

TESTIMONY OF

DR. M. ZUHDI JASSER

VICE CHAIR

U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

BEFORE THE

**SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS,
AND INTERNATIONAL ORGANIZATIONS**

AND THE

SUBCOMMITTEE ON THE MIDDLE EAST AND NORTH AFRICA

OF THE

HOUSE COMMITTEE ON FOREIGN AFFAIRS

ON

HUMAN RIGHTS ABUSES IN EGYPT

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I want to thank the Members of the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations and the Subcommittee on the Middle East and North Africa for holding this hearing on “Human Rights Abuses in Egypt” and inviting me to testify today on behalf of the U.S. Commission on International Religious Freedom (USCIRF). With your approval, I would like to submit my written testimony for the record.

Today is a particularly appropriate day to hold this hearing. Emerging from the ashes of World War II, 65 years ago today, December 10, 1948, 48 nations in the UN General Assembly adopted a remarkable document that is as relevant today as it was then: the Universal Declaration of Human Rights (UDHR). This vote revealed a consensus across cultures that people possess basic rights which governments need to affirm and protect. However, today it is all too apparent that too many governments fail to honor those rights, including the pivotal right of religious freedom. During today’s hearing, we will focus on one of these governments, Egypt.

Among the recent convulsions in Egypt, few have shocked the conscience more or been more emblematic of the derailment of the January 2011 revolution than the killing of more than 1,000 demonstrators in August by Egyptian security forces and the subsequent horrific attacks by extremists and Muslim Brotherhood supporters against the country’s Coptic Christian population, the largest non-Muslim religious minority in the Middle East. As USCIRF has documented over the years, much of the sectarian violence targeting Copts has occurred with impunity.

Because of these and other concerns, a USCIRF delegation journeyed to Cairo earlier this year where I joined fellow Commissioners Dr. Katrina Lantos Swett and former Commissioner Dr. Azizah al-Hibri. We spoke with a broad array of interlocutors, from the U.S. ambassador and high-level Egyptian officials to human rights defenders and women’s rights advocates, and from Muslim religious leaders to members of religious minority communities.

We concluded from these meetings and our own observations that, notwithstanding the serious human rights problems of the Mubarak era, there were scant grounds for optimism in the Morsi era. Among those with whom we spoke, their most common concerns focused on increasing religious radicalization that negatively impacted women and religious minorities; troubling provisions in the new constitution limiting religious freedom and other rights; and frustrations about the continued climate of impunity since the start of the revolution for numerous acts of violence, including those against Copts. Some of this continues to apply today.

As evidenced by the violence unleashed against Copts since August 14 of this year and the increased stifling of dissent by the interim government, the post-Morsi era has gotten off to a similarly bad start.

Indeed, it is obvious that in spite of the revolution’s early promise of progress, hopes have been dashed repeatedly for a peaceful and inclusive democracy that upholds the rule of law for all and adheres fully to internationally recognized human rights standards, including those pertaining to freedom of religion or belief for every Egyptian, including members of religious minorities.

In my testimony, I will discuss the status of religious freedom in Egypt, with a focus on Copts who are its largest religious minority, numbering at least eight million people. I also will discuss the problems faced by other religious minorities and Muslim dissidents and conclude with USCIRF's recommendations on protecting religious minorities and the right to religious freedom for every Egyptian.

By any measure, the importance of religious freedom in Egypt and around the world cannot be overstated. Across the world, there is a powerful correlation between religious freedom and related human rights on the one hand and social stability, safety and security, economic development and prosperity, and political democracy on the other. Similarly, our Commission has seen how the absence of this freedom correlates with instability and insecurity, violent extremism, and a plethora of other societal ills.

We believe that Egypt is no different when it comes to this critical correlation. A successful transition to stable democratic governance in Cairo, and with it, respect for fundamental freedoms including religious freedom, is central to Egypt's stability and its future as a pivotal anchor in the volatile Middle East. And to the extent that the United States and the world community have a stake in what happens in this region, we must not disengage from these issues, but continue to take a firm stand for freedom.

As Egyptians are debating their new constitution, some of the worst Morsi-era provisions have been removed, although the true test will be how the Egyptian government interprets and implements this new document once passed by referendum.

Incitement and Increased Sectarian Rhetoric

Since the beginning of the transition, human rights activists inside Egypt have been concerned that radical groups have advanced in the country, with detrimental effects on the ability to foster an open civil society, genuine democratic reform, and improvements in freedom of religion or belief. Crime and lawlessness in Egypt increased due to a decrease in police and security presence, with some extremist militant groups using this lapse to impose extra-judicial punishments. Early on, Sufi Muslims experienced increased attacks and harassment by Islamist militant groups, which deem as heretical a number of Sufi religious practices, including the veneration of saints.

In the months leading up to the June 2012 presidential elections, sectarian tensions between Muslims and Christians were exacerbated by an increase in incitement to violence in Egyptian media and government-funded mosques. There was another spike in tensions in September 2012 after an anti-Muslim film, "Innocence of Muslims," surfaced on the Internet, resulting in protests in front of the U.S. Embassy in Cairo. Islamist clerics and some Gulf-funded satellite television stations used the film as an opportunity to denounce and demonize Coptic Christians, including a prominent Salafi cleric who publicly defiled and ripped a Bible. During former president Morsi's year in power, sectarian rhetoric and incitement had further increased. Fanning the flames were conservative clerics and extremists, who often used incendiary, sectarian rhetoric and incitement without consequence or accountability.

Among the most vilified groups are Christians, Shi'a, and Baha'is, all religious minority communities. In June, five Egyptian Shi'a were lynched in Giza and extremists dragged their

bodies through the streets, shouting anti-Shi'a slogans. These Shi'a were targeted solely because they were congregating at a private home to commemorate a religious festival.

Blasphemy and Defamation Cases

While the government has failed to bring to justice the perpetrators of sectarian attacks, the courts have continued to convict and imprison Egyptian citizens charged with blasphemy under Article 98(f) of its penal code which prohibit "contempt" or "defamation" of religions.

Since Egypt's January 2011 revolution, USCIRF has observed a significant increase in contempt-of-religion cases.

While most of those targeted are disfavored Muslims, Christians are disproportionately affected. For example, in July 2012, Mohamed Asfour, a Shi'a teacher, was sentenced to one year in prison, reduced from three years, for contempt of religion and "desecration of a place of worship," although his lawyer says that all he did was pray in a mosque according to Shi'a rituals. Earlier this year, the government charged Bassem Youssef, a Sunni comedian and satirist, with "insulting Islam" on his popular television program.

At least one other Egyptian affected was an atheist. In December 2012, an Egyptian court convicted and sentenced to three years in prison activist Alber Saber for posting of online content that allegedly "insulted God and cast doubt on the books of the Abrahamic religions" and "denied the existence of God and his creation of mankind."

The majority of those sentenced to prison terms were Christian, mostly based on flimsy evidence and flawed trials. In October 2011, a Cairo criminal court sentenced Ayman Yousef Mansour, a Christian, to three years in prison for insulting Islam and the Prophet Muhammad on a Facebook page he allegedly created. His 2012 appeal was rejected and he remains in prison. In September 2012, an Egyptian court upheld the conviction and three-year prison sentence for Coptic teacher Bishoy Kameel for posting cartoons defaming the Prophet Muhammad on Facebook. In November 2012, an Egyptian court convicted in absentia seven Egyptian expatriate Copts – allegedly associated with the "Innocence of Muslims" online film – and sentenced them to death for harming national unity, insulting and publicly attacking Islam, and spreading false information. In January 2013, the Grand Mufti upheld their death sentences.

In September 2013, a leading Egyptian human rights organization, the Egyptian Initiative for Personal Rights (EIPR), reported a "surge" in religious defamation cases, particularly since the January 2011 revolution, including in the two months after Morsi was removed from power. The report, titled "Siege of Thought," identified 63 cases of individuals tried for defamation of religion. The report found that outside of Cairo, particularly in Upper Egypt, 100 percent of individuals accused and tried were found guilty. In addition, the report found that 41 percent of the defendants were Christians, a high percentage when compared to the larger population.

Coptic Christians and Impunity

Besides directly violating religious freedom, blasphemy and defamation-of-religion laws fuel Egypt's longtime impunity problem by provoking assaults against Copts as well as other religious minorities for alleged blasphemous speech.

Large-scale attacks on Christians during the first year of the transition in 2011 resulted in the deaths of dozens and injuries to hundreds – such as in Alexandria in January 2011, Imbaba in May 2011, and Maspero in October 2011. The perpetrators of each of these incidents remain unpunished, inviting further violence.

Following President Morsi's ouster from office on July 3, 2013, there was another increase in violent attacks against Copts and other Christians. Since August 14, the day the Egyptian military and security forces dispersed pro-Morsi protesters, violent religious extremists and thugs launched a coordinated and unprecedented series of attacks against churches throughout the country. In August, at least seven Copts were killed and more than 200 churches and other Christian religious structures, homes, and businesses assaulted. In October, four Copts were killed, including two sisters aged eight and 12, when gunmen on motorcycles opened fire at a wedding party outside a church near Cairo.

The inability to protect Copts and successfully prosecute those responsible for violence targeting the Coptic community continues to foster a climate of impunity, especially in Upper Egypt. In recent years, in response to sectarian violence, Egyptian authorities have conducted "reconciliation" sessions between Muslims and Christians as a way of easing tensions and resolving disputes. In some cases, local authorities and Muslim and Christian religious leaders have abused these reconciliation sessions to compel victims to abandon their claims to any legal remedy.

Copts and other vulnerable religious minorities thus face a dual injustice. First, they face prosecution, conviction, and imprisonment merely for their religious identity. Second, those who attack, maim, and kill them often face no consequences. Copts can lose their freedom or their lives for saying the wrong word or words, but those who kill them often lose nothing at all.

Discrimination against Christians

For all Christian groups, government permission is required to build a new church or repair an existing one, and the approval process continues to be time-consuming and inflexible. No churches were approved for new construction or repair in 2012, despite applications being submitted to governors, as currently required. During USCIRF's February visit, Egyptian officials stated that the delay was due to the stalled discussions on the law regulating the establishment of places of worship. In 2011 and 2012, Egyptian officials stated that there had been progress on that law. However, after the People's Assembly was disbanded in 2012, Christian groups temporarily placed on hold negotiations about the draft law because they

wanted it to be significantly revised. Some Christian interlocutors expressed preference for a law that governs only churches and not all places of worship. In all likelihood, until the election and seating of the People's Assembly next year, there will be no progress on this issue.

Egyptian-born Muslims who have converted to Christianity cannot reflect their change of religious affiliation on identity documents, and in many cases, these converts also face intense social hostility. In fact, Mohamed Hegazy – the first convert to Christianity to sue the government in 2007 to allow him to change his religion on his ID card – was arrested last week reportedly for proselytizing and inciting sectarian strife, among other bogus charges. In past cases in which converts have sued for the right to reflect their new religious affiliation on ID cards, Egyptian courts have ruled that Muslims are forbidden from converting from Islam based on principles of Islamic law because conversion would constitute a disparagement of the official state religion and entice other Muslims to convert. Regarding re-converts to Christianity, there remain systemic problems for individuals who converted to Islam and decided to convert back to Christianity to have this change reflected on identity documents. During USCIRF's visit to Egypt, several interlocutors explained that despite a July 2011 law making it easier to reflect one's religion on ID cards—and not having to declare “formerly Muslim”—it still is difficult in practice to obtain identity cards.

Other Vulnerable Religious Minorities

Baha'is: Besides Coptic Christians, other vulnerable religious minorities have faced assaults on their freedom to practice their respective faiths. Since 1960, Egypt has banned the Baha'i faith. As a result, the approximately 2,000 Baha'is living in Egypt are unable to meet or engage in communal religious activities. Al-Azhar's Islamic Research Center has issued *fatwas* over the years, mostly recently in 2003, urging the continued ban on the Baha'i community and condemning its members as apostates.

Intolerance of the Baha'is has risen since 2011, especially in government-controlled media and in public statements prominent Muslim Brotherhood and Salafi groups have made.

For example, in July 2012, Mahmoud Ghozlan, a Brotherhood spokesman, said the Baha'is are of “Zionist” origin and should not be allowed to practice their faith under the constitution. In February 2012, Abdel Moneim al-Shahat, a prominent Salafi leader, stated publicly that Baha'is were a security threat undeserving of any rights under a new constitution, and should be tried for treason. In August 2012, Gamal Abdel Rahim was appointed as chief editor of the state-controlled newspaper, Al-Ghomhurryia. In 2009, he had called for a Baha'i activist's murder on live television and incited residents in Sohag to burn Baha'i homes. Three days after his broadcast aired, arson destroyed several Baha'i houses in a Sohag village. In November 2012, and again in January 2013, Egypt's Minister of Education reportedly said in two separate media interviews that Baha'is could not enroll their children in public schools because their faith is not among those protected by state law or the constitution.

Baha'is who are married still cannot get identity cards, making it impossible to conduct daily transactions like banking, school registration, or car ownership.

Jehovah's Witnesses: As with the Baha'i faith, Jehovah's Witnesses have also been banned since 1960, although the community has existed in Egypt since the 1930s. Since their ban, members of the community have endured decades of harassment, physical abuse, and imprisonment at the hands of the Egyptian government. In recent years, the government permitted Jehovah's Witnesses to meet in private homes in groups of fewer than 30 people, despite the community's request to meet in larger numbers. However, the community is not allowed to possess their own places of worship or to import bibles and other religious literature. In December 2009, Egypt's Seventh Circuit Administrative Court handed down a verdict denying Jehovah's Witnesses legal status.

Today, security officials have stepped up harassment and intimidation of the community by monitoring their activities and communications and by threatening the community with intensified repression if it does not provide membership lists.

Anti-Semitism and the Jewish Community: In 2012, material vilifying Jews with both historical and new anti-Semitic stereotypes continued to appear regularly in Egypt's state-controlled and semi-official media. This material included anti-Semitic cartoons, images of Jews and Jewish symbols castigating Israel or Zionism, comparisons of Israeli leaders to Hitler and the Nazis, and Holocaust denial literature. Egyptian authorities failed to take adequate steps to combat anti-Semitism in the media. Officials claim that anti-Semitic statements in the media are a reaction to Israel's policy toward Palestinians and do not reflect historical anti-Semitism. Human rights groups cite persistent anti-Semitism in the education system, which increasingly has been under the influence of Islamist extremists.

The small remnant of Egypt's Jewish community, now consisting of only about 50 people, owns communal property and finances required maintenance largely through private donations. In 2010, Egyptian authorities restored the Maimonides synagogue in Cairo, named after a 12th century rabbinic scholar.

In January 2013, President Morsi's 2010 anti-Semitic comments came to light. He had urged Egyptians to "nurse our children and grandchildren on hatred" for Jews and Zionists and in another interview referred to Jews as the descendants of "apes and pigs." When confronted on these comments during USCIRF's our visit in February, Egyptian officials with whom we met tried to divert the discussion to attacks on the state of Israel.

Constitutional Process

Thus far, in the post-Morsi era, Egypt's 50-member constitution committee recently completed its work and transmitted a final draft to the Egyptian interim president, Adly Mansour. The constitution is expected to be put to a referendum in January. An initial review of the draft shows some positive changes from the suspended 2012 constitution that could bode well for religious freedom, although how the provisions are interpreted and implemented remains to be seen and will be crucial.

Article 64 of the new draft provides that “freedom of belief is absolute,” Article 65 broadly guarantees freedom of thought and opinion, and Article 53 prohibits discrimination on the basis of religion among other grounds. Like the Morsi-era constitution, however, Article 64 limits the freedom to practice religious rituals and establish places of worship to the three “divine” religions, Islam, Christianity, and Judaism. This would mean that the Baha’i community, for example, would not be able to exercise their own rites and establish their own places of worship.

Based on international human rights standards, religious freedom applies without exception to every person, and it encompasses more than just rituals and worship. It includes the right to manifest one’s own faith or beliefs, individually or in community, in public or in private, through worship, teaching, practice, and observance. It also includes the right to change one’s religion or to try to convince others to do likewise. International law specifies the narrow circumstances under which religious freedom can be restricted.

In a positive development, the new draft removed a provision of the 2012 constitution that narrowly defined Islamic Shari’ah. The draft continues to provide that Islamic Shari’ah “principles” are the “principal” source of legislation (as has been the case since 1971), but it removed a Morsi-era provision potentially giving a religious body, Al Azhar scholars, a consultative role in reviewing legislation, and returned that function to the Supreme Constitutional Court.

The new draft also does not include the Morsi-era constitution’s blasphemy ban (a provision stating that “insult or abuse of all religious messengers and prophets shall be prohibited). However, the new Article 53 requires that “incitement to hate” must be punishable by law. If this undefined phrase is interpreted to prohibit speech that insults religious beliefs, symbols, or figures, it would in effect be another constitutional blasphemy ban. This would flatly contradict the freedoms of belief, thought, and opinion.

Finally, another positive addition is Article 235, which requires the new parliament to pass a law governing the building and renovating of churches, a longstanding limitation on Christians and a flash point for sectarian violence targeting the Coptic community.

Recommendations

Due to Egypt’s failure to protect the religious freedom of Copts and other religious minorities, its continued domestic and international support for blasphemy and religious defamation laws, its pursuit of blasphemy cases against its own citizens, from Copts to disfavored Muslims, and its repeated failure to bring their sectarian attackers to justice, USCIRF recommended for three consecutive years (2011-2013) that the United States designate Egypt a country of particular concern, or CPC, marking it as among the world’s worst religious freedom abusers. USCIRF is currently evaluating recent developments in advance of its 2014 determinations.

Washington also must urge repeal of Egypt’s contempt-of-religion and related laws in the penal code, as well as discriminatory decrees against religious minorities, such as lifting bans on

Baha'is and Jehovah's Witnesses, removing religion from official identity documents, and passing a unified law for the construction and repair of places of worship.

In response to the continued violence against Copts and other religious minorities, the United States should press Egypt to prosecute government-funded clerics, government officials, and others who incite violence, while disciplining government-funded clerics who preach hatred. Washington also must urge Cairo to counter the violence by bringing the violent to justice, thus breaking the climate of impunity.

Finally, the United States government should refuse to certify the disbursement of the appropriated \$1.3 billion in Foreign Military Financing (FMF) to the Egyptian military until the Egyptian government demonstrates that it is using some of the FMF funds to implement policies that protect freedom of religion and related rights in Egypt. Once the Egyptian government so demonstrates, it should be urged to ensure that its police assess security needs and develop and implement a comprehensive and effective plan for dedicated police protection for religious minority communities and their places of worship, particularly Coptic Christians, Sufi and Shi'a Muslims, and Jews. Congress should require the U.S. State Department to report every 90 days on the Egyptian government's progress on these and related recommendations.

Conclusion

In a very real way, the treatment of Egypt's religious minority communities is a barometer of the country's well-being. If Egypt's revolution is to succeed, nothing is more important than ensuring that Egypt's government recognize that full freedom of religion or belief is a fundamental human right that should be honored and respected, and commit itself to protecting the right of every Egyptian, regardless of background or belief, to exercise this freedom in peace and without fear of reprisal. For the sake of stability and security, and because of Egypt's international human rights commitments, the United States government should urge Egypt to choose this pathway to democracy and freedom.