

Policing Belief



THE IMPACT OF BLASPHEMY LAW ON HUMAN RIGHTS



A FREEDOM HOUSE SPECIAL REPORT

Egypt

INTRODUCTION

The government of Egypt has long been criticized for imposing unduly harsh and repressive limitations on freedom of speech, expression, and opinion for its citizens. Despite constitutional provisions guaranteeing freedom of speech, the Egyptian Penal Code (EPC) criminalizes religious insult and blasphemy; insults to the president; the dissemination of news, statistics, or information that could harm the reputation of Egypt abroad; and criticism of the constitution. Similarly, journalists and publishers are subjected to severe limitations on their work. Though there are a broad range of laws restricting freedom of expression in Egypt, this chapter will focus on those that specifically address blasphemy or that have been used to charge individuals with religious offenses, including apostasy.

Egypt's blasphemy law is found in Article 98(f) of the EPC, and several other articles criminalize various forms of religious insult. Even more alarming, however, is the judicial system's incorporation of *hisba*, an Islamic principle by which one Muslim can bring a case against another Muslim for perceived violations against Islam. Although these kinds of cases have no basis in Egyptian legislation, court rulings have set precedents that allow for hisba cases to be filed.

BACKGROUND

From the time of Egypt's independence in 1922 to the 1952 military coup that ended the monarchy, a number of political parties were formed, among them the Muslim Brotherhood, which has been a source of tension in Egyptian politics since it was founded in 1928. Lt. Col. Gamel Abdel Nasser, who led the 1952 coup, ruled the country until his death in 1970. After a Muslim Brotherhood member

attempted to assassinate him in 1954, he oversaw a general crackdown on the organization; thousands of members were imprisoned, marking the beginning of a long campaign of repression against Egypt's so-called Islamists.¹

The current head of state, President Hosni Mubarak, has been in power since the 1981 assassination of his predecessor, Anwar al-Sadat, by Islamic militants. In the 1990s and early 2000s, Islamic extremist attacks became more frequent and were met with a renewed, widespread crackdown on Islamists in general. Thousands of people were arbitrarily arrested and detained, and the country's extraordinary or military courts were grossly misused.² Today, Islamists—militant or otherwise—continue to be targeted as Egyptian authorities closely monitor and regularly break up independent political activity of any kind. The particular discrimination faced by Islamists in the 1990s has continued to some extent in contemporary Egypt. For example, Human Rights Watch has reported that the government “detains Islamists for longer periods and uses harsher punishments.”³

The Muslim Brotherhood has been banned since 1954 and its leaders are periodically arrested. Nevertheless, the organization as a whole has been unofficially tolerated by the government since the 1970s,⁴ and its members have run for office as independents since political parties based on religious platforms are prohibited.⁵ They won considerable support in the 2005 parliamentary elections, taking 88 of 444 seats and forming the largest bloc in opposition to the ruling National Democratic Party.⁶ Many of the Brotherhood's candidates used the organization's slogan, “Islam is the solution,” in their campaigns, making their affiliation clear.⁷ This has led some to describe Egypt's political landscape as being covertly religious. Commentators have attributed the growth in support for the Muslim Brotherhood to Mubarak's repression of all political opposition movements, which leaves a vacuum that is being filled by religious institutions:

As the Egyptian regime tightens its grip on political power, it provides the Islamic establishment with the venue and audience to advance its own religious agenda. Paradoxically, by denying its citizens access to political space, the Egyptian government reinforces the authority of the Islamic establishment in the public sphere and surrenders a significant amount of control as a result.⁸

Some analysts have noted an apparent tension between the judicial and executive branches in their approaches to Islamic law.⁹ The courts have in almost every instance adopted conservative interpretations of the Quran and Shari'a (Islamic

law). Mubarak has appeared less interested in imposing such beliefs, though he continues to allow religious institutions to do so, as evidenced in the censorship role played by Al-Azhar University, discussed below. Experts have also pointed to the spate of hisba cases over the past two decades as a sign of the increased influence of conservative religious institutions on both the judiciary and society.¹⁰

Before examining Egypt's blasphemy laws and their impact on human rights, it is important to note that the constitution does include provisions addressing the rights to freedom of expression and religion, among others. Article 46 guarantees "the freedom of belief and the freedom of practicing religious rights." Article 47 protects freedom of opinion, and Article 48 similarly provides liberty of the press, printing, publication, and mass media, and forbids censorship of newspapers or "suspending or cancelling them by administrative methods."¹¹ In addition, the constitution guarantees freedom from discrimination in Article 40, which states: "All citizens are equal before the law. They have equal public rights and duties without discrimination due to sex, ethnic origin, language, religion or creed."¹²

However, all the articles in the constitution must be read in conjunction with Article 2, which states that "Islam is the Religion of the State...and the principal source of legislation is Islamic Jurisprudence (Shari'a)."¹³ The emphasis on Shari'a is problematic for non-Muslims in Egypt. Not only has it led to laws that are themselves discriminatory toward non-Muslims, it has also contributed to an environment of intolerance. As one commentator has argued, Article 2 "has had important cultural implications in creating and sustaining power relations in society and making groups from various backgrounds unable to attain equality."¹⁴ Moreover, Muslims who wish to convert to another faith or who seem to be questioning Islam have faced discrimination and charges of apostasy.

The official role of Shari'a means that cases of alleged blasphemy or religious insult can also lead to accusations of—and sometimes convictions for—apostasy, which in turn lead to discrimination. Under Shari'a, apostasy has consequences affecting inheritance, marriage, and guardianship, and some cases have prompted compulsory divorces. Rulings on these issues have created jurisprudence in Egypt's court system on the question of apostasy, despite the lack of any formal legislation on the matter.¹⁵

Limitations on freedom of opinion and expression in Egypt are compounded by an emergency law that grants extensive powers to government officials. The law, No. 162 of 1958, was first invoked in 1967, and has been in effect without interruption since 1981.¹⁶ The most recent renewal took place in May 2010, and brought with it some positive amendments, such as the repeal of censorship pro-

visions. However, the renewal itself was heavily criticized by human rights groups and a range of foreign governments, including the United States.¹⁷ Among other things, the emergency law provides for detention without charge or trial for up to 45 days by order of the interior minister, and the 45-day stints can be renewed indefinitely. People arrested under blasphemy or religious-insult allegations have been detained under this provision. In addition, the law allows for civilians to be tried before military or special emergency courts with no right to appeal. The emergency law effectively exacerbates the various human rights violations that arise from the application of the blasphemy and religious insult laws.

BLASPHEMY LAWS

Egypt's main blasphemy law, Article 98(f) of the EPC, criminalizes "any use of religion to promote or advocate extremist ideologies...with a view toward stirring up sedition, disparaging or showing contempt for any divinely revealed religion, or prejudicing national unity and social harmony."¹⁸ Other provisions of the EPC address various forms of religious insult. For example, Article 160 punishes the destruction, vandalism, or desecration of religious buildings, sites, symbols, cemeteries, and graves, as well as the hindering of religious ceremonies.¹⁹ Article 161 prohibits the printing and dissemination of deliberately distorted religious texts for state-approved religions (Islam, Christianity, and Judaism), and also criminalizes the mocking or ridicule of religious ceremonies in public.²⁰ Article 176 punishes public incitement and holding a religious community in hatred or contempt.²¹ And Article 178 provides up to two years of imprisonment for possession, distribution, or manufacturing of documents in violation of "public morals," though that term is not defined.²²

Incompatibility with International Law

Egypt's blasphemy and religious insult laws are incompatible with international human rights standards. They place serious and unjustified limitations on freedom of expression and freedom of religion, and have a broad and negative impact on the enjoyment of other human rights, as described below.

Egypt is a state party to a number of major international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimi-

nation (ICERD), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). According to Article 151 of the constitution, all international treaties “shall have the force of law after their conclusion, ratification and publication according to the established procedure.”²³ Moreover, many of the rights violated by Egypt’s blasphemy and religious insult laws are explicitly protected in the constitution itself and enshrined in the Universal Declaration of Human Rights. These laws conflict with the country’s obligations under international law on a number of levels, including their application and the processes in place to enforce them.

Lack of Safeguards to Prevent Abuse

In addition to restricting fundamental human rights like freedom of expression, the blasphemy and religious insult laws lack internal safeguards to prevent abuses that result in further limits on these rights. For example, they are vaguely written and lack clear definitions for key terms. According to one commentator, Egyptian legislation is often “reactive in nature, whereby a law comes into existence to deal with a specific case. The law is selective due to the very process by which it is issued and in an attempt to make it more general it often becomes too vague.”²⁴

The broad and undefined terms in Article 98(f) of the EPC have made it a useful tool for settling personal or political scores; silencing regime critics, human rights defenders, and opposition parties; and targeting vulnerable groups like homosexuals. For example, in May 2001, more than 50 alleged homosexuals were arrested following a raid on a popular gay nightclub. The men were charged with “habitual debauchery,” and two of the supposed ringleaders of the “cult,” Sherif Farhat and Mahmoud Dokla, were charged with blasphemy under Article 98(f). They were ultimately found guilty and sentenced to five and three years in prison, respectively.²⁵

In another case, two human rights activists—Adel Fawzy Faltas and Peter Ez-zat of the Canadian organization Middle East Christian Association (MECA)—were detained in August 2007 on suspicion of “insulting a heavenly religion” as a result of their work defending the rights of Coptic Christians.²⁶ In the days preceding their arrest, the two men had met with the family of a Coptic Christian who was allegedly killed by police officers.²⁷ MECA had also worked to support the contentious case of Christian convert Mohammed Hegazy, and had recently sued the government to seek reparations for the killing of 21 Copts in the northern village of Kosheh in 2000. A representative for MECA expressed his belief that

Faltas and Ezzat's detention was a form of state intimidation directed at the organization as a whole.²⁸ The two men were eventually released in November 2007, and no formal charges were pursued, but the case illustrates the way in which Egypt's blasphemy and religious insult laws, together with the powers granted to the state by the emergency law, are used to abrogate rights and target specific individuals or groups.²⁹

The blasphemy and religious insult laws are also used to muzzle any differing interpretations of Islam. Questioning of Islam can be prosecuted as blasphemy and lead to accusations of or convictions for apostasy. As the Becket Fund for Religious Liberty has argued, "Articles 98(f), 160, 161, 176, and 178 of the Penal Code are consistently used against individuals who engage in peaceful debate about religion."³⁰

Abuse of Hisba

A 1966 ruling by Egypt's highest court, the Court of Cassation, established that hisba is procedurally allowed in the courts by virtue of the legal system's basis in Shari'a.³¹ Legal precedents permit the courts to convict individuals of blasphemy and deem them apostates as a result of hisba suits. In Islamic jurisprudence, the principle of hisba allows a Muslim to bring a suit against another Muslim if he believes the defendant is acting in a way that is contrary to the tenets of Islam.³² However, the concept remains vague, and virtually any act could be deemed an offense to Islam and prosecuted. According to the International PEN Foundation, the mechanism is reportedly misused for personal reasons or even for blackmail.³³

In the 1980s and 1990s, dozens of Egyptian academics and intellectuals were prosecuted under hisba. One of the better known cases is that of the scholar Nasr Abu Zayd, who in 1995 was arrested and charged with blaspheming against Islam in some of his academic writings as a professor of Arabic language and Islamic studies at Cairo University. He has stated that he believes his prosecution was the result of political differences between him and another professor, and involved "a personal grudge."³⁴ According to several sources, Abu Zayd had an ongoing academic dispute with Abdel-Sabour Shahin, a Muslim cleric and professor of Arabic language.³⁵ One observer has claimed that his case "served no other purpose than settling personal or political scores."³⁶ Abu Zayd was found guilty of blasphemy, and the Court of Cassation ruled that despite the lack of any document or deliberate action announcing his apostasy, his writings themselves were proof of apostasy.³⁷ Since the prevailing interpretation of Islamic law holds that a Muslim woman cannot be married to non-Muslim man, Abu Zayd had to flee to the Netherlands

to avoid being forcibly divorced from his wife.³⁸

Egyptian lawyers, intellectuals, and some parts of the media have raised objections to the overzealous use of hisba to prosecute scholars and theological dissidents, and the Egyptian parliament passed two laws in 1996 to limit its use. The first law prohibits hisba claims from reaching court unless they are first deemed valid by a prosecutor. The second law requires complainants to have a “personal interest” in the case. However, in practice these safeguards are not always enforced. According to the Arabic Network for Human Rights Information (ANHRI), some hisba cases have been accepted by the courts despite a lack of proper vetting by prosecutors.³⁹

This was seen in the 2001 case of Egyptian feminist and writer Nawal el-Saadawi, who was accused of blasphemy against Islam following her remarks regarding the origin of the hajj and the Shari’a inheritance rules by which men can receive double the amount of women.⁴⁰ Cairo lawyer Nabih el-Wahsh brought a hisba complaint against Saadawi, but instead of submitting the case to the prosecutor general’s office, he went straight to the Civil Affairs Court.⁴¹ It was expected that the charges against Saadawi would therefore be dropped at the hearing of first instance, but she was asked to appear in court again, and el-Wahsh was given the opportunity to have his complaint heard.⁴² Several weeks later, the court dismissed the charges, reportedly at the request of the prosecutor general.⁴³ Though the prosecution did not go forward, the fact that it was not immediately dismissed for basic procedural violations illustrates the way that hisba cases continue to be used to curb freedom of expression and opinion.

IMPACT ON THE ENJOYMENT OF HUMAN RIGHTS

Freedom of Expression

Egypt’s prohibitions on blasphemy and religious insult have led to severe and illegitimate restrictions on freedom of expression. The laws are enforced partly through the country’s extensive mechanisms for prepublication censorship.⁴⁴ There are several bodies charged with reviewing materials for publication, including at the executive level. However, all Muslim religious texts are vetted by the Islamic Research Council of Al-Azhar University, the oldest Islamic university and a leading religious authority for Sunni Muslims that is known for its conservative interpretations of Shari’a. Law No. 102 of 1985 gave Al-Azhar the authority to regulate publication of the Quran and the *hadith* (teachings of the prophet).

According to analysts, “its powers soon began to grow and today it is involved in the banning of not only books directly related to the Quran and *hadith* but also a number of other books which may incidentally be related to ‘religion.’”⁴⁵ In 1994, the government clarified that Al-Azhar was the “sole authority to which the Ministry of Culture must refer Islamic matters, and that it was to issue licenses for films, books, and tapes that discussed religion.”⁴⁶ The list of banned books in Egypt is extensive, and titles are continually being added.

There have been numerous incidents of newspapers and magazines being censored for religious reasons. In 2006, editions of leading European newspapers *Le Figaro* and *Frankfurter Allgemeine Zeitung* were banned, reportedly because of articles deemed “insulting to Islam.”⁴⁷ The Egyptian magazine *Ibdaa* (Creativity) had its publishing license withdrawn in April 2009 because of a poem, published in 2007, that was found to be blasphemous,⁴⁸ though the move was later reversed on appeal.

In an ongoing case, the Egyptian author Youssef Ziedan, a Muslim, has been accused of blaspheming against Christianity in his book *Azazil*. Coptic groups have filed a complaint under Article 98(f) of the EPC, arguing that the book insults Christianity and some of the faith's leading figures, and the prosecutor general's office is reportedly investigating the claim.⁴⁹ How this case proceeds will be telling, as it is the first to invoke Article 98(f) in defense of Christianity. While the government has given the task of vetting publications relating to Islam to Al-Azhar University, the Coptic Orthodox Church unofficially does the same for books addressing Christianity. *Azazil* was not vetted by the Church, however, as it was considered to be popular literature rather than religious.⁵⁰

In addition to books and periodicals, blasphemy and religious insult laws have been used to curb expression on the internet. Blogger Kareem Amer was arrested in 2006 and sentenced to four years in prison in 2007 for his critical online writings about the leadership of Al-Azhar. The UN Working Group on Arbitrary Detention found that the case against him led to a violation of his right to freedom of expression under Article 19 of the ICCPR and of the Universal Declaration of Human Rights. The working group concluded: “Defamation of religions may offend people and hurt their feelings but it does not directly result in a violation of their rights to freedom of religion. International law does not permit restrictions on opinions or beliefs which diverge from the religious beliefs of the majority of the population or the state prescribed one.”⁵¹

Freedom of Religion

Article 98(f) is discriminatory in that it only prohibits blasphemy against one of the three “heavenly” or “divinely revealed” religions, namely Islam, Christianity, and Judaism. Unrecognized minority religious groups such as the Baha’i and Ahmadiyya, a heterodox offshoot of Islam, are not protected and are disproportionately affected by the law.⁵²

Unlike Christians and Jews, adherents of the Baha’i faith and Ahmadiyya are not legally free to practice. In fact, practicing the Baha’i faith is considered blasphemy. The religion is criminalized under Law No. 263 of 1960, which bans Baha’i institutions and community activities and strips Baha’is of any legal recognition.⁵³ The government has argued that the law was adopted to uphold “public order,”⁵⁴ and Egypt’s courts, including the Supreme Administrative Court, have affirmed this position.⁵⁵ According to the National Spiritual Assembly of the Baha’is, the faith’s adherents in Egypt “have faced several episodes of arrests, detentions, and imprisonment, the most recent being in 2001. Baha’is remain under constant police surveillance. Their homes are periodically searched. Baha’i literature is taken and destroyed.”⁵⁶

Others deemed to have deviated from the state-endorsed version of Sunni Islam are also prosecuted under Egypt’s blasphemy law, as occurred in the case of Abdul Sabur el-Kashef and Mohammed Radwan. El-Kashef was the leader of an Islamic cult and claimed to have seen God; Radwan was one of his followers. The men were arrested for blasphemy in 2006 after they were seen preaching in a public square and calling for Muslims to stop praying five times a day.⁵⁷ Kashef was reportedly sentenced to 11 years in prison for claiming to see God, and Radwan received a three-year prison sentence for denying the existence of heaven and hell; both were charged under Article 98(f). An appeals court later reduced Kashef’s sentence to six years but confirmed Radwan’s term.⁵⁸

Egypt’s *hisba* jurisprudence also imposes severe restrictions on freedom of religion or belief, as the procedure can be used to target theological dissidents or any discussion of Islam that diverges from the official interpretation. The principles of freedom of religion and freedom of expression both allow for a diversity of opinions on religious matters, and the legal harassment and intimidation faced by Nasr Abu Zayd and other Egyptian academics and writers illustrates the extent to which conditions in Egypt conflict with such principles.

Freedom from Discrimination

Egypt's laws and legal practices have negatively affected Muslims' right to change their religion, a fundamental component of overall religious freedom.⁵⁹ These restrictions also amount to religious discrimination, as non-Muslims are not subject to similar constraints. A key 2008 ruling by the Cairo Administrative Court affirmed that apostasy is a violation of the principles of Islam, and therefore conversion from Islam to another faith is not allowed.⁶⁰ The decision stated that the freedom to practice one's religion is subject to certain limitations, namely the "maintenance of public order, public morals, and conformity to the provisions and principles of Islam."⁶¹ The court went on to explain that "public order" refers to the official religion of Islam, the majority Muslim population of Egypt, and Islamic law as the principle source of Egyptian legislation.⁶² Meanwhile, Christians wishing to convert to Islam reportedly face no challenges in doing so.⁶³

In recent years there have been several notable cases exhibiting such discrimination against Muslims who wish to identify with another faith. In 2005, Christian convert Baha el-Akkad was arrested and detained under the emergency law on suspicion of "insulting a heavenly religion."⁶⁴ He was held without charge or trial for more than two years before finally being released in 2007.⁶⁵ In a separate case in 2007, Christian convert Mohamed Hegazy petitioned the courts to change his religion on his state-issued identification card from Muslim to Christian. He was reportedly the first Christian to attempt to receive official recognition of his conversion.⁶⁶ In April 2010, following two years of postponements by the courts and appeals against rejections of his legal request (during which he was subjected to death threats and discrimination because of his conversion), Hegazy's case was postponed yet again pending the outcome of a case before the Constitutional Court with regard to Article 47 of the constitution, which provides for freedom of religion.⁶⁷

Freedom from Arbitrary Arrest and Detention

The problem of arbitrary arrest and detention has been seriously compounded by Egypt's emergency law and its language restricting blasphemy. In 2006, the law was amended to limit the length of detention without charge or trial to six months.⁶⁸ However, many nongovernmental organizations (NGOs) report that this barrier exists only in theory, as in practice individuals continue to be held for years or even decades without being formally charged or tried. The U.S. Department of State has noted "large-scale detentions of hundreds of individuals without charge under the emergency law."⁶⁹ The Egyptian government maintains

that the powers of arrest and detention under the emergency law are subject to judicial review, which guards against abuse. However, the government commonly “disregards court orders to release detainees held under the emergency law, and the Interior Ministry is empowered under the law to renew detention orders on its own authority.”⁷⁰

The case of Hani Nazeer, a Coptic Christian blogger, illustrates the abusive combination of emergency detention and blasphemy laws. Nazeer reportedly posted a link on his blog to an image of a book cover that was deemed insulting to Islam.⁷¹ He was detained in October 2008 under the emergency law, and has been held in Borg al-Arab prison since then.⁷² Nazeer’s ANHRI lawyers obtained five court orders for his release, but it was not until July 2010 that he was freed.⁷³ However, each time an order for his release has been issued, security forces have appealed the decision and obtained new detention orders from the Interior Ministry. Following the latest release order, one NGO reported that Nazeer was moved briefly to a police station, only to be transferred back to Borg el-Arab under a new detention order.⁷⁴

It is noteworthy that Nazeer has not been charged formally with blasphemy or insulting Islam, but was detained because of allegations that he did so.⁷⁵ Egyptian authorities claimed that his detention was a preventative measure designed to protect his life “in light of the anger and the strong uprising of Muslims in Quena caused by his blog.”⁷⁶

In the case of blogger Kareem Amer, mentioned above, the defendant was charged with “inciting hate of Islam,” “insulting religion,” and “insulting the president” for his criticism of Al-Azhar University and its Islamic Research Council—the body charged with ensuring that all publications in Egypt are in line with Shari’a principles.⁷⁷ In 2009, the UN Working Group on Arbitrary Detention found his detention to be in violation of the detention and trial provisions of both the Universal Declaration of Human Rights (Articles 9 and 10),⁷⁸ and the ICCPR (Articles 10 and 14).⁷⁹

More recently, nine Ahmadiyya adherents were arrested on March 15, 2010, and detained under the emergency law for more than 80 days without charge or trial, reportedly “because of their affiliation with the Ahmadi confession.” According to the Egyptian Initiative for Personal Rights (EIPR), they were finally charged with “showing contempt for the Islamic religion” under Article 98(f) of the EPC.⁸⁰ After their detention order under the emergency law expired on May 31, they were placed under a preventive detention order issued by the state security prosecutor for four more days. On June 4, three of the detainees were released on the order of

a summary court judge, and on June 8 the remaining six were released by the state security prosecutor in what was described as a “surprising step.”⁸¹

Access to Legal Representation

The well-publicized cases of Hani Nazeer and Kareem Amer have featured violations of the right to access to legal counsel while in detention.⁸² Both individuals are represented by lawyers from ANHRI, and these attorneys have been denied the right to visit their clients in prison. Although the lawyers reportedly obtained official visit permits from the Public Prosecutor and Detainee Affairs Office, prison officials denied them entry on at least three occasions in 2009.⁸³ No reasons were given for the refusals. ANHRI submitted formal complaints to the prosecutor’s office, but apparently no action was taken to investigate them.⁸⁴

Right to Due Process

As mentioned above, blasphemy suspects detained under Egypt’s emergency law can be referred to military courts.⁸⁵ The emergency law also empowers the government to establish special courts with no right to appeal, falling short of international standards for fair trial, due process, and judicial independence.⁸⁶ According to one commentator, “Over the years, it has become clear that the military [special] courts are not an independent body since they are under the executive authority. It appears that in a system where the independence of the judiciary is a farce—a principle on paper only—no mechanism exists through which human rights can be achieved.”⁸⁷

Moreover, the Interior Ministry’s practice of appealing special courts’ decisions to release prisoners and issuing new detention orders on its own authority raises doubts about the relevance of existing judicial review mechanisms.⁸⁸ As one Human Rights Watch official has stated, “security officials’ disregard for court decisions shows that they operate outside the law and basically do whatever they want.”⁸⁹

The *hisba* system also affects due process and fair trial rights for those accused of blasphemy or religious insult in Egypt. Hundreds of *hisba* cases have been registered against writers and activists, often using blasphemy or apostasy as a pretext,⁹⁰ and the authorities have failed to curb the practice or prevent frivolous or invalid complaints from reaching the courts, as required by law. ANHRI has argued that “the weak stance of the Government regarding the swarm of *hisba* cases against writers and reporters resulted in *hisba* cases gaining more ground and extending their reach to human rights activists and civil society advocates.”⁹¹

Freedom from Torture and Cruel, Inhuman, or Degrading Treatment & Right to Life and Security of the Person

Egypt's poor record on torture and other cruel, inhuman, or degrading treatment or punishment has come under much scrutiny and been documented in innumerable reports. A range of UN expert and treaty bodies—including the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism, the Committee Against Torture, and the Human Rights Committee—have expressed concern over Egypt's continued use of torture and ill-treatment, particularly in administrative detention and prison facilities.⁹²

Human Rights Watch has described torture in Egypt as “epidemic,” and alleges that complaints of torture are inadequately or simply not investigated, while prosecutions are rare.⁹³ When they have occurred, punishments for torture or ill-treatment have been light, contributing to a culture of impunity for the perpetrators.⁹⁴ A number of individuals held on blasphemy or religious insult charges have been subjected to abusive treatment.

According to the UN Working Group on Arbitrary Detention and ANHRI, Amer has been repeatedly abused while in detention at Borg al-Arab prison.⁹⁵ An investigation into one such allegation was not launched until 11 days after the incident in question, despite a complaint submitted by Amer's lawyers.⁹⁶ The Cairo Institute for Human Rights Studies has also reported on the “inhuman imprisonment circumstances” in which Amer is detained. The group noted, for instance, that he was placed in solitary confinement for two months in 2007 and did not receive regular meals.⁹⁷

Nazeer has reported being assaulted by guards at Borg al-Arab prison.⁹⁸ ANHRI stated that Nazeer had also been pressured by prison officials to convert to Islam while in detention, which may amount to cruel, inhuman, or degrading treatment.⁹⁹ According to the organization, complaints regarding these violations were submitted but not acted upon.¹⁰⁰

Allegations of torture arose in the case of the nine Ahmadis who were arrested and detained on charges of “showing contempt for the religion of Islam.” Lawyers for the EIPR were present during the interrogation of the nine detainees by the state security prosecutor, during which several of them said they had been tortured by police to “compel them to confess to the charges against them.”¹⁰¹ The EIPR reportedly asked for an investigation into these allegations.¹⁰²

Apostasy and blasphemy continue to be highly stigmatized in Egyptian society, and their criminalization by the state encourages extralegal persecution by

religious extremists. Islamic radical groups are able to rally angry mobs to protest perceived unorthodox interpretations of Islam; individuals accused of defying or merely questioning Islamic principles are at risk of being targeted in such campaigns. In some cases, alleged blasphemers and apostates have been physically attacked. For example, Naguib Mahfouz, an Egyptian novelist and Nobel laureate, was vilified by Islamists who accused him of promoting secularism in his 1959 book *Children of Gaballawi*. Though he did not face legal proceedings, Islamist groups waged a campaign against him, succeeding in having the book banned in Egypt and posing a serious threat to his safety and security. In October 1994, Mahfouz was stabbed in the neck by an Islamist militant while walking in the street. Though he survived the attack, it is indicative of the dangers faced by those accused of insulting Islam.

In the case of Hani Nazeer, when law enforcement officials were unable to find him to arrest him in connection with his alleged insults against Islam, they instead detained his brothers for three days and threatened to arrest his sisters. Nazeer then turned himself in to secure the release of his brothers.¹⁰³ This kind of intimidation violates individuals' right to security of the person.

Many individuals accused of blasphemy or other forms of religious insult have received death threats. The same is true for those accused of apostasy. Mohammed Hegazy was forced to go into hiding as a result of death threats that followed his attempt to get official recognition for his conversion from Islam to Christianity.¹⁰⁴ In a public statement, two religious scholars from Al-Azhar University reportedly declared it legal in Islamic law for Hegazy to be killed because of his conversion.¹⁰⁵

CONCLUSION

Egypt's blasphemy and religious insult laws, coupled with the expansive detention powers granted by the emergency law and the capricious system of hisba complaints, expose the accused to a range of serious human rights abuses at the hands of the authorities as well as individuals. The victims can include journalists, academics, bloggers, religious minorities, political dissidents, and ordinary citizens caught up in personal disputes. As demonstrated by the cases cited in this chapter, the vaguely worded and arbitrarily enforced restrictions are incompatible with the rule of law and the fundamental civil liberties that the government of Egypt is obliged to uphold and protect.

<http://www.elwatan.com/IMG/pdf/elwatanWeek-end120909.pdf>.

- ³⁶ Bureau of Democracy, Human Rights, and Labor, "Algeria," in *2008 Country Reports on Human Rights Practices* (Washington, DC: U.S. Department of State, February 2009), <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119112.htm>.
- ³⁷ Abder Bettache, "Affaire des quatre jeunes poursuivis pour 'non-observation' de jeûne" [Case of Four Youths Prosecuted for 'Non-Observation' of Fast], *Le Soir d'Algérie*, November 19, 2008, <http://www.lesoiralgerie.com/articles/2008/11/19/article.php?sid=75927&cid=2>.
- ³⁸ Mustapha Benphodil, "Les actes d'intolérance se multiplient" [Acts of Intolerance Multiply], *El Watan*, September 10, 2009, http://www.algeria-watch.de/fr/mrv/mrvrepr/actes_intolerance.htm.
- ³⁹ Bettache, "Affaire des quatre jeunes poursuivis pour 'non-observation' de jeûne."
- ⁴⁰ Benphodil, "Les actes d'intolérance se multiplient."
- ⁴¹ Moussaoui Hafedh and Nouri Nesrouche, "Condamnés par le tribunal de Biskra pour non-respect du Ramadhan: Les prévenus relaxés par la cour d'appel" [Convicted by the Court of Biskra for Disrespect of Ramadan: Defendants Acquitted by Court of Appeal], *El Watan*, October 8, 2008, <http://www.wluml.org/fr/node/190>.
- ⁴² Bureau of Democracy, Human Rights, and Labor, "Algeria," in *International Religious Freedom Report 2009*.
- ⁴³ Hafedh and Nesrouche, "Condamnés par le tribunal de Biskra pour non-respect du Ramadhan."
- ⁴⁴ Ibid. [Original French: "Je crois que le fait de fixer l'audience en appel dans un délai très court, moins de dix jours, implique que la justice reconnaît son tort."]
- ⁴⁵ Police at first reportedly tried to accuse the cousin of drinking alcohol in public, then accused the pair of being lovers. See "Deux jeunes incarcérés puis remis en liberté," *El Watan*.
- ⁴⁶ Ibid. [Original French: "Ils ont interrogé mon cousin de façon très musclée sur le fait de ne pas jeûner."]
- ⁴⁷ Ibid.
- ⁴⁸ Confidential conversation with Algerian lawyer B, July 23, 2010.
- ⁴⁹ Human Rights Committee, Ninetieth Session, *General Comment 32, 2007*, (UN Doc: CCPR/C/GC/32), <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/437/71/PDF/G0743771.pdf?OpenElement>.
- ⁵⁰ UN Human Rights Committee, *Views of the Human Rights Committee under Article 5, Paragraph 4, of the Optional Protocol to the International Covenant on Civil and Political Rights*, March 25, 1983 (CCPR/C/18/D/16/1977), <http://www.estadodederechocdh.uchile.cl/media/documentacion/archivos/MonguyaDPCCPR.pdf>.
- ⁵¹ Confidential conversation with Algerian lawyer B, July 23, 2010.
- ⁵² Ibid.
- ⁵³ Kremida and Larson, "Algerian Christians Acquitted in Blasphemy Case"; Bureau of Democracy, Human Rights, and Labor, "Algeria," in *International Religious Freedom Report 2009*.

EGYPT

- ¹ U.S. Department of State, "Background Note: Egypt," March 5, 2010, <http://www.state.gov/r/pa/ei/bgn/5309.htm>.
- ² Bureau of Democracy, Human Rights, and Labor, "Egypt," in *2008 Country Reports on Human Rights Practices* (Washington, DC: U.S. Department of State, February 2009),

- <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119114.htm>.
- ³ Human Rights Watch, *Reading Between the "Red Lines": The Repression of Academic Freedom in Egyptian Universities* (New York: Human Rights Watch, 2005), 71, <http://www.hrw.org/reports/2005/egypt0605/>.
- ⁴ The U.S. Department of State reports that "members are known publicly and openly speak their views, although they do not explicitly identify themselves as members of the organization." See U.S. Department of State, "Background Note: Egypt."
- ⁵ Political parties based on religious platforms have been routinely discouraged in Egypt, and in 2007, constitutional amendments were adopted to officially prohibit the formation of political parties based on religious platforms or even within a religious framework. Article 5 of the constitution reads: "The political regime of the Arab Republic of Egypt is based upon the multiparty system within the framework of the basic principles and components of the Egyptian society stipulated by the Constitution. Political parties shall be organized by law. The citizens have the right to form political parties according to the law and *no political activity shall be exercised or political parties shall be formed on the basis of religion or on discrimination due to gender or race.*" [Emphasis added.] Constitution of Egypt, September 1971 (as amended in 1980, 2005, and 2007), http://www.cabinet.gov.eg/AboutEgypt/Egyptian_constitution.aspx.
- ⁶ Daniel Williams, "Banned Islamic Movement Now the Main Opposition in Egypt," *Washington Post*, December 10, 2005, <http://www.washingtonpost.com/wp-dyn/content/article/2005/12/09/AR2005120901818.html>; "Gamal Mubarak's Ambitions Suffer Setback After Egypt Vote," Agence France-Presse, December 10, 2005.
- ⁷ According to the Council on Foreign Relations, the 2005 elections featured a more open political atmosphere, largely as the result of international and domestic pressure. However, the openness came to an end on voting day, when the crackdown on the Muslim Brotherhood resumed. Reportedly more than 1,000 members were arrested between the first and last round of elections. See Sharon Otterman, "Muslim Brotherhood and Egypt's Parliamentary Elections," Council on Foreign Relations, December 1, 2005, http://www.cfr.org/publication/9319/muslim_brotherhood_and_egypts_parliamentary_elections.html; Amr Hamzawy and Nathan J. Brown, *The Egyptian Muslim Brotherhood: Islamist Participation in a Closing Political Environment* (Washington, DC: Carnegie Endowment for International Peace, March 2010), 5–6, http://carnegieendowment.org/files/muslim_bros_participation.pdf; "Guide to Egypt's Elections," British Broadcasting Corporation (BBC), November 8, 2005, http://news.bbc.co.uk/1/hi/world/middle_east/4417150.stm.
- ⁸ Bassma Kodmani, *The Dangers of Political Exclusion: Egypt's Islamist Problem* (Washington, DC: Carnegie Endowment for International Peace, October 2005), 4, <http://www.carnegieendowment.org/files/cp63.kodmani.final.pdf>.
- ⁹ Maurits Berger, "Apostasy and Public Policy in Contemporary Egypt: An Evaluation of Recent Cases from Egypt's Highest Courts," *Human Rights Quarterly* 25, no. 3 (2003): 732.
- ¹⁰ Ibid.; Brian Whitaker, "Egyptian Law Gives Fanatics Free Rein," *Guardian*, April 28, 2010, <http://www.guardian.co.uk/commentisfree/2010/apr/28/egypt-thousand-one-nights-ban>.
- ¹¹ Article 47: "Freedom of opinion shall be guaranteed. Every individual shall have the right to express his opinion and to publicize it verbally, in writing, by photography or by other means of expression within the limits of the law. Self criticism and constructive criticism shall guarantee the safety of the national structure"; Article 48: "Liberty of the press, printing, publication and mass media shall be guaranteed. Censorship on newspapers shall be

forbidden as well as notifying, suspending or cancelling them by administrative methods. In a state of emergency or in time of war, a limited censorship maybe imposed on the newspapers, publications and mass media in matters related to public safety or for purposes of national security in accordance with the law.” Constitution of Egypt, September 1971 (as amended in 1980, 2005, and 2007).

¹² *Ibid.*, Article 40.

¹³ A 1980 amendment changed the wording of Article 2 to read “the principle source” rather than “a principle source,” strengthening the primacy of Shari’a in Egypt’s legal system. See Christian Solidarity Worldwide, *Religious Freedom Profile: Egypt* (Surrey, UK: Christian Solidarity Worldwide, July 2008), 4, http://www.online2.church123.com/attach.asp?clientURN=christiansolidarityworldwide2&attachFileName=4bee0597855e8e691dced4295b358aa6.attach&attachOriginalFileName=CSW_Briefing_Egypt_July_2008.pdf.

¹⁴ Yustina Saleh, “Law, the Rule of Law, and Religious Minorities in Egypt,” *Middle East Review of International Affairs* 8, no. 4 (2004), <http://meria.idc.ac.il/journal/2004/issue4/jv8no4a7.html>.

¹⁵ Berger, “Apostasy and Public Policy in Contemporary Egypt,” 732.

¹⁶ Law No. 162 has undergone several amendments, which Mubarak has claimed limit its potential for abuse or misuse, but the changes have been criticized as “cosmetic and superficial.” Mubarak has also repeatedly expressed his commitment to repealing the emergency law, but it remains in force. See Human Rights Watch, “Egypt: Extending State of Emergency Violates Rights,” news release, May 27, 2008, <http://www.hrw.org/en/news/2008/05/27/egypt-extending-state-emergency-violates-rights>; Freedom House, “Egyptian Government Continues to Use Emergency Law to Crack Down on Freedom of Speech,” news release, March 5, 2010, <http://www.freedomhouse.org/template.cfm?page=70&release=1147>.

¹⁷ Yolande Knell, “Egypt Opposition to Emergency Law,” BBC, May 12, 2010, http://news.bbc.co.uk/1/hi/world/middle_east/8675301.stm.

¹⁸ Egyptian Penal Code (Law No. 58 of 1937), Article 98(f).

¹⁹ *Ibid.*, Article 160; see Becket Fund for Religious Liberty, *United Nations Human Rights Council Universal Periodic Review: Egypt* (Washington, DC: Becket Fund for Religious Liberty, September 2009), 4, http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/EG/BF_UPR_EGY_S07_2010_TheBecketFundforReligiousLiberty.pdf.

²⁰ Egyptian Penal Code, Article 161.

²¹ *Ibid.*, Article 176.

²² *Ibid.*, Article 178.

²³ Article 151, Constitution of Egypt, September 1971 (as amended in 1980, 2005 and 2007).

²⁴ Yustina Saleh, “Law, the Rule of Law, and Religious Minorities in Egypt.”

²⁵ Human Rights Watch, *In a Time of Torture: The Assault on Justice in Egypt’s Crackdown on Homosexual Conduct* (New York: Human Rights Watch, 2004), 43, <http://www.hrw.org/reports/2004/egypt0304/>.

²⁶ Jonathan Spollen, “MECA Director Rejects Claims of Insulting Prophet Mohamed,” *Daily News* (Egypt), August 11, 2007, <http://www.dailystaregypt.com/article.aspx?ArticleID=8731>.

²⁷ *Ibid.*; Tracy Huffman, “Egypt Arrests Christian Duo: Toronto-Based Religious Rights Organization Says Its Members Are Being Targeted by Cairo Police,” *Toronto Star*, August 11, 2007.

²⁸ Paul Marshall, “Muzzling in the Name of Islam,” *Washington Post*, September 29, 2007.

- ²⁹ Christian Solidarity Worldwide, *Religious Freedom Profile: Egypt*.
- ³⁰ Becket Fund for Religious Liberty, *United Nations Human Rights Council Universal Periodic Review: Egypt*, 4.
- ³¹ Baber Johansen, "Apostasy as Objective and Depersonalized Fact: Two Recent Egyptian Court Judgments," *Social Research* 70, no. 3 (2003), http://findarticles.com/p/articles/mi_m2267/is_3_70/ai_110737774/pg_6/?tag=content;coll.
- ³² Ahmed Mansour, "Hisba: A Historical Overview," Ahl AlQuran International Quranic Center, http://www.ahl-alquran.com/English/show_article.php?main_id=125.
- ³³ Trevor Mostyn, *Defamation in Egypt Today* (London: International PEN Foundation, March 2007), 6, <http://www.internationalpen.org.uk/files/dmfile/defamationegypt.pdf>.
- ³⁴ Berger, "Apostasy and Public Policy in Contemporary Egypt," 729, footnote 33.
- ³⁵ *Ibid.*, 734; see also Mary Anne Weaver, "Revolution by Stealth," *New Yorker*, June 8, 1998, <http://archives.newyorker.com/?i=1998-06-08#folio=038>.
- ³⁶ Berger, "Apostasy and Public Policy in Contemporary Egypt," 728.
- ³⁷ *Ibid.*, 734; see also Weaver, "Revolution by Stealth."
- ³⁸ Weaver, "Revolution by Stealth."
- ³⁹ Arabic Network for Human Rights Information (ANHRI), "Hesba Cases Cast Away the Civil State Principles and Citizenship Rights, Egyptian Government Has to STOP Compromising," news release, January 10, 2009, <http://www.anhri.net/en/reports/2009/pr1001.shtml>.
- ⁴⁰ For more detailed information on this case, see Nawal el-Saadawi's website at <http://www.nawalsaadawi.net/>.
- ⁴¹ Khaled Dawoud, "Did Hisba Ever Go Away?" *Al-Ahram Weekly*, June 21–27, 2001, <http://weekly.ahram.org.eg/2001/539/eg7.htm>; Kristen A. Stilt, "Islamic Law and the Making and Remaking of the Iraqi Legal System," *George Washington International Law Review* 36 (2004).
- ⁴² Nadia Abou el-Magd, "The Price of Freedom," *Al-Ahram Weekly*, May 31–June 6, 2001, <http://weekly.ahram.org.eg/2001/536/rg7.htm>; Stilt, "Islamic Law and the Making and Remaking of the Iraqi Legal System."
- ⁴³ Stilt, "Islamic Law and the Making and Remaking of the Iraqi Legal System"; "Egypt Apostasy Trial Adjourned," BBC, July 9, 2001, http://news.bbc.co.uk/1/hi/world/middle_east/1430497.stm.
- ⁴⁴ Arch Puddington and others, eds., "Egypt," in *Freedom in the World 2010* (New York: Freedom House; Lanham, MD: Rowman & Littlefield, 2010), <http://freedomhouse.org/template.cfm?page=363&year=2010>.
- ⁴⁵ Abdullah Saeed and Hassan Saeed, *Freedom of Religion, Apostasy and Islam* (Aldershot, UK: Ashgate, 2005), 105.
- ⁴⁶ *Ibid.*, 197 (Chapter 7, footnote 19); see also Richard Engel, "Book Ban Exposes Azhar Censorship," *Middle East Times*, August 31, 2007.
- ⁴⁷ Reuters, "Two European Papers Face Egypt Ban," *Al-Jazeera*, September 24, 2006, <http://english.aljazeera.net/archive/2006/09/200841014910365505.html>.
- ⁴⁸ ANHRI, "Ibda'è Magazine License Cancelled; Issue of 'Share'è alsahafaa' Newspaper Confiscated," International Freedom of Expression eXchange (IFEX), April 15, 2009, http://www.ifex.org/egypt/2009/04/15/ibda_e_magazine_licence_cancelled/.
- ⁴⁹ Yasmine Saleh, "Egypt Christians Want Action on 'Insulting' Novel," Reuters, May 5, 2010, <http://www.reuters.com/article/idUSTRE6444CQ20100505>; Index on Censorship, "Egyptian Author Faces Jail for Insulting Copts," May 17, 2010,

<http://www.indexoncensorship.org/2010/05/egyptian-author-copts-insult/>.

- ⁵⁰ Yasmine Saleh, "Egypt Christians Want Action on 'Insulting' Novel."
- ⁵¹ UN Working Group on Arbitrary Detention, Opinion No. 35/2008 (Egypt), November 20, 2008, available at <http://www.amnesty.org/sites/impact.amnesty.org/files/OPINION-No-35-2008.pdf>.
- ⁵² Becket Fund for Religious Liberty, *United Nations Human Rights Council Universal Periodic Review: Egypt*, 2.
- ⁵³ Baha'i International Community, *Situation of the Baha'i Community of Egypt* (New York: Baha'i International Community, August 2005), 9–10, http://info.bahai.org/pdf/Egypt_Situation_Aug_2005.pdf; Bureau of Democracy, Human Rights, and Labor, "Egypt" in *International Religious Freedom Report 2009* (Washington, DC: U.S. Department of State, October 2009), <http://www.state.gov/g/drl/rls/irf/2009/127346.htm>.
- ⁵⁴ Cairo Institute for Human Rights Studies, *The Baha'i Case as an Ordeal of Citizenship and Freedom of Belief in Egypt* (Cairo: Cairo Institute for Human Rights Studies, January 2007), <http://www.cihrs.org/English/NewsSystem/Articles/458.aspx>.
- ⁵⁵ Berger, "Apostasy and Public Policy in Contemporary Egypt," 725; Bureau of Democracy, Human Rights, and Labor, "Egypt," in *International Religious Freedom Report 2008* (Washington, DC: U.S. Department of State, September 2008), <http://www.state.gov/g/drl/rls/irf/2008/108481.htm>.
- ⁵⁶ U.S. House Committee on International Relations, *The Plight of Religious Minorities: Can Religious Pluralism Survive? Hearing Before the Subcommittee on Africa, Global Human Rights and International Operations*, 109th Cong. 2nd sess., June 30, 2006, 127–140, http://commdocs.house.gov/committees/intlrel/hfa28430.000/hfa28430_of.htm; Baha'i International Community, *Individual UPR Contribution: Egypt* (New York: Baha'i International Community, February 2010), http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/EG/BIC_UPR_EGY_S07_2010_BahaiInternationalCommunity.pdf.
- ⁵⁷ "Two Egyptians Face Blasphemy Trial for Setting Up Islamic Cult," Associated Press, May 10, 2006.
- ⁵⁸ Bureau of Democracy, Human Rights, and Labor, "Egypt," in *International Religious Freedom Report 2007* (Washington, DC: U.S. Department of State, September 2007), <http://www.state.gov/g/drl/rls/irf/2007/90209.htm>.
- ⁵⁹ Article 18 of the Universal Declaration of Human Rights: "Everyone has the right to freedom of thought, conscience and religion; *this right includes freedom to change his religion or belief*, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance." [Emphasis added.]
- ⁶⁰ Becket Fund for Religious Liberty, *United Nations Human Rights Council Universal Periodic Review: Egypt*, 3.
- ⁶¹ Bureau of Democracy, Human Rights, and Labor, *International Religious Freedom Report 2008*.
- ⁶² *Ibid.*
- ⁶³ "Egypt: Christian Convert from Islam Jailed," Compass Direct News, October 18, 2006, <http://archive.compassdirect.org/en/display.php?page=news%E2%8C%A9=en&length=long&idelement=4596& backpage=archives&critere=el-akkad&countryname=Egypt&rowcur=0>; "Egyptian Convert from Islam Devastated by 'Delay Tactic,'" Compass Direct News, May 17, 2010, <http://www.compassdirect.org/english/country/egypt/19474/>.

- ⁶⁴ “Egypt: Christian Convert from Islam Jailed,” Compass Direct News.
- ⁶⁵ Egyptian Initiative for Personal Rights (EIPR) and Human Rights Watch, *Prohibited Identities: State Interference with Religious Freedom* (Cairo: EIPR; New York: Human Rights Watch, November 2007), 19 (footnote 18), <http://eipr.org/en/report/2009/12/06/261/265>.
- ⁶⁶ “Egyptian Convert from Islam Devastated by ‘Delay Tactic,’” Compass Direct News.
- ⁶⁷ *Ibid.*
- ⁶⁸ Christian Solidarity Worldwide, *Religious Freedom Profile: Egypt*, 10; Becket Fund for Religious Liberty, *United Nations Human Rights Council Universal Periodic Review: Egypt*, 4. According to Human Rights Watch, “under the emergency law, the interior minister may order a person’s detention without charge for 45 days, and indefinitely renew the order. After 30 days, a detainee can appeal before the state security court. The court can confirm the detention or order the person’s release. The Interior Ministry may appeal a release order, but the court makes a final decision.” See Human Rights Watch, “Egypt: Free Blogger Held Under Emergency Law,” news release, April 23, 2010, <http://www.hrw.org/en/news/2010/04/23/egypt-free-blogger-held-under-emergency-law>.
- ⁶⁹ Bureau of Democracy, Human Rights, and Labor, “Egypt,” in *2008 Country Reports on Human Rights Practices*.
- ⁷⁰ Human Rights Watch, “Egypt: Government Renews State of Emergency,” news release, May 11, 2010, <http://www.hrw.org/en/news/2010/05/11/egypt-government-renews-state-emergency>.
- ⁷¹ ANHRI, “Divvying Up Roles: State Security Officers Arrest Secularist Christian Blogger for Six Months; Church Orders Family to Keep Silent,” news release, April 26, 2009, <http://www.anhri.net/en/reports/2009/pr0426.shtml>; Human Rights Watch, “Egypt: Free Blogger Held Under Emergency Law.”
- ⁷² Amnesty International, “Egypt: Interior Minister Must Immediately Release Egyptian Blogger Hani Nazeer,” news release, January 13, 2010, <http://www.amnesty.org/en/library/asset/MDE12/002/2010/en/1d46b574-0b6b-4a41-82de-760093ba42fe/mde120022010en.html>.
- ⁷³ *Ibid.*; ANHRI, *Freedom of Expression in Egypt 2009* (Cairo: ANHRI, March 2010), <http://www.anhri.net/en/?p=486>; ANHRI, “Hani Nazeer FREE at last!” news release, August 28, 2010, www.anhri.net/en/?p=961.
- ⁷⁴ Human Rights Watch, “Egypt: Free Blogger Held Under Emergency Law.”
- ⁷⁵ ANHRI, “Ministry of Interior Declines on the Fourth Court Decision to Release Blogger and Prisoner of Conscience Hani Nazeer,” news release, December 16, 2009, <http://www.anhri.net/en/reports/2009/pr1216.shtml>.
- ⁷⁶ Human Rights Watch, “Egypt: Free Blogger Held Under Emergency Law.”
- ⁷⁷ Amnesty International, “UN Experts Condemn Detention of Egyptian Blogger,” news release, March 23, 2009, <http://www.amnesty.org/en/news-and-updates/un-experts-condemn-detention-egyptian-blogger-20090323>; Courtney C. Radsch, “Core to Commonplace: The Evolution of Egypt’s Blogosphere,” *Arab Media & Society* 6 (Fall 2008), <http://www.arabmediasociety.com/?article=692>.
- ⁷⁸ Universal Declaration of Human Rights, Article 9: “No one shall be subjected to arbitrary arrest, detention or exile”; Article 10: “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.”
- ⁷⁹ Amnesty International, “UN Experts Condemn Detention of Egyptian Blogger”; Article 19, “Article 19 Applauds UN Experts’ Decision on Arbitrary Detention of Egyptian Blogger Kareem Amer,” news release, March 24, 2009, <http://www.article19.org/pdfs/press/>

article-19-applauds-un-experts-decision-on-arbitrary-detention-of-egyptian-b.pdf.

⁸⁰ EIPR, "After 80 Days of Detention: State Security Prosecutor Releases All Ahmadi Detainees," news release, June 8, 2010, <http://eipr.org/en/pressrelease/2010/06/08/903>; "Egypt Ahmadi Detained Under Emergency Law," Agence France-Presse, May 14, 2010.

⁸¹ EIPR, "After 80 Days of Detention."

⁸² ANHRI, *Freedom of Expression in Egypt 2009*.

⁸³ Ibid.; ANHRI, "For the Second Time, Security Cancels ANHRI Lawyers Visit to the Blogger Hany Nazeer Despite Having a Permit. ANHRI Refuses State Security Bullying at Borg al-Arab 'Estate' and Requests the Prosecution to Disclose the Investigation Results Towards These Practices, If Any," news release, August 5, 2009, <http://www.anhri.net/en/reports/2009/pr0805-2.shtml>.

⁸⁴ Ibid.

⁸⁵ The military courts have been used to try bloggers, political dissidents, and members of the Muslim Brotherhood. See ANHRI, "Blogger Tried in Military Court," IFEX, March 2, 2010, http://www.ifex.org/egypt/2010/03/02/mostafa_military_court/; Cairo Institute for Human Rights Studies, "Geneva: Human Rights in Egypt—Counter Terrorism Law and the Price of 'Stability,'" news release, March 3, 2010, <http://www.cihrs.org/English/NewsSystem/Articles/2576.aspx>; Carnegie Endowment for International Peace, "Egypt," in *Arab Political Systems: Baseline Information and Reforms* (Washington, DC: Carnegie Endowment for International Peace, March 2008), <http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=16918>.

⁸⁶ Heba Saleh, "Mubarak Opts to Extend Emergency Law," *Financial Times*, May 12, 2010, <http://www.ft.com/cms/s/0/ea9b21e4-5d5d-11df-8373-00144feab49a.html>; Yolande Knell, "Egypt Opposition to Emergency Law."

⁸⁷ Yustina Saleh, "Law, the Rule of Law, and Religious Minorities in Egypt."

⁸⁸ Amnesty International, "Egypt: Interior Minister Must Immediately Release Egyptian Blogger Hani Nazeer."

⁸⁹ Human Rights Watch, "Egypt: Free Blogger Held Under Emergency Law."

⁹⁰ ANHRI, "Hesba Cases Cast Away the Civil State Principles and Citizenship Rights."

⁹¹ Ibid.

⁹² See UN General Assembly, Human Rights Council, 13th Session, *Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism, Martin Scheinin: Mission to Egypt*, October 14, 2009 (A/HRC/13/37/Add.2), 12, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-37-Add2.pdf>; UN General Assembly, Committee Against Torture, *Conclusions and Recommendations of the Committee Against Torture: Egypt*, December 23, 2002, (CAT/C/CR/29/4), <http://tb.ohchr.org/default.aspx?Symbol=CAT/C/CR/29/4>; UN General Assembly, Human Rights Committee, *Concluding Observations of the Human Rights Committee: Egypt*, November 28, 2002 (CCPR A/58/40), paragraph 13, <http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/CCPR.CO.76.EGY.En?Opendocument>.

⁹³ Human Rights Watch, *UPR Submission: Egypt* (New York: Human Rights Watch, September 2009), 2, http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/EG/HRW_UPR_EGY_S07_2010_HumanRightsWatch.pdf.

⁹⁴ Ibid.

⁹⁵ ANHRI, "Karim Amer Tortured in Borg Alarab Prison, Demands to the Prosecutor-General to Investigate the Issue," news release, November 12, 2007, <http://www.anhri.net/en/>

reports/2007/pr1112.shtml.

- ⁹⁶ ANHRI, “Justice in Egypt Is Not Alright: 11 Days Passed Without Ordering an Investigation into the Torturing of Karim Amer,” news release, November 11, 2007, <http://www.anhri.net/en/reports/2007/pr1125.shtml>; UN Working Group on Arbitrary Detention, Opinion No. 35/2008.
- ⁹⁷ Cairo Institute for Human Rights Studies, “Postponing the Trial of the First Egyptian Blogger Tried Because of His Writings on the Internet,” news release, January 18, 2007, <http://www.cihrs.org/English/NewsSystem/Articles/1673.aspx>; UN Working Group on Arbitrary Detention, Opinion No. 35/2008.
- ⁹⁸ ANHRI, *Freedom of Expression in Egypt 2009*.
- ⁹⁹ Ibid.; Amnesty International, “Egypt: Interior Minister Must Immediately Release Egyptian Blogger Hani Nazeer.”
- ¹⁰⁰ ANHRI, *Freedom of Expression in Egypt 2009*.
- ¹⁰¹ EIPR, “After 80 Days of Detention.”
- ¹⁰² Ibid.
- ¹⁰³ ANHRI, “Ministry of Interior Declines”; Human Rights Watch, “Egypt: Free Blogger Held Under Emergency Law.”
- ¹⁰⁴ Associated Press, “Egyptian Christian Convert Goes into Hiding amid Death Threats,” *Kuwait Times*, August 11, 2007, http://www.kuwaittimes.net/read_news.php?newsid=MTAxNzY2OTk2MA==.
- ¹⁰⁵ “Egyptian Convert from Islam Devastated by ‘Delay Tactic,’” Compass Direct News.

GREECE

- ¹ One of the criteria for a state to join the EU is “stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.” See EUROPA, “Glossary—Accession Criteria (Copenhagen Criteria),” European Union, http://europa.eu/scadplus/glossary/accession_criteria_copenhagen_en.htm.
- ² Article 14, Constitution of Greece, available at <http://www.ministryofjustice.gr/2003/constitution.pdf>.
- ³ Bureau of Democracy, Human Rights, and Labor, “Greece,” in *International Religious Freedom Report 2009* (Washington, DC: U.S. Department of State, October 2009), <http://www.state.gov/g/drl/rls/irf/2009/127313.htm>.
- ⁴ Ibid.
- ⁵ U.S. Department of State, “Background Note: Greece,” April 28, 2010, <http://www.state.gov/r/pa/ei/bgn/3395.htm>.
- ⁶ Ibid.
- ⁷ European Commission for Democracy Through Law (Venice Commission), *Annexe II: Analysis of the Domestic Law Concerning Blasphemy, Religious Insults and Inciting Religious Hatred in Albania, Austria, Belgium, Denmark, France, Greece, Ireland, the Netherlands, Poland, Romania, Turkey, United Kingdom, on the basis of replies to a questionnaire* (Strasbourg: Council of Europe, October 2008), <http://www.venice.coe.int/docs/2008/CDL-AD%282008%29026add2-bil.asp>. [Hereafter: Venice Commission Survey]
- ⁸ Bureau of Democracy, Human Rights, and Labor, “Greece,” in *International Religious Freedom Report 2009*.