointing instead to criminal, family, tribal, or other disputes.\textsuperscript{194} Many state officials, security officers and legislators reportedly deny the existence of sectarian violence in Egypt, while others minimise it.\textsuperscript{195} In October 2011, Human Rights Watch stated that, since the resignation of Hosni Mubarak on 11 February 2011, ‘the chronic government...
denial and mishandling of sectarian violence that marked his rule continues’. According to the 2012 US State Department’s International Religious Freedom report, the government’s denial of the problem ‘contributed to a failure to effectively address religious tensions and violence’.

Sectarian incidents have continued since Hosni Mubarak’s resignation, resulting in deaths and injuries. Christians have also reportedly become more inclined to use violence as a preventive measure when they fear they will be attacked.

4.1 The Police and the Military

Sources describing the response of the authorities to sectarian violence indicate that both the Egyptian police and the military may be involved in responding to incidents. One of the tasks of the military commanders is reportedly to coordinate with governors and local civil authorities to ensure domestic security. A report from the Carnegie Endowment notes a degree of institutional crossover between the Military and the Interior Ministry, in which the country’s police and security agencies are situated. The EAF has also reportedly embedded many officers in the Interior Ministry. It is unclear under what circumstances and/or in what locations each institution may be utilised to respond to sectarian incidents. Human rights and media reports, however, have criticised both the police and the military for failing to protect Copts in the post-Mubarak period. Reports also criticise ‘security forces’, ‘the government’ and ‘the authorities’ more broadly for failing to protect Copts without providing any further clarification as to the particular state institution involved. Reports describing the response of security forces to particular sectarian incidents are provided below. The list does not purport to be exhaustive; incidents were selected due to their elucidation of the particular state institution/s involved and the nature of their response. References made to particular institutions are bolded for ease of reference. Please see the RRT Issues Paper Treatment of Coptic Christians in Egypt for a chronological list of sectarian incidents in Egypt from 2010 – October 2012.

4.1.1 Reports of Government Inaction in the Post-Mubarak Period

Reports criticising the response of the Egyptian authorities are presented in reverse chronological order. The incident in Danshur, Giza governorate, occurred after Mohammed Morsi won the presidency in June 2012.

From 27 July – 1 August 2012 sectarian violence erupted in the village of Danshur, Giza governorate, after a Coptic laundry worker burned a Muslim customer’s shirt while ironing it. It was the first case of sectarian clashes to occur since Mohammed Morsi won the presidency in June 2012. A Muslim man who sustained injuries in the clashes later died from these wounds which precipitated fresh violence on 1 August 2012, wounding 16 people. A security official told AFP that police fired tear gas to prevent the mob setting fire to the church but the crowd returned and torched several homes as well as three police cars. Associated Press (AP) reported that ‘the police did nothing as tensions spiralled’ in the village. Christians told Associated Press that Muslims ‘openly threatened to reta...
On 27 January 2012 several thousand Muslims looted and torched Christian-owned properties in Sharbat, Alexandria governorate. According to an Egyptian Initiative for Personal Rights investigation, the attack started over rumours a Christian was circulating sexually explicit photos of himself and a Muslim woman from the village. During the incident, the Muslims reportedly chanted religious slogans and were carrying rocks, sticks, Molotov cocktails, weapons and firearms. The Egyptian Initiative for Personal Rights found that security officials, both police and army, arrived late and only intervened after fires had consumed several homes.

In November 2011, a group of seven to nine Muslim villagers murdered two Coptic Christians in their home in Al Ghorayzat village, Sohag governorate, following a land dispute. The army and police reportedly guarded the local church during the incident; however pro-Christians sources claim police numbers were inadequate and officers did not intervene when

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Muslims started attacking Coptic homes and business. According to the US State Department, although survivors identified the perpetrators, authorities did not detain or prosecute them.

The SCAF was criticised for failing to protect Christians during fatal sectarian violence in Imbaba, Cairo on 7-8 May 2011. The Egyptian Initiative for Personal Rights conducted an investigation into the attacks, concluding there was a ‘clear dereliction of duty on the part of the security apparatus’. The investigation found:

The authorities’ response to the attacks reveals a continued failure of the security apparatus to deal with sectarian crises. The police knew in advance that groups of Salafis had assembled in front of the Mar Mina Church in Imbaba, but they failed to anticipate the events – despite evidence suggesting the potential for violence two or more hours before clashes erupted – and in turn failed to prevent the violence.

During the investigation of the Imbaba events, the Egyptian Initiative for Personal Rights gathered testimonies claiming no army forces were present to secure another church in the area, the Virgin Mary Church, after the police charged with guarding the facility fled. The investigation found that, despite there being several indications that groups of Muslims would attempt to attack other churches in the area, and despite the heavy presence of army and police forces on the main street, neither body deployed their forces around the other churches, which facilitated the burning of the Virgin Mary Church. The International Federation for Human Rights corroborated some of these findings, stating that the army was deployed on the scene but did not intervene in the clashes’ in Imbaba. This ‘calls into question the ability of the army and the police to ensure the protection of the population’, according to the International Federation for Human Rights’ member organisation in Egypt.

In March 2011 in the Mokattam area of Cairo, 13 people were killed and nearly 150 wounded in clashes that erupted during demonstrations by Christians protesting the destruction of a Coptic church in Sol (see below). USCIRF reports that, according to some accounts, ‘troops from the Egyptian military stood by for as long as four hours without intervening’.

The conservative, US-based National Review Online claims that during an arson attack on a Coptic church in Sol, Helwan governorate, in March 2011, ‘the fire department and security forces failed to respond to Coptic pleas for help…’ Muslim villagers were reportedly filmed using sledge hammers and shouting ‘God is great’ as they destroyed the walls of the church.

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216 Coptic World 2011, Two Copts slaughtered in Sohag, 28 November
218 Egyptian Initiative for Personal Rights 2011, EIPR Releases Findings of Field Investigation into Imbaba Events, 14 May
219 Egyptian Initiative for Personal Rights 2011, EIPR Releases Findings of Field Investigation into Imbaba Events, 14 May
220 Egyptian Initiative for Personal Rights 2011, EIPR Releases Findings of Field Investigation into Imbaba Events, 14 May
221 International Federation for Human Rights 2011, Escalation of inter-confessional violence in Egypt, 9 May
223 Shea, N. 2011, ‘Egypt’s Copts suffer more attacks’, The National Review Online, 5 March
The church was set on fire and completely destroyed.\textsuperscript{224} According to the US State Department, ‘Copts called for government protection, but security forces did not enter the village for approximately seven days’. The US State Department reported that, ‘despite the fact that the perpetrators of the attack were known to other residents and easily identifiable in online videos, the government failed to arrest or prosecute any of those involved in the destruction of the church’.\textsuperscript{225} While the SCAF quickly organised for the church to be rebuilt, USCIRF reports that no one has been charged with the deaths and the status of the investigation is unknown.\textsuperscript{226}

4.1.2 Reports of Government Action in the Post-Mubarak Period

While the reports detailed above describe failures of state protection for Copts in the post-Mubarak period, other reports have noted that the authorities have taken measures to protect Copts and their property. These reports are presented in reverse chronological order. The two incidents reported in October 2012 occurred after Mohammed Morsi came to power.

On 28 October 2012, a large mob in the village of Ezbet Marco, Beni Suef governorate, gathered around the only Coptic Church in the area forbidding Copts from neighbouring villages from entering the church. According to the Egyptian Initiative for Personal Rights, two Copts were injured as a result of violence that occurred when the predominantly conservative Muslim crowd barred the entrance. The independently-owned \textit{Daily News Egypt} reported that the police surrounded the church to protect it from being attacked and, according to eyewitnesses, managed to diffuse the situation and make some arrests.\textsuperscript{227}

In October 2012 the Egyptian privately-owned daily \textit{Al-Masry Al-Youm} reported that nearly 15 Coptic families had fled their homes in Rafah in the Sinai after unknown persons posted flyers demanding they leave. According to the article, an unknown assailant also fired at a Coptic-owned store.\textsuperscript{228} A military source told \textit{Al-Masry Al-Youm} that the army sent additional armored vehicles and tanks in response to Coptic pleas for protection. According to the military source, President Morsi gave orders to secure the city, especially the homes and property of Christians.\textsuperscript{229} According to \textit{Agence France Presse}, Mohammed Morsi’s Facebook page also stated that the president visited the Sinai to meet with and reassure Coptic families who had fled Rafah.\textsuperscript{230} According to the Muslim Brotherhood website, President Morsi’s spokesperson, Dr Yasser Ali, released a press statement noting Morsi’s ‘directives to General Sayyed Abdel-Fattah Harhour, the North Sinai Governor, and to security chiefs, from the outset, were to provide safety and protection for all the people of the Sinai peninsula, Muslims

\textsuperscript{230} ‘Egypt president visits Sinai to “reassure” Copts’ 2012, \textit{Agence France Presse}, 5 October, Google News <http://www.google.com/hostednews/afp/article/ALeqM5ipQxIV66J_rb9ngyoOadeMNhg?docId=CNG.d90e5f71ef225ca99fe00ch7e19095f8.491> Accessed 15 November 2012
and Christians. Dr. Ali stated that the presidency ‘does not condone any displacement of any citizen in any forced way. All citizens have equal shares in this homeland, Muslims and Christians alike’ and President Morsi is reportedly ‘paying particular attention to all cases of displacement. This is part of his platform and promise’. However, Dr Ali seemed to question the forced nature of the displacement, stating that a Coptic family in Rafah moved away from the area due to ‘a private decision taken by the family as a precautionary measure, feeling threatened, after hearing gun-shots fired outside a shop owned by an Egyptian Christian citizen’. Additionally, Egypt’s Prime Minister, Hashim Qandeel reportedly said that nine Christian families who fled Rafah did so of their own accord. Qandeel’s statement is reminiscent of the approach taken by the authorities during the Mubarak era when government officials frequently denied that sectarianism was among the causes of violence in Egypt.

*Al Jazeera* reported that, following the deadly 2011 New Year’s Day bombing in Alexandria, there was a heavy police presence protecting churches. The report states ‘many streets were blocked, with canine units, bomb detectors, and dozens of police officials personally supervising security’.  

### 4.2 The Judicial System

Annual government and non-government reports over the past 5 years indicate that the Egyptian authorities generally failed to investigate or convict perpetrators of sectarian violence in Egypt. Additionally, rather than pursuing criminal convictions for sectarian crimes, the preferred response of the Egyptian authorities is to sponsor informal reconciliation sessions; an

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231 Ikhwanweb 2012, *President Morsi orders authorities to provide full security to all families in Egypt’s Sinai*, 1 October <http://www.ikhwanweb.com/article.php?id=30309> Accessed 3 December 2012  
232 Ikhwanweb 2012, *President Morsi orders authorities to provide full security to all families in Egypt’s Sinai*, 1 October <http://www.ikhwanweb.com/article.php?id=30309> Accessed 3 December 2012  
233 Ikhwanweb 2012, *President Morsi orders authorities to provide full security to all families in Egypt’s Sinai*, 1 October <http://www.ikhwanweb.com/article.php?id=30309> Accessed 3 December 2012  
approach which has continued in the post-Mubarak period. Given the state’s failure to investigate and its proclivity to pursue informal reconciliation sessions, there is a paucity of information both in regards to the percentage of cases that eventually do come before the courts and meaningful trends in regards to the prosecution of perpetrators. As a result, case studies are provided below that seek to highlight specific issues regarding access and/or equity for Copts vis-à-vis the judicial system. These examples include concerns regarding the unequal judicial treatment of Copts, the Public Prosecutor’s reported failure to investigate sectarian incidents, and the government’s reliance on extra-judicial reconciliation sessions following sectarian incidents.

Notwithstanding the above issues, the authorities have arrested and prosecuted perpetrators of sectarian violence in a number of instances in 2011, however the 2012 US State Department’s International Religious Freedom report noted that ‘the accused were sometimes prosecuted in extraordinary courts that lacked fundamental features of due process’. In February 2011, the Qena state security emergency court sentenced Mohamed Ahmed Mohamed Hussein to be executed for the January 2010 premeditated murder of six Copts and one Muslim guard in Naga Hammadi. The sentence was carried out on 10 October 2011. However, USDOS reports that the court acquitted two other men also charged with premeditated murder in relation to the killings. The government ordered a retrial, which was reportedly ongoing. Following deadly sectarian violence in Imbaba, Cairo, in May 2011, authorities arrested over 200 suspects. The Public Prosecutor later referred 48 suspects (both Muslim and Christian) to the supreme state security court in Giza. However, the US State Department reports that roughly half remained at large and were being tried in absentia. The trial is reportedly ongoing.

4.2.1 Inequity in the Judicial System

In an opinion piece published by the government owned Ahram Online, political analyst Said Shahata claimed that ‘recent blasphemy cases show that Copts are not treated equally before the law’. In July 2012 a Coptic teacher from Sohag governorate was arrested for allegedly posting cartoons on his Facebook account that insulted Islam, the Prophet Mohammed and President Mohammed Morsi. The teacher, Bishoy Kamel, claimed his Facebook account was hacked. On 18 September 2012, the Coptic teacher was sentenced to
six years in prison after being convicted for blasphemy and defamation. Shahata writes that, according to Bishopy’s lawyer, ‘the conditions of a fair trial did not exist because of intimidation by Salafists surrounding the court and inside it’. The lawyer reportedly obtained permission from the Minister of Justice to transfer the trial to a court in Cairo but it was not implemented by the chairman of the appeal court in Sohag. Additionally, the defence lawyer claims that the court did not consider evidence presented by the defence that the Facebook material in question was not posted by Bishopy. Shahata noted that an Islamist recently charged with blasphemy for desecrating the Bible was not detained and his trial was postponed. According to Shahata ‘the rules were applied differently to the same offence because of religion’. Neguib Gebrial, head of the Egyptian Union of Human Rights, told Ahram Online that the case involving the Islamist was the first time a complaint filed for denigrating Christianity had been investigated and that there were ‘double standards regarding lawsuits related to contempt for religion’. According to liberal activists in Egypt, blasphemy laws are vague ‘and applied almost exclusively when people allegedly defame Islam’. Four other Coptic Christians have reportedly been charged with defaming Islam in unrelated incidents and remain in police custody.

Reports concerning a sectarian incident in Minya in May 2011 also indicate that Copts have been subjected to unequal treatment before the courts. On 19 April 2011 a dispute occurred in Abu Qurqus, Minya governorate, between a Copt and a Muslim over a privately placed speed bump which then escalated into sectarian violence in which two Muslims were killed. On 22 May 2012, 12 Christians were sentenced to life in prison and eight Muslims were acquitted in relation to the incident. According to Associated Press, the Christians were found guilty of sowing public strife, the possession of illegal weapons and the two murders. The eight acquitted men had reportedly been charged with possession of illegal weapons and burning

down Christian-owned homes and stores.256 A researcher with the Egyptian Initiative for Personal Rights claimed that the public prosecution’s investigation was ‘faulty and unfair because there was evidence to prove these men had burned Christian property’.257

4.2.2 Accessing the Judiciary

The Public Prosecutor has been criticised for not investigating incidents of sectarian violence or prosecuting alleged perpetrators. In October 2011 Human Rights Watch reported that ‘in some post-Mubarak cases public prosecutors did not question suspects and in others opted for informal reconciliation deals rather than legal proceedings’.258 In March 2011 a crowd torched the Church of the Two Martyrs in the village of Atfih, near Cairo. Two lawyers working on behalf of the church claim that they provided names of around 100 suspects and video evidence of the arson attack to the district public prosecutor’s office in Al Saq.259 The lawyers told Human Rights Watch that the videos showed people who could be identified inciting and carrying out the destruction. Despite this, no one was prosecuted. According to one of the lawyers, ‘this is not a case where the public prosecutor has no information…He just refuses to make a decision’.260 Human Rights Watch noted similar claims made by lawyers involved in a separate case before the Cairo public prosecutor’s office.261

The 2012 US State Department’s International Religious Freedom report notes that the Egyptian government continued in most cases to sponsor reconciliation sessions following communal violence and sectarian attacks instead of prosecuting perpetrators of crimes.262 The 2012 USCIRF Annual Report similarly noted that Egyptian authorities continued to conduct reconciliation sessions between Muslims and Christians as a way of easing tensions and resolving disputes.263 According to the US Department of State, reconciliation sessions generally precluded criminal prosecution for crimes against Copts and contributed to a climate of impunity that encouraged further assaults.264 USCIRF reports that, in some cases,

'authorities compelled victims to abandon their claims to any legal remedy'. Human Rights Watch reported in October 2011 that reconciliation sessions generally end with victims agreeing to forego legal complaints in return for monetary compensation. Additionally, the US State Department reported that reconciliation sessions in cases involving church construction or renovation, which is often a flashpoint for sectarian violence, ‘generally decided in favor of those who objected to the construction’.

The 2012 US State Department’s International Religious Freedom report states that a reconciliation session prevented Coptic Christian Ayman Mitri from receiving justice in a court of law after his ear was cut off by extremists in March 2011 as retribution for an alleged affair with a Muslim woman. Mitri reportedly filed a police report, but the police did not arrest the perpetrators. According to the US State Department, the victim attended a reconciliation session with the accused, supervised by police and army officers. Mitri later told a Coptic television channel that he was threatened to attend the session, withdraw the police report, and forfeit his rights.

In January 2012 several thousand Muslims looted and torched Christian-owned properties in the village of Sharbat in the Amiriya district of Alexandria. In the aftermath of the incident, several reconciliation sessions were held. The Egyptian Initiative for Personal Rights conducted an investigation into the incident and the emanating report provides some clarity regarding the various state and religious authorities that are involved in facilitating reconciliation sessions in Egypt. The report notes that the reconciliation sessions in Amiriya were attended by a leading member of the salafists in Amiriya (Sheikh Ahmed Sherif al-Hawar) a Coptic priest from the area, a MP from the Al Nour Party, the head of the criminal investigations unit in Alexandria, and seven representatives of Muslim families in the village. One of the reconciliation sessions was reportedly convened at the offices of the Amiriya police. It was decided in the sessions that eight Coptic families would be expelled from the village and their properties sold. When issuing the findings of their investigation into the attacks, the Egyptian Initiative for Personal Rights condemned the ‘perpetuation of Mubarak-era policies’ that force victims of sectarian attacks to accept the outcomes of reconciliation.

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processes. According to the Egyptian Initiative for Personal Rights, rather than providing protection and legal aid, the authorities compelle
them from their village. The privately-owned Egyptian daily Al-Masry Al-Youm reported in March 2012 that five of the families were allowed to return to the village following another reconciliation meeting; however, the man at the centre of the controversy and his family would not be permitted to return. A number of MPs were reportedly involved in facilitating the return of the Coptic families and a parliamentary committee was established to deal with the issue.

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