

0803410 [2008] RRTA 472 (11 December 2008)

DECISION RECORD

RRT CASE NUMBER: 0803410

COUNTRY OF REFERENCE: Egypt

TRIBUNAL MEMBER: Adolfo Gentile

DATE DECISION SIGNED: 11 December 2008

PLACE OF DECISION: Melbourne

DECISION: The Tribunal remits the matter for reconsideration with the direction that the applicant satisfies s.36(2)(a) of the Migration Act, being a person to whom Australia has protection obligations under the Refugees Convention.

STATEMENT OF DECISION AND REASONS

APPLICATION FOR REVIEW

1. This is an application for review of a decision made by a delegate of the Minister for Immigration and Citizenship to refuse to grant the applicant a Protection (Class XA) visa under s.65 of the *Migration Act 1958* (the Act).
2. The applicant, who claims to be a citizen of Egypt, arrived in Australia on specified date and applied to the Department of Immigration and Citizenship for a Protection (Class XA) visa on specified date. The delegate decided to refuse to grant the visa on specified date
3. The delegate refused the visa application on the basis that the applicant is not a person to whom Australia has protection obligations under the Refugees Convention.
4. The applicant applied to the Tribunal on specified date for review of the delegate's decision.
5. The Tribunal finds that the delegate's decision is an RRT-reviewable decision under s.411(1)(c) of the Act. The Tribunal finds that the applicant has made a valid application for review under s.412 of the Act.

RELEVANT LAW

6. Under s.65(1) a visa may be granted only if the decision maker is satisfied that the prescribed criteria for the visa have been satisfied. In general, the relevant criteria for the grant of a protection visa are those in force when the visa application was lodged although some statutory qualifications enacted since then may also be relevant.
7. Section 36(2)(a) of the Act provides that a criterion for a protection visa is that the applicant for the visa is a non-citizen in Australia to whom the Minister is satisfied Australia has protection obligations under the 1951 Convention Relating to the Status of Refugees as amended by the 1967 Protocol Relating to the Status of Refugees (together, the Refugees Convention, or the Convention).
8. Further criteria for the grant of a Protection (Class XA) visa are set out in Parts 785 and 866 of Schedule 2 to the Migration Regulations 1994.

Definition of 'refugee'

9. Australia is a party to the Refugees Convention and generally speaking, has protection obligations to people who are refugees as defined in Article 1 of the Convention. Article 1A(2) relevantly defines a refugee as any person who:

owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.

10. The High Court has considered this definition in a number of cases, notably *Chan Yee Kin v MIEA* (1989) 169 CLR 379, *Applicant A v MIEA* (1997) 190 CLR 225, *MIEA v Guo* (1997) 191 CLR 559, *Chen Shi Hai v MIMA* (2000) 201 CLR 293, *MIMA v Haji Ibrahim* (2000) 204 CLR 1, *MIMA v Khawar* (2002) 210 CLR 1, *MIMA v Respondents S152/2003* (2004) 222 CLR 1 and *Applicant S v MIMA* (2004) 217 CLR 387.
11. Sections 91R and 91S of the Act qualify some aspects of Article 1A(2) for the purposes of the application of the Act and the regulations to a particular person.
12. There are four key elements to the Convention definition. First, an applicant must be outside his or her country.
13. Second, an applicant must fear persecution. Under s.91R(1) of the Act persecution must involve “serious harm” to the applicant (s.91R(1)(b)), and systematic and discriminatory conduct (s.91R(1)(c)). The expression “serious harm” includes, for example, a threat to life or liberty, significant physical harassment or ill-treatment, or significant economic hardship or denial of access to basic services or denial of capacity to earn a livelihood, where such hardship or denial threatens the applicant’s capacity to subsist: s.91R(2) of the Act. The High Court has explained that persecution may be directed against a person as an individual or as a member of a group. The persecution must have an official quality, in the sense that it is official, or officially tolerated or uncontrollable by the authorities of the country of nationality. However, the threat of harm need not be the product of government policy; it may be enough that the government has failed or is unable to protect the applicant from persecution.
14. Further, persecution implies an element of motivation on the part of those who persecute for the infliction of harm. People are persecuted for something perceived about them or attributed to them by their persecutors. However the motivation need not be one of enmity, malignity or other antipathy towards the victim on the part of the persecutor.
15. Third, the persecution which the applicant fears must be for one or more of the reasons enumerated in the Convention definition - race, religion, nationality, membership of a particular social group or political opinion. The phrase “for reasons of” serves to identify the motivation for the infliction of the persecution. The persecution feared need not be *solely* attributable to a Convention reason. However, persecution for multiple motivations will not satisfy the relevant test unless a Convention reason or reasons constitute at least the essential and significant motivation for the persecution feared: s.91R(1)(a) of the Act.
16. Fourth, an applicant’s fear of persecution for a Convention reason must be a “well-founded” fear. This adds an objective requirement to the requirement that an applicant must in fact hold such a fear. A person has a “well-founded fear” of persecution under the Convention if they have genuine fear founded upon a “real chance” of persecution for a Convention stipulated reason. A fear is well-founded where there is a real substantial basis for it but not if it is merely assumed or based on mere speculation. A “real chance” is one that is not remote or insubstantial or a far-fetched possibility. A person can have a well-founded fear of persecution even though the possibility of the persecution occurring is well below 50 per cent.

17. In addition, an applicant must be unable, or unwilling because of his or her fear, to avail himself or herself of the protection of his or her country or countries of nationality or, if stateless, unable, or unwilling because of his or her fear, to return to his or her country of former habitual residence.
18. Whether an applicant is a person to whom Australia has protection obligations is to be assessed upon the facts as they exist when the decision is made and requires a consideration of the matter in relation to the reasonably foreseeable future.

CLAIMS AND EVIDENCE

19. The Tribunal has before it the Department's file relating to the applicant. The Tribunal also has had regard to the material referred to in the delegate's decision, and other material available to it from a range of sources.
20. The applicant appeared before the Tribunal on date specified to give evidence and present arguments. The Tribunal hearing was conducted with the assistance of an interpreter in the Arabic and English languages.
21. The applicant was represented in relation to the review by his registered migration agent who attended the hearing.
22. The applicant presented the following claims in his application for a Protection Visa form:

Information has been amended in accordance with s.431 as it may identify the applicant

I left my country because I have been persecuted because of my religion and for my membership of a particular social group.

There was serious risk on my life if I stay in Egypt.

"The Egyptian Police " and the Islamic Group destroyed my business because of my religious activities in City A.

If I go back to Egypt the Islamic Group will kill me because of my religious activities.

I own businesses ... and Cafe. I use this shop to help my church activities, which I had a licence.

The police attacked the shop and destroyed all the equipment and assaulted me.

They think that I support the an organisations in USA by informing them of all the incidents in my church.

They need to stop my religious activities to distribute and sell religious tapes.

They found records of Muslim people who converted to Christianity and they do not like me to distribute all these records.

They need to stop all the Christian Youth who come to my shop.

The Egyptian authorities will never help me at all. The Islamic Group are involved with the Police to destroy my business and to fabricate a serious case against me in order to threaten any other Christians who do the same business.

23. On specified date, along with his application for review form the applicant provided the Tribunal with a copy of the delegate's decision.
24. On specified date the Tribunal received by fax a statement by the applicant and a list of attachments which, it was explained would be sent by express post because they amounted to several pages. This statement was purportedly a copy of a statement sent to the Department on specified date in response to the Department's 'natural justice letter' of specified date which required a response by specified date The Department's file does not contain this submission. The statement is dated and signed on specific date.
25. On the morning of the scheduled hearing, specified date, the applicant's advisor came to the Tribunal and informed the staff that the applicant would not be coming to the hearing as he was ill. The advisor gave the Tribunal staff a hard copy of the applicant's statement as had been provided by fax (see para 24), but in this case not signed, and a number of attachments. These were listed as follows:
 1. Two membership cards for a religious Association.
 2. Letter of support and references from Church leaders in city A and city B Church.
 3. Letter of support from religious Association of city A
 4. Evidence of my first booking to travel from city C International Air-Port.
 5. Evidence of my second e-ticket to travel from stated AirPort.
 6. Evidence of my qualification in Egypt.
 7. My Birth Certificate.
 8. Evidence of my renew business registration in city A.
 9. My Tax File Number for my business.
 10. Police Summons.
 - 11 My lawyer's legal report.
 12. Letters from my relatives in Egypt.
26. The actual documents provided by hand were, in fact, as follows:
 1. The statement of the applicant as per para 24 except for a handwritten message on the front page indicating that dates at paras 19, 29 and 37 of the original statement had been 'corrected'.
 2. Attachments as per 1 to 6 and 8 and 9 in para 25 above.
 3. The following documents were attached but were not in the list of attachments:

U.S. Dept of State Religious Freedom Report – Egypt 2007

Internet article: The Egypt Blog – Christian Discrimination Continues in Egypt
21/2/2005

Internet article: Egypt Today Vol. 29 #7 July 2008 – Celebrate Egypt’s rich
religious heritage

Internet article: Association 1 Blog Archive 21/9/2003 – Egypt attempts to close
Copt Church

Internet article: Canadian Egyptian Organization for Human Rights- no date but
approx July 2008. List of articles, upcoming events and latest news.

Internet article: The Free Copts – Simultaneous rallies to protest persecution of
Christians in Egypt. 21/4/2006

Internet article: The Coptic Orthodox Diocese of Sydney & its Affiliated Regions
– Protest against the resent [*sic*] events in Egypt. 4/7/2008

Internet blog: ‘Voice of the Martyrs’ Attack on Deir Abo Fana Monastery -5/7/08

Internet article: United Copts List of Atrocities 7/8/06

Internet blog: Islam vs Church vs Israel - no date

U.S. Department of State Country Reports on Human Rights Practices –Egypt –
2005 issued 8/3/2006

Appeal to UN to protect the Copts in Egypt – The U.S., Canadian, Australian and
European Coptic Associations – no date

Photos of the applicant with bandages to his head and leg (undated); photos of the
city D demonstration (dated as specified)

Leaflet about the city D protest by the Australian Coptic Association dated as
specified

One page describing who the Copts are – no origin, no date.

One certificate attesting to the applicant having completed a number of
management training programs at the specified institute (no indication of place)
dated as specified

Copy and extract translation of the applicant’s ID card.

27. The applicant’s statement contained the claims as follows:

1. My family is an old Coptic Orthodox family that has a high profile among the Orthodox families in Upper Egypt. This family provided the Coptic Orthodox Church in Egypt with many clergy among them former Bishop and priests serving the Coptic community in Upper Egypt.

2. I have a clerical position in my church and I was student at college, because the church council selected me to be a member as soon as I finalize my studies. I participated as practicing Coptic Orthodox person in the welfare of the Church and the Christians and Christianity at large and the Coptic community in particular.

3. My duties at my church are following:

Printing and copies of CD/DVD and video of Church's hymns, liturgy and sermons. All that according to my church's approval. Responsible of electronics equipments for all churches in parish of city A Clerk at Christian youth welfare, member of clerks council to protects poor Christians from convert to Islam.

4. I have had my own business for wholesaler equipment.

5. I was run my successful business involved some employees working full-time.

6. I serve my church through my professional therefore, my duties at the Church was to send to all youth at the Archdiocese of city A a weekly religious magazine through the e-mails, advising the youth with meeting, subjects and Church's news.

7. As an active member of the Orthodox Action and as a member of business chambers in Upper Egypt, I became aware than many about the efforts of the Muslim extremist in Egypt to erode and destroy Christianity in Egypt. We must bear in mind that eremitism and terrorism was born and raised in Egypt long before September 11, Muslim Brotherhood was and still is the breeding ground of many terrorist groups including the 'Gammaa Islamiya' that has Sheikh Omar Abdul-Rahman, as its spiritual mentor, who issued his infamous "fatwa" that terrorists can finance their activities by attacking Coptic jewellers and other Coptic businessmen. He is now imprisoned in USA in the early 90s for his role to blow up WTC. And that from early seventies till the present date Egyptian Christians called Copts and many foreigners faced persecution, and acts of terrorism at the hands of the Muslim extremist terrorists. The police used to turn blind eye to their horrendous actions against peaceful Christians, The attack on tourists in Northern Monasteries and other locations and the events of town A is just some damning examples of many acts of persecution committed by Islamic terrorists.

8. In addition, I was born from the same village of name stated. The second person at extremist organization. Although the Egyptian Police arrested the fanatic Islamic groups who are threaten the authority but the Islamic Groups still active and threaten all Coptics in Upper Egypt.

9. In my position as a clerk in my church I came across many cases where Muslim extremists in their effort to erode Christianity in Egypt tried to break up Christian families and undermine Christian youths including using underhanded tricks that put them in trouble with the police such signing documents presented to them as winners at certain supermarkets then, they discovered that became converting to Islam and marriage documents etc... This sort of police problems have serious and dangerous implications and in most cases to threat of imprisonment with charges of apostasy for girls and rape for males, and once a person was imprisoned and soon other inmate knew about the charge; this persons fate would be doomed.

10. However as a business man and through many connections and networking with other interested persons in other Christian communities in similar positions managed to save many Christians victims from falling in the hands of Muslim terrorists. Many

of these cases are well known. The legal obstacles that were put against us was the second Article of the Egyptian constitution that stated the Islam is State religion, and that Islamic Shariah is the main source of jurisdiction. It contradicts blatantly and made mockery of the article in the same constitution that stated that all citizens are equal, and the other article about freedom of religion and worship. Many intellectuals and professionals were lobbying to amend these articles however it became very difficult in the current political climate. I can when needed provide details about many of these victims.

Persecutions from Gamaa Islamia and Egyptian Police::

11. In specified date, one of the leading Gamaa Islamia in city A, open a new modern business called "as stated" as a central shopping center in city A. The shopping consists of few levels. When that business started, they advertised that they offered the best and higher wages to their employees. We thought that is a perfect to create a new competitive market in city A.

12. But after few months, a friend informed me that the business owners of shopping centre are leading of extremist in city A and they encouraged the Christians girls to work for them on best wages under condition to convert to Islam and on some cases they enforced two Christian girls to convert to Islam after they sexually assaulted them.

13. Bishop of city A, called for an urgent meeting for all priests, Christian business mans and deacons on his parish. I was one of them. The Bishop met the Governor of city A who confirmed that he will arrest those peoples but as usual he did nothing to protect Christian girls. Therefore, the bishop advised all Christian girls not to work on this business.

14. Friend gave me the responsibility to investigate one of Christian girls that was enforced to convert to Islam. Her name is as stated, adult I did my contact with her family and friends.

15. I call for youth and deacons meeting in my church and we write our objection to the senior police in city A who carelessness handles this matter. several deacons signed on this letter.

16. On the same date I informed the Association 1 in the president, with all these incidents by e-mails.

17. On the same time those Muslim extremists claimed that I abused them when I announced that at the church, they are kidnapping and they are intentionally assaulted our Christian girls. They lodged a complaint in another police station one hour drive from the police station I was in. The police took this complaint seriously and processed in a way that would put me in great trouble, and the irony is that they claimed that I abused them while I was actually and physically at the same date and time in another police station. However Islamic justice in Egypt is truly blind.

18. Since that time I received threaten telephone calls to kill me. But it was my principal to continue my work with my church.

19. On specified date I was summoned to city A Police Station to make another undertaken not to in any community dispute and I was threatened not to approach victim forced to convert to Islam In our efforts to strengthen the faith of the victim of Islamic extremist groups, we were very cautious and we do not press the issue with

any person we deem that their case is hopeless. Among it is the case of the previously stated who is of ill repute and established an illicit relationship with a co-worker in the Company, but as I mentioned earlier Islamic justice is truly blind. However it is a valid reason for Islamists to summon me to the police station to receive some heavy brutal beatings at the hands of their collaborators.

20. On specified date, several police officers came to my business, one officer arrested me in my office and the other destroyed all my business, when I asked why all that, the police officer kick me on several times. He threatens me if I ask any further questions. They spent one hour searching and they collect all hard-drivers, it was several computer hard-drivers.

21. They released me in my work and left me bleeding because of my injury, one of my assistance called to my doctor who came immediately and he derived me to the nearest medical centre.

22. I recovered on the same day and immediately I contacted a Christian lawyer who serves in my church. The action was surprised me because my business is registered and I have special license for computer services and also to copy CD/DVD. I satisfied all my legal documents.

23. My lawyer did his inquiries to investigate the nature of this arrest. The police officer informed him that this matter related to my religious activities because I sent e-mail messages through the internet to the Association 1 This case concerned the security of the state department. They confirm that they will contact me as soon as they investigate all materials and hard drivers.

24. That caused to my business to be closedown and threaten to fabricate serious case against me.

25. I thought that I will get all my legal right by law, I instruct my lawyer to take all the legal procedures. But my lawyer confirmed that this matter is out of our control because the Egyptian authority fails to responds to our request. It was very ambiguity because I believe that I didn't make any think wrong in my life with the authority.

26. On specified date, I was physically abused and assaulted by Islamic group. About several persons attacked my home when I was slipping. It was morning early, they were dressing Islamic dress, holding sticks and knife, they shouting, assaulting and abusing me with very bad words.

27. One of them put his knife on my face and injured me on the top of my face The others hit me by the sticks. I suffered several injuries in my body They said that if I back to the church they will kill me. They left me unconscious for long time.

28. My parents support me to go to our nearest Hospital and they called the police to report this incident but they refused to tack any action to protect me.

29. On specified date, I was arrested at maid night. Some of the police officers came to my house with an order to arrest me although I am the victim. They were very aggressive; they destroy all my religious icons in my home and kick me from the upper stairs.

30. I spent some days and nights at individual police detention, they were treating me like animal.

31. The police officers raided me from home and drove me to the police station accusing me of having adultery with Muslim girl and insult the Islamic religion. On this occasion the police punished me and I been tortured, intimidation, an attempt to kick me on my privacy to enforce me to confess to a crime that I did not commit.
32. The police officer gave me two options that to convert to Islam or I will face criminal charge from the police and the Islamic groups will attack me. Although I denied the accusation and I denied any relationship with any Moslem girls on all my life.
33. After some days they became very soft with me and advising me to convert to Islam; they gave me an option and gave me time to thinking and to take the final decision. He told me that ***"I advice you to change your religion and work with us, we will guarantee your future in Egypt, that good for your future, and security for your life, we planning to destroy all Christians on Egypt within next ten years. "*** The commander police officer as stated, confirmed that they monitors my religious activities and they have enough evidence to prove that I contacted the Association 1 in USA. they released me in order to change my mind.
34. I back to my home and I spent one week in my home, very stressful and panic to go out on the street. I lodged complaints to all Egyptian authorities in order get any solution from threaten which that I am suffering in Egypt, but until now I didn't get any responds.
35. Since that day I received many telephone calls to threaten me to be killed if I back in any church.
36. My lawyer and priests in my Church advised me to leave my home immediately.
37. On specified date, I successfully escaped at night from my home. My close friend support me t and gave me sun glass and head cape to be hidden from any one I escaped to other church at city B village at western desert in Egypt.
38. We went to specified Church at the village of city E, city B at specified parish, and from there I start my communication with other people by friend's mobile phone.
39. Within some weeks my family, lawyer and priests informed me that the police investigating my religious activities in order to arrest me to refer my matter to the Security of the State Department and my lawyer advised me not to back to city A on this time because of the risk on my life if I back to city A.
40. Every one advised me to leave the country as soon as possible because of the risk on my life.
41. I never prepared myself to travel out of Egypt but the church supported me to contact one of the education agents who take all the process at the Australian Embassy.
42. A Friend informed me that the police officers attacked my home and threaten my father and my mother, they sexually abused her, threaten to kidnap my sibling because they asking about me but no one inform they about my place. They threaten my family that they will arrest them if they didn't inform where I am `if they know my place". Also they asked them to contact the police station as soon as I back to my home.

43. On specified date, I granted visa.
44. I received the cost of ticket from my friends and the church because I was out of cash money.
45. My lawyer takes some time to search whether there is discretion to prevent me from travelling out of Egypt My lawyer advised me that according to the Egyptian law I can travel if there is no final court order against me.
46. I booked to travel through e-ticket, I been recommended not to use any travel agent in Egypt because the police monitor them.
47. Therefore I booked through the internet from travel agent outside Egypt.
48. My first booking was confirmed to travel from city C International Air port on specified date But on the same day, my lawyer informed me that there is tough police, and they may arrest me. I been disappointed and I scared to take the risk, therefore I back again and I cancelled my ticket.
49. Therefore, I changed the travel ticket to travel from stated Air-port, on specified date Information about applicant deleted in accordance with S.431 as it may identify the applicant.
50. I was extremely worried at the time when I left Egypt Since I received the Visa to travel to Australia, I was very scare to go to the Airport but because there is no final decision of court order, I have no restriction to travel out of Egypt, that according to Egyptian Laws. That plus lawyer was with me all the time I travelled between city B and city F with his car.
28. The Tribunal hearing was rescheduled to specified date and in the interim the applicant provided the Tribunal with documentation about his non-appearance at the first hearing: he had taken ill. The Tribunal was also informed that on the evening of specified date (the day before the original hearing date) the applicant had received a telephone call from overseas informing him that his parent had been arrested because the Egyptian security police force [*sic*] accused his parent of supporting the applicant in his escape from Egypt when he/ she had received a summons at the time that the applicant was leaving Egypt. This information in the form of a letter from the applicant's adviser (dated as specified and faxed to the Tribunal) goes on to say that the applicant was badly affected by this news and could not see a doctor in city G because he does not have a Medicare card. He had travelled to City D where a supportive Egyptian doctor had seen him and he had been admitted to stated Hospital.
29. The Tribunal hearing was conducted on specified date by videoconference with the assistance of an interpreter in the English and Arabic languages. The applicant's advisor also attended the hearing.
30. At the hearing the applicant reported that his parent had been held for some days because of him. He had been accused of withholding information. They are pressuring him. He also reported that his family has a farm with animals and while his parent was held in custody, several cattle were killed. His parent cannot cope with the abuse and this is their way of pressuring him [the applicant] to go back.

31. Asked for the reason he came to Australia, the applicant stated that he did not choose Australia but other people did it for him. He said he is threatened by Islamic groups in Egypt and the police and other authorities in Egypt will not give him a fair go.
32. The applicant was asked about the delays in applying for his Protection Visa once he arrived in Australia and the delay in departing Egypt after having been granted his student visa. He stated that he had problems getting documents of support from the Church and also the main reason was that he feared for the safety of his family; that they would be harmed. He cited a Canadian case where the family in Egypt was harmed following an application for asylum. He added that when he arrived in Australia he did not have any intention of applying for a Protection Visa, he only wanted to get away from trouble. Because of what happened to his parent, he can see that they are not going to close his [the applicant's] file. They also wrecked his business in Egypt.
33. When the Tribunal asked the applicant about the summons he had been issued, it became clear that the applicant thought he had submitted it to the Tribunal. After some discussion it was agreed that there were some attachments missing from the submission, as outlined above, and these would be provided to the Tribunal as soon as possible after the hearing. The applicant stated that the summons was for his arrest and the authorities came into his business took information from his hard drives, mainly emails to the Association 1. The visit to his business occurred in date specified and the summons was issued on date specified.
34. Asked why he had changed some dates on the latest version of his statement he replied that someone else wrote the statement and if he said late May, for example, the person would put 30 May. He had tried hard to recall the dates and he was emotionally distressed, that is why he had to correct the dates.
35. In a discussion about the manner and the place from which he departed Egypt, it transpired that his lawyer (in Egypt) was accompanying him to the city C airport. The latter apparently went into the airport by himself and came back indicating that the security was tight and therefore the applicant should not leave from there. Asked why his ticket indicated only a short trip to Australia he stated he did not know as he did not book the ticket himself. Asked who were the sender and addressee of the email where the second ticket details were outlined he stated that he did not know. He left Egypt through stated airport near city F because international flights from there only go to other Arab countries. He disputed the Tribunal's suggestions that the authorities would be aware that he had left and would know where he had gone, given that he used his own passport. He cited the lack of computerised systems.
36. He described his business in city A as a Cafe He had opened it on specified date and the business was destroyed by the police on specified date. The business is no longer operating.
37. He stated that he was a clerk in the Coptic Church. He had grown up going to this church and had begun to study to become a member His duties were to help the priest, holding incense and other jobs around the church. The Tribunal clarified with the applicant that he did not wear any vestments. His work also included visiting Christians and encouraging them to come to Church; he also sent emails to get them to come to Church. He also stated that he did voluntary work in teaching the children (he showed the Tribunal photographs of this activity). He described his work there in terms of his

saving those children from the Muslim influence. He said that when the police questioned him they also asked him questions about this voluntary work.

38. The applicant reiterated that all his activities were lawful activities and he was trying to help young Christians get employment without being placed in the position of being subjected to the threat of being unemployed unless they converted to Islam. He noted his involvement along these lines with a particular person, victim stated .
39. The applicant stated that he was questioned about these activities because the authorities do not want information to be passed on to the outside world. He stated that the country relies on tourism and external support to survive and anything that would disturb this is not looked upon favourably. He stated that from about the year 2000 the police have monitored the activities of Christian churches. He claimed that he had sent a letter to the Public Prosecutor to complain about this
40. Asked why the authorities would detain his parent almost a year after the applicant left Egypt, he stated that this was not the first time that his parent had been contacted by the police and harassed about the location of his/ her son.
41. On specified date the Tribunal received from the applicant's advisor faxed copies of two police summons with translations; a statement by, the applicant's lawyer in Egypt (copy of original and translation); a letter of support from the Coptic Diocese of city D and Affiliated Regions; a statutory declaration by the applicant dated specified date.
42. On specified date the Tribunal received the original of the statutory declaration, the letter from the Coptic Church, the Egyptian lawyer's statement and the summonses mentioned in para 41 above. In addition the applicant included: the original of his business registration papers; the original of his taxation registration card; the original translation of his ID card; several photographs dates specified of the applicant with children; two untranslated business cards said to be of the applicant's lawyers in Egypt: from City A and from city C- the applicant indicated that these two cards were being translated into English. Enclosed was also an issue of a magazine titled Coptic Orphans Annual Report It is stated that this report is in support of the claim that without the support of the Coptic Church in the U.S., Australia and Canada these children would die or be recruited into the Islamic Brotherhood or end up becoming victims of killings, rape and torture.
43. The applicant's statutory declaration dated specified essentially reiterated what he had said at the hearing with some clarifications reproduced here:

His parent was targeted because on many occasions he had told the police that his/ her son was ill or at work in response to their enquiries as to why he had not answered the summons. The police are not aware that he is in Australia and therefore they arrested his parent to force him/ her to reveal where he is and to get him to return to Egypt.

He has been on medication prescribed by a 'psychological doctor' since he went from city A to city B. He names the medicines.

He remarked that some of the expressions the interpreter was using, he could not understand.

44. On specified date the Tribunal, pursuant to s.424A of the Act, sent the applicant the letter, the salient points of which are reproduced below:

Summons

The copies and translations of the summons which you provided to the Tribunal request that you attend for questioning but they do not stipulate when you should attend. Is there any reason for this?

They were issued on specified dates respectively. You also claimed that on specified date you were arrested (this date was originally specified date). Could you indicate why the police would summons you on the same day that you claim they arrested you? You also claim that you were arrested on specified date. Why would not the police come directly to interrogate you under the circumstances rather than deliver a summons to you?

Do you have the originals of these summonses?

Student visa

Documentation on your Departmental file in city C indicates that the University of New England made an offer of admission to you by letter dated specified and other documents indicate that you were offered provisional enrolment in your English language course by letter dated specified. This does not coincide with your claims and evidence that you decided to leave Egypt sometime after specified date when you claim you were already in city E (the original date was specified date). You also claimed that others made all arrangements for you. Could you please comment on this.

Arrangements for leaving Egypt

Paragraphs 46 to 49 of your statement of specified date indicate that you made the bookings to leave Egypt; this was repeated in your statement received by the Tribunal on specified date. At the hearing you stated that someone else had made the arrangements and you had no knowledge of why the first booking was for a relatively short trip nor did you know the origin of the email containing the information about your second ticket. Could you please comment on this discrepancy.

Medication

In your statement to the Tribunal dated specified you claimed (paras 20 and 21) that you have been taking medication since you were in city B. When you presented to the Emergency Department of the stated Health Service on specified date (you supplied the Tribunal with relevant documentation about this event), the documentation indicates that no medications were started/ceased or modified in the emergency department (medication stated)? If so when did you cease the treatment?

Supplied photographs

The photographs showing computers and peripherals on the floor raise the following issues for the Tribunal:

The photographs show that the pieces of equipment have been rearranged before another photo was taken; if this is meant to be a record of what happened, why has this been done?

The photos show one computer with its hard drive in place; this does not coincide with your claims that the police confiscated the hard drives. The pictures appear to show that this equipment was dismantled; could you please comment on why the police would dismantle equipment which would make it harder for them to extract the data, rather than take the complete unit for examination.

The photos also appear to have been taken in a basement, the amount of dust on the shelves, the lack of any power sources, the absence of any computer monitors, the presence of loose mother boards does not indicate to the Tribunal that this is a cafe which you claimed to have been running. Could you please comment.

Could you please indicate when these photos were taken.

The photographs purporting to show your injuries:

One of the photographs shows a person with an apparent injury to the leg. Is this a picture of you? At no time have you claimed that you had sustained an injury to your leg. Could you please clarify.

The two photographs which show you with bandages around your head appear staged. There is no indication of a wound and the 'blood' stains do not appear to coincide with the injury presumably covered by the bandages. Could you please comment.

Could you also indicate when and where these four photos were taken.

Your occupation

In your application for a visa you stated that between dates specified your employer was 'Young men's Christian of city A' and the type of business shown is indicated as 'microsoft office package' This does not accord with the statements you made to the Tribunal about your occupation during this period as you said you were self-employed and owned a cafe This information also does not coincide with the letter of support from the YMCA in city A dated specified which you provided to the Tribunal. Could you please comment.

The above information is important to your case because, subject to your responses, the Tribunal might find that some of your claims are not credible and as a consequence affirm the decision of the Department.

Other matters

In your written statement to the Tribunal dated specified date at paragraphs 22 to 24 you make some observation about the interpreting. The Tribunal recalls that during the hearing there were two instances where there was some confusion about an expression but these instances were cleared up immediately. You did not raise any other issues about the interpreting at the hearing and the Tribunal invited you to do so in the preliminary remarks to the hearing. If you feel that there were substantial errors which had a major impact on your case, you should detail them to the Tribunal as soon as possible.

The Tribunal attempted to provide you with an Egyptian Christian interpreter as you requested; as none was available, it assessed that it was more important in your case to provide a non-Muslim interpreter. It also considered your level of English knowledge and your education in making this decision.

45. On date specified the Tribunal received a response to the above letter from the applicant as well as a legal submission from his adviser to which were attached a Human Rights Watch document (23 December 2006); various articles from the Association 1; the U.S. Dept of State Report on Human Rights Practices for Egypt, 2007; a document downloaded from canadianchristianity.com dated August 16, 2007; an internet article from the American Civil Liberties Union of Pennsylvania regarding a case in the U.S.

FINDINGS AND REASONS

46. The applicant is an adult male of Coptic Orthodox religion. He travelled to Australia on a valid Egyptian passport issued in his own name and an Australian visa granted on date specified He arrived in Australia on date specified On the basis of the above documentation the Tribunal is satisfied that the applicant is a citizen of Egypt and will consider his claims against that country.
47. The essence of his claims is that he will be persecuted on return to Egypt for reason of his religion. The evidence indicates that he owned a 'cafe' in city A – this business also involved the wholesale of equipment and it had few full-time employees. He is a Clerk in the Coptic Church in his parish, was involved in carrying out duties on behalf of the Church which included disseminating information about the Copts in city A, communicating with the Association 1, producing copies of CDs and DVDs of hymns for all the churches in the Parish and doing a number of other volunteer jobs for the Church such as helping it prevent forced conversions to Islam of (mainly) young women, doing some teaching and other community support type of activities.
48. The applicant claims that because of the above activities he has been threatened, assaulted and his business has been destroyed by the police. He claims that the catalyst for such treatment was a complaint lodged against him by Muslim extremists following his investigation on behalf of the Church into the practices of an employer who would pay Christian young women better wages if they converted to Islam; this investigation related to a specific Christian young woman. He had also jointly signed a letter of complaint to the police about their inaction over these practices.
49. Independent country information, for example, the International Religious Freedom Report 2008, by the Bureau of Democracy, Human Rights, and Labor, Egypt, of the U.S. Department of State, released on September 19, 2008 states *inter alia*:

The Constitution provides for freedom of belief and the practice of religious rites, although the Government places restrictions on these rights in practice. Islam is the official state religion, and Shari'a (Islamic law) is the primary source of legislation.

Restrictions on Religious Freedom:

The approval process for church construction continued to be hindered by lengthy delays, often measured in years. Although government officials maintain that President Mubarak approves all requests for permits presented to him, independent critics charge that delays by the MOI and/or local authorities cause many requests to reach the President slowly or not at all. Some churches have complained that local security officials have blocked church repairs or improvements even when a permit has been issued. Others suggest unequal enforcement of the regulations pertaining to church and mosque projects. Many churches face difficulty in obtaining permits from provincial officials.

According to statistics published in the *Official Gazette*, the President issued decrees authorizing construction of 10 Protestant churches, 3 Coptic churches, 2 Catholic churches and a multid denominational cemetery. No statistics were available on the number of requests made.

Coptic Orthodox Pope Shenouda III inaugurated on November 20, 2008, the first church in New Cairo district, Tagammu' Al-Khamees, and on December 12 inaugurated the first church in Obour City. Church authorities first applied in 2005 for permits to build the church in Tagammu' Al-Khamees and in Obour City. Other churches inaugurated during the reporting period include: St. John the Soldier Church and St. Amir Tadros El Shatby in Beni Mazar; Archangel Michael Church in Luxor; St. Bigol and Bishay Church in the Red Monastery of Sohag; the Church of Mother Doulagy and her Children in Qena Governorate after its reconstruction and expansion; St. Mary and St. George Church in Alexandria; the Cathedral at Seryan Monastery of Wadi Al Natroun; and St. Mark Church in Beni Mazar.

On Feb 17, 2008, the Governor of city A announced that he had recently issued 200 permits for church renovations.

On November 13, 2007, *Al Gomhouriya* newspaper reported that the South Sinai Local Council rejected a Vatican request for permission to construct a Catholic church in Sharm El Sheikh.

Local government officials have refused to issue a building permit for a new church in the District of City A for a decade, despite a 1997 order from the President and approval from the MOI to issue it. The President issued decrees allowing the Coptic Orthodox churches in city A's specified District and Burg al Arab, City F Governorate to construct new churches, but they have been waiting for construction permits to be issued since 1997 and 1988, respectively.

Local government officials in City A Governorate revoked a license to reconstruct the church belonging to the Church of the Brethren shortly after it was granted in June 2001, and construction has been halted for the past 7 years. Church representatives reportedly began the application process in 1997, intending to replace their church building, whose dilapidated condition posed safety hazards. Local police reportedly halted construction after the old building was razed in preparation for building the new one.

The St. George Church in Dafesh, near City A, applied for a permit to rebuild their church 26 years ago, but continued to worship at the old church site at the end of the reporting period. The local governor had granted the permit 18 years after it was requested, but the Government halted construction in 2000, reportedly because the church had not obtained a presidential decree for the building permit.

The MOI continued to prevent renovation of St. John the Baptist Church at Awlad Elias in Sadfa, near City A begun 7 years ago, and at the end of the reporting period the congregation continued to meet for worship in a tent erected in the small courtyard of the church. The governor of City A issued a decree for a permit to undertake renovations in 1999 that was renegotiated with the State Security in 2001 to allow for enlargement. Church representatives initiated their request for a renovation permit in 1999.

Forced Religious Conversion:

There were no reports of forced religious conversion carried out by the Government; however, there were again reports of forced conversions of Coptic women and girls to Islam by Muslim men. Reports of such cases are disputed and often include inflammatory allegations and categorical denials of kidnapping and rape. Observers, including human rights groups, find it extremely difficult to determine whether compulsion was used, as most cases involve a female Copt who converts to Islam when she marries a Muslim male. Reports of such cases almost never appear in the local media.

50. A number of newspaper reports and reports from other organisations illustrate the situation in more detail as follows:

EGYPT: Christians arrested, shops looted in village Compass Direct, 21 November 2008. (CX214783)

Funeral incident leads to disproportionate response from Muslim mobs, police.

ISTANBUL – Authorities in an Egyptian village arrested 50 Coptic Christians, whose shops were then looted, to pacify Muslims following violence that erupted on Nov. 4 over a Christian boy's unwitting break with custom.

Muslim villagers attacked the homes and shops of Coptic Christians in violence-prone Tayyiba, a town with 35,000 Christians and 10,000 Muslims, after 14-year-old Copt Mina William failed to dismount his donkey as a funeral procession passed.

William was watching the procession in Tayibba, 220 kilometers (137 miles) south of Cairo, with Nathan Yaccoub, also 14. William's failure to dismount violated a local custom of showing respect, Copts United reported, and members of the procession reportedly beat him before completing the procession. William suffered minor injuries.

After the funeral procession, the processional members began throwing stones at the homes of local Copts and attacking their shops before police broke up the crowd with tear gas.

A priest said members of the procession did not attack the youths for showing disrespect but as an excuse to lash out against the community's Christians for a previous episode of sectarian violence.

"These two children with the donkey didn't know about the traditions," said Father Metias Nasr, a Cairo-based priest with connections in areas south of the capital. "The Muslims there were angry about the last case of violence and wanted to create a new problem with these two children there."

When the violence began, police presence increased significantly in the city. But rather than quell the unrest, police reportedly made matters worse for the Christians. After breaking up the crowd, officers detained 50 Copts and 10 Muslims.

A source told Compass that police arrested a disproportionate amount of Christians to create a false sense of equanimity and to pressure the Christians into "reconciliation" with the attackers so the Copts would not prosecute them. The arrested Christians have since been released.

In the two weeks since the attacks and looting, the increased police force in the village has harassed Copts through intimidation, "fines" and racketeering. Police have taken an estimated \$50,000 from village Copts, the source said.

Once police lifted the curfew, Coptic shopkeepers returned to their stores to discover that they had been looted. Sources said the perpetrators were "supply inspectors," local government inspectors who do quality control checks on goods. They gained access by smashing locks and doors of the shops.

The sources said supply inspectors plundered grocery stores, a poultry shop, an electronics store and a pharmacy.

According to Coptic weekly Watani, looters stole nearly \$2,000 worth of goods from grocer Bishara Gayed. Another victim of the looting, an owner of a poultry shop who declined to give his name, blamed supply inspectors for running off with his stock.

A local clergyman condemned the violence.

“It is unreasonable that a mistake by some 14-year-old should lead to all that rampage,” a village Coptic priest known as Father Augustinus told Watani. “Something ought to be done to halt all this.”

Orphanage Bulldozed

Numerous instances of sectarian violence have struck Tayyiba in the last few months.

Last month a Coptic Christian was killed over a dispute with a Muslim who wanted to buy his house. Violence escalated, resulting in damaged storefronts, 48 arrests and injuries sustained by three Christians and a Muslim.

Such quarrels typically arise from land ownership issues. A Coptic source told Compass that Christians in Tayyiba are generally wealthier than their Muslim counterparts, often leading to resentment.

Tayyiba was stable at press time, though the town is considered to be continually in danger of religious violence flaring. This situation is common throughout Egypt, Fr. Nasr told Compass.

“The village is like anywhere in Egypt,” he said. “In every place in Egypt we can say that in one minute everyone can be destroyed by fanatics, sometimes through the encouragement of security [forces].”

The Coptic Church has faced recent difficulties in other Egyptian cities, with government officials attempting to obstruct their religious activities. On Wednesday (Nov. 19), city officials in Lumbroso, Alexandria destroyed an unfinished but recently furnished Coptic orphanage owned by Abu-Seifein Church and worth 6 million Egyptian pounds (US\$1 million).

Officials claimed the building did not have a license, although church leaders said the demolition came on orders from the religiously zealous Islamic mayor. Ali Labib, former head of police and state security in Alexandria, in his two-year tenure as mayor has refused license applications for new church construction or rebuilding, said a Cairo-based Coptic priest who requested anonymity.

The priest said the orphanage was only able to obtain a license because it was issued before Labib’s tenure.

Islam is a growing presence in Egypt’s public sphere. While the government has attempted to crack down on extremists, Islamic civil groups that have drawn widespread support by offering cheap medical assistance and private lessons to school children include the Muslim Brotherhood, an Islamist organization with jihad in its credo that has been accused of violence.

The Muslim Brotherhood is well regarded by the average Egyptian, who equates the government with autocracy, corruption and repression, author and intellectual Tarek Heggy reportedly said. Over the last four decades, the Muslim Brotherhood has

introduced its brand of fundamentalist Islam into Egyptian schools, mosques and media, he added.

Egypt's ethnic Christians, known as Copts, belong to the Orthodox Church and number 12 million among the country's 79 million inhabitants. There are smaller groups of Catholics and Protestants.

EGYPT:Copts the victims of Islamisation says prize-winning Egyptian author, Adnkronos International Press News Agency (AKI), 10 November, 2008. (CX213984)

Otranto – Coptic Christians, women and other minorities are paying the price of increasing Islamisation in Egyptian society, leading author and intellectual, Tarek Heggy, has told Adnkronos International (AKI). The fundamentalist opposition Muslim Brotherhood was one of the groups responsible and was indoctrinating young people through its welfare work, Heggy said.

“I believe the major problem for the Copts in Egypt is related to the overall cultural environment. The more radical society becomes, the worse the situation gets. This is also true for Bahais,” Heggy said, referring to a smaller religious minority in Egypt which now numbers only a few hundred people.

Heggy was speaking in the southern Italian coastal town of Otranto where he was awarded the prestigious 2008 Grinzane Terra D'Otranto prize for dialogue, tolerance, solidarity and integration.

Copts - who form some 10 percent of Egypt's population and the largest Christian community in the Middle East - have been the target of periodic attacks by Muslim hardliners in recent years.

The Islamisation of education in recent decades is a major cause of an intolerant mindset that has developed in Egypt, which the Muslim Brotherhood has helped create under the guise of aid to local communities, Heggy argued.

“The Muslim Brotherhood is well regarded by the average Egyptian, who equates the government with autocracy, corruption and repression,” Heggy said.

”The group is seen as less corrupt and more supportive of people, and serving them in the real arena of need – health and education.”

The Muslim Brotherhood gives extensive aid to local communities, including medical assistance and private lessons for school children for a symbolic fee - a major draw for poor Egyptians, many of whom view the group positively.

A trip to a regular dentist costs 12 euros – half a teacher's monthly wage – while there are 80 children in an average class in state schools, Heggy said.

"The Egyptian government is handling the Muslim Brotherhood as a security issue alone," he said.

"But it is a cultural, social, political, educational, religious and economic problem."

A leading oil industry strategist and former CEO of petroleum giant Shell, Heggy has written more than 20 books including five in English. Democracy, tolerance, and women's rights feature in his works on Egypt and the Middle East .

He advocates self-criticism and sweeping reforms in the region, including the reform of school curricula.

The fundamentalist Wahabi influence has penetrated education in Egypt, where Arab literature, poetry and plays have been replaced with sacred Islamic texts in schools, Heggy said.

Up until the 1960s, Egypt was a truly Mediterranean society, but this has been gradually replaced by an Arab/Bedouin culture.

Besides schools, mosques and the country's media – radio and TV – have also been Islamised, he said.

“The four entities that have most influence on people have also been influenced by anti-secular cultures,” Heggy stated.

Egypt's 1971 Constitution defines Islam as the state religion and Islam as the main source of law.

“The Coptic problem is that of pressure on a minority, intolerance towards others and a lack of acceptance of pluralism. The more Egypt is influenced by the Wahabi interpretation of Islam, the worse it is for the Copts,” said Heggy.

Heggy last year published a controversial essay ‘If I were a Copt’ which highlighted the injustices Copts face in Egypt.

Copts have for over 50 years been barred from holding key administrative and political posts in Egypt. The Al-Azhar University in Cairo does not admit Copts to any of its faculties.

Apart from a donation made by Egypt's former president Gamal Abdel Nasser to the Cathedral of San Marco in Abbaseya, the Egyptian state has not financed any church since 1952. Copts also have difficulty in obtaining licences to build churches.

“There can be no solution to the problem in isolation from Egyptian society. When there is a reasonable degree of freedom in Egyptian society, there will be a reasonable degree of freedom for Copts.”

President Hosni Mubarak's successor will be the key to Egypt's future, according to Heggy. "It needs a competent leader who can bring about economic and social progress and improve the living conditions of women and men. "

He said the country's gross domestic product per capita is 1,200 dollars and 25 percent of the population is unemployed with joblessness concentrated in the 20-40 age group.

The high unemployment and low living standards of ordinary Egyptians is in stark contrast to the wealth of Egypt's cabinet ministers, seven of whom are on the Forbes rich list, Heggy said. “There is a conflict of interest between these people and the long-term interests of Egypt,” he stressed.

Heggy has lectured at many universities and research centres including University of California in Berkley and The Washington Institute for Near East Policy. He is also a board member or trustee of numerous institutions including the Egypt Bar

Association, Egypt Writers Association, the MSA University and Girls College Ain Shams University in Cairo, and the Council for Supreme Education in Abu Dhabi.

EGYPT: Rights group says sectarian violence on the rise, Daily News Egypt, 27 October, 2008 (CX213268) by Sarah Carr

CAIRO: Rights group the Egyptian Initiative for Personal Rights (EIPR) says that the geographical scope of sectarian violence in Egypt increased between July and September 2008.

EIPR describes these incidents, as well as violations of religious freedom, in the form of interference by security bodies and discrimination on the basis of religious belief, in its third quarterly report on freedom of religion and belief in Egypt, issued Monday.

Eight incidents of violence of a sectarian character are listed in the report, all of which involved clashes between Muslims and Christians.

In Naga Hamadi, Qena, a dispute which broke out after a Muslim man objected to a Christian parking his car in front of the Muslim man's home escalated into a fight involving a group of Muslims who broke into the Christian man's house and physically attacked his family.

Eyewitnesses and the victims of the attacks told EIPR researchers that the police had tarried in arriving at the incident — even though the police station is located nearby, and despite the fact that they had notified police as soon as the dispute broke out.

In addition, the victims of the attack say that they were pressured by the police into withdrawing the criminal charges they brought against their assailants: two of the injured Copts were detained in order to pressure the family into signing a reconciliation agreement.

The report adds that police forced the Christian family to hold their daughter's wedding (scheduled for the day following the attack) despite the fact that they wanted to postpone it.

Security reportedly held two members of the Christian family at the police station in a bid to impose a reconciliation settlement and abandon legal charges. Holding the wedding, one EIPR researcher told Daily News Egypt, was a symptom of that coercion.

Rights groups allege that sectarian tension in Egypt is inflamed by the police response to such incidents, which they say is often slow and inadequate.

The use of "reconciliation sessions" in response to such incidents rather than a criminal legal process — even where Christians have suffered physical injury or damage to their property giving rise to a legitimate legal claim — both encourages further acts of violence and leads to a feeling of vulnerability within Egypt's Coptic community, rights groups say.

On Oct. 8, EIPR reported on a sectarian incident in Samalut, Minya, which left one person dead and four injured.

In its press statement, EIPR urged “officials and church leaders to give due consideration to the rights of the victims and guarantee perpetrators do not escape punishment under the guise of reconciliation.”

Interference by state security bodies resulted in three violations listed in the third part of the report.

The report refers to newspaper reports claiming that security bodies in Upper Egypt rejected applications made by the Imams of mosques requesting that they be allowed to hold the e'tekaaf (when worshippers retreat in mosques during Ramadan) and tahaggod prayers (which begin at night and last until dawn).

According to independent daily Al-Dostour, the Imams were told “these are acts which lead to large gatherings of people and transmission of Salafi ideology to them.”

Security bodies continued to prevent church custodians from renovating church buildings. The report describes the physical assault by a policeman of two women in the village of Dashasha, Beni Suef, while they were attempting to carry sand into the church in order to repair its water-damaged floor.

Security bodies have prevented the renovation of the church, which was built in 1895, for 11 years, according to church officials.

The report points out that incidents such as this occur despite the fact that under presidential decree 391 issued in 2005, churches may be renovated without prior permission: all that is required is that the church official notify in writing the relevant body in the governorate.

Legal developments mentioned in the report include the administrative detention of a Christian youth, Emad Adib Attiya Suleiman, because of his “involvement in a romantic relationship with a Muslim female.” The detention order says that the purpose of Suleiman’s detention was to “act as a deterrent.”

Under emergency law in force in Egypt since 1981, administrative authorities have the power to detain individuals “who pose a threat to security and public order”— a power which activists say is frequently abused in order to circumvent judicial guarantees and detain political opponents of the regime and others without a legitimate reason.

As EIPR points out, the emergency law does not permit the use of administrative detention as a deterrent.

In September the Alexandria Appeals Court awarded custody of 14-year-old twin boys Andrew and Mario to their father, a Christian convert to Islam, in preference to their Christian mother.

This, EIPR says, is despite the fact that reports by psychologists and sociologists presented to the court had stressed the necessity of the boys staying with their mother.

The report’s final section lists reports concerning freedom of religion in Egypt produced by both Egyptian and international bodies during the period covered by the report.

It refers to the US State Department's 2008 report on religious freedom throughout the world (issued in September) which stated that religious freedom in Egypt "declined" between July 2007 and 2008.

Egypt's Foreign Ministry had issued a press statement repudiating the US report at the time of its release.

According to the extract of the statement included in EIPR's report, the US report contained "wrong and disorderly data, constituting an interference in matters which concern no-one except the Egyptian government and Egyptian society. It is inappropriate that foreign elements forcibly involve themselves with affairs at the core of internal Egyptian affairs."

EGYPT: In Egypt, Muslim-Christian divide seems wider, International Herald Tribune, The (IHT) www.ihf.com, 2 August, 2008, (CX207035) by Michael Slackman

CAIRO: A monastery was ransacked in January. In May, monks there were kidnapped, whipped and beaten and ordered to spit on the cross. Christian-owned jewellery stores were robbed over the summer. The rash of violence was so bad that one prominent Egyptian writer worried it had become "open season" on the nation's Christians.

Does Egypt face a sectarian problem?

Not according to its security officials, who insist that each dispute represents a "singular incident" tied to something other than faith. In the case of the monastery and the monks, officials said the conflict was essentially a land dispute between the church and local residents.

"Every incident has to be seen within its proper framework; you study an incident as an incident," said an Interior Ministry spokesman who grew furious at the suggestion that Egyptians were in conflict because of their differing faiths. It is customary for security officials not to have their names revealed publicly.

"An incident is an incident, and a crime is a crime," he said.

But the Egyptian security apparatus is increasingly alone in its insistence.

As more and more conflicts pile up and as the tensions of daily life increase, many people in Egypt and around the region said the problem of sectarian clashes had become more urgent. They said that ordinary conflicts had become more bitterly sectarian as religious identity had become more prominent among Muslims and Christians alike.

"It is as if there is a struggle - each against the other - and it creates a sectarian atmosphere," said Gamal Assaad, a former member of Parliament who is a Coptic intellectual and a writer. "This tense atmosphere makes people ready to explode at any point if they are subjected to any amount of instigation or incitement."

Egypt is the most populous Arab country, with about 80 million people. About 10 percent are Coptic Christians.

For most of Egypt's Copts, the major flare-ups - the attack on the Abu Fana Monastery or riots in 2005 in Alexandria - are faraway episodes that serve only to

confirm a growing alienation from larger society. For most, the tension is more personal, a fear that a son or daughter will fall in love with a Muslim or of being derided as "coftes," which means "fifth column."

"We keep to ourselves," said Kamel Nadi, 24, a Copt who runs a small shop in the Shubra neighbourhood of Cairo. "Muslims can't say it, but it's clear they don't accept us. Here no one can speak the truth on this issue, so everybody's feelings are kept inside."

For Egypt, sectarian tensions are complicated because they are connected to many other challenges burdening the nation, including crushing inflation and high unemployment among the young.

Many Egyptians around Cairo and in the south said that conflicts often arose over everyday matters - a dispute between farmers, an argument between students - but that once sparked, they deteriorated into sectarian name-calling, sometimes worse. That is partly because religious identity is paramount now, more important than a common citizenship, Assaad said.

Egypt is an authoritarian state held in line by a vast internal security force, about twice the size of the army. Certain topics are out of bounds. People know it is taboo to say openly that a sectarian problem exists. So they are cautious.

"We feel pressure, maybe not all the time, but we do," said Ashraf Halim, 45, a grocery store owner in the Shubra neighbourhood in Cairo. "We have liberty of speech, and religion, but it's as if somebody was telling us at the same time, 'Don't speak and don't practice your religion.'"

Halim's grocery is next to a hair salon with the word "Allah" atop the storefront in large Arabic letters. He responds in his own small way, with a picture of St. George on his dairy cooler.

"Me, I try to keep a certain distance from Muslims," said Halim. "We have simple relations: I give you this, you give me this. That's it. They don't want more than that, either."

The underlying tension in Egypt flares periodically around the country. There were riots when word spread of a Coptic play supposedly denigrating the Prophet Muhammad and again over plans to expand a church. The state treated each case as a security problem.

But the violence at the ancient Abu Fana Monastery in May elevated events to a new level. In a recent follow-up report, the National Council for Human Rights described the atmosphere in Egypt as an "overcharged sectarian environment" and chided the state, saying it "turns a blind eye to such incidents" and was "only content to send security forces after clashes catch fire."

Frustrated by the official posture of denial, a small group of Egyptian bloggers decided in January 2007 to try to bring Muslims and Christians together to talk. The group, which calls itself Together Before God, began with about 20 members of both faiths.

They posted an Internet survey to gauge Muslims' and Christians' ideas about each other and received about 5,000 responses. Two-thirds were from Muslims, the rest from Christians.

The survey showed profound misunderstanding on both sides, said Sherif Abdel Aziz, 36, a co-founder of the group. Some Muslims declared that Coptic priests wore black to mourn the Arab invasion of Egypt in the seventh century. Some Christians believed that the Koran ordered Muslims to kill all Christians.

Did the group discover a sectarian problem? Absolutely, and it was compounded by the lack of frank public discussion, Abdel Aziz said.

"The religious discourse has to change from both sides because it incites hatred, even if it does so indirectly, increasing fanaticism from both sides," Abdel Aziz said.

Mona el-Naggar contributed reporting from Cairo and Upper Egypt, and Nadim Audi from Cairo.

51. The applicant also provided a number of articles and reports. These originated mainly from the Association 1. There is broad agreement between the reports and articles by the Association 1 and the general thrust of the information in the material cited above. The Association 1 cannot, in this context, be considered an independent source; however the Tribunal accepts the descriptions of the events portrayed therein without necessarily accepting the attribution of motives or the more speculative statements about the likely developments in the future.
52. The applicant has indicated that he did not intend to apply for a Protection Visa when he came to Australia although he had come to Australia because he was threatened by the Islamic groups in Egypt. The Tribunal accepts this explanation which also goes to the issue of the delay in applying for a Protection Visa. The Tribunal finds that the evidence regarding his actual treatment in Egypt before his departure does not support his claims that he was physically assaulted or that his business was ransacked. The Tribunal has grave concerns about the photographic evidence produced to illustrate both events. In response to the s.424A letter the applicant did not deal with the Tribunal's questions about his apparent leg injury and his answers regarding the photos of the strewn computers did not answer the Tribunal's concerns.
53. The Tribunal has a report from his lawyer, (who is mentioned incidentally in a newspaper article also supplied by the applicant as a human rights lawyer), this report supports that the applicant was threatened and perhaps assaulted but the harm does not coincide with that which the applicant sought to prove with the photographs. Similarly in relation to the visit to his business the lawyer's description is quite specific about the damage being done to CD copying equipment. Accordingly the Tribunal finds that the applicant was threatened and harmed but does not give any weight to the photographic evidence produced in support of this contention.
54. The Tribunal accepts that not long before his departure and since then, he has received summonses to appear and answer questions at the local public security department. It accepts that his parent was detained and some of his/ her cattle were killed to put pressure on the applicant; this is consistent with country information about the indirect methods utilised by the police and security apparatus.
55. Despite what the Tribunal considers are clear attempts by the applicant to artificially augment the frequency and severity of the harm suffered and in view of the requirement that the Tribunal consider the reasonably foreseeable future, the Tribunal finds that the applicant has a profile of a person of Coptic religion who is in a position of

responsibility in the Church and who has shown a propensity to follow through on complaints against the system and in particular the treatment of Copts. Taking also into consideration the events which have occurred after his arrival in Australia, the Tribunal finds that the chance that he would be persecuted on return for reasons of his religion cannot be considered to be remote or insubstantial. The Tribunal thus finds that the applicant faces a real chance of persecution for one of the Convention reasons, religion, now or in the reasonably foreseeable future should he return to Egypt, accordingly it finds that his fear of persecution is well-founded.

CONCLUSIONS

56. The Tribunal is satisfied that the applicant is a person to whom Australia has protection obligations under the Refugees Convention. Therefore the applicant satisfies the criterion set out in s.36(2)(a) for a protection visa.

DECISION

57. The Tribunal remits the matter for reconsideration with the direction that the applicant satisfies s.36(2)(a) of the Migration Act, being a person to whom Australia has protection obligations under the Refugees Convention.

I certify that this decision contains no information which might identify the applicant or any relative or dependent of the applicant or that is the subject of a direction pursuant to section 440 of the *Migration Act 1958*

Handed down/Sent: _____ for District Registrar

Information about applicant deleted in accordance with S. 431 as it may identify the applicant.