



Australian Government
Refugee Review Tribunal

Country Advice

Egypt

Egypt – EGY38929 – Coptic Orthodox Church – Proselytising – Demonstrations Overseas– Failed Asylum Seekers

12 July 2011

1. Provide information on attitudes towards proselytising by the Coptic Orthodox Church in Egypt.

Christians are the largest religious minority in Egypt, accounting for between eight and 12 per cent of the population. Almost 90 per cent of the population are Sunni Muslims.¹ Although not prohibited by either the Egyptian Constitution or the Penal Code, non-Muslims have been prosecuted by the authorities for alleged proselytising.² Police have reportedly harassed and detained individuals accused of proselytising on charges of insulting heavenly religions or inciting sectarian strife. Foreign religious workers are tolerated on the condition that they do not proselytise Muslims.³ A number of Christian religious workers from Western countries have reportedly been deported for proselytising.⁴

The *Jerusalem Post* reports that “[b]oth Christians and Muslims are likely to face detention or interrogation for proselytising” in Egypt. However, Coptic Christians claim that they are disproportionately targeted, citing “double standards that include allowing Muslims to get away with handing out religiously affiliated materials in the metro rail system, on buses and on the country’s streets”. Ahmad Samih, director of the Cairo-based Andalus Institute for Tolerance and Anti-Violence Studies, states that the Egyptian government “carries out arrests like this in order to keep its eye on Christian activists. Preaching and missionary work are considered serious security issues and the government is intent on maintaining control over them in order to avoid sectarian violence”.⁵

There are a number of reports of Coptic Christians being detained on accusation of proselytising and insulting Islam. In July 2010, a Coptic Christian blogger was released after almost two years in detention on charges of insulting Islam. Hani Nazeer was arrested in 2008 after he posted a link on his blog to a controversial Christian book. Nazeer claims that he was beaten whilst in prison and pressured to convert to Islam. He was released following an

¹ US Department of State 2010, *International Religious Freedom Report for 2010 – Egypt*, 17 November, Section II – Attachment 1

² US Commission on International Religious Freedom 2011, *USCIRF Annual Report 2011 – Countries of Particular Concern: Egypt*, UNHCR Refworld website, 28 April <http://www.unhcr.org/refworld/docid/4dbe90c4c.html> – Accessed 6 July 2011 – Attachment 2

³ US Department of State 2010, *International Religious Freedom Report for 2010 – Egypt*, 17 November, Section II – Attachment 1

⁴ Mayton, J. 2009, ‘Coptic arrests inflame Egypt’s sectarian tensions’, *The Jerusalem Post*, 9 February <http://www.jpost.com/MiddleEast/Article.aspx?id=132241> – Accessed 8 July 2011 – Attachment 3

⁵ Mayton, J. 2009, ‘Coptic arrests inflame Egypt’s sectarian tensions’, *The Jerusalem Post*, 9 February <http://www.jpost.com/MiddleEast/Article.aspx?id=132241> – Accessed 8 July 2011 – Attachment 3

amendment to the Emergency Law stating “that only people suspected of committing terrorist acts or of selling illegal narcotics could be arrested”.⁶

In October 2009, a Coptic Christian was detained after he was arrested for handing out gospel leaflets in Cairo. At the time of his arrest, Abdel Kamel was told by police that it was unlawful to hand out religious information on public roads. When Kamel argued that it was common for Muslims to distribute Islamic literature, police replied that it was “more unlawful” for Christians. During one interrogation, investigators reportedly acknowledged that the pamphlets he had distributed did not insult Islam; despite this, they did not want to release him. Kamel was released without charge after four days.⁷

According to the *Jerusalem Post*, two Coptic Christians were arrested and detained for one week in February 2009 for distributing bibles at the Cairo International Book Fair. State security officials arrested the pair for “defaming Islam”. A number of Coptic news sites reported that according to police, “the two men had also been distributing CDs from excommunicated priest Zachariah Boutros”. However, one report quoted a source who denied this claim. The men were reportedly denied access to legal assistance whilst detained.⁸

The *Daily News Egypt* reported in November 2007 that three Coptic Christians had been detained on informal accusation of insulting Islam, “sedition, propagating extremist ideas through the internet and insulting religion... ,for publishing articles and declarations that are damaging to Islam and insulting to Prophet Mohamed (PBUH) on the United Copts website”.⁹

2. Please provide information on the attitude of the Egyptian authorities towards a person who had participated in demonstrations against the government in a Western country. Would such a person be detained, imprisoned or otherwise harmed on return to the country?

No information was found on the likely treatment of, or attitude towards, an individual returning to Egypt after participating in anti-government demonstrations in a Western country. However, human rights activists, terrorism suspects, and members of unauthorised religious groups have reportedly faced harm or detention upon their return to Egypt.

Terrorism suspects who are deported to Egypt by foreign governments are likely to face ill-treatment upon their return. According to Amnesty International, “[m]any security suspects... forcibly returned to Egypt from abroad disappeared for months. Many were held in secret; the authorities either denied that the individuals had been detained or refused to disclose their fate or whereabouts to lawyers and relatives”.¹⁰

In 2007, it was reported that terrorist suspects returned to Egypt from Europe and North America “suffered human rights violations, including arbitrary arrest and detention, torture

⁶ „Coptic Blogger Released from Prison’ 2010, *Compass Direct News*, 17 August <http://www.compassdirect.org/english/country/egypt/24465> – Accessed 7 June 2011 – Attachment 4

⁷ „Christian Arrested for Distributing Tracts’ 2009, *Compass Direct News*, 6 October <http://www.compassdirect.org/english/country/egypt/10377> – Accessed 7 June 2011 – Attachment 5

⁸ Mayton, J. 2009, „Coptic arrests inflame Egypt’s sectarian tensions’, *The Jerusalem Post*, 9 February <http://www.jpost.com/MiddleEast/Article.aspx?id=132241> – Accessed 8 July 2011 – Attachment 3

⁹ „Meca Coptic Activists Detained for Alleged Conversion Attempts’ 2007, *The Daily News Egypt*, 11 November <http://www.thedailynewsegypt.com/article.aspx?ArticleID=10233> – Accessed 16 March 2010 – Attachment 6

¹⁰ Amnesty International 2011, *Time for Justice: Egypt’s corrosive system of detention*, Amnesty International website, 20 April, p.16 <http://www.amnesty.org/en/library/info/MDE12/029/2011/en> – Accessed 29 June 2011 – Attachment 7

and other ill-treatment, and unfair trials at the hands of the Egyptian authorities. Some of them appear to have been victims of enforced disappearance”.¹¹ Six terrorism suspects returned to Egypt from Yemen in 2002 remained in detention in 2008, without charge and without access to legal assistance.¹²

A 2005 *BBC News* article quotes the lawyers of Guantanamo Bay detainee Sami Al Laithi, due to be deported to his native Egypt, who argued that “there was a risk he could be jailed or tortured in Egypt”. A US government spokesman claimed that they had received “appropriate assurances” from Egypt that Laithi would “continue to be treated humanely” on his return.¹³

Upon his return to Egypt in a wheelchair due to spinal damage inflicted in Guantanamo Bay, Al Laithi was held by state security forces held Sami in the prison section of Cairo’s El Qasr Al-Eini Hospital. It is unclear how long Al Laithi was held, although a 2008 news report states that since his release, his family has been under observation by the security forces. Al Laithi believes that the authorities would not have released him if he had not been physically handicapped.¹⁴

Human rights activists are also at risk of being detained upon their return to Egypt from overseas. In 2008, *Agence France Presse* reported the case of high profile human rights activist, Saad Eddin Ibrahim, who has United States (US) nationality and wants to return to Egypt but fears “being arrested or worse”. Government-critic Ibrahim was facing trial in Egypt on charges of harming the national interest. After going into exile, he claimed that he was “the target of verbal attacks by the authorities”.¹⁵

In addition, following the publication of a report by the Egyptian Organization for Human Rights (EOHR) on human rights violations against Coptic Christians in 1998, members of the EOHR, including Secretary General Hafez Abu Sa’ada, were detained for denigrating Egypt’s reputation overseas, on charges of “disseminating false information abroad that would harm Egypt’s interests”.¹⁶

Furthermore, members of unauthorised religious groups have experienced harassment and ill-treatment upon their return from foreign countries. Amnesty International reports that alleged members of unauthorised Islamist groups who have been returned from abroad are at risk of torture and ill-treatment from the State Security Investigations service (SSI) or the police.¹⁷ According to the 2009 US Department of State report on religious freedom, members of the unrecognised Church of Jesus Christ of Latter-day Saints who have converted overseas

¹¹ Amnesty International 2007, *Egypt – Systematic abuses in the name of security*, Amnesty International website, 11 April, p.5 <http://www.amnesty.org/en/library/asset/MDE12/001/2007/en/27dc4dc8-d3c5-11dd-8743-d305bea2b2c7/mde120012007en.pdf> – Accessed 8 July 2011 – Attachment 8

¹² Amnesty International 2008, *Amnesty International Annual Report 2008*, 28 May – Attachment 9

¹³ „Egyptian returnee ‚faces torture‘” 2005, *BBC News*, 4 October <http://news.bbc.co.uk/2/hi/americas/4307310.stm> – Accessed 19 November 2009 – Attachment 10

¹⁴ Rizk, P. 2008, „Egyptian ex-Guantanamo detainee left with just empty promises’, *The Daily News Egypt*, 21 March <http://www.thedailynewsegypt.com/egyptian-ex-guantanamo-detainee-left-with-just-empty-promises.html> – Accessed 11 July 2011 – Attachment 11

¹⁵ „Egyptian activist seeks guarantees for return’ 2008, *Agence France Presse*, 29 June – Attachment 12

¹⁶ Amnesty International 2000, *Egypt: Muzzling civil society*, UNHCR Refworld website, 19 September, pp.1, 11 <http://www.unhcr.org/refworld/docid/3b83b6e817.html> – Accessed 8 July 2011 – Attachment 13; „Country Profile: Arab Republic of Egypt’ 2007, The Carter Center website, August http://www.cartercenter.org/peace/human_rights/defenders/countries/egypt.html – Accessed 8 July 2011 – Attachment 14

¹⁷ Amnesty International 2011, *Time for Justice: Egypt’s corrosive system of detention*, Amnesty International website, 20 April, pp.44-45 <http://www.amnesty.org/en/library/info/MDE12/029/2011/en> – Accessed 29 June 2011 – Attachment 7

“complain of excessive surveillance from State Security and sometimes avoid meetings from fear of harassment” upon their return to Egypt.¹⁸

3. Deleted.

4. Is there any information on the treatment of failed asylum seekers?

Limited recent information was found on the likely treatment faced by failed asylum seekers returning to Egypt. In March 2006, an official from the Canadian embassy in Cairo advised that his office was “not aware of any cases of rejected refugee applicants, Muslim or Christian, being detained or tortured after being returned to Egypt”. A Canadian university professor and a senior fellow at Freedom House’s Center for Religious Freedom stated in the same month “that they were not aware of any specific cases of mistreatment of failed refugee claimants who returned to Egypt”.¹⁹

However, Amnesty International has reported that individuals facing forcible return to Egypt, including failed asylum seekers, are at risk of torture and other abuses.²⁰ The senior fellow at Freedom House’s Center for Religious Freedom noted that since refugee claimants are likely to have complained about their situation in Egypt, they could potentially be treated under Article 80(d) of the Egyptian Penal Code, which criminalises the disclosure abroad of “false and tendentious news, statements or rumours on the internal situation in the country”. Additionally, the university professor mentioned above advised in 2006 that:

Given the arbitrary nature of arrest and detention in Egypt, it is difficult to predict how a returning refugee claimant will be treated. However, if the nature of the claim included...the broadly-defined crimes of defaming Egypt, apostatizing, proselytizing, or receiving funds from foreign sources, this person may well be liable to prosecution. Furthermore, given the ability of security services to do their work with little restraint, claimants may simply be detained and interrogated without formal charge in the attempt to ensure that their case is fully understood by the Egyptian authorities...As a result, there is no certainty that a returning refugee claimant will be detained or intimidated, but neither is there a particularly convincing guarantee against it.²¹

In 2008, Coptic Christian Sameh Khouzam was spared deportation to Egypt after a US court determined “that it was ‘more likely than not’ that he would be tortured if returned to Egypt”. The judge found that Khouzam had “made a credible showing that he had been the victim of torture at the hands of Egyptian law enforcement”.²² Khouzam claimed that the “Egyptian authorities tried to force him to convert to Islam under torture”. The Egyptian Government had alleged that Khouzam’s attempted deportation was because he was a suspect in a murder

¹⁸ US Department of State 2009, *International Religious Freedom Report 2009 – Egypt*, September, Section II – Attachment 15

¹⁹ Immigration and Refugee Board of Canada 2006, *EGY101204.E – Egypt: Treatment of failed refugee claimants who return to Egypt (April 2006)*, 1 May – Attachment 22

²⁰ Amnesty International 2007, *Egypt – Systematic abuses in the name of security*, Amnesty International website, 11 April, p.5 <http://www.amnesty.org/en/library/asset/MDE12/001/2007/en/27dc4dc8-d3c5-11dd-8743-d305bea2b2c7/mde120012007en.pdf> – Accessed 8 July 2011 – Attachment 8

²¹ Immigration and Refugee Board of Canada 2006, *EGY101204.E – Egypt: Treatment of failed refugee claimants who return to Egypt (April 2006)*, 1 May – Attachment 22

²² Amnesty International 2008, *Fear of torture/ill-treatment USA Sameh Khouzam (m)*, Egyptian national, 16 January – Attachment 23

case; however, this was disputed by the American Civil Liberties Union who represented him.²³

A 2004 Human Rights Watch report discussed the case of two Egyptians who failed in their bids for asylum in Sweden and were not afforded a fair trial upon their return to Egypt in December 2001; “one was originally tried by a military tribunal and convicted in absentia but remain[ed] in prison [in 2004]; the other was held for nearly two years without charge”.²⁴ The men were reportedly “excluded from refugee status based on secret evidence provided by the Swedish security police...that [they] were associated with Islamist groups responsible for terrorist acts”.²⁵ Despite assurances from the Egyptian authorities that the men would not be tortured or maltreated, the Swedish NGO Foundation for Human Rights reported that they were apprehended by the security forces as soon as they landed and thrown in jail. The two men themselves claimed that they were immediately interrogated and tortured.²⁶

²³ „US cannot deport Egyptian due to torture risk-court’ 2008, *Reuters*, 11 January – Attachment 24

²⁴ Human Rights Watch 2004, *Torture and Non-Refoulement: Briefing to the 60th Session of the UN Commission on Human Rights*, 28 January <http://www.hrw.org/en/news/2004/01/28/torture-and-non-refoulement> – Accessed 19 November 2009 – Attachment 25

²⁵ Human Rights Watch 2004, “*Empty Promises*”: *Diplomatic Assurances No Safeguard against Torture*, Vol.16, No.4, April, p.34 – Attachment 26

²⁶ Wigenmark, A. 2003, „The impact of 11 September on Human Rights’, The Swedish NGO Foundation for Human Rights website, 15 May <http://www.humanrights.se/svenska/art%20Impact%20Wigenmark.htm> – Accessed 28 May 2004 – Attachment 27

Attachments

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