



Issues Paper

State Protection for Coptic Christians in Egypt

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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.

¹ Central Intelligence Agency 2012, *The World Factbook - Egypt*, 10 September <<https://www.cia.gov/library/publications/the-world-factbook/geos/eg.html>> Accessed 18 September 2012

² US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 1 <<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>> Accessed 12 September 2012; Minority Rights Group International 2011, *Copts*, April <<http://www.minorityrights.org/3933/egypt/copts.html>> Accessed 4 December 2012

³ US Commission on International Religious Freedom 2012, *Annual Report 2012 – Countries of Particular Concern: Egypt*, 20 March, p.9 <<http://www.uscirf.gov/images/2012ARChapters/egypt%202012.pdf>> Accessed 13 September 2012; US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 3 <<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>> Accessed 12 September 2012; Jane's Sentinel 2012, 'Egypt: Executive Summary', *Security Assessment - North Africa*, 9 March

⁴ Jane's Sentinel 2012, 'Egypt: Executive Summary', *Security Assessment - North Africa*, 9 March

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 1986.⁵ 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).⁶ Egypt has been a member of the UN Human Rights Council since 2007.⁷

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 Liberty⁸ 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'.⁹ 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.¹⁰

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

⁵ Amnesty International 2012, *Agents of repression: Egypt's police and the case for reform*, 2 October, p.31 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

⁶ Amnesty International 2012, *Agents of repression: Egypt's police and the case for reform*, 2 October, p.31 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012; United Nations Treaty Collection 2012, *Chapter IV: Human Rights – Convention on the Elimination of All Forms of Discrimination Against Women*, 4 December <http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtsg_no=IV-8&chapter=4&lang=en> Accessed 4 December 2012

⁷ UK Foreign and Commonwealth Office 2010, *Country profile – Egypt*, 11 March <<http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/middle-east-north-africa/egypt?profile=all>> Accessed 3 December 2012

⁸ The Becket Fund for Religious Liberty is a non-profit, law firm based in Washington DC that pursues religious freedom cases for clients of all faiths. The Becket Fund for Religious Liberty n.d, *Our Mission*, <<http://www.becketfund.org/our-mission/>> Accessed 3 December 2012

⁹ Freedom House 2010, *Policing Brief: The impact of blasphemy laws on human rights*, 21 October, p.26 <http://www.freedomhouse.org/sites/default/files/Policing_Brief_Full.pdf> Accessed 3 December 2012

¹⁰ The term 'public morals' is not defined in the EPC. Freedom House 2010, *Policing Brief: The impact of blasphemy laws on human rights*, 21 October, p.24 <http://www.freedomhouse.org/sites/default/files/Policing_Brief_Full.pdf> Accessed 3 December 2012

apostasy.¹¹ 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 Forces (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.¹² 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’.¹³ 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).¹⁴

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’.¹⁵ 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.¹⁶

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”.¹⁷ 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.¹⁸ *Associated Press* reports that the move

¹¹ Freedom House 2010, *Policing Brief: The impact of blasphemy laws on human rights*, 21 October, p.26 <http://www.freedomhouse.org/sites/default/files/Policing_Belief_Full.pdf> Accessed 3 December

¹² US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 2 <<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>> Accessed 12 September 2012

¹³ US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 2 <<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>> Accessed 12 September 2012

¹⁴ *XE Universal Currency Converter* <<http://www.xe.com/ucc/>> Accessed 5 December 2012; US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 2 <<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>> Accessed 12 September 2012

¹⁵ Amnesty International 2012, *Agents of repression: Egypt’s police and the case for reform*, 2 October, p.32 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

¹⁶ Amnesty International 2012, *Agents of repression: Egypt’s police and the case for reform*, 2 October, p.32 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

¹⁷ Jane’s Sentinel 2012, ‘Egypt: Security’, *Security Assessment - North Africa*, 9 March

¹⁸ ‘Egypt’s president issues constitutional amendments, granting himself far-reaching powers’ 2012, *Associated Press*, 22 November, The Washington Post <http://www.washingtonpost.com/world/middle_east/egyptian-court-clears-2-policemen-charged-with-killing-protesters-during-last-years-uprising/2012/11/22/f3750bd2-34a5-11e2-92f0-496af208bf23_story.html> Accessed 23 November 2012

has been interpreted by rights activists as ‘a de facto declaration of emergency law’.¹⁹ 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.²⁰ 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 2012.²¹

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.²² 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.²³ During a speech at Cairo Stadium on 6 October 2012, President Morsi reportedly declared that “Any assault on Copts is an assault on me”.²⁴ 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’.²⁵ According to the website, ‘The Presidency rejects any distinction or discrimination between citizens. It considers them all equal’.²⁶ 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:

¹⁹ ‘Egypt’s president issues constitutional amendments, granting himself far-reaching powers’ 2012, *Associated Press*, 22 November, The Washington Post <http://www.washingtonpost.com/world/middle_east/egyptian-court-clears-2-policemen-charged-with-killing-protesters-during-last-years-uprising/2012/11/22/f3750bd2-34a5-11e2-92f0-496af208bf23_story.html> Accessed 23 November 2012

²⁰ Egyptian State Information Service n.d, *Constitutional Declaration 2011*, <http://www.sis.gov.eg/en/lastpage.aspx?category_id=1155> Accessed 5 December 2012

²¹ Yeranian, E 2012, ‘Egypt sets date for referendum on constitution’, *Voice of America*, 1 December <<http://www.voanews.com/content/egypt-rally-morsi/1556494.html>> Accessed 3 December 2012

²² Kirkpatrick, D 2012, ‘Blow to transition as court dissolves Egypt’s Parliament’, *New York Times*, 14 June <http://www.nytimes.com/2012/06/15/world/middleeast/new-political-showdown-in-egypt-as-court-invalidates-parliament.html?_r=1&pagewanted=all> Accessed 3 December 2012

²³ ‘Egypt’s new leader claims revolution’s mantle’ 2012, *Associated Press*, 2 July 2012, Long Island Press <<http://www.longislandpress.com/2012/07/02/egypts-new-leader-claims-revolutions-mantle/>> Accessed 3 December 2012; ‘Brotherhood Morsi sworn in as Egyptian president’ 2012, *BBC News*, 30 June <<http://www.bbc.co.uk/news/world-middle-east-18656396>> Accessed 3 December 2012

²⁴ ‘Morsi talks Egypt’s future, rebuffs critics on 1973 war anniversary: Quotes’ 2012, *Ahram Online*, 7 October 2012 <<http://english.ahram.org.eg/NewsContent/1/64/54950/Egypt/Politics-/Egypt-president-Morsi-Quotes-of-the-night.aspx>> Accessed 28 November 2012

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

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 <<http://english.ahram.org.eg/News/54927.aspx>> Accessed 4 December 2012

²⁹ Tarek S 2012, 'Egypt's police: Back on the beat but little changed', *Ahram Online*, 8 October <<http://english.ahram.org.eg/News/54927.aspx>> Accessed 4 December 2012; 'Egyptian police torture 88, kill 34 under President Morsi: Rights report' 2012, *Ahram Online*, 15 October <<http://english.ahram.org.eg/News/55595.aspx>> Accessed 21 November 2012

³⁰ Knell, Y 2011, 'New sectarian clashes raise fears of chaos in Egypt', *BBC News*, 11 March <<http://www.bbc.co.uk/news/world-middle-east-12674675>> Accessed 3 December 2012

³¹ Kirkpatrick, D 2011, 'Muslims and Coptic Christians Clash Again in Egypt', *The New York Times*, 15 May <<http://www.nytimes.com/2011/05/16/world/middleeast/16egypt.html>> Accessed 3 December 2012

³² Hendawi, H 2011, 'Reform of Egypt's police hits a wall: The police', *Associated Press*, 18 September, Al-Masry Al-Youm <<http://www.almasryalyoum.com/en/node/496895>> Accessed 3 December 2012; Kirkpatrick, D 2011, 'Muslims and Coptic Christians Clash Again in Egypt', *The New York Times*, 15 May <<http://www.nytimes.com/2011/05/16/world/middleeast/16egypt.html>> Accessed 3 December 2012; Fleishman, J 2011, 'Egypt police struggle to regain pride on still-skimpy salaries', *The Los Angeles Times*, 23 November <<http://articles.latimes.com/2011/nov/23/world/la-fg-egypt-street-cop-20111123>> Accessed 3 December 2012

³³ Hendawi, H 2011, 'Reform of Egypt's police hits a wall: The police', *Associated Press*, 18 September, Al-Masry Al-Youm <<http://www.almasryalyoum.com/en/node/496895>> Accessed 3 December 2012

and vigilantes'.³⁴ 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.³⁵ 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'.³⁶ Egyptians were reportedly 'discovering the need to defend themselves' and it was 'not uncommon to find long queues outside arms shops in Cairo'.³⁷

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'.³⁸ 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.³⁹ 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.⁴⁰ 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'.⁴¹ According to the report, petty theft had also 'risen dramatically' in the context of an ongoing security vacuum.⁴²

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.⁴³

³⁴ Fleishman, J 2011, 'Egypt police struggle to regain pride on still-skimpy salaries', *The Los Angeles Times*, 23 November <<http://articles.latimes.com/2011/nov/23/world/la-fg-egypt-street-cop-20111123>> Accessed 3 December 2012

³⁵ 'EGYPT: Citizens take up arms amid insecurity' 2011, *IRIN News*, 25 November <<http://www.irinnews.org/report.aspx?reportid=94308>> Accessed 3 December 2012

³⁶ 'EGYPT: Citizens take up arms amid insecurity' 2011, *IRIN News*, 25 November <<http://www.irinnews.org/report.aspx?reportid=94308>> Accessed 3 December 2012

³⁷ 'EGYPT: Citizens take up arms amid insecurity' 2011, *IRIN News*, 25 November <<http://www.irinnews.org/report.aspx?reportid=94308>> Accessed 3 December 2012

³⁸ US Commission on International Religious Freedom 2012, *Annual Report 2012*, March, p.54 <[http://www.uscirtf.gov/images/Annual%20Report%20of%20USCIRF%202012\(2\).pdf](http://www.uscirtf.gov/images/Annual%20Report%20of%20USCIRF%202012(2).pdf)> Accessed 22 November 2012

³⁹ US Commission on International Religious Freedom 2012, *Annual Report 2012*, March, p.50 <[http://www.uscirtf.gov/images/Annual%20Report%20of%20USCIRF%202012\(2\).pdf](http://www.uscirtf.gov/images/Annual%20Report%20of%20USCIRF%202012(2).pdf)> Accessed 22 November 2012; US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 1 <<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>> Accessed 12 September 2012

⁴⁰ US Commission on International Religious Freedom 2012, *Annual Report 2012*, March, p.54 <[http://www.uscirtf.gov/images/Annual%20Report%20of%20USCIRF%202012\(2\).pdf](http://www.uscirtf.gov/images/Annual%20Report%20of%20USCIRF%202012(2).pdf)> Accessed 22 November 2012

⁴¹ Knell, Y 2012, 'Egypt's police still in crisis after revolution', *BBC News*, 5 March <<http://www.bbc.co.uk/news/world-middle-east-17128116>> Accessed 3 December 2012

⁴² Knell, Y 2012, 'Egypt's police still in crisis after revolution', *BBC News*, 5 March <<http://www.bbc.co.uk/news/world-middle-east-17128116>> Accessed 3 December 2012

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

⁴⁴ Tarek S 2012, 'Egypt's police: Back on the beat but little changed', *Ahram Online*, 8 October <<http://english.ahram.org.eg/News/54927.aspx>> Accessed 4 December 2012; 'Egyptian police torture 88, kill 34 under President Morsi: Rights report' 2012, *Ahram Online*, 15 October

⁴⁵ Tarek S 2012, 'Egypt's police: Back on the beat but little changed', *Ahram Online*, 8 October <<http://english.ahram.org.eg/News/54927.aspx>> Accessed 4 December 2012; 'Egyptian police torture 88, kill 34 under President Morsi: Rights report' 2012, *Ahram Online*, 15 October <<http://english.ahram.org.eg/News/55595.aspx>> Accessed 21 November 2012

⁴⁶ Tarek S 2012, 'Egypt's police: Back on the beat but little changed', *Ahram Online*, 8 October <<http://english.ahram.org.eg/News/54927.aspx>> Accessed 4 December 2012; 'Egyptian police torture 88, kill 34 under President Morsi: Rights report' 2012, *Ahram Online*, 15 October <<http://english.ahram.org.eg/News/55595.aspx>> Accessed 21 November 2012

⁴⁷ Tarek S 2012, 'Egypt's police: Back on the beat but little changed', *Ahram Online*, 8 October <<http://english.ahram.org.eg/News/54927.aspx>> Accessed 4 December 2012

⁴⁸ Elyan, T and Pfeiffer, T 2012, 'Egypt aims to end late-night shopping to save energy', *Reuters*, 24 October <<http://www.reuters.com/article/2012/10/24/us-egypt-shopping-night-idUSBRE89N16320121024>> Accessed 20 November 2012

⁴⁹ Jane's Sentinel 2012, 'Egypt: Security', *Security Assessment - North Africa*, 9 March

⁵⁰ Transparency International 2012, *Corruption trends in the Middle East and North Africa Region (2007-2011)*, 16 January <<http://www.u4.no/publications/corruption-trends-in-the-middle-east-and-north-africa-region-2007-2011/downloadasset/2748>> Accessed 4 December 2012

⁵¹ Transparency International 2012, *Corruption trends in the Middle East and North Africa Region (2007-2011)*, 16 January <<http://www.u4.no/publications/corruption-trends-in-the-middle-east-and-north-africa-region-2007-2011/downloadasset/2748>> Accessed 4 December 2012

⁵² Transparency International 2012, *Corruption trends in the Middle East and North Africa Region (2007-2011)*, 16 January <<http://www.u4.no/publications/corruption-trends-in-the-middle-east-and-north-africa-region-2007-2011/downloadasset/2748>> Accessed 4 December 2012

⁵³ Jane's Sentinel 2012, 'Egypt: Security', *Security Assessment - North Africa*, 9 March

Governmental decision-making in the post-Mubarak period reportedly remains opaque and centralised and public services are inefficient.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.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.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.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).⁵⁸

The Egyptian military ruled Egypt from the coup of 1952 until Mohammed Morsi was elected president in 2012.⁵⁹ 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.⁶⁰ The Egyptian military is reported to have a profound aversity 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.⁶¹ These moves fostered a growing divergence with activists and protesters.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’.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

⁵⁴ Jane’s Sentinel 2012, ‘Egypt: Security’, *Security Assessment - North Africa*, 9 March

⁵⁵ Jane’s Sentinel 2012, ‘Egypt: Executive Summary’, *Security Assessment - North Africa*, 9 March

⁵⁶ Jane’s Sentinel 2012, ‘Egypt: Executive Summary’, *Security Assessment - North Africa*, 9 March

⁵⁷ Sayigh, Y 2012, *Above the state: The officers’ republic in Egypt*, The Carnegie Endowment for International Peace, August, p.5 <http://carnegieendowment.org/files/officers_republic1.pdf> Accessed 22 November 2012

⁵⁸ Sayigh, Y 2012, *Above the state: The officers’ republic in Egypt*, The Carnegie Endowment for International Peace, August, p.5, 7 <http://carnegieendowment.org/files/officers_republic1.pdf> Accessed 22 November 2012

⁵⁹ International Crisis Group 2012, *Lost in Transition: The World According to Egypt’s SCAF*, Middle East Report No 121, 24 April, p.20

<<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/Egypt/121-lost-in-transition-the-world-according-to-egypts-scaf.pdf>> Accessed 21 November 2012

⁶⁰ International Crisis Group 2012, *Lost in Transition: The World According to Egypt’s SCAF*, Middle East Report No 121, 24 April, p.17

<<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/Egypt/121-lost-in-transition-the-world-according-to-egypts-scaf.pdf>> Accessed 21 November 2012

⁶¹ International Crisis Group 2012, *Lost in Transition: The World According to Egypt’s SCAF*, Middle East Report No 121, 24 April, p.17

<<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/Egypt/121-lost-in-transition-the-world-according-to-egypts-scaf.pdf>> Accessed 21 November 2012

⁶² International Crisis Group 2012, *Lost in Transition: The World According to Egypt’s SCAF*, Middle East Report No 121, 24 April, p.18

<<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/Egypt/121-lost-in-transition-the-world-according-to-egypts-scaf.pdf>> Accessed 21 November 2012

⁶³ International Crisis Group 2012, *Lost in Transition: The World According to Egypt’s SCAF*, Middle East Report No 121, 24 April, p.20

<<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/Egypt/121-lost-in-transition-the-world-according-to-egypts-scaf.pdf>> Accessed 21 November 2012

ceremonies for them and their families.⁶⁴ 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.⁶⁵

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.⁶⁶ 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.⁶⁷ 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.⁶⁸ It was a means to provide senior officers with post-retirement financial security, and the armed forces as a whole with major income streams.⁶⁹

The greatest concentration of former military officers is in local government, where they reportedly number into the several thousands.⁷⁰ 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 ...

⁶⁴ International Crisis Group 2012, *Lost in Transition: The World According to Egypt’s SCAF*, Middle East Report No 121, 24 April, p.20-1

<<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/Egypt/121-lost-in-transition-the-world-according-to-egypts-scaf.pdf>> Accessed 21 November 2012

⁶⁵ International Crisis Group 2012, *Lost in Transition: The World According to Egypt’s SCAF*, Middle East Report No 121, 24 April, p.21

<<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/Egypt/121-lost-in-transition-the-world-according-to-egypts-scaf.pdf>> Accessed 21 November 2012

⁶⁶ Sayigh, Y 2012, *Above the state: The officers’ republic in Egypt*, The Carnegie Endowment for International Peace, August, p.3 <http://carnegeendowment.org/files/officers_republic1.pdf> Accessed 22 November 2012

⁶⁷ Sayigh, Y 2012, *Above the state: The officers’ republic in Egypt*, The Carnegie Endowment for International Peace, August, p.11-12 <http://carnegeendowment.org/files/officers_republic1.pdf> Accessed 22 November 2012

⁶⁸ Sayigh, Y 2012, *Above the state: The officers’ republic in Egypt*, The Carnegie Endowment for International Peace, August, p.11-12 <http://carnegeendowment.org/files/officers_republic1.pdf> Accessed 22 November 2012

⁶⁹ Sayigh, Y 2012, *Above the state: The officers’ republic in Egypt*, The Carnegie Endowment for International Peace, August, p.11-12 <http://carnegeendowment.org/files/officers_republic1.pdf> Accessed 22 November 2012

⁷⁰ Sayigh, Y 2012, *Above the state: The officers’ republic in Egypt*, The Carnegie Endowment for International Peace, August, p.13-15 <http://carnegeendowment.org/files/officers_republic1.pdf> Accessed 22 November 2012

[T]he 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

⁷¹ Sayigh, Y 2012, *Above the state: The officers' republic in Egypt*, The Carnegie Endowment for International Peace, August, p.13-15 <http://carnegieendowment.org/files/officers_republic1.pdf> Accessed 22 November 2012

⁷² Jane's Sentinel 2012, 'Egypt: Executive Summary', *Security Assessment - North Africa*, 9 March

⁷³ Jane's Sentinel 2012, 'Egypt: Executive Summary', *Security Assessment - North Africa*, 9 March

⁷⁴ Jane's Sentinel 2012, 'Egypt: Executive Summary', *Security Assessment - North Africa*, 9 March

⁷⁵ Jane's Sentinel 2012, 'Egypt: Executive Summary', *Security Assessment - North Africa*, 9 March

⁷⁶ Awad, M 2012, 'Special report: In Egypt's military, a march for change', *Reuters*, 10 April <<http://www.reuters.com/article/2012/04/10/us-egypt-army-idUSBRE8390IV20120410>> Accessed 20 November 2012

⁷⁷ Awad, M 2012, 'Special report: In Egypt's military, a march for change', *Reuters*, 10 April <<http://www.reuters.com/article/2012/04/10/us-egypt-army-idUSBRE8390IV20120410>> Accessed 20 November 2012

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 2011.⁷⁸ 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 2011.⁷⁹ 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).⁸⁰ 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 2011.⁸¹

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 – many 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.⁸²

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.⁸³ 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.⁸⁴

⁷⁸ El Deeb, S 2012, 'Rights group: Egypt must tackle legacy of abuse', *Associated Press*, 2 October, Yahoo News <<http://news.yahoo.com/rights-group-egypt-must-tackle-legacy-abuse-205431821.html>> Accessed 13 November 2012

⁷⁹ Amnesty International 2012, *Brutality unpunished and unchecked: Egypt's military kill and torture protesters with impunity*, 2 October, p.5 <<http://www.amnesty.org/en/library/asset/MDE12/017/2012/en/a6fbc51f-a151-4b74-8c93-7b625d5cdb75/mde120172012en.pdf>> Accessed 22 November 2012

⁸⁰ Amnesty International 2012, *Brutality unpunished and unchecked: Egypt's military kill and torture protesters with impunity*, 2 October, p.11 <<http://www.amnesty.org/en/library/asset/MDE12/017/2012/en/a6fbc51f-a151-4b74-8c93-7b625d5cdb75/mde120172012en.pdf>> Accessed 22 November 2012

⁸¹ Amnesty International 2012, *Brutality unpunished and unchecked: Egypt's military kill and torture protesters with impunity*, 2 October, p.7 <<http://www.amnesty.org/en/library/asset/MDE12/017/2012/en/a6fbc51f-a151-4b74-8c93-7b625d5cdb75/mde120172012en.pdf>> Accessed 22 November 2012

⁸² Amnesty International 2012, *Brutality unpunished and unchecked: Egypt's military kill and torture protesters with impunity*, 2 October, p.5 <<http://www.amnesty.org/en/library/asset/MDE12/017/2012/en/a6fbc51f-a151-4b74-8c93-7b625d5cdb75/mde120172012en.pdf>> Accessed 22 November 2012

⁸³ Amnesty International 2012, *Brutality unpunished and unchecked: Egypt's military kill and torture protesters with impunity*, 2 October, p.42-3 <<http://www.amnesty.org/en/library/asset/MDE12/017/2012/en/a6fbc51f-a151-4b74-8c93-7b625d5cdb75/mde120172012en.pdf>> Accessed 22 November 2012

⁸⁴ Amnesty International 2012, *Brutality unpunished and unchecked: Egypt's military kill and torture protesters with impunity*, 2 October, p.42-3 <<http://www.amnesty.org/en/library/asset/MDE12/017/2012/en/a6fbc51f-a151-4b74-8c93-7b625d5cdb75/mde120172012en.pdf>> Accessed 22 November 2012

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’.⁸⁵ 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.⁸⁶ Article 48 of the Military Justice Code empowers military judicial authorities to decide whether a crime falls under its jurisdiction or not.⁸⁷ 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.⁸⁸

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).⁸⁹ The Egyptian Police come under the control of the Ministry of Interior.⁹⁰

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.⁹¹ 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).⁹²

Central Security Forces (CSF)

⁸⁵ Amnesty International 2012, *Brutality unpunished and unchecked: Egypt’s military kill and torture protesters with impunity*, 2 October, p.42-3 <<http://www.amnesty.org/en/library/asset/MDE12/017/2012/en/a6fbc51f-a151-4b74-8c93-7b625d5cdb75/mde120172012en.pdf>> Accessed 22 November 2012

⁸⁶ Amnesty International 2012, *Brutality unpunished and unchecked: Egypt’s military kill and torture protesters with impunity*, 2 October, p.43 <<http://www.amnesty.org/en/library/asset/MDE12/017/2012/en/a6fbc51f-a151-4b74-8c93-7b625d5cdb75/mde120172012en.pdf>> Accessed 22 November 2012

⁸⁷ Amnesty International 2012, *Brutality unpunished and unchecked: Egypt’s military kill and torture protesters with impunity*, 2 October, p.43 <<http://www.amnesty.org/en/library/asset/MDE12/017/2012/en/a6fbc51f-a151-4b74-8c93-7b625d5cdb75/mde120172012en.pdf>> Accessed 22 November 2012

⁸⁸ Amnesty International 2012, *Brutality unpunished and unchecked: Egypt’s military kill and torture protesters with impunity*, 2 October, p.45 <<http://www.amnesty.org/en/library/asset/MDE12/017/2012/en/a6fbc51f-a151-4b74-8c93-7b625d5cdb75/mde120172012en.pdf>> Accessed 22 November 2012

⁸⁹ Amnesty International 2012, *Press releases - Egypt: Rule of law elusive without confronting army and police abuses*, 2 October <<http://www.amnesty.org/en/for-media/press-releases/egypt-rule-law-elusive-without-confronting-army-and-police-abuses-2012-10-0>> Accessed 28 November 2012; Jane’s Sentinel 2012, ‘Egypt: Security and Foreign Forces’, *Security Assessment - North Africa*, 9 March

⁹⁰ Jane’s Sentinel 2012, ‘Egypt: Security and Foreign Forces’, *Security Assessment - North Africa*, 9 March

⁹¹ Amnesty International 2012, *Agents of repression: Egypt’s police and the case for reform*, 2 October, p.2 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

⁹² Amnesty International 2012, *Agents of repression: Egypt’s police and the case for reform*, 2 October, p.2 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

Widely known as the riot police, the Central Security Forces are mandated to maintain public order.⁹³ 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.⁹⁴ 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.⁹⁵ The CSF guards public buildings and institutions as well as other vital and strategic installations and carries out special operations.⁹⁶ It is best known, however, for policing and violently dispersing protests.⁹⁷

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 2007.⁹⁸ The SSIS became synonymous with the worst abuses associated with the relentless crackdown on dissent, including arbitrary arrests and detention, intimidation and torture.⁹⁹ 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.¹⁰⁰

Adapted from Amnesty International *Agents of Repression: Egypt's Police and the Case for Reform* and Jane's Sentinel *Egypt: Security and Foreign Forces*.¹⁰¹

A report from the Carnegie Endowment for International Peace (hereafter Carnegie Endowment) notes a degree of institutional crossover between the Military and the Interior Ministry, which oversees policing.¹⁰² The EAF has embedded many officers in the Interior Ministry which, according to the Carnegie Endowment report, suggests 'a certain intertwining

⁹³ Amnesty International 2012, *Agents of repression: Egypt's police and the case for reform*, 2 October, p.1-2 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

⁹⁴ Jane's Sentinel 2012, 'Egypt: Security and Foreign Forces', *Security Assessment - North Africa*, 9 March

⁹⁵ Amnesty International 2012, *Agents of repression: Egypt's police and the case for reform*, 2 October, p.1-2 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

⁹⁶ Amnesty International 2012, *Agents of repression: Egypt's police and the case for reform*, 2 October, p.1-2 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

⁹⁷ Amnesty International 2012, *Agents of repression: Egypt's police and the case for reform*, 2 October, p.1-2 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

⁹⁸ Amnesty International 2012, *Agents of repression: Egypt's police and the case for reform*, 2 October, p.2 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

⁹⁹ Amnesty International 2012, *Agents of repression: Egypt's police and the case for reform*, 2 October, p.2 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

¹⁰⁰ Jane's Sentinel 2012, 'Egypt: Security and Foreign Forces', *Security Assessment - North Africa*, 9 March

¹⁰¹ Amnesty International 2012, *Agents of repression: Egypt's police and the case for reform*, 2 October, p.1-2 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012; Jane's Sentinel 2012, 'Egypt: Security and Foreign Forces', *Security Assessment - North Africa*, 9 March

¹⁰² Sayigh, Y 2012, *Above the state: The officers' republic in Egypt*, The Carnegie Endowment for International Peace, August, p.15-16 <http://carnegieendowment.org/files/officers_republic1.pdf> Accessed 22 November 2012

between the military and security establishments in the role of regime maintenance'.¹⁰³ As noted above, conscript soldiers can perform some of their military service with the CSF.¹⁰⁴ The EAF also reportedly provides 'a great many of the senior operational and administrative officers in the Interior Ministry'.¹⁰⁵

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'.¹⁰⁶ 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.¹⁰⁷ 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.¹⁰⁸ In 2012, there were reportedly over 800,000 interior ministry employees; in 2010 active military troops numbered approximately 468,500.¹⁰⁹

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'.¹¹⁰ 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.¹¹¹

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.¹¹² 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.¹¹³ However, the second phase of the

¹⁰³ Sayigh, Y 2012, *Above the state: The officers' republic in Egypt*, The Carnegie Endowment for International Peace, August, p.15-16 <http://carnegeendowment.org/files/officers_republic1.pdf> Accessed 22 November 2012

¹⁰⁴ Amnesty International 2012, *Agents of repression: Egypt's police and the case for reform*, 2 October, p.1-2 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

¹⁰⁵ Sayigh, Y 2012, *Above the state: The officers' republic in Egypt*, The Carnegie Endowment for International Peace, August, p.5 <http://carnegeendowment.org/files/officers_republic1.pdf> Accessed 22 November 2012

¹⁰⁶ International Crisis Group 2012, *Lost in Transition: The World According to Egypt's SCAF*, Middle East Report No 121, 24 April, p.10 <<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/Egypt/121-lost-in-transition-the-world-according-to-egypts-scaf.pdf>> Accessed 21 November 2012

¹⁰⁷ Sayigh, Y 2012, *Above the state: The officers' republic in Egypt*, The Carnegie Endowment for International Peace, August, p.5 <http://carnegeendowment.org/files/officers_republic1.pdf> Accessed 22 November 2012

¹⁰⁸ International Crisis Group 2012, *Lost in Transition: The World According to Egypt's SCAF*, Middle East Report No 121, 24 April, p.10 <<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/Egypt/121-lost-in-transition-the-world-according-to-egypts-scaf.pdf>> Accessed 21 November 2012

¹⁰⁹ International Crisis Group 2012, *Lost in Transition: The World According to Egypt's SCAF*, Middle East Report No 121, 24 April, p.10 <<http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/North%20Africa/Egypt/121-lost-in-transition-the-world-according-to-egypts-scaf.pdf>> Accessed 21 November 2012

¹¹⁰ Jane's Sentinel 2012, 'Egypt: Security and Foreign Forces', *Security Assessment - North Africa*, 9 March

¹¹¹ Jane's Sentinel 2012, 'Egypt: Security and Foreign Forces', *Security Assessment - North Africa*, 9 March

¹¹² Jane's Sentinel 2012, 'Egypt: Security and Foreign Forces', *Security Assessment - North Africa*, 9 March

¹¹³ Amnesty International 2012, *Agents of repression: Egypt's police and the case for reform*, 2 October, p.26 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

project was reportedly postponed as a result of the 2011 revolution.¹¹⁴ 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.¹¹⁵

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.¹¹⁶

3.2.1 Police Abuses

Torture in police custody has been systematic and widespread in Egypt for decades.¹¹⁷ 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.¹¹⁸

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.¹¹⁹ The current Minister of Interior is General Ahmed Gamal El Din, a career security services officer.¹²⁰ These accountability mechanisms have reportedly been 'opaque, unknown to the public, and

¹¹⁴ Amnesty International 2012, *Agents of repression: Egypt's police and the case for reform*, 2 October, p.26 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

¹¹⁵ Amnesty International 2012, *Agents of repression: Egypt's police and the case for reform*, 2 October, p.26 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

¹¹⁶ 'Egyptian police torture 88, kill 34 under President Morsi: Rights report' 2012, *Ahram Online*, 15 October <<http://english.ahram.org.eg/News/55595.aspx>> Accessed 21 November 2012

¹¹⁷ Amnesty International 2012, *Agents of repression: Egypt's police and the case for reform*, 2 October, p.20 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

¹¹⁸ Amnesty International 2012, *Agents of repression: Egypt's police and the case for reform*, 2 October, p.1 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

¹¹⁹ Amnesty International 2012, *Agents of repression: Egypt's police and the case for reform*, 2 October, p.38-9 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

¹²⁰ Carnegie Endowment for International Peace n.d, *General Ahmed Gamal El Din*, Guide to Egypt's Transition <<http://egyptelections.carnegieendowment.org/2012/09/05/general-ahmed-gamal-el-din>> Accessed 4 December 2012

have failed to provide redress for victims of human rights violations'.¹²¹ 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'.¹²²

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.¹²³ Following the 2011 revolution, Egyptian officials pledged to rebuild public confidence in the police force.¹²⁴ However, the 2012 Human Rights Watch *Annual Report* notes that, despite these official pledges, 'no process of security sector reform was initiated'.¹²⁵ 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'.¹²⁶ 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.¹²⁷ According to Amnesty International, 'there is little sign that Egypt's three main police forces have in practice fundamentally changed'.¹²⁸ 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'.¹²⁹

Violations by the CSF reportedly peaked during the 2011 revolution when thousands of riot police were deployed in response to protests.¹³⁰ This same pattern of excessive use of force has reportedly continued in 2012.¹³¹ 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 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

¹²² Amnesty International 2012, *Agents of repression: Egypt's police and the case for reform*, 2 October, p.21 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

¹²³ Fayed, S 2012, 'Activists rally to end prison torture in Egypt', *Reuters*, 3 November <<http://www.reuters.com/article/2012/11/03/us-egypt-torture-idUSBRE8A20BW20121103>> Accessed 20 November 2012

¹²⁴ Human Rights Watch 2012, *World Report – Egypt*, January <http://www.hrw.org/sites/default/files/related_material/egypt_2012.pdf> Accessed 22 November 2012

¹²⁵ Human Rights Watch 2012, *World Report – Egypt*, January <http://www.hrw.org/sites/default/files/related_material/egypt_2012.pdf> Accessed 22 November 2012

¹²⁶ Human Rights Watch 2012, *World Report – Egypt*, January <http://www.hrw.org/sites/default/files/related_material/egypt_2012.pdf> Accessed 22 November 2012

¹²⁷ Amnesty International 2012, *Agents of repression: Egypt's police and the case for reform*, 2 October, p.22 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

¹²⁸ Amnesty International 2012, *Agents of repression: Egypt's police and the case for reform*, 2 October, p.3 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

¹²⁹ Amnesty International 2012, *Agents of repression: Egypt's police and the case for reform*, 2 October, p.3 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

¹³⁰ Amnesty International 2012, *Agents of repression: Egypt's police and the case for reform*, 2 October, p.2 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

¹³¹ Amnesty International 2012, *Agents of repression: Egypt's police and the case for reform*, 2 October, p.2 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

torture and mistreat people in their custody in the post-Mubarak period.¹³² 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.¹³³ 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.¹³⁴ In total, the Nadim Centre recorded 247 cases of alleged police brutality during the 100 days.¹³⁵ 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'.¹³⁶ The Egyptian Initiative for Personal Rights, an Egyptian NGO that the US State Department described as 'reputable',¹³⁷ has reportedly stated that police abuses became more brutal in the period following Mohammed Morsi's inauguration.¹³⁸

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'.¹³⁹ 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.¹⁴⁰

¹³² Amnesty International 2012, *Agents of repression: Egypt's police and the case for reform*, 2 October, p.4 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

¹³³ Human Rights Watch 2012, *Egypt: A year of abuses against detained children*, 20 November <<http://www.hrw.org/news/2012/11/19/egypt-year-abuses-against-detained-children>> Accessed 21 November 2012

¹³⁴ 'Egyptian police torture 88, kill 34 under President Morsi: Rights report' 2012, *Ahram Online*, 15 October <<http://english.ahram.org.eg/News/55595.aspx>> Accessed 21 November 2012; El Nadim Center for the Rehabilitation of victims of Violence 2012, *100 days of Morsi Rule: 100 days of detentions, torture, violent crash on protests and killing outside the law*, 9 October <<https://alnadeem.org/files/100%20days%20of%20Morsi%20rule.pdf>> Accessed 21 November 2012

¹³⁵ 'Egyptian police torture 88, kill 34 under President Morsi: Rights report' 2012, *Ahram Online*, 15 October <<http://english.ahram.org.eg/News/55595.aspx>> Accessed 21 November 2012; El Nadim Center for the Rehabilitation of victims of Violence 2012, *100 days of Morsi Rule: 100 days of detentions, torture, violent crash on protests and killing outside the law*, 9 October <<https://alnadeem.org/files/100%20days%20of%20Morsi%20rule.pdf>> Accessed 21 November 2012

¹³⁶ 'Egyptian police torture 88, kill 34 under President Morsi: Rights report' 2012, *Ahram Online*, 15 October <<http://english.ahram.org.eg/News/55595.aspx>> Accessed 21 November 2012

¹³⁷ US Department of State 2010, *International Religious Freedom Report 2010 - Egypt*, 17 November, Section 2 <<http://www.state.gov/j/drl/rls/irf/2010/148817.htm>> Accessed 23 November 2012

¹³⁸ El Deeb, S 2012, 'Rights group: Egypt must tackle legacy of abuse', *Associated Press*, 2 October, Yahoo News <<http://news.yahoo.com/rights-group-egypt-must-tackle-legacy-abuse-205431821.html>> Accessed 13 November 2012; Fahim, K 2012, 'In new era, Egyptian police mimic the old, critics say', *New York Times*, 3 October <<http://mobile.nytimes.com/2012/10/03/world/in-new-era-egyptian-police-mimic-the-old-critics-say.xml>> Accessed 3 December 2012

¹³⁹ Amnesty International 2012, *Agents of repression: Egypt's police and the case for reform*, 2 October, p.5 <<http://www.amnesty.org/en/library/asset/MDE12/029/2012/en/576aa9cc-bd07-4724-a410-95b02009c317/mde120292012en.pdf>> Accessed 22 November 2012

¹⁴⁰ El Deeb, S 2012, 'Rights group: Egypt must tackle legacy of abuse', *Associated Press*, 2 October, Yahoo News <<http://news.yahoo.com/rights-group-egypt-must-tackle-legacy-abuse-205431821.html>> Accessed 13 November 2012

3.3 The Judicial System

The Egyptian legal system is a combination of English common law, the Napoleonic Code and Islamic law.¹⁴¹ 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.¹⁴² The Supreme Constitutional Court is the highest judicial body in Egypt, with exclusive jurisdiction over questions of the constitutionality of laws, rules and regulations.¹⁴³

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.¹⁴⁴ 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.¹⁴⁵

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.¹⁴⁶

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.¹⁴⁷ Article 48 of the Military Justice Code empowers military judicial authorities to decide whether a crime falls under its jurisdiction or not.¹⁴⁸

State Council

¹⁴¹ Jane's Sentinel 2012, 'Egypt: Internal Affairs', *Security Assessment - North Africa*, 9 March

¹⁴² Jane's Sentinel 2012, 'Egypt: Internal Affairs', *Security Assessment - North Africa*, 9 March

¹⁴³ Jane's Sentinel 2012, 'Egypt: Internal Affairs', *Security Assessment - North Africa*, 9 March

¹⁴⁴ Jane's Sentinel 2012, 'Egypt: Internal Affairs', *Security Assessment - North Africa*, 9 March

¹⁴⁵ Brown, Nathan. 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

¹⁴⁶ Brown, Nathan. 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

¹⁴⁷ 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

¹⁴⁸ Amnesty International 2012, *Brutality unpunished and unchecked: Egypt's military kill and torture protesters with impunity*, 2 October, p.43 <<http://www.amnesty.org/en/library/asset/MDE12/017/2012/en/a6fbc51f-a151-4b74-8c93-7b625d5cdb75/mde120172012en.pdf>> Accessed 22 November 2012

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.¹⁴⁹

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.¹⁵⁰

Public Prosecutor

The Public Prosecutor (also known as Niyaba) is a judicial body responsible for the investigation and prosecution of crime.¹⁵¹ 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.¹⁵²

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.¹⁵³ 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.¹⁵⁴

3.3.1 Islamist 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.¹⁵⁵ However, according to a February 2012 piece by Professor Brown for the

¹⁴⁹ 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/b68l>> Accessed 30 November 2012

¹⁵⁰ 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/b68l>> Accessed 30 November 2012

¹⁵¹ 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/b68l>> Accessed 30 November 2012

¹⁵² 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

¹⁵³ 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

¹⁵⁴ 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

¹⁵⁵ 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

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’.¹⁵⁶ 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’.¹⁵⁷ 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.¹⁵⁸

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.¹⁵⁹

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.¹⁶⁰ However, Egyptian judges have reportedly complained for decades about direct interference by the government in judicial affairs.¹⁶¹ 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.¹⁶² 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.¹⁶³ 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’.¹⁶⁴ 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.¹⁶⁵ In addition to

¹⁵⁶ 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

¹⁵⁷ 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

¹⁵⁸ Brown, N. J 2012, *Egypt’s judges in a revolutionary age*, The Carnegie Endowment for International Peace, p.9-10 <http://www.carnegieendowment.org/files/egypt_judiciary.pdf> Accessed 30 November 2012

¹⁵⁹ Fathi, Y 2012, ‘Egypt’s judicial independence: The battle continues’, *Ahram Online*, 14 October <<http://english.ahram.org.eg/News/55473.aspx>> Accessed 22 November 2012

¹⁶⁰ Jane’s Sentinel 2012, ‘Egypt: Internal Affairs’, *Security Assessment - North Africa*, 9 March

¹⁶¹ Fathi, Y 2012, ‘Egypt’s judicial independence: The battle continues’, *Ahram Online*, 14 October <<http://english.ahram.org.eg/News/55473.aspx>> Accessed 22 November 2012

¹⁶² Fathi, Y 2012, ‘Egypt’s judicial independence: The battle continues’, *Ahram Online*, 14 October <<http://english.ahram.org.eg/News/55473.aspx>> Accessed 22 November 2012

¹⁶³ Bradley, M 2012, ‘Prosecutor’s Victory Shows Judiciary’s Power in Egypt’, *The Wall Street Journal*, 14 October

<http://online.wsj.com/article/SB10000872396390443624204578056792279978874.html?mod=wsj_share_tweet> Accessed 24 October 2012

¹⁶⁴ Fathi, Y 2012, ‘Egypt’s judicial independence: The battle continues’, *Ahram Online*, 14 October <<http://english.ahram.org.eg/News/55473.aspx>> Accessed 22 November 2012

¹⁶⁵ Fathi, Y 2012, ‘Egypt’s judicial independence: The battle continues’, *Ahram Online*, 14 October <<http://english.ahram.org.eg/News/55473.aspx>> Accessed 22 November 2012

monitoring judges, the department reportedly supervises the processes for transferring, appointing and promoting judges to various posts within the judiciary.¹⁶⁶

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.¹⁶⁷

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.¹⁶⁸ 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.¹⁶⁹ 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.¹⁷⁰ 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.¹⁷¹ 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'.¹⁷²

¹⁶⁶ Fathi, Y 2012, 'Egypt's judicial independence: The battle continues', *Ahram Online*, 14 October <<http://english.ahram.org/News/55473.aspx>> Accessed 22 November 2012

¹⁶⁷ Fathi, Y 2012, 'Egypt's judicial independence: The battle continues', *Ahram Online*, 14 October <<http://english.ahram.org/News/55473.aspx>> Accessed 22 November 2012

¹⁶⁸ Elyan, T and Perry, T 2012, 'Egypt's top court shuts down, blames Islamist protesters', *Reuters*, 2 December <<http://uk.reuters.com/article/2012/12/02/uk-egypt-idUKBRE8AR0BJ20121202>> Accessed 5 December 2012; 'Islamist protests force postponement of Egyptian court hearing on new constitution' 2012, *RTE News*, 3 December <<http://www.rte.ie/news/2012/1202/egypt-politics-mohammed-mursi.html>> Accessed 5 December 2012

¹⁶⁹ 'Egypt court frees Mubarak loyalists tried for organizing 'Camel Battle' attack on protesters' 2012, *Associated Press*, 10 October <<http://www.foxnews.com/world/2012/10/10/egypt-court-frees-mubarak-loyalists-tried-for-organizing-camel-battle-attack-on/>> Accessed 15 November 2012; 'Mursi accused of becoming "new pharaoh"' 2012, *Agence France Presse/Bloomberg*, 23 November, *The Sydney Morning Herald* <<http://www.smh.com.au/world/mursi-accused-of-becoming-new-pharaoh-20121123-29uvs.html>> Accessed 23 November 2012

¹⁷⁰ 'Egypt court frees Mubarak loyalists tried for organizing 'Camel Battle' attack on protesters' 2012, *Associated Press*, 10 October <<http://www.foxnews.com/world/2012/10/10/egypt-court-frees-mubarak-loyalists-tried-for-organizing-camel-battle-attack-on/>> Accessed 15 November 2012

¹⁷¹ 'Egypt court frees Mubarak loyalists tried for organizing 'Camel Battle' attack on protesters' 2012, *Associated Press*, 10 October <<http://www.foxnews.com/world/2012/10/10/egypt-court-frees-mubarak-loyalists-tried-for-organizing-camel-battle-attack-on/>> Accessed 15 November 2012

¹⁷² Bradley, M 2012, 'Prosecutor's Victory Shows Judiciary's Power in Egypt', *The Wall Street Journal*, 14 October <http://online.wsj.com/article/SB10000872396390443624204578056792279978874.html?mod=wsj_share_tweet> Accessed 24 October 2012

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 2011.¹⁷³ 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.¹⁷⁴

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.¹⁷⁵ President Morsi also declared that no court can dissolve the current constituent assembly or the upper house of parliament.¹⁷⁶ 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.¹⁷⁷ 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.¹⁷⁸ President Morsi's spokesperson said that the decree was aimed at

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 <<http://www.amnesty.org/en/library/asset/MDE12/017/2012/en/a6fbc51f-a151-4b74-8c93-7b625d5cdb75/mde120172012en.pdf>> Accessed 22 November 2012

¹⁷⁴ Amnesty International 2012, *Brutality unpunished and unchecked: Egypt's military kill and torture protesters with impunity*, 2 October, p.43 <<http://www.amnesty.org/en/library/asset/MDE12/017/2012/en/a6fbc51f-a151-4b74-8c93-7b625d5cdb75/mde120172012en.pdf>> Accessed 22 November 2012

¹⁷⁵ 'Mursi accused of becoming "new pharaoh"' 2012, *Agence France Presse/Bloomberg*, 23 November, The Sydney Morning Herald <<http://www.smh.com.au/world/mursi-accused-of-becoming-new-pharaoh-20121123-29uvs.html>> Accessed 23 November 2012

¹⁷⁶ 'Mursi accused of becoming "new pharaoh"' 2012, *Agence France Presse/Bloomberg*, 23 November, The Sydney Morning Herald <<http://www.smh.com.au/world/mursi-accused-of-becoming-new-pharaoh-20121123-29uvs.html>> Accessed 23 November 2012

¹⁷⁷ 'Mursi accused of becoming "new pharaoh"' 2012, *Agence France Presse/Bloomberg*, 23 November, The Sydney Morning Herald <<http://www.smh.com.au/world/mursi-accused-of-becoming-new-pharaoh-20121123-29uvs.html>> Accessed 23 November 2012; 'Egypt's president issues constitutional amendments, granting himself far-reaching powers' 2012, *Associated Press*, 22 November, The Washington Post <http://www.washingtonpost.com/world/middle_east/egyptian-court-clears-2-policemen-charged-with-killing-protesters-during-last-years-uprising/2012/11/22/f3750bd2-34a5-11e2-92f0-496af208bf23_story.html> Accessed 23 November 2012

¹⁷⁸ 'Egypt's president issues constitutional amendments, granting himself far-reaching powers' 2012, *Associated Press*, 22 November, The Washington Post <http://www.washingtonpost.com/world/middle_east/egyptian-court-clears-2-policemen-charged-with-killing-protesters-during-last-years-uprising/2012/11/22/f3750bd2-34a5-11e2-92f0-496af208bf23_story.html> Accessed 23 November 2012

‘cleansing state institutions’ and ‘destroying the infrastructure of the old regime’.¹⁷⁹ Morsi has said that his new powers would expire as soon as Egypt’s new constitution has been ratified.¹⁸⁰

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 nation-wide.¹⁸¹ Egypt’s highest appellate court, the Court of Cassation, has reportedly suspended work in protest of the decree.¹⁸² 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’.¹⁸³ The Supreme Constitutional Court has now suspended work for an indefinite period amid growing tensions between the presidency and the judiciary.¹⁸⁴

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 2012.¹⁸⁵ For example, in the post-Mubarak period, the Egyptian authorities have failed to investigate instances of sectarian violence or prosecute perpetrators.¹⁸⁶ Reports indicate that the response of the security forces to sectarian incidents has been slow and ineffective.¹⁸⁷ 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

¹⁷⁹ Hermant, N 2012, ‘Egypt’s Morsi grants himself sweeping new powers’, *ABC*, 23 November, <<http://www.abc.net.au/news/2012-11-23/egypts-morsi-grants-himself-new-powers/4387576>> Accessed 23 November 2012

¹⁸⁰ Hauslohner, A 2012, ‘Egyptian judges, courts step up fight against Morsi edict’, *The Washington Post*, 28 November <http://www.washingtonpost.com/world/middle_east/egypts-courts-go-on-strike-to-protest-morsi-edict/2012/11/28/593e61a8-395a-11e2-a263-f0ebffed2f15_story.html> Accessed 29 November 2012

¹⁸¹ ‘Mursi accused of becoming ‘new pharaoh’’ 2012, *Agence France Presse/Bloomberg*, 23 November, *The Sydney Morning Herald* <<http://www.smh.com.au/world/mursi-accused-of-becoming-new-pharaoh-20121123-29uvs.html>> Accessed 23 November 2012

¹⁸² Hauslohner, A 2012, ‘Egyptian judges, courts step up fight against Morsi edict’, *The Washington Post*, 28 November <http://www.washingtonpost.com/world/middle_east/egypts-courts-go-on-strike-to-protest-morsi-edict/2012/11/28/593e61a8-395a-11e2-a263-f0ebffed2f15_story.html> Accessed 29 November 2012

¹⁸³ Hauslohner, A 2012, ‘Egyptian judges, courts step up fight against Morsi edict’, *The Washington Post*, 28 November <http://www.washingtonpost.com/world/middle_east/egypts-courts-go-on-strike-to-protest-morsi-edict/2012/11/28/593e61a8-395a-11e2-a263-f0ebffed2f15_story.html> Accessed 29 November 2012

¹⁸⁴ ‘Egypt’s judges strike over changes’ 2012, *Agence France Press*, 3 December <<http://www.theaustralian.com.au/in-depth/middle-east-in-turmoil/egypts-judges-strike-over-changes/story-fn7ycml4-1226528773395>> Accessed 3 December 2012

¹⁸⁵ Egyptian Initiative for Personal Rights 2011, *EIPR Releases Findings of Field Investigation into Imbaba Events*, 14 May <<http://www.eipr.org/en/pressrelease/2011/05/14/1166>> Accessed 27 June 2011; US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 2 <<http://www.state.gov/j/drl/rls/irf/2011/nea/192881.htm>> Accessed 22 November 2012; US Commission on International Religious Freedom 2012, *Annual Report 2012*, March, p.50 <[http://www.uscirf.gov/images/Annual%20Report%20of%20USCIRF%202012\(2\).pdf](http://www.uscirf.gov/images/Annual%20Report%20of%20USCIRF%202012(2).pdf)> Accessed 22 November 2012

¹⁸⁶ US Commission on International Religious Freedom 2012, *Annual Report 2012*, March, p.50 <[http://www.uscirf.gov/images/Annual%20Report%20of%20USCIRF%202012\(2\).pdf](http://www.uscirf.gov/images/Annual%20Report%20of%20USCIRF%202012(2).pdf)> Accessed 22 November 2012; US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 2 <<http://www.state.gov/j/drl/rls/irf/2011/nea/192881.htm>> Accessed 22 November 2012

¹⁸⁷ Egyptian Initiative for Personal Rights 2012, *Crimes in Al-Amiriya: Collective Punishment of Copts and Official Sanction for Sectarian Attacks*, 12 February <<http://eipr.org/en/pressrelease/2012/02/12/1367>> Accessed 17 September 2012; Abdelmassih, M 2012, ‘Over 3000 Muslims attack Christian homes and shops in Egypt, 3 injured’, *AINA*, 28 January <<http://www.aina.org/news/20120127193942.htm>> Accessed 17 September 2012

process which reportedly contributes to a climate of impunity that encourages further assaults.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.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, USCIRF, 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.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’.¹⁹¹ The January 2012 Human Rights Watch *World Report* noted that there had been ‘no improvement in human rights protections in Egypt’.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’.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.¹⁹⁴ Many state officials, security officers and legislators reportedly deny the existence of sectarian violence in Egypt, while others minimise it.¹⁹⁵ In October 2011, Human Rights Watch stated that, since the resignation of Hosni Mubarak on 11 February 2011, ‘the chronic government

¹⁸⁸ US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 2 <<http://www.state.gov/j/drl/rls/irf/2011/nea/192881.htm>> Accessed 22 November 2012

¹⁸⁹ Human Rights Watch 2010, *World Report – Egypt*, January <<http://www.hrw.org/en/node/87709>> Accessed 3 December 2012; US Department of State 2009, *International Religious Freedom Report 2009 – Egypt*, September <<http://www.state.gov/j/drl/rls/irf/2009/127346.htm>> Accessed 6 December 2012; US Commission on International Religious Freedom 2009, *USCIRF Annual Report 2009 – The Commission’s Watch List: Egypt*, 1 May <<http://www.unhcr.org/refworld/docid/4a4f272d38.html>> Accessed 3 December 2012; US Commission on International Religious Freedom 2010, *Annual Report on International Religious Freedom*, May, p 227 <<http://www.uscifr.gov/images/annual%20report%202010.pdf>> Accessed 6 December 2012

¹⁹⁰ International Federation for Human Rights 2011, *Escalation of inter-confessional violence in Egypt*, 9 May <<http://www.unhcr.org/refworld/docid/4dc8cd062.html>> Accessed 3 December 2012; US Commission on International Religious Freedom 2011, *Annual Report 2011*, May, p49 <<http://www.uscifr.gov/images/book%20with%20cover%20for%20web.pdf>> Accessed 27 June 2011; Egyptian Initiative for Personal Rights 2011, *EIPR Releases Findings of Field Investigation into Imbaba Events*, 14 May <<http://www.eipr.org/en/pressrelease/2011/05/14/1166>> Accessed 27 June 2011; US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 2 <<http://www.state.gov/j/drl/rls/irf/2011/nea/192881.htm>> Accessed 22 November 2012

¹⁹¹ US Commission on International Religious Freedom 2012, *Annual Report 2012*, March, p.50 <[http://www.uscifr.gov/images/Annual%20Report%20of%20USCIRF%202012\(2\).pdf](http://www.uscifr.gov/images/Annual%20Report%20of%20USCIRF%202012(2).pdf)> Accessed 22 November 2012

¹⁹² Human Rights Watch 2012, *World Report – Egypt*, January <http://www.hrw.org/sites/default/files/related_material/egypt_2012.pdf> Accessed 22 November 2012

¹⁹³ US Commission on International Religious Freedom 2012, *Annual Report 2012*, March, p.50 <[http://www.uscifr.gov/images/Annual%20Report%20of%20USCIRF%202012\(2\).pdf](http://www.uscifr.gov/images/Annual%20Report%20of%20USCIRF%202012(2).pdf)> Accessed 22 November 2012

¹⁹⁴ Human Rights Watch 2011, *Egypt: Don’t cover up military killing of Copt protesters*, 25 October <<http://www.hrw.org/news/2011/10/25/egypt-don-t-cover-military-killing-copt-protesters>> Accessed 28 November 2012

¹⁹⁵ Human Rights Watch 2011, *Egypt: Don’t cover up military killing of Copt protesters*, 25 October <<http://www.hrw.org/news/2011/10/25/egypt-don-t-cover-military-killing-copt-protesters>> Accessed 28 November 2012

denial and mishandling of sectarian violence that marked his rule continues'.¹⁹⁶ 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'.¹⁹⁷

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.¹⁹⁸

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.¹⁹⁹ 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.²⁰⁰ The EAF has also reportedly embedded many officers in the Interior Ministry.²⁰¹ 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 2012.²⁰²

¹⁹⁶ Human Rights Watch 2011, *Egypt: Don't cover up military killing of Copt protesters*, 25 October <<http://www.hrw.org/news/2011/10/25/egypt-don-t-cover-military-killing-copt-protesters>> Accessed 28 November 2012

¹⁹⁷ US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 2 <<http://www.state.gov/j/drl/rls/irf/2011/nea/192881.htm>> Accessed 22 November 2012

¹⁹⁸ El Deeb, S 2012, 'Riot leaves an Egyptian village without Christians', *Associated Press*, 4 August, Salon <http://www.salon.com/2012/08/04/riot_leaves_an_egyptian_village_without_christians/> Accessed 18 September 2012

¹⁹⁹ Sayigh, Y 2012, *Above the state: The officers' republic in Egypt*, The Carnegie Endowment for International Peace, August, p.13 <http://carnegieendowment.org/files/officers_republic1.pdf> Accessed 22 November 2012

²⁰⁰ Sayigh, Y 2012, *Above the state: The officers' republic in Egypt*, The Carnegie Endowment for International Peace, August, p.15-16 <http://carnegieendowment.org/files/officers_republic1.pdf> Accessed 22 November 2012

²⁰¹ Sayigh, Y 2012, *Above the state: The officers' republic in Egypt*, The Carnegie Endowment for International Peace, August, p.15-16 <http://carnegieendowment.org/files/officers_republic1.pdf> Accessed 22 November 2012

²⁰² El Deeb, S 2012, 'New sectarian violence erupts in Egyptian village', *Associated Press*, 2 August <<http://www.google.com/hostednews/ap/article/ALeqM5iNoahwID1368q4Qkh6ogYxMbnxuQ?docId=835e90b744ec47dea7329bd14263be12>> Accessed 2 August 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 2012.²⁰³ 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.²⁰⁴ 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.²⁰⁵ *Associated Press* (AP) reported that 'the **police** did nothing as tensions spiralled' in the village.²⁰⁶ Christians told *Associated Press* that Muslims 'openly threatened to retaliate against all Christians' after the Muslim man was injured, and when the man eventually died, 'the only solution from the **police** was to encourage or assist in removing the Christian population' from the village before violence erupted that night.²⁰⁷ Hossam Bahgat, head of the Egyptian Initiative for Personal Rights, said that 'violence was not only expected but preventable, and **security forces** failed to prevent it even though they had prior knowledge'.²⁰⁸ The Egyptian privately-owned daily *Al-Masry Al-Youm* reported on 14 September 2012 that tensions remained high in the village and as a result **Central Security Forces** reportedly maintained a presence in the village, particularly around the church.²⁰⁹

²⁰³ El Deeb, S 2012, 'New sectarian violence erupts in Egyptian village', *Associated Press*, 2 August <<http://www.google.com/hostednews/ap/article/ALeqM5iNoahwID1368q4Qkh6ogYxMbnxuQ?docId=835e90b744ec47dea7329bd14263be12>> Accessed 2 August 2012

²⁰⁴ '16 wounded in sectarian clashes outside Cairo' 2012, *Agence France Press*, 1 August <<http://english.alarabiya.net/articles/2012/08/01/229857.html>> Accessed 17 September 2012

²⁰⁵ '16 wounded in sectarian clashes outside Cairo' 2012, *Agence France Press*, 1 August <<http://english.alarabiya.net/articles/2012/08/01/229857.html>> Accessed 17 September 2012

²⁰⁶ El Deeb, S 2012, 'Riot leaves an Egyptian village without Christians', *Associated Press*, 4 August, Salon <http://www.salon.com/2012/08/04/riot_leaves_an_egyptian_village_without_christians/> Accessed 18 September 2012

²⁰⁷ El Deeb, S 2012, 'Riot leaves an Egyptian village without Christians', *Associated Press*, 4 August, Salon <http://www.salon.com/2012/08/04/riot_leaves_an_egyptian_village_without_christians/> Accessed 18 September 2012

²⁰⁸ El Deeb, S 2012, 'Riot leaves an Egyptian village without Christians', *Associated Press*, 4 August, Salon <http://www.salon.com/2012/08/04/riot_leaves_an_egyptian_village_without_christians/> Accessed 18 September 2012

²⁰⁹ Halawa, O 2012, 'Neighbours at war: A month after Christian families fled Danshour, tensions remain', *Al-Masry Al-Youm*, 14 September, Egypt Independent <<http://www.egyptindependent.com/news/neighbors-war-month-after-christian-families-fled-dahshur-tensions-remain>> Accessed 17 September 2012



Egyptian police outside a building in Danshur, Giza.²¹⁰

On 27 January 2012 several thousand Muslims looted and torched Christian-owned properties in Sharbat, Alexandria governorate.²¹¹ 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.²¹² During the incident, the Muslims reportedly chanted religious slogans and were carrying rocks, sticks, Molotov cocktails, weapons and firearms.²¹³ 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.²¹⁴

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.²¹⁵ 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

²¹⁰ Fleishman, J 2012, 'Egypt town's Muslim-Christian unrest speaks to bigger challenges', *Los Angeles Times*, 7 September <<http://www.latimes.com/news/nationworld/world/la-fg-egypt-christians-muslims-20120908.0.2087917.full.story>> Accessed 10 September 2012

²¹¹ 'Egyptian village evicts 8 Coptic families over rumors of interfaith affair' 2012, *Agence France Press*, 13 February, Al Arabiya <<http://www.alarabiya.net/articles/2012/02/13/194260.html>> Accessed 3 December 2012; Egyptian Initiative for Personal Rights 2012, *Crimes in Al-Amiriya: Collective Punishment of Copts and Official Sanction for Sectarian Attacks*, 12 February <<http://eipr.org/en/pressrelease/2012/02/12/1367>> Accessed 17 September 2012

²¹² Egyptian Initiative for Personal Rights 2012, *Crimes in Al-Amiriya: Collective Punishment of Copts and Official Sanction for Sectarian Attacks*, 12 February <<http://eipr.org/en/pressrelease/2012/02/12/1367>> Accessed 17 September 2012

²¹³ Egyptian Initiative for Personal Rights 2012, *Crimes in Al-Amiriya: Collective Punishment of Copts and Official Sanction for Sectarian Attacks*, 12 February <<http://eipr.org/en/pressrelease/2012/02/12/1367>> Accessed 17 September 2012

²¹⁴ Egyptian Initiative for Personal Rights 2012, *Crimes in Al-Amiriya: Collective Punishment of Copts and Official Sanction for Sectarian Attacks*, 12 February <<http://eipr.org/en/pressrelease/2012/02/12/1367>> Accessed 17 September 2012; Abdelmassih, M 2012, 'Over 3000 Muslims attack Christian homes and shops in Egypt, 3 injured', *AINA*, 28 January <<http://www.aina.org/news/20120127193942.htm>> Accessed 17 September 2012

²¹⁵ US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 2 <<http://www.state.gov/j/drl/rls/irf/2011/nea/192881.htm>> Accessed 22 November 2012

Muslims started attacking Coptic homes and business.²¹⁶ According to the US State Department, although survivors identified the perpetrators, authorities did not detain or prosecute them.²¹⁷

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**’.²¹⁸ 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.²¹⁹

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.²²⁰ 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.²²¹

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’.²²²

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...’²²³ Muslim villagers were reportedly filmed using sledge hammers and shouting ‘God is great’ as they destroyed the walls of the church.

²¹⁶ Coptic World 2011, *Two Copts slaughtered in Sohag*, 28 November
<<http://www.copticworld.org/articles/521/>> Accessed 17 September 2012; Abdelmassih, M 2011, ‘Thousands of Muslims attack Christians in Egypt, 2 killed, homes and stores torched’, *AINA*, 30 November
<<http://www.aina.org/news/20111130113351.htm>> Accessed 17 September 2012

²¹⁷ US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 2
<<http://www.state.gov/j/drl/rls/irf/2011/nea/192881.htm>> Accessed 22 November 2012

²¹⁸ Egyptian Initiative for Personal Rights 2011, *EIPR Releases Findings of Field Investigation into Imbaba Events*, 14 May <<http://www.eipr.org/en/pressrelease/2011/05/14/1166>> Accessed 3 December 2012

²¹⁹ Egyptian Initiative for Personal Rights 2011, *EIPR Releases Findings of Field Investigation into Imbaba Events*, 14 May <<http://www.eipr.org/en/pressrelease/2011/05/14/1166>> Accessed 3 December 2012

²²⁰ Egyptian Initiative for Personal Rights 2011, *EIPR Releases Findings of Field Investigation into Imbaba Events*, 14 May <<http://www.eipr.org/en/pressrelease/2011/05/14/1166>> Accessed 3 December 2012

²²¹ International Federation for Human Rights 2011, *Escalation of inter-confessional violence in Egypt*, 9 May
<<http://www.unhcr.org/refworld/docid/4dc8cd062.html>> Accessed 3 December 2012

²²² US Commission on International Religious Freedom 2012, *Annual Report 2012*, March, p.56
<[http://www.uscifr.gov/images/Annual%20Report%20of%20USCIRF%202012\(2\).pdf](http://www.uscifr.gov/images/Annual%20Report%20of%20USCIRF%202012(2).pdf)> Accessed 22 November 2012

²²³ Shea, N. 2011, ‘Egypt’s Copts suffer more attacks’, *The National Review Online*, 5 March
<<http://www.nationalreview.com/corner/261405/egypt-s-copts-suffer-more-attacks-nina-shea>> Accessed 3 December 2012

The church was set on fire and completely destroyed.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’.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.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 *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.²²⁷

In October 2012 the Egyptian privately-owned daily *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.²²⁸ A military source told *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.²²⁹ According to *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.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

²²⁴ US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 2 <<http://www.state.gov/j/drl/rls/irf/2011/nea/192881.htm>> Accessed 22 November 2012

²²⁵ US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 2 <<http://www.state.gov/j/drl/rls/irf/2011/nea/192881.htm>> Accessed 22 November 2012

²²⁶ US Commission on International Religious Freedom 2012, *Annual Report 2012*, March, p.56 <[http://www.uscirf.gov/images/Annual%20Report%20of%20USCIRF%202012\(2\).pdf](http://www.uscirf.gov/images/Annual%20Report%20of%20USCIRF%202012(2).pdf)> Accessed 22 November 2012

²²⁷ Sanchez, L 2012, ‘Angry mob bars church goers in Beni Suef’, *Daily News Egypt*, 28 October <<http://dailynewsegypt.com/2012/10/28/angry-mob-bars-church-goers-in-beni-suef/>> Accessed 20 November 2012

²²⁸ ‘Military reinforcements sent to Rafah to protect Copts, says military source’ 2012, *Al-Masry Al-Youm*, 7 October, Egypt Independent <<http://www.egyptindependent.com/news/military-reinforcements-sent-rafaq-protect-copts-says-military-source>> Accessed 15 November 2012

²²⁹ ‘Military reinforcements sent to Rafah to protect Copts, says military source’ 2012, *Al-Masry Al-Youm*, 7 October, Egypt Independent <<http://www.egyptindependent.com/news/military-reinforcements-sent-rafaq-protect-copts-says-military-source>> Accessed 15 November 2012

²³⁰ ‘Egypt president visits Sinai to “reassure” Copts’ 2012, *Agence France Presse*, 5 October, Google News <http://www.google.com/hostednews/afp/article/ALeqM5ipQvtO61c67J_rb9ngyoOadeMNHg?docId=CNG.d90e5f71ef225ca99fe00cb7e19095f8.491> Accessed 15 November 2012

and Christians’.²³¹ 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’.²³² 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’.²³³ Additionally, Egypt’s Prime Minister, Hashim Qandeel reportedly said that nine Christian families who fled Rafah did so of their own accord.²³⁴ 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.²³⁵

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’.²³⁶

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.²³⁷ Additionally, rather than pursuing criminal convictions for sectarian crimes, the preferred response of the Egyptian authorities is to sponsor informal reconciliation sessions; an

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

²³⁴ Shehata, S 2012, ‘The misery of Copts in Egypt’, *Ahram Online*, 2 October <<http://english.ahram.org.eg/NewsContentP/4/54512/Opinion/The-misery-of-Copts-in-Egypt--.aspx>> Accessed 19 November 2012

²³⁵ Shehata, S 2012, ‘The misery of Copts in Egypt’, *Ahram Online*, 2 October <<http://english.ahram.org.eg/NewsContentP/4/54512/Opinion/The-misery-of-Copts-in-Egypt--.aspx>> Accessed 19 November 2012; Human Rights Watch 2011, *Egypt: Don’t cover up military killing of Copt protesters*, 25 October <<http://www.hrw.org/news/2011/10/25/egypt-don-t-cover-military-killing-copt-protesters>> Accessed 28 November 2012

²³⁶ ‘Security fears for Egypt’s Copts’ 2011, *Aljazeera TV*, 7 January

²³⁷ Human Rights Watch 2010, *World Report – Egypt*, January <<http://www.hrw.org/en/node/87709>> Accessed 3 December 2012; US Department of State 2009, *International Religious Freedom Report 2009 – Egypt*, September <<http://www.state.gov/j/drl/rls/irf/2009/127346.htm>> Accessed 6 December 2012; US Commission on International Religious Freedom 2009, *USCIRF Annual Report 2009 – The Commission’s Watch List: Egypt*, 1 May <<http://www.unhcr.org/refworld/docid/4a4f272d38.html>> Accessed 3 December 2012; US Commission on International Religious Freedom 2010, *Annual Report on International Religious Freedom*, May, p 227 <<http://www.uscirtf.gov/images/annual%20report%202010.pdf>> Accessed 6 December 2012; US Department of State 2011, *International Religious Freedom Report: July - December 2010*, 13 September <http://www.state.gov/j/drl/rls/irf/2010_5/168262.htm> Accessed 6 December 2012; US Commission on International Religious Freedom 2008, *Annual Report - 2008*, May, p.223 <<http://www.uscirtf.gov/images/annual%20report%202008-final%20edition.pdf>> Accessed 6 December 2012; US Commission on International Religious Freedom 2012, *Annual Report 2012*, March, p.50 <[http://www.uscirtf.gov/images/Annual%20Report%20of%20USCIRF%202012\(2\).pdf](http://www.uscirtf.gov/images/Annual%20Report%20of%20USCIRF%202012(2).pdf)> Accessed 22 November 2012; US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 2 <<http://www.state.gov/j/drl/rls/irf/2011/nea/192881.htm>> Accessed 22 November 2012; US Commission on International Religious Freedom 2011, *Annual Report 2011*, May <<http://www.uscirtf.gov/images/book%20with%20cover%20for%20web.pdf>> Accessed 27 June 2011

approach which has continued in the post-Mubarak period.²³⁸ 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'.²³⁹ 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.²⁴⁰ Following deadly sectarian violence in Imbaba, Cairo, in May 2011, authorities arrested over 200 suspects.²⁴¹ The Public Prosecutor later referred 48 suspects (both Muslim and Christian) to the supreme state security court in Giza.²⁴² However, the US State Department reports that roughly half remained at large and were being tried in absentia. The trial is reportedly ongoing.²⁴³

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'.²⁴⁴ 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.²⁴⁵ The teacher, Bishoy Kamel, claimed his Facebook account was hacked.²⁴⁶ On 18 September 2012, the Coptic teacher was sentenced to

²³⁸ US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 2 <<http://www.state.gov/j/drl/rls/irf/2011/nea/192881.htm>> Accessed 22 November 2012

²³⁹ US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 2 <<http://www.state.gov/j/drl/rls/irf/2011/nea/192881.htm>> Accessed 22 November 2012

²⁴⁰ US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 2 <<http://www.state.gov/j/drl/rls/irf/2011/nea/192881.htm>> Accessed 22 November 2012

²⁴¹ US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 2 <<http://www.state.gov/j/drl/rls/irf/2011/nea/192881.htm>> Accessed 22 November 2012

²⁴² Fahmy, H 2011, 'PM reopens Imbaba church after renovation' *The Daily News Egypt* 8 June <http://thedailynewsegypt.com/religion/pm-reopens-imbaba-church-after-renovation.html#> - Accessed 25 August 2011; US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 2 <<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>> Accessed 12 September 2012

²⁴³ US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 2 <<http://www.state.gov/j/drl/rls/irf/2011/nea/192881.htm>> Accessed 22 November 2012

²⁴⁴ Shehata, S 2012, 'The misery of Copts in Egypt', *Ahram Online*, 2 October <<http://english.ahram.org.eg/NewsContentP/4/54512/Opinion/The-misery-of-Copts-in-Egypt--.aspx>> Accessed 19 November 2012

²⁴⁵ 'Egyptian Coptic teacher arrested for insulting Islam on Facebook: report' 2012, *Al-Arabiya*, 31 July <<http://english.alarabiya.net/articles/2012/07/31/229494.html>> Accessed 19 September 2012

²⁴⁶ 'Egyptian Coptic teacher arrested for insulting Islam on Facebook: report' 2012, *Al-Arabiya*, 31 July <<http://english.alarabiya.net/articles/2012/07/31/229494.html>> Accessed 19 September 2012

six years in prison after being convicted for blasphemy and defamation.²⁴⁷ Shahata writes that, according to Bishop's lawyer, 'the conditions of a fair trial did not exist because of intimidation by Salafists surrounding the court and inside it'.²⁴⁸ 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.²⁴⁹ 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 Bishop.²⁵⁰ 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'.²⁵¹ 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'.²⁵² According to liberal activists in Egypt, blasphemy laws are vague 'and applied almost exclusively when people allegedly defame Islam'.²⁵³ Four other Coptic Christians have reportedly been charged with defaming Islam in unrelated incidents and remain in police custody.²⁵⁴

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.²⁵⁵ The eight acquitted men had reportedly been charged with possession of illegal weapons and burning

²⁴⁷ 'Egyptian court sends Copt to prison over anti-Islam post' 2012, *Egypt Independent*, 18 September <<http://www.egyptindependent.com/news/egyptian-court-sends-copt-prison-over-anti-islam-post>> Accessed 19 September 2012

²⁴⁸ Shehata, S 2012, 'The misery of Copts in Egypt', *Ahram Online*, 2 October <<http://english.ahram.org.eg/NewsContentP/4/54512/Opinion/The-misery-of-Copts-in-Egypt--.aspx>> Accessed 19 November 2012

²⁴⁹ Shehata, S 2012, 'The misery of Copts in Egypt', *Ahram Online*, 2 October <<http://english.ahram.org.eg/NewsContentP/4/54512/Opinion/The-misery-of-Copts-in-Egypt--.aspx>> Accessed 19 November 2012

²⁵⁰ Shehata, S 2012, 'The misery of Copts in Egypt', *Ahram Online*, 2 October <<http://english.ahram.org.eg/NewsContentP/4/54512/Opinion/The-misery-of-Copts-in-Egypt--.aspx>> Accessed 19 November 2012

²⁵¹ Shehata, S 2012, 'The misery of Copts in Egypt', *Ahram Online*, 2 October <<http://english.ahram.org.eg/NewsContentP/4/54512/Opinion/The-misery-of-Copts-in-Egypt--.aspx>> Accessed 19 November 2012

²⁵² 'Egyptian sheikh to face charges of denigrating Christianity' 2012, *Ahram Online*, 25 September <<http://english.ahram.org.eg/News/53813.aspx>> Accessed 19 November 2012

²⁵³ Booth, W 2012, 'Egyptian blogger Alber Saber's arrest underlines differences on freedom of speech', *Washington Post*, 27 September <http://www.washingtonpost.com/world/egyptian-blogger-alber-sabers-arrest-shows-differences-over-freedom-of-speech/2012/09/26/b5c9b272-07dd-11e2-aff-d6c7f20a83bf_story.html> Accessed 19 November 2012

²⁵⁴ 'Egyptian sheikh to face charges of denigrating Christianity' 2012, *Ahram Online*, 25 September <<http://english.ahram.org.eg/News/53813.aspx>> Accessed 19 November 2012; Booth, William 2012, 'Egyptian blogger Alber Saber's arrest underlines differences on freedom of speech', *Washington Post*, 27 September <http://www.washingtonpost.com/world/egyptian-blogger-alber-sabers-arrest-shows-differences-over-freedom-of-speech/2012/09/26/b5c9b272-07dd-11e2-aff-d6c7f20a83bf_story.html> Accessed 19 November 2012

²⁵⁵ Batrawy, A 2012, 'Egypt court gives 12 Christians life sentences', *Associated Press*, 22 May <<http://news.yahoo.com/egypt-court-gives-12-christians-life-sentences-210933422.html>> Accessed 17 September 2012

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 Saf.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,

²⁵⁶ Batrawy, A 2012, 'Egypt court gives 12 Christians life sentences', *Associated Press*, 22 May <<http://news.yahoo.com/egypt-court-gives-12-christians-life-sentences-210933422.html>> Accessed 17 September 2012

²⁵⁷ Batrawy, A 2012, 'Egypt court gives 12 Christians life sentences', *Associated Press*, 22 May <<http://news.yahoo.com/egypt-court-gives-12-christians-life-sentences-210933422.html>> Accessed 17 September 2012; While this article refers to the 'attorney-general's' investigation, Nathan Brown notes the attorney-general is head of the Public Prosecution 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

²⁵⁸ Human Rights Watch 2011, *Egypt: Don't cover up military killing of Copt protesters*, 25 October <<http://www.hrw.org/news/2011/10/25/egypt-don-t-cover-military-killing-copt-protesters>> Accessed 28 November 2012

²⁵⁹ Human Rights Watch 2011, *Egypt: Don't cover up military killing of Copt protesters*, 25 October <<http://www.hrw.org/news/2011/10/25/egypt-don-t-cover-military-killing-copt-protesters>> Accessed 28 November 2012

²⁶⁰ Human Rights Watch 2011, *Egypt: Don't cover up military killing of Copt protesters*, 25 October <<http://www.hrw.org/news/2011/10/25/egypt-don-t-cover-military-killing-copt-protesters>> Accessed 28 November 2012

²⁶¹ Human Rights Watch 2011, *Egypt: Don't cover up military killing of Copt protesters*, 25 October <<http://www.hrw.org/news/2011/10/25/egypt-don-t-cover-military-killing-copt-protesters>> Accessed 28 November 2012

²⁶² US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 2 <<http://www.state.gov/j/drl/rls/irf/2011/nea/192881.htm>> Accessed 22 November 2012

²⁶³ US Commission on International Religious Freedom 2012, *Annual Report 2012*, March, p.55 <[http://www.uscifr.gov/images/Annual%20Report%20of%20USCIRF%202012\(2\).pdf](http://www.uscifr.gov/images/Annual%20Report%20of%20USCIRF%202012(2).pdf)> Accessed 22 November 2012

²⁶⁴ US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 2 <<http://www.state.gov/j/drl/rls/irf/2011/nea/192881.htm>> Accessed 22 November 2012

‘authorities compelled victims to abandon their claims to any legal remedy’.²⁶⁵ Human Rights Watch reported in October 2011 that reconciliation sessions generally end with victims agreeing to forego legal complaints in return for monetary compensation.²⁶⁶ 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’.²⁶⁷

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.²⁶⁸ 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.²⁶⁹

In January 2012 several thousand Muslims looted and torched Christian-owned properties in the village of Sharbat in the Amiriya district of Alexandria.²⁷⁰ 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.²⁷¹ It was decided in the sessions that eight Coptic families would be expelled from the village and their properties sold.²⁷² 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

²⁶⁵ US Commission on International Religious Freedom 2012, *Annual Report 2012*, March, p.55
<[http://www.uscirf.gov/images/Annual%20Report%20of%20USCIRF%202012\(2\).pdf](http://www.uscirf.gov/images/Annual%20Report%20of%20USCIRF%202012(2).pdf)> Accessed 22 November 2012

²⁶⁶ Human Rights Watch 2011, *Egypt: Don’t cover up military killing of Copt protesters*, 25 October
<<http://www.hrw.org/news/2011/10/25/egypt-don-t-cover-military-killing-copt-protesters>> Accessed 28 November 2012

²⁶⁷ US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 2
<<http://www.state.gov/j/drl/rls/irf/2011/nea/192881.htm>> Accessed 22 November 2012

²⁶⁸ US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 2
<<http://www.state.gov/j/drl/rls/irf/2011/nea/192881.htm>> Accessed 22 November 2012

²⁶⁹ US Department of State 2012, *International Religious Freedom Report 2011 - Egypt*, 30 July, Section 2
<<http://www.state.gov/j/drl/rls/irf/2011/nea/192881.htm>> Accessed 22 November 2012

²⁷⁰ ‘Egyptian village evicts 8 Coptic families over rumors of interfaith affair’ 2012, *Agence France Press*, 13 February, Al Arabiya <<http://www.alarabiya.net/articles/2012/02/13/194260.html>> Accessed 20 April 2012; Egyptian Initiative for Personal Rights 2012, *Crimes in Al-Amiriya: Collective Punishment of Copts and Official Sanction for Sectarian Attacks*, 12 February <<http://eiپر.org/en/pressrelease/2012/02/12/1367>> Accessed 17 September 2012

²⁷¹ Egyptian Initiative for Personal Rights 2012, *Crimes in Al-Amiriya: Collective Punishment of Copts and Official Sanction for Sectarian Attacks*, 12 February <<http://eiپر.org/en/pressrelease/2012/02/12/1367>> Accessed 17 September 2012

²⁷² ‘Egyptian village evicts 8 Coptic families over rumors of interfaith affair’ 2012, *Agence France Press*, 13 February, Al Arabiya <<http://www.alarabiya.net/articles/2012/02/13/194260.html>> Accessed 17 September 2012; Egyptian Initiative for Personal Rights 2012, *Crimes in Al-Amiriya: Collective Punishment of Copts and Official Sanction for Sectarian Attacks*, 12 February <<http://eiپر.org/en/pressrelease/2012/02/12/1367>> Accessed 17 September 2012

processes'.²⁷³ According to the Egyptian Initiative for Personal Rights, rather than providing protection and legal aid, the authorities compelled victims to abandon their rights and expelled them from their village.²⁷⁴ 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.²⁷⁵ 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.²⁷⁶

²⁷³ Egyptian Initiative for Personal Rights 2012, *Crimes in Al-Amiriya: Collective Punishment of Copts and Official Sanction for Sectarian Attacks*, 12 February <<http://eipr.org/en/pressrelease/2012/02/12/1367>> Accessed 17 September 2012

²⁷⁴ Egyptian Initiative for Personal Rights 2012, *Crimes in Al-Amiriya: Collective Punishment of Copts and Official Sanction for Sectarian Attacks*, 12 February <<http://eipr.org/en/pressrelease/2012/02/12/1367>> Accessed 17 September 2012

²⁷⁵ Carr, S 2012, 'Amreyya Copts return to their homes following reconciliatory meeting', *Al-Masry Al-Youm*, 12 March <<http://www.egyptindependent.com/news/amreyya-copts-return-their-homes-following-reconciliatory-meeting>> Accessed 21 September 2012

²⁷⁶ Carr, S 2012, 'Amreyya Copts return to their homes following reconciliatory meeting', *Al-Masry Al-Youm*, 12 March <<http://www.egyptindependent.com/news/amreyya-copts-return-their-homes-following-reconciliatory-meeting>> Accessed 21 September 2012

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