



- 1. Please find out whether charges of setting fire to a mosque would usually be heard in absentia if the defendant was outside the country. Also, is a sentence of one year for this alleged offence in the usual range? Would the defendant have any right of appeal against his conviction in absentia and what would be the appeal period?**

No information was found on whether charges of setting fire to a mosque would usually be heard in absentia if the defendant was outside the country. In dated 2000 cases, however, the US State Department reported cases which involved arson and were tried in absentia. No information was found on whether a sentence of one year for setting fire to a mosque is in the usual range for such an offence. Information indicates that there is a right of appeal against convictions in absentia for ‘misdemeanours and infractions’. No information was found on the appeal period for such convictions.

The US State Department reported cases, in 2000, involving arson and which had been tried in absentia. It stated:

On September 5, 2000, the Sohag Criminal Court convicted **20 defendants** of the crimes committed in Dar Al-Salaam, **including assault, arson, and vandalism** (there were no deaths in Dar Al-Salaam) and acquitted 19 others. **Four were convicted in absentia to 10 years in prison but were retried and acquitted upon turning themselves in to authorities.** Four were sentenced to 2 years in prison, 11 to 1 year, and 1 to 6 months; the sentences were criticized as too lenient by the Christian community...<sup>1</sup>

In a 2001 submission to the United Nations, the Egyptian government provided the following information with regard to the right of appeal against judgements handed down in absentia:

428. The Egyptian Code of Criminal Procedure makes provision for numerous methods of appeal against judicial decisions, as described below.

### **Appeals against judgements handed down in absentia**

429. The accused has the right to challenge judgements handed down in absentia in cases involving misdemeanours and infractions. The period of appeal does not begin until after the judgement is delivered against the accused or from the date on which he

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<sup>1</sup> US Department of State 2001, ‘Societal Attitudes’ in *International Religious Freedom Report – Egypt*, 26 October – Attachment 1.

receives notice thereof. The appeal may be made against judgements delivered either by the court of the first instance or the court of appeal (arts. 368 and 418).<sup>2</sup>

**2. Please advise whether it is usual for local congregations to construct mosques, or is there some central authority.**

Sources indicate that permission from the government's Ministry of Islamic Endowments (Awqaf) is required to construct mosques. Despite this requirement, however, many mosques remain outside the ministry's supervision.

The US State Department, in its 2010 religious freedom report, stated that 'All mosques must be licensed by the Ministry of Islamic Endowments (Awqaf).' It noted that a decree in 2004 by the Minister of Islamic Endowments 'removed from governors the authority to issue permits to build mosques and placed private mosques under the ministry's administrative control'. The State Department also reported, however, that 'up to 20,000 mosques and zawayas [small dedicated prayer areas] may remain unsupervised by the ministry'.<sup>3</sup>

A 2008 paper prepared for the Arab-West Report also stated that conditions for building new mosques included that they should be built only with permission from the Ministry of Religious Endowments.<sup>4</sup>

A news article, dated 18 June 2011, noted that Egypt's efforts to bring all mosques under state supervision are considered by some experts to have largely failed.<sup>5</sup> It states:

In the last two decades Egypt has tried to bring all its mosques under state supervision. Experts say this policy largely failed, due to a law allowing people to allocate their building's ground floor as a mosque for tax exemption purposes.<sup>6</sup>

*A Middle East Report Online* also noted that 'hundreds of buildings used as mosques do not have permits, yet are supplied by the government with water and electricity, and certainly not threatened with demolition by the police'.<sup>7</sup>

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<sup>2</sup> Justice Sana Sayyid Khalil, President of the Courts of Appeal, Director of the General Department for Human Rights Affairs, Office of His Excellency the Minister of Justice 2002, 'Consideration of reports submitted by States parties under article 40 of the Covenant: Addendum: Egypt [dated May 2001]', *United Nations*, CCPR/EGY/2001/3, 15 April, Human Rights Internet website <http://www.hri.ca/fortherecord2002/documentation/tbodies/ccpr-c-egy-2001-3.htm> – Accessed 20 August 2003 – Attachment 2.

<sup>3</sup> US Department of State 2010, 'Legal/Policy Framework' in *International Religious Freedom Report 2010 – Egypt*, 17 November – Attachment 3.

<sup>4</sup> Fastenrath, Christian & Kazanjian, Corin 2008, *Important Factors for church building in Egypt*, Arab-West Report Paper 4, May, sect.4.3 <http://www.arabwestreport.info/sites/default/files/pdfs/AWRpapers/churchbuildingpaper.pdf> – Accessed 14 July 2011 – Attachment 4.

<sup>5</sup> Osman, Ahmed Zaki 2011, 'New places of worship law leaves much to be desired', *Almasryalyoum*, 18 June <http://www.almasryalyoum.com/en/node/469095> – Accessed 18 July 2011 – Attachment 5.

<sup>6</sup> Osman, Ahmed Zaki 2011, 'New places of worship law leaves much to be desired', *Almasryalyoum*, 18 June <http://www.almasryalyoum.com/en/node/469095> – Accessed 18 July 2011 – Attachment 5.

<sup>7</sup> Tadros, Mariz 2011, 'A State of Sectarian Denial', *Middle East Report Online*, 11 January <http://www.merip.org/mero/mero011111.html> – Accessed 13 January 2011 – Attachment 6.

## Attachments

1. US Department of State 2001, *International Religious Freedom Report – Egypt*, 26 October.
2. Justice Sana Sayyid Khalil, President of the Courts of Appeal, Director of the General Department for Human Rights Affairs, Office of His Excellency the Minister of Justice 2002, ‘Consideration of reports submitted by States parties under article 40 of the Covenant: Addendum: Egypt [dated May 2001]’, *United Nations*, CCPR/EGY/2001/3, 15 April, Human Rights Internet website <http://www.hri.ca/fortherecord2002/documentation/tbodies/ccpr-c-egy-2001-3.htm> – Accessed 20 August 2003.
3. US Department of State 2010, *International Religious Freedom Report 2010 – Egypt*, 17 November.
4. Fastenrath, Christian & Kazanjian, Corin 2008, *Important Factors for church building in Egypt*, Arab-West Report Paper 4, May <http://www.arabwestreport.info/sites/default/files/pdfs/AWRpapers/churchbuildingpaper.pdf> – Accessed 14 July 2011.
5. Osman, Ahmed Zaki 2011, ‘New places of worship law leaves much to be desired’, *Almasryalyoum*, 18 June <http://www.almasryalyoum.com/en/node/469095> – Accessed 18 July 2011.
6. Tadros, Mariz 2011, ‘A State of Sectarian Denial’, *Middle East Report Online*, 11 January <http://www.merip.org/mero/mero011111.html> – Accessed 13 January 2011. (CISNET Egypt CX256301)