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TLHRC Testimony

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Good morning. Thank you Mr. Chairman for organizing this timely hearing. I'm especially pleased to have the opportunity to give testimony on Egypt's sectarian problem.

"2010 is over... I had the most wonderful days of my life in 2010, and I wish 2011 will be even better, I have so many wishes for 2011.. Lord, stand by me and help me achieve them". Mariam Fekry, a girl of 22, wrote those words on Facebook a few hours before she was killed in a brutal attack on the Saints Church in Alexandria, Egypt, on New Year's Eve that left at least 25 people killed and dozens injured. Mariam's hopes, and ultimate fate, so tragically and poignantly illustrate the plight of the Coptic people, Egypt's native Christians, who represent 10-15% of Egypt's 83 million people. They are the Middle East's largest Christian minority but in the past decade have faced an alarming escalation of violence as state protection has dwindled.

For at least three decades, we, the Copts, have been offered an authoritarian compact of sorts. The Copts, as all Egyptians, were to live under a draconian emergency law, namely martial law suspending basic constitutional protections,

in exchange for the delivery of stability and protection from terrorism. In those three decades, however, Egypt failed to make adequate progress on key developmental indicators; today, 42% of Egyptians survive on less than \$2/day, 30% are illiterate, and Egypt ranks 111th on transparency indicators, demonstrating a critically high degree of corruption. Egypt's human rights record fares no better: Freedom House consistently classifies Egypt as "not free," and Egypt's record on religious freedom has gone from bad to worse, earning it a ranking of fifth among the worst countries of the world last year by the Pew Forum on Religion and Public Life, in the company of nations such as Saudi Arabia, Iran, and China, and placing it on the US Commission on International Religious Freedom's "watch list" since 2002, for "serious problems of discrimination, intolerance, and other human rights violations against members of religious minorities."

Egypt's constitution guarantees equal citizenship and protection from discrimination on the basis of religion, and yet the state itself has institutionalized discrimination and permitted the growth of a culture of sectarianism and impunity to act on that sectarianism. A Cairo based human rights organization has described Egypt as a "police state infused increasingly with theocratic elements." While mosques have nearly no restrictions on their construction, the building and repair of churches is legally subject to an

antiquated law dating back to Ottoman times requiring a presidential decree. In 2005, presidential decree 391 was passed, requiring only the notification of authorities for church renovations. Despite this technical mitigation of the draconian law, the decree's implementation has been dismal. Meanwhile, the scope and geographic reach of sectarian violence has multiplied, often with the direct involvement and incitement of the Egyptian state security apparatus as well as other state authorities and symbols. In 2008 for instance, an ancient Greek Orthodox Church was destroyed by some 40 people--led by a judge and his two sons--who were chief prosecutors at the time.

Similarly, state institutions are absent when sectarian violence breaks out—and the judicial system affords no relief to Christian victims of Muslim violence. At least half a dozen murders of Christians by Muslims in the last 4 years were rendered crimes without punishment due to the refusal of the state to follow the requirements of the rule of law in prosecuting felonies. Instead, and in a typical band aid remedy that avoids addressing the root causes of the violence, the state offers the “security” solution in the form of the intervention of the Ministry of Interior, aimed at limited pacification. This can take the form of forced “reconciliation sessions,” where victims and perpetrators are brought together and coerced by the security establishment to relinquish their rights to legal remedies, ranging from signing affidavits relinquishing the right to

criminal prosecution to relinquishing the right to compensation for the destruction of personal property, a prominent feature often accompanying sectarian attacks in Egypt. Security often uses the aid of local religious figures in bringing about such grudging reconciliations, and when this fails, the security establishment sometimes carries out collective punishment against a community. They do this by making sweeping arrests of members of a certain community and holding them “hostage,” as a coercive tactic to force their desired outcome--and often make no distinction between perpetrator and victim in so doing. (In startling demonstrations of the security apparatus’ inability and unwillingness to protect victims, security goes so far so as to forcefully displace victims of sectarian violence, as occurred multiple times in 2009 for example when a Christian priest and his family were expelled from the Fashin District of Beni Soueif in Upper Egypt after violence erupted there, and again in the Sohag governorate when security forcibly removed five Baha’i families from their homes after some Muslim villagers burned the homes of Baha’is.) Shamefully, and in complete disregard for the rule of law, the Public Prosecutor’s office is often complicit in aiding these blatantly illegal tactics, despite its mandate to promptly investigate every incident and bring perpetrators to justice. The Public Prosecutor does this by accepting improper arrests and detentions referred by the security establishment, and/or by refusing to properly investigate certain crimes, ensuring that the perpetrators

evade accountability either by not being identified or at trial when insufficient evidence is produced.

The state's consistent denial of the fair application of the rule of law, manifest in preference of reconciliation in lieu of prosecution, as well as its blatant siding with the perpetrators of sectarian violence results in the alienation of the Copts in their own land and in the polarization of Egyptian society. Further, the message from the Egyptian state via its security "solution" is clear: sectarian violence is a crime to be committed with impunity. In severely limiting even the ability of Christians to repair existing churches, the state similarly sends a message to Muslims that Christians are to be legitimately denied their basic right to worship. Christians being denied their ability to freely worship is a main cause of sectarian tension in Egypt—accounting for nearly 30% of incidents of violence--and the cases where Christians were attacked simply because they sought to worship—even privately in their homes—abound. (Examples began with mob attacks by Muslims perceiving a personal affront from Christians building churches, driven in large part by the state's denial of permits to even build social halls to host weddings and funerals. This was pathetically demonstrated in 2009 when security agencies prevented Copts in the October governorate from praying over the body of a deceased Christian woman in a building owned by the bishopric for fear it would be converted

into a church.) Additionally, Christians are bizarrely brought in by security on charges of conducting prayer inside their homes “without a permit.” In Upper Egypt’s Assiut governorate, affixing a wooden cross at the entrance of a church required the intervention of the assistant minister of interior of the governorate, who requested the cross be removed because it “provokes Muslims.” Even though the Egyptian penal code provides special protection, through Article 160, for houses of worship from destruction or vandalism, not a single known case of destruction or vandalism of a church has been prosecuted under this article, despite dozens of documented incidents. In fact, the vast majority of incidents of sectarian violence that have occurred in the last three years have never gone to trial. All of these incidents, and dozens more, and their circumstances were documented by the Egyptian Initiative for Personal Rights and other local human rights organizations. The incidents are emblematic of the systemic and deeply sectarian mindset that has taken Egyptians hostage, including those charged with enforcing the law and protecting all citizens equally.

Meanwhile, there exists no real political will on the part of the regime to address the root causes of this violence, starting with addressing basic tenets of freedom of religion. A law addressing the ability of Christians to build churches has been proposed in parliament for over a decade and remains

ignored, even after the Alexandria massacre. In fact, in the days following the massacre, a member of the Shura Council, Egypt's Upper house of parliament, proposed that the Egyptian government immediately ratify the law easing the construction of houses of worship; in return he was accused by Minister of Parliamentary Affairs (Mofid Shehab) of "inciting sectarian divisions."

Moreover, despite the Copts' large numbers, they are largely excluded from government institutions, both local and national, starting from parliament where the country's ruling party, the National Democratic Party, nominated only 10 Copts out of its 800 candidates in the last parliamentary election in November 2010. Copts are largely excluded from prominent positions in the country's security apparatus, and from leadership positions in public universities. Six hundred years of Coptic history is by and large absent from educational curricula in public schools, and Copts are similarly under, or poorly, represented in state owned media. Incitement against Christians in the media and in government controlled mosques is tolerated. Conversions to Christianity are fraught with complications and often entail prison time or serious harassment by state authorities, while conversions to Islam are by and large encouraged.

Starting with denying citizens equal treatment, suspending the rule of law, and culminating with a brutal emergency law, the Egyptian regime is fully responsible for creating the fertile ground on which pernicious and egregious sectarian violence has become routine. In an effort to “outbid Islamists,” who constitute the strongest organized opposition to Mubarak’s 30 year iron rule, the Egyptian regime has indulged an unhealthy obsession to compete on religious grounds, mistakenly believing that oppressing one segment of the Egyptian population at the expense of another will somehow earn it legitimacy from the Muslim majority and create a scapegoat to deflect from its substantial governance failures. The regime cynically uses the Copts; while allowing the worst forms of discrimination against them, it simultaneously attempts to show itself as their defender, realizing they have nowhere else to go and unleashing the official media to designate them as traitors if they even dare to appeal their cause internationally.

Even now, as we are reaping the consequences of the regime’s systematic discriminatory policies in the form of a full fledged sectarian crisis—and terrorism threatening the region and the international community—the Egyptian regime refuses to alter its policies. The Egyptian government refused for example the offer of assistance from the United States Government to investigate the New Year’s Eve bombing and is instead insisting on its failed

security solutions. In response to the bombing, the regime is now collectively rounding up and punishing large groups of Muslims, ensuring that sectarian tensions and mistrust erupt beyond the shameful low point they are currently in.

It is my sincere hope that 22 year old Mariam, along with a number of now orphaned children, will not have died in vain. And yet the state's response with more brutality and force-the same formula that has failed to deliver stability or security for the past three decades - bodes greater violence and misfortune in the coming days.

Knowing that the real answer to Egypt's sectarian crisis is progress toward a democratic state that respects human rights, applies the rule of law and extends equal constitutional protections to all citizens, the Egyptian regime will avoid doing so at all costs. Instead, it will as it has already begun to respond in typical appeasement fashion, with empty rhetoric about national unity and promises and perhaps some cosmetic changes while ultimately retaining the status quo. More alarmingly, as we approach a presidential election in the fall of 2011 that may witness Egypt's first presidential transition in thirty years, the regime may well encourage the growth and influence of hard-line Salafist movements in order to counter its largest opposition group, the relatively more moderate Muslim Brotherhood. The regime is known for its divide and conquer

strategies and manipulative tactics in this regard, without much long-term consideration of the potential irreversible resulting damage, not only to Egypt's Copts and religious minorities, but to Egypt as a nation, its role as US ally and key regional player.

SIGN OFF – THANK YOU.