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## Egypt

### Country Reports on Human Rights Practices - [2005](#)

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The Arab Republic of Egypt, with a population of approximately 72 million, has been governed by the National Democratic Party (NDP) since the party's establishment in 1978. The NDP, which continued to dominate national politics by maintaining an overriding majority in the popularly elected People's Assembly and the partially elected Shura (Consultative) Council, derives its governing authority from the 1971 constitution and subsequent amendments. Executive authority resides with the president of the republic and the cabinet. On September 7, President Hosni Mubarak won a fifth 6-year term, with 88 percent of the vote, in the country's first multi-candidate presidential election, a landmark event that was otherwise marred by low voter turnout and charges of fraud. The November and December parliamentary elections witnessed significant opposition gains but were marred by violence, low turnout, fraud, and vote rigging. The civilian authorities generally maintained effective control of the security forces, which committed numerous, serious human rights abuses.

The government's respect for human rights remained poor, and serious abuses continued in many areas. The following human rights problems were reported:

- limitations on the right of citizens to change their government
- existence of the state of emergency, in place almost continuously since 1967
- torture and abuse of prisoners and detainees, including deaths in custody
- poor conditions in prisons and detention centers
- impunity
- arbitrary, sometimes mass, arrest and detention, including prolonged pretrial detention
- executive influence on the judiciary
- denial of fair public trial and lack of due process
- political prisoners
- restrictions on civil liberties--freedoms of speech, press, assembly, and association; some restrictions on freedom of religion
- corruption and lack of transparency

An amendment to the constitution provided for the country's first multi-party presidential election in September. Ten political parties fielded candidates, and the campaign period was marked by vigorous public debate and greater political awareness and engagement. Security forces acted with restraint during the presidential election. The election was widely acknowledged as a significant improvement on previous presidential referenda, but it was marred by electoral flaws and low turnout. In addition, the government did not permit international observers to monitor the election. An increasingly independent media reported on political reform and human rights. Civil society supported political reform, including the independent monitoring of the presidential and parliamentary elections. Unlike in previous years, many demonstrations advocating political reform and critical of the government took place without excessive interference by security forces. These positive developments were offset, however, by violence against peaceful opposition demonstrators by government supporters and/or security forces on May 25 and July 30 in Cairo, during the parliamentary elections, and on December 30 against Sudanese protesters in Cairo. The National Council for Human Rights (NCHR) issued its first annual report in April, frankly describing government abuses and offering a series of recommendations. The government responded in September by saying that it was fully cooperating and would investigate all complaints submitted by the NCHR, though by year's end the government did not appear to take any concrete action in response to the report's recommendations.

#### RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

##### a. Arbitrary and Unlawful Deprivation of Life

There were no reports of targeted political killings; however, security forces killed a number of opposition voters and protesters during the parliamentary elections. The death toll was at least 11; although several of the deaths resulted from violence between supporters of competing candidates, the majority of the killings in the parliamentary elections resulted from the security forces' use of rubber bullets and live ammunition. At least 27 Sudanese protesters were killed on December 30 when security forces cleared a squatters camp in a Cairo park, erected to protest treatment of Sudanese refugees.

During the year, human rights organizations and the press reported that at least seven persons died in custody at police stations or prisons.

In June 2004, the Egyptian Organization for Human Rights (EOHR) issued *Torture: An Unchecked Phenomena*, a report which documented 15 deaths in custody among 41 cases of torture in police stations from April 2003 to April 2004. EOHR also asserted that from 1993 to April 2004, it documented 120 cases where detainees died as a direct result of torture, among some 412 cases of torture in police stations (see section 1.c.).

In early February, security forces (supported by local Bedouin guides) pursuing suspects involved in the October 2004 Sinai bombings killed three fugitives (Hamad Gomaa Tarabeen, Mohammad Abdel Rahman Badawi, and an unidentified third man) linked to the October 2004 Sinai terror attacks near Ras Sidr on the west coast of the Sinai peninsula.

On March 15, Nefissa Zakariyya el-Marakby, age 38, died after her release from police custody, following a series of police raids on the village Sarando, in Bahariyya governorate. The Land Center for Human Rights (LCHR) and Human Rights Watch (HRW) reported that security forces, in an attempt to locate men suspected of involvement in an ongoing land dispute, arrested scores of women and children and interrogated them in makeshift detention centers. Security forces reportedly physically and psychologically abused and humiliated el-Marakby and others, according to other women detained with her. El-Marakby was released to her family on March 14 and taken to Damanhour hospital, where it was determined that she was paralyzed. El-Marakby died on the morning of March 15. On March 21, the public prosecutor stated that the government's investigation into the incident concluded that el-Marakby died of natural causes rather than from torture. El-Marakby's family filed a lawsuit with the help of LCHR, but later withdrew the claim.

On May 6, Muslim Brotherhood (MB) member Tarek Ghanem died during an MB protest in Tulkha, Daqahiliya governorate. Police said he was crushed to death by other protesters but the MB claimed police hit him on the head (see section 2.b.). On May 16, EOHR, which had sent a fact-finding mission to inquire about Ghanem's demise, called on the government to investigate.

On May 19, Ashraf Said Youssef, an alleged leader of the terrorist cell that carried out attacks on April 7 and April 30 in Cairo, died at the hospital where he was being treated for injuries sustained after his April 29 arrest. Public Prosecutor Maher Abdel Wahed announced on May 22 that Youssef had died as a result of self-inflicted injuries when he hit his head against the wall of his detention cell. According to the government, however, by year's end the public prosecutor's office had not yet received the forensic report. Government sources noted that Youssef's injuries included bruises and contusions on his torso and arms (see section 1.c.). Youssef's cousin, Mohamed Suleiman Youssef, had reportedly died in custody sometime before April 27 after he was detained in connection with the April 7 attack.

In early August, Mohamed Saleh Feleifel was killed in a gun battle with the police near Ataqa Mountain in Suez. He was being pursued by security forces in connection with the October 2004 bombings in Taba and the July 23 terrorist attacks in Sharm El Sheikh. His wife, who was with him, was wounded; she later died in the hospital.

In September and October, security forces killed additional suspected terrorists in the Jebel Hillal region of the Sinai. On September 27, press reports indicated that government security personnel had killed three fugitives and captured a fourth. On November 21, the Ministry of Interior announced that its forces had killed fugitive Salim Khidr Al-Shunub and his associates Salam Suwaylam al-Unj and Salaam Attiya Salaam. The ministry also announced that the security forces had killed a total of 11 suspects in the Sinai bombings and apprehended 26 others. Two senior police officials were killed in early September when the security forces first moved into Jebel Hillal.

During October protests by Muslim demonstrators against a theatrical production staged by members of the Mar Guirguis Church in Alexandria, security forces reportedly killed three Muslim demonstrators who were threatening the church.

In November and December, during the second and third rounds of the parliamentary elections, security forces in the Nile Delta region used lethal force against multiple groups of opposition voters. At least 11 persons were killed during election-related violence. According to EOHR, those killed included Mohamed Khalil Ibrahim (Alexandria); Gomaa Saad al-Zeftawy (Kafr Al-Sheikh); Islam Ahmed Shihata (Al-Daqahlia governorate); Magdy Hassan Ali al-Bahrawy (Al-Daqahlia); Tamer Mahmoud Abdu al-Qamash (Al-Daqahlia); Al-Saeed al-Deghidly (Damietta); Ihab Saleh Ezz al-Deen (Damietta); Shaaban Abdu Abu Rabaa (Damietta); Mostafa Abdel Salam (Al-Sharqia governorate); Mohamed Karam al-Taher Eliwa (Al-Sharqia); and Mohamed Ahmed Mahdy Gazar (Al-Sharqia). According to EOHR, the violence also left at least 500 persons injured.

EOHR asserted that responsibility for the elections related clashes could be attributed to supporters of the ruling party, as well as independents and MB supporters. EOHR also noted, however, that most of the fatalities occurred on December 7 after security forces closed at least 496 polling stations, which led to clashes between security forces who were enforcing the closure of the voting stations and opposition voters who were prevented from voting.

On December 30, at least 27 Sudanese refugees died when the police used water cannons and batons to clear a group of several thousand Sudanese protesters who had erected a squatters' camp in a city park in the Mohandiseen district of Giza to protest UNHCR resettlement policies. Human rights activists said the government forces were responsible for the deaths, but the government blamed the fatalities on a "stampede" by the refugees, some of whom were allegedly intoxicated.

In April, there were three attacks on tourist destinations in Cairo. On April 7, Egyptian suicide bomber Hassan Ahmed Rif'at Bashandi, with the prior assistance of several accomplices, detonated an explosive device in the Khan el-Khalili bazaar, killing 3 foreigners and wounding 17 other foreigners and Egyptians. On April 30, Egyptian Ihab Youssry Yassin Ali detonated an explosive device near the Egyptian Museum in central Cairo, killing himself and wounding four foreigners and several Egyptians. In a related attempted attack, less than an hour later, Ihab's sister, Nagat Youssry Yassin Ali, and a female acquaintance, Iman Ibrahim Khamis, fired a pistol at a tourist bus in Sayeda Aisha Square in Cairo. After failing to injure any of the passengers, Nagat shot herself and then Iman. The only deaths in the April 30 were the three perpetrators themselves, who were reportedly part of the small terrorist cell responsible for the April 7 bombing.

On July 23, three bombs exploded in Sharm El Sheikh, killing at least 75 persons and injuring hundreds of Egyptians and some foreign tourists. The bombers, thought to number three Egyptians, were also believed to have died. The Sharm El Sheikh attacks were widely

regarded as linked to the October 2004 attacks on tourist destinations in the Sinai, where 34 persons died.

#### b. Disappearance

There were no new cases of disappearance during the year.

Human rights monitors continued to call attention to prior unresolved cases of disappearance.

According to HRW, retired Brigadier Ahmed Salem Ebeid, a former deputy minister of defense and minister of information in the Yemeni government, was confirmed during the year to be residing in Yemen under house arrest, forbidden by the Yemeni government to have contact with the media. Ebeid had disappeared from his Cairo residence in February 2004.

In 2004, EOHR reported that it had been following 59 cases of disappearance within the country since 1992. Domestic human rights organizations provided names to the UN Working Group on Enforced and Involuntary Disappearances; the government did not respond to the EOHR report.

The 2003 disappearance of Adel Mohammed Kamiha, a coffee shop owner, and of Reda Helal, a prominent journalist, remained unsolved.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Article 42 of the constitution prohibits the infliction of "physical or moral harm" upon persons who have been arrested or detained; however, torture and abuse of prisoners and detainees by police, security personnel, and prison guards remained common and persistent. According to the UN Committee Against Torture, a systematic pattern of torture by the security forces existed. Police torture resulted in deaths during the year (see section 1.a.).

Torture or authorizing torture are felonies punishable by 3 to 10 years' imprisonment under the penal code. For deaths resulting from torture, the crime is considered intentional murder punishable by a life sentence. Arrest without due cause, threatening death, or using physical torture are crimes punishable by imprisonment. Abuse of power to inflict cruelty against persons is a crime punishable by imprisonment and fines. Victims may also bring a criminal or civil action for compensation against the responsible government agency. There is no statute of limitations in such cases.

Despite these legal safeguards, there were numerous, credible reports that security forces tortured and mistreated prisoners and detainees. Domestic and international human rights groups reported that the State Security Investigations Service (SSIS), police, and other government entities continued to employ torture to extract information or force confessions. Reports of torture and mistreatment at police stations remained frequent. In prominent cases, defendants alleged that police tortured them during questioning (see sections 1.e. and 2.c.). Although the government investigated torture complaints in some criminal cases and punished some offending police officers, punishments generally have not conformed to the seriousness of the offense. The government has not prosecuted any SSIS officers for torture since 1986, according to a senior Ministry of Interior official during a February meeting with HRW. There was no indication during the remainder of the year that the government prosecuted or otherwise penalized State Security officials for human rights abuses.

Principal methods of torture reportedly employed by the police and the SSIS included stripping and blindfolding victims; suspending victims from a ceiling or doorframe with feet just touching the floor; beating victims with fists, whips, metal rods, or other objects; using electrical shocks; and dousing victims with cold water. Victims frequently reported being subjected to threats and forced to sign blank papers for use against themselves or their families should they in the future complain about the torture. Some victims, including male and female detainees and children, reported sexual assaults or threats of rape against themselves or family members. While the law requires security authorities to keep written records of detentions, human rights groups reported that the lack of such records often effectively blocked investigations.

The Emergency Law--applied almost continuously since 1967 under the state of emergency--and most recently renewed in 2003 through May 2006--authorizes incommunicado detention for prolonged periods. Detentions under this law frequently were accompanied by allegations of torture. The government responded to terrorist attacks in April and July with a crackdown authorized by the Emergency Law; authorities conducted mass arrests of scores or hundreds of persons acquainted with the suspects and reportedly tortured some of them in custody (see section 1.d.).

In May 2004, the government's Central Audit Agency directed the Ministry of Interior to require any security or police officers found responsible for torture to be financially liable for any judgments levied against the ministry. According to the Human Rights Association for the Assistance of Prisoners (HRAAP), punitive damages awarded by the courts during the year to victims of torture mounted to approximately \$35,500 (LE 204,500).

The government continued efforts during the year to hold some security personnel accountable for torturing prisoners in their custody; however, the government has not investigated any SSIS officials for torture in the last two decades. The government also continued its practice of giving light sentences to police officers convicted of serious abuses, including torture resulting in death. Human rights organizations and the press reported that at least 12 police officers in 5 separate cases, 2 of which involved deaths in custody, were held publicly accountable. Some of the cases involved incidents that took place in previous years.

On January 17, the Cairo Criminal Court sentenced Ahmed Saleh Darwish, of Cairo's Bab Al-Shareya police station, to five years in prison for torturing to death suspect Mohammad El-Husseiny Imam in 2001. According to a forensic report, Imam had died from electric shocks. Egypt's highest court, the Court of Cassation, had overturned an initial conviction of Darwish in May 2003 and ordered a retrial in September

2004.

On April 6, EOHR reported that the Nagada misdemeanors court, under article 129 of the penal code, sentenced Nouh Taha Ibrahim Muqlid, a police officer in charge of the Nagada police station's investigation unit, to one week's imprisonment for cruelty against detainee Mohammad Halaby Mohammad in April 2004.

On May 10, the Cairo Criminal Court sentenced police officer Mohamed Mubarak Ali and assistant officers Zaghoul Hamed Higab and Ahmed Ibrahim Madany--all based at the Sayyeda Zeinab police station--to three years' imprisonment for intentional assault against Mahmoud Gabar Mohamed which led to his death in 2003. Originally charged under article 126 of the penal code with torturing a suspect to extract a confession, the defendants were convicted of deliberate fatal assault, receiving the minimum sentence under article 236 "for reasons of clemency."

Numerous cases of torture were documented. According to EOHR, there were 34 cases of torture in police stations reported during the year. In late January, Mohammed El-Sayed Salem reportedly suffered a fractured spine and was left unconscious and paralyzed after being repeatedly kicked while handcuffed at a police station in Zagazig, according to EOHR. Although a court ruled that Salem should be freed on bail, he was detained for three more days. He was finally freed and taken to a local hospital on January 27.

On April 18, according to reports given by family members to EOHR, Ahmed Mahmoud Salem, who had been detained at Kafr Saqr police station in Sharqiya governorate, died after being beaten, sexually assaulted, and tortured with electric shocks. EOHR urged the public prosecutor and the interior ministry to investigate.

On June 23, EOHR submitted a formal complaint calling for an investigation into the case of Abdel Gawad El-Aaw, who was arrested on June 15 by Waraq police station officers for possession of drugs and weapons. Family members who had talked to El-Aaw in detention told EOHR that he had suffered beatings, including to "sensitive parts" of his body, at the hands of four police officials.

According to an EOHR report on June 23, the NCHR (which includes a representative from EOHR) had received 74 complaints of torture and officially forwarded them to the minister of interior. The June 23 EOHR report noted that the ministry had not responded to any of the complaints.

On March 30, a Cairo criminal court formally acquitted Mohammad El-Sharkawi, the chief of investigations at Helwan police station, his assistant, and three security officers of torturing nine suspects at the Helwan police station in October 2003.

On April 5, two defendants facing prosecution for their alleged roles in the October 2004 bombings in Taba filed a lawsuit against the interior ministry, charging that their confessions had been obtained by torture. The lawsuit remained pending at year's end.

In January 2004, the public prosecutor indicted police major Yasser Ibrahim El-Akkad, head of the criminal investigations unit at Haram Police Station in metropolitan Cairo, for torturing actress Habiba while investigating the 1999 killing of her husband. The case against El-Akkad, who claimed that Habiba willingly confessed, remained ongoing at year's end.

In March, six police officers were convicted of torturing to death Ahmed Khalil Ibrahim in 2002, and each was sentenced to 10 years' imprisonment; the sentences were reduced to 7 years by an appeals court. In 2004, the Alexandria Criminal Court had twice postponed the case, before proceedings resumed in March. The Association for Human Rights Legal Aid (AHLRA) filed a civil suit on behalf of Ibrahim's family, seeking \$1.6 million (LE 10 million) in compensation.

On March 17, EOHR reported that Khalid Abdel Rahim Sadiq had been beaten and tortured at the Haram police station after he was arrested on February 7 following an in absentia conviction.

On June 23, EOHR reported it had documented 292 torture cases between 1993 and 2004, and 120 cases in which the victim concerned died as a result of suspected torture or mistreatment. In 2004 EOHR monitored 42 cases of torture and 23 deaths. As of June 23, EOHR reported it had monitored 27 cases of torture and 5 deaths during the year.

Human rights observers recommended that rules and standards for victims be established to obtain redress and parity in compensation.

In a 2002 report, the UN Committee Against Torture, a subcommittee of the UN Commission on Human Rights, recommended that the government end the state of emergency, adopt a clear legal definition of torture, cease incommunicado detention, order the review of military court decisions by a higher tribunal, remove ambiguities in the law that allow the prosecution of individuals for their sexual orientation, accept a visit by a UN special rapporteur on torture, establish rules and standards for victims, and allow human rights organizations to pursue their activities unhindered. In 2004, the government maintained that the report's recommendations were still under review.

Remedial actions cited by the government in 2004 include the abolition of flogging in prisons; unannounced inspections of places of detention; court decisions that disregarded confessions obtained under duress; increased human rights training for police officials; and the establishment of several human rights committees and departments within government ministries. With assistance from the UN Development Program, the government continued to implement the committee's recommendation for increased human rights training for law enforcement personnel and prosecutors. The government did not permit a visit during the year by the UN special rapporteur on torture.

Prison and Detention Center Conditions

Prison conditions remained poor, and the government did not permit visits by international human rights observers. Officials from the NCHR visited several prisons during the year. EOHR and HRAAP both stressed the deteriorating conditions in prisons, especially overcrowded cells and a lack of medical care, proper hygiene, food, clean water, proper ventilation, and recreational activities. Tuberculosis was widespread; overcrowded cells remained a problem. Some prisons continued to be closed to the public.

On January 1, EOHR reported that 25 prisoners in Tora Penitentiary, south of Cairo, had been engaged in a hunger strike to protest poor living conditions in the prison.

On April 27, EOHR issued a report, based on prison visits made in 2004 and on complaints received from approximately 100 prisoners, that attributed the cause of poor health and sanitary conditions in prisons to the poor quality food given to the prisoners, overcrowding in cells, and the complete lack of specialized doctors, medicines, or medical equipment.

On May 31, EOHR reported that four prisoners at Wadi Natroun Prison protested bullying at the hands of other inmates as well as a lack of medical care after being beaten by other inmates.

On June 5, a barber detained at a police station in Hawamdeya district of Giza died due to the heat in the detention room.

Failure to implement judicial rulings regarding the release of administrative detainees and the opening of prisons to visits remained a problem. Relatives and lawyers often were unable to obtain regular access to prisons for visits. Special restrictions were placed on the number of visits and visitors to prisoners incarcerated for political crimes or terrorism. As required by law, the public prosecutor continued to inspect all regular prisons during the year; however, findings were not made public. SSIS "detention centers" were excluded from mandatory judicial inspection.

While separate prison facilities existed for men, women, and juveniles, adults were not always separated from juveniles, and abuse of minors was common. Civilians were not detained in military prisons. Political prisoners generally were detained separately from prisoners convicted of violent crimes.

Lawyers were permitted to visit prisoners in their capacity as legal counsel; however, they often faced bureaucratic obstacles preventing them from meeting with their clients (see section 1.d.). The International Committee of the Red Cross and other international and domestic human rights monitors did not have access to prisons or to other places of detention.

In early April, the Prisons Authority began implementing a policy of allowing prisoners to leave for one or two-day family visits before the end of their prison terms, explaining it as an opportunity for prisoners to readjust to life outside prison. At the end of the visit, prisoners were required to report back to the prison.

#### d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention; however, during the year, police and security forces conducted large-scale arrests and detained hundreds of individuals without charge under the Emergency Law. Police also arbitrarily arrested and detained hundreds of persons in connection with unlicensed demonstrations and the parliamentary elections. Arbitrary arrest and detention remained a significant problem and increased markedly during the year.

Government arrests and detention of MB members and supporters increased significantly from the previous year. There were reports of political detainees. The government continued to use the Emergency Law under the official state of emergency, which was renewed in 2003 through May 2006, to try non-security cases in the emergency courts and to restrict many other basic rights. HRAAP and other credible NGOs estimated during the year that there were approximately 10,000 detainees.

#### Role of Police and Security Apparatus

The country has both local and national law enforcement agencies, all of which fall under the Ministry of Interior. Local police operate in large cities and governorates. The ministry controls the State Security Investigations Service (SSIS), which conducts investigations, and the Central Security Force (CSF), which maintains public order. SSIS and CSF officers are responsible for law enforcement at the national level and for providing security for infrastructure and key officials, both domestic and foreign. Single-mission law enforcement agencies, such as the Tourist and Antiquities Police and the Anti-Narcotics General Administration, also work at the national level. As a whole, the security forces operated under a central chain of command and were considered generally effective in their efforts to combat crime and terrorism and preserve and maintain public order. However, a culture of impunity militated against systematic prosecution of security personnel who committed human rights abuses.

There were continued instances of torture by police, and human rights monitors believed the use of torture by police was widespread. Although some police were prosecuted, human rights monitors believed most incidents of torture went unpunished. Security forces continued to mistreat and torture prisoners, arbitrarily arrest and detain persons, hold detainees in prolonged pretrial detention, and engage in mass arrests.

There was widespread petty corruption in the police force, especially below senior levels. An internal affairs mechanism, the workings of which are not publicized, was regularly employed for investigating corruption and other instances of police malfeasance. Judicial recourse was also employed (see section 1.c.).

In addition to acceptance of bribes or simple theft, there were instances of accompanying assault and even murder. On March 1, the Court of

Cassation upheld the sentencing of two police officers and six accomplices to seven years' imprisonment for assault and robbery of a businessman.

On May 22, the Court of Cassation upheld the sentencing of a low-ranking police official to death, his accomplice to life in jail, and their accessory to five years' imprisonment for the premeditated murder of two workers at a tobacco company and theft of \$12,000 (LE 69,000) of company funds.

Impunity was a serious problem. The government failed to investigate and punish many instances of credible allegations of mistreatment by police and security forces.

By year's end, there had been no public measures taken to prosecute or otherwise discipline security forces for their assaults on citizens on May 25, July 30, during the parliamentary elections, or during the December 30 violence against Sudanese refugees (see sections 2.b., 2.d., and 3).

#### Arrest and Detention

To obtain a warrant from a judge or prosecutor prior to 1981, the constitution provided that police had to show that an individual had "probably" committed a specific crime. The 1981 declaration of a state of emergency, and the imposition of the Emergency Law, nullified this requirement and provided that in order to obtain a warrant, police must show only that an individual "poses a danger" to security and public order.

The Emergency Law allows detention of an individual without charge for up to 30 days, only after which a detainee may demand a court hearing to challenge the legality of the detention order, and may resubmit a motion for a hearing at one-month intervals thereafter. There is no limit to the detention period if a judge continues to uphold the detention order or if the detainee fails to exercise his right to a hearing. Incommunicado detention is authorized for prolonged periods by internal prison regulations. Human rights groups and the UN Committee Against Torture both expressed concern over the application of measures of solitary confinement.

In cases tried under the Emergency Law, access to counsel was often restricted or denied prior to the transfer of the accused to a courtroom for the start of proceedings. Many detainees under the Emergency Law remained incommunicado in State Security detention facilities without access to lawyers. After these cases are transferred to trial, the court appoints a lawyer.

The Penal Code also gives the government broad detention powers. Prosecutors must bring charges within 48 hours following detention, or release the suspect. However, they may hold a suspect for a maximum of 6 months while they investigate. Arrests under the Penal Code occurred openly and with warrants issued by a district prosecutor or judge. There was a functioning system of bail for persons detained under the Penal Code. The Penal Code contains several provisions to combat extremist violence, which broadly define terrorism to include the acts of "spreading panic" and "obstructing the work of authorities."

In one notable case, Ayman Nour, member of parliament and leader of the licensed opposition al-Ghad (Tomorrow) Party, was arrested January 29 outside parliament on charges that he forged proxy signatures on his party's registration papers, which had been approved by the Shura Council's Political Parties Committee in October 2004. A request to strip Nour of his parliamentary immunity was endorsed the same day, apparently violating several significant procedural requirements in the process. Just before the arrest, State Prosecution already had teams initiating exhaustive searches of Nour's offices and residence. Nour was initially held on a 4-day detention order, which was extended 48 hours later during his initial arraignment to the maximum of 45 days, after the court denied bail.

Shortly after Nour's detention, EOHR issued a press release, alleging that Nour "was roughed up at the time of his arrest, thrown to the ground, hit in the face, and punched repeatedly in the back." At the police station, the statement contended, Nour was "shackled to a door frame and forced to bend for an extended period." The Arab Center for the Independence of the Judiciary issued a similar statement.

On March 12, the public prosecutor ordered Nour released on \$1740 (LE 10,000) bail, 43 days after his January 29 arrest. On March 22, the government formally charged Nour and six codefendants with forgery and knowingly using forged documents. The case was referred to a criminal court for trial by a state security prosecutor beginning on June 28. The trial lasted for nearly six months, with a number of lengthy delays which permitted Nour to run, unsuccessfully, for president and for parliament. Nour was convicted on December 24 (see section 1.e) and sentenced to five years' imprisonment.

In an internationally publicized case, on August 10, after 23 days in detention, police released Dr. Magdy El Nashar who was arrested for his suspected role in the July bombings in London.

Access to counsel was provided in cases tried under the Penal Code, but reportedly sometimes with difficulty. Thousands of persons have been detained administratively in recent years under the Emergency Law on suspicion of terrorist or political activity. Several thousand others have been convicted and were serving sentences on similar charges (see section 1.e.). During the year HRAAP estimated that the total number of persons in administrative detention was approximately 10,000. HRAAP estimated that an additional 10,000 persons have been released over the past three years.

Detentions in Sinai, in connection with ongoing investigations into the October 2004 terror attacks, remained a subject of controversy. In November 2004, HRAAP and EOHR had called on the government to release detainees, estimated to number as many as 3,000, whom government security forces arrested in the Sinai, mostly around the town of Al-Arish, after the October 2004 terrorist bombings in Taba and Nuweiba that killed 34 persons. In February, a HRW report ("Mass Arrests and Torture in Sinai") charged that as many as 2,400 persons were still held in detention. In January, family members of the detainees staged several protests in El-Arish. The government did not respond publicly to the charges about the Sinai detainees, nor did it provide details about releases of detainees. According to domestic human rights

activists, many of the original detainees were released over the course of the year; however, the government also arrested an additional unknown number of persons in connection with the July 23 bombings in Sharm El-Sheikh, and as part of anti-terror operations conducted in September and October in the Jebel Hillal region of northern Sinai. At year's end there were no reliable estimates of the total number of suspects who remained in detention in the Sinai.

Beginning in December 2004, the Kifaya ("Enough") Movement staged multiple demonstrations throughout the year calling for political reform. There were numerous examples of arrest and detention of peaceful demonstrators. For example, on January 28 police arrested three members for distributing leaflets publicizing Kifaya's February 4 demonstration. On April 26, police arrested two Kifaya activists, Ashraf Suleiman and Hisham Nabil, prior to pro-reform demonstrations as they were distributing the movement's leaflets outside Helwan, south of Cairo (see section 2.b.).

Also during the year, the government arrested and detained hundreds of persons associated with the Muslim Brotherhood, which has been an illegal organization since 1954. In 2004, the government arrested only 90 MB members. From February through June, during dozens of demonstrations across the country in which MB members demanded political reform, security forces arrested and detained hundreds of members of the organization, often holding them for at least 15 days, "pending further investigation." Security forces arrested and detained MB members in Cairo, Assiyut, Sharqiyya, Daqahliyya, Damietta, Beheira, Fayoum, Sohag, and Minya. In Fayyoun in early May and in Mansoura in late March and early May, clashes between MB members and security forces resulted in a back-and-forth of arrests, reactionary demonstrations, and more arrests. In May, EOHR reported that it had documented the names of at least 498 Muslim Brotherhood members arrested during the course of peaceful demonstrations staged in Cairo, Sharqiyya, Ismailiyya, Suez, Minya, Bahrayya, Fayyoun, Menoufiyya, Assiut, and Gharbiyya. Charges leveled against members during the year included membership in and revival of a banned organization; obstructing the laws and constitution of the country; inciting the masses against the government; organizing demonstrations critical of the government's policies; and possessing communiqués, booklets and tapes that propagate MB ideology. In November and December the government detained hundreds more MB activists in an apparent effort to limit MB success in the parliamentary elections. Many of those arrested were released after a matter of days or weeks, but at year's end, the MB charged that approximately 30 remained in detention.

Information about the number of detainees at any given time was often in dispute. For example, in June, the government announced that it had released approximately 300 MB members and supporters who had been detained after May demonstrations, and that 349 MB detainees remained in custody. The MB acknowledged the releases, but asserted that 2400 persons had been arrested and that 590 remained in detention. At year's end there were conflicting accounts of remaining Muslim Brotherhood detainees, ranging from several dozen to several hundred.

The government also arrested or detained several leaders of the organization, including Abdel Moneim Aboul Fotouh, on March 27; Essam el-Erian, senior leader and spokesman, on May 6; and Mahmoud Ezzat, Secretary-General and chief of the group's Cairo operations, on May 22. The government released these detainees, along with many other MB activists, during the summer and fall (see section 2.b.).

#### Amnesty

There were no reports of the government granting amnesty or otherwise engaging in large-scale early releases of political prisoners.

#### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, the president may invoke the Emergency Law to refer any criminal case to the emergency courts or military courts, in which the accused does not receive most of the constitutional protections of the civilian judicial system. There were political prisoners.

#### Trial Procedures

The constitution provides for the independence and immunity of judges and forbids interference by other authorities in the exercise of their judicial functions. This provision generally was observed in practice; however, throughout the year, thousands of judges affiliated with the Cairo and Alexandria Judges' Clubs (the two largest independent professional associations for the judiciary) publicly called for greater autonomy for the judiciary from the executive branch. The Judges' Clubs, whose leadership is selected by votes of the membership, called for the passage of a new law governing executive-judiciary relations, which would raise judicial salaries, separate judicial duties from compensation packages controlled by the Ministry of Justice (i.e., an executive branch organ), and decrease the oversight role of the Supreme Judicial Council, a regulatory body answering to the ministry and composed of government appointees.

On April 15 and May 13 respectively, the Alexandria and Cairo Judges' Clubs threatened to boycott their constitutionally mandated role as supervisors of the presidential and parliamentary elections, over concerns about the integrity of the electoral processes as well as concerns about executive branch domination of the judiciary. Although the Club members decided collectively on September 2 to serve as supervisors of the elections, many individual judges who supervised the parliamentary elections commented critically about the flaws in the process. On December 16, the Cairo Judges' Club overwhelming re-elected as its leader Counselor Zakariya Abdel Aziz, who had spearheaded the calls for judicial autonomy. By year's end, there had been no public progress on the consideration of a new law governing executive-judiciary relations.

The president appoints all judges upon recommendation of the Higher Judicial Council, a constitutional body composed of senior judges. Judges are appointed for life, with mandatory retirement at age 64. Only the Higher Judicial Council may dismiss judges for cause, such as corruption. Headed by the President of the Court of Cassation, the Council regulates judicial promotions and transfers. The government included lectures on human rights and other social issues in its training courses for prosecutors and judges.

In the civilian court system, there are criminal courts, civil courts, administrative courts, and the Supreme Constitutional Court. There are three levels of regular criminal courts: primary courts, appeals courts, and the Court of Cassation, which represents the final stage of criminal appeal. Civil courts hear civil cases and administrative courts hear cases contesting government actions or procedures; both systems have upper-level courts to hear appeals. The Supreme Constitutional Court hears challenges to the constitutionality of laws or verdicts in any of the courts.

A lawyer is appointed at the state's expense if the defendant does not have counsel. Appointed lawyers are drawn from a roster chosen by the Bar Association. Defendants can appeal if denied this right; however, detainees in certain high-security prisons continued to allege that they were denied access to counsel or that such access was delayed until trial, thus denying counsel the time to prepare an adequate defense (see sections 1.c. and 1.d.). A woman's testimony is equal to that of a man in court. No law prohibits a woman serving as a judge; however, there has only been one female judge (see section 5).

In 2003, the government formally abolished state security courts. The courts had been criticized for restricting the rights of defendants, particularly the right to appeal. A number of cases referred to the state security courts were transferred to regular criminal courts. However, skeptical observers of the legal system argued that as long as the government retained and used emergency courts, the abolition of state security courts did not constitute a fundamental improvement.

The emergency courts share jurisdiction with military courts over crimes affecting national security. The president can appoint civilian judges to the emergency courts upon the recommendation of the minister of justice or military judges upon recommendation of the minister of defense. Sentences are subject to confirmation by the president. There is no right to appeal. The president may alter or annul a decision of an emergency court, including a decision to release a defendant.

The government has asserted that referral to emergency courts usually has been limited to terrorism or national security cases, as well as major cases of drug trafficking; however, the government also has occasionally used emergency courts to prosecute homosexuals, heterodox religious groups, and political dissidents. Government authorities ignored judicial orders in some cases. The government has used the Emergency Law to try cases outside the scope of combating terrorism and grave threats to national security.

In August 2004, Public Prosecutor Maher Abdel Wahed told the press that the government intended to limit trials in emergency courts only to cases that touched upon security of the State. During the year, emergency courts issued verdicts in two cases.

On March 28, an emergency court in Cairo convicted citizen Mahmood Eid Mohammed Dabbous and Iranian diplomat Mohammed Hussein Reda Dawst (the latter in absentia), on charges of involvement in a 2004 terror attack in Saudi Arabia and conspiring to commit terrorism in Egypt, including a planned assassination of President Mubarak. Dabbous received 10 years' imprisonment for his involvement in a May 2004 attack on a Saudi petrochemical plant and 25 years for conspiring with Dawst to spy against Egypt. Dawst was also sentenced to 25 years' imprisonment. Dabbous's lawyers argued that his confession had been made under torture and duress, but the judges discounted his claims.

On March 30, the public prosecutor announced the government would try two detainees (Mohammad Gayez Sabah Hussein and Mohammad Abdallah Raba) and one fugitive (Mohammad Ahmed Saleh Feleifal) for involvement in the October 2004 Sinai attacks. The High State Security Emergency Court convened in Ismailia on July 2. The trial continued during the remainder of the year, though security forces killed fugitive Feleifal in August. On December 24, the government presented evidence that the injuries to one of the defendants were not consistent with torture. The defense called a witness who testified that one of the accused was at work in al-Arish on the day of the attacks. After the December 24 session, the court announced that it would pronounce its verdict on February 25, 2006. If convicted, the defendants face the death penalty.

On September 26, a state security emergency court convicted Ezzat and Hamdan Hanafi, two brothers from Assiyut, of narcotics trafficking and kidnapping during a 2004 standoff with police, and sentenced them to death. Ezzat Hanafi issued a statement protesting his death sentence by an emergency court, which cannot be appealed, and requesting that President Mubarak use his authority as "military commander" under the state of emergency to order that the case be reviewed by a panel of civilian judges. At year's end, Hanafi was still awaiting a response.

According to a 1993 Supreme Constitutional Court decision, the president may invoke the Emergency Law to refer any crime, including charges against civilians, to a military court. Military verdicts were subject to a review by other military judges and confirmation by the president, who in practice usually delegated the review function to a senior military officer. Defense attorneys claimed that they were not given sufficient time to prepare and that military judges tended to rush cases involving a large number of defendants. Judges had guidelines for sentencing, defendants had the right to counsel, and statements of the charges against defendants were made public. Observers needed government permission to attend. Human rights activists have attended, but only when acting defense counsel.

#### Political Prisoners

Political prisoners during the year included as many as 26 members of the illegal Islamic Liberation Party (Hizb al-Tahrir al-Islami), including three Britons. The members had been convicted in March 2004 by the Supreme State Security Emergency Court after being arrested in 2002. Sentences for most members ranged from 1 to 3 years' imprisonment; the three British prisoners received 5-year sentences, which presumably included time already served prior to conviction. Several of the defendants, including the three Britons, alleged they had been tortured to compel them to sign confessions.

On December 24, Ayman Nour, runner-up in September's presidential election, was convicted of forging proxy signatures on his party's registration papers and sentenced to five years in prison. Nour's detention and trial was fraught with irregularities and inconsistencies and failed to meet basic international standards. On January 29, Nour was arrested outside parliament and spent 43 days in detention before

being released. On June 28, the trial of Nour and six codefendants began at Cairo Criminal Court. On June 30, at the second session, Ayman Ismail Hassan, a codefendant but also a chief witness for the prosecution, recanted the guilty plea he had entered June 28, testifying that he had been coerced by prosecutors into giving false evidence against Nour. On December 5, Judge Adel Abdel Salam Gom'a, who had previously presided over the two trials of Saad Eddin Ibrahim in 2001 and 2002, ordered Nour remanded to custody in Mazra' Torah prison, south of Cairo, in advance of the verdict; Nour was booked as a "convict" rather than a "defendant." Following his December 24 conviction, Nour's legal team announced its intention to appeal (see section 1.d.). Nour's trial was closely followed by the international community, as well as by domestic and international human rights organizations.

During the year, the government continued to try and convict journalists and authors for libel, as well as for expressing their views on political and religious issues (see sections 2.a. and 2.c.).

According to local human rights organizations, approximately 10,000 persons were detained without charge on suspicion of illegal terrorist or political activity (see section 1.d.). In addition, several thousand others were serving sentences after being convicted on similar charges.

The government did not permit international humanitarian organizations access to political prisoners (see section 1.c.).

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution provides for the sanctity and secrecy of the home, correspondence, telephone calls, and other means of communication; however, the Emergency Law suspends the constitutional provisions regarding the right to privacy, and the government used the Emergency Law to limit these rights. Under the constitution, police must obtain warrants before undertaking searches and wiretaps. Courts have dismissed cases in which warrants were issued without sufficient cause. Police officers who conducted searches without proper warrants were subject to criminal penalties, although penalties seldom were imposed. However, the Emergency Law empowers the government to place wiretaps, intercept mail, and search persons or places without warrants. Security agencies frequently placed political activists, suspected subversives, journalists, foreigners, and writers under surveillance, screened their correspondence (especially international mail), searched them and their homes, and confiscated personal property.

A telecommunications law allows telephone and Internet wiretaps only by court order. However, some human rights observers alleged that the government routinely violated this law.

Although the law does not explicitly criminalize homosexual acts, police have in the past targeted homosexuals using Internet-based "sting" operations leading to arrests on charges of "debauchery." There were no reports of Internet entrapment cases during the year (see sections 1.c, 1.e., and 2.a.).

The Ministry of Interior has the authority to stop specific issues of foreign newspapers from entering the country on the grounds of protecting public order. There were no reports that it had exercised this authority during the year (see section 2.a.).

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press; however, the government partially restricted these rights in practice. The government used the Emergency Law to infringe on citizens' civil liberties. Citizens openly expressed their views on a wide range of political and social issues, including vigorous criticism of government officials and policies and direct criticism of the president. Journalists and writers continued to practice some degree of self-censorship, but the year was also marked by a dramatic expansion of public debate, often through the media. Several new independent newspapers, including *Al-Masry Al-Youm* and *Al-Dustur*, played an important role in expanding freedom of speech. In addition, television talk shows on both government-owned and independent channels demonstrated an unprecedented degree of openness and critical debate.

During the year, a number of non-governmental organizations advocated political reform and openly criticized the government. This reflected a continued improvement in the government's tolerance of dissent. In 2003, the Court of Cassation, ending a longstanding legal case that had broad implications for freedom of expression and human rights advocacy, acquitted Saad Eddin Ibrahim, director of the Ibn Khaldun Center, and codefendants on charges of defaming the state and illegally accepting foreign funds.

The constitution restricts ownership of newspapers to public or private legal entities, corporate bodies, and political parties. There were numerous restrictions on legal entities that sought to establish their own newspapers, including a limit of 10 percent ownership by any individual; however, this limit appeared to have been enforced sporadically.

The government owned stock in the three largest daily newspapers, and the president appointed their top editors. These papers generally followed the government line. The government also controlled the printing and distribution of newspapers, including those of the opposition parties.

Opposition political parties published their own newspapers. Most opposition newspapers were weeklies, with the exception of the dailies *Al-Wafd*, *Al-Ahrar*, and a new entrant, *Al-Ghad*, all of which had small circulation. Opposition newspapers frequently published criticism of the government. They also gave greater prominence to human rights abuses than did state-run newspapers.

The Penal Code, Press Law, and Publications Law govern press issues. The Penal Code stipulates fines or imprisonment for criticism of the

president, members of the government, and foreign heads of state. The Press and Publication Laws ostensibly provide protection against malicious and unsubstantiated reporting. In recent years, opposition party newspapers have published articles critical of the president and foreign heads of state without being charged or harassed. However, the government continued to charge journalists with libel. An editor-in-chief found to be negligent could be considered criminally responsible for libel contained in any portion of the newspaper.

On April 13, Cairo Criminal Court sentenced in absentia three journalists from *El-Masry El-Youm* newspaper to one year imprisonment and a \$1750 (LE 10,000) fine in damages for libeling Mohamed Ibrahim Soliman, minister of housing, utilities, and urban communities. Abdel Nasser Ali, Youssef el-Aoumi, and Alaa Yaha Mohamed el-Ghatrify were convicted for reporting in August 2004 that police had searched the offices of Housing Minister Soliman and denied him access. The sentencing of the three journalists occurred despite President Mubarak's February 2004 announcement of support for legislation barring courts from sentencing to jail those convicted of defamation or other publishing offenses. Notwithstanding the sentence, the three journalists remained free at year's end.

During the year, the courts tried several prominent cases of libel, filed both by government officials and private citizens. On April 7, a Cairo court acquitted Magdi Ahmad Hussayn, editor-in-chief of the suspended *Al-Sha'b* newspaper (the party publication of the frozen Socialist Labor Party), of charges that he had "abused and defamed" former agriculture minister Yusuf Wali by publishing a story on the Sha'b Web site charging that Wali had conspired with Yusuf Abdel Rahman, a former undersecretary in the Ministry of Agriculture, to import carcinogenic pesticides into the country.

On May 13, security forces arrested nine members of an Al-Jazeera news crew and detained them in the Lazoughly state security office for seven hours after the journalists attempted to cover a general meeting of the Cairo Judges' Club.

On June 20, EOHR issued a report condemning the May 25 assaults on journalists, and called for immediate government measures to address what EOHR described as a pattern of harassment and assault against journalists; regular disregard of the protections afforded to journalists under the Press Law; investigations of journalists by the public prosecutor's office; unmerited lawsuits against journalists; and judgments against journalists, including fines and prison sentences (see section 2.b.).

On November 9, Al-Jazeera journalist Ahmed Mansour was assaulted and beaten by two unidentified men as he prepared to interview an opposition politician. The Mansour case recalled a November 2004 incident, when unknown assailants abducted and beat Abdul Halim Qandil, editor of the Nasserist opposition party newspaper *Al-Araby*, and left him stranded naked on a desert highway. Qandil and many others in the media attributed the attack to elements of the State Security apparatus who were angered by Qandil's editorial calls for public opposition to the government. There was no action taken by the government during the year to address Qandil's complaint.

Only the cabinet can place a long-term ban on a foreign publication. The Ministry of Information is empowered only to ban particular issues or editions in the interest of public order. Under the law, the public prosecutor may issue a temporary ban on the publication of news related to national security. The length of the ban is based on the length of time required for the prosecution to prepare its case. Beginning in August, the government imposed a local news ban on reporting on security operations in the Sinai against suspects allegedly involved in the July terror bombings in Sharm El-Sheikh.

The law authorizes various ministries to ban or confiscate books and other works of art upon obtaining a court order. There were no court-ordered book confiscations during the year, but the government permitted greater confiscatory authority to Al-Azhar University and acted on its recommendations. In October, the government enforced a ban, formally recommended by the Islamic Research Council of Al-Azhar, of *Wahhabi Islam: From Revival and Reform to Global Jihad*, by Natana De Long-Bas, published by the American University in Cairo (AUC) Press. On October 8, the government informed AUC that all 1000 copies, held at Port Said, would be impounded because the book contained "information not in accordance with the principles of Islam." On December 22, AUC Press learned that the government had reversed its decision and would allow importation of the book.

The Ministry of Interior regularly confiscated leaflets and other works by Islamists and other critics of the state. Members of the illegal Muslim Brotherhood also were arrested in connection with publications (see sections 1.d. and 3). In many cases, the press reported that police confiscated written materials such as leaflets during the arrests.

Unlike in previous years, the Ministry of Interior did not prevent specific issues of foreign-published newspapers from entering the country on the grounds of protecting public order (see section 1.f.). The cabinet may order the banning of works that it deems offensive to public morals, detrimental to religion, or likely to cause a breach of the peace.

On February 8, the Ministry of Information censored an article on political reform in the English-language monthly *Egypt Today*, after already approving the article in a prepublication review. Several days after copies had already been on newsstands, distributors were forced to tear out four pages of the censored article before sales could resume. The article in question, "On the Hustings," discussed recent statements by political opposition figures indicating that they might run against President Mubarak in 2005, if the constitution were amended to allow for competitive, direct elections.

The government controlled and censored the state-owned broadcast media. The Ministry of Information owned and operated all ground-based domestic television and radio stations. Two private satellite stations, Al-Mihwar and Dream TV, began broadcasting in 2001 and have operated without direct government interference, although the government has a financial stake in both. The government did not block reception of foreign channels via satellite. The percentage of citizens who received satellite television broadcasts has grown steadily but remained small, while many coffee shops and other public places offered satellite television.

Plays and films must pass Ministry of Culture censorship tests as scripts and final productions. The ministry censored foreign films to be shown in theaters, but was more lenient regarding the same films in videocassette or DVD format. Government censors ensured that foreign

films made in the country portrayed the country in a favorable light.

Approximately five million persons in the country used the Internet. The government did not restrict Internet use, but selectively monitored it (see section 1.f.). According to a November HRW report, the government deserved recognition for its "ambitious program to expand Egyptians' access to information over the Internet--with impressive results...Many Egyptian human rights activists say that Internet access has considerably strengthened the reach and effectiveness of the movement in Egypt." HRW also noted, however, that the Ministry of Interior, the prosecutor general, and the security services "detained individuals for their activities online,...monitored online communications without first obtaining search warrants..." and "have blocked Web sites associated with the Muslim Brotherhood...and the al-' Amal (Labor) Party..."

In late October, SSIS in Alexandria arrested and detained without charge for several weeks a 21-year old Alexandria law student, Abdul Karim Nabil Soliman, apparently because his Internet Web log ("blog") carried strongly worded attacks against Islam, the government, and the president. Soliman was released without charge.

The government did not explicitly restrict academic freedom at universities; however, the government selected deans rather than permitting the faculty to elect them. The government justified the measure as a means to combat Islamist influence on campus. A June HRW report was critical of the government's efforts to limit academic freedom on campuses, saying that the government censored course books, outlawed research about controversial issues, and intimidated student activists. HRW also reported that the government failed to protect citizens from Islamist militants who publicly attack professors and students. According to HRW, government policies have led to an "environment of self-censorship," occasional detention and abuse of student activists by state security forces, and interference by state-appointed deans with class discussions and selection of research topics.

## b. Freedom of Peaceful Assembly and Association

### Freedom of Assembly

The constitution provides for freedom of assembly; however, the government restricted the exercise of this right. Citizens must obtain approval from the Ministry of Interior before holding public meetings, rallies, and protest marches. Many demonstrations were not approved, and the government tightly controlled public demonstrations that did occur. Unlike in previous years, however, numerous, unauthorized demonstrations in support of political reform took place during the year, and security forces, while still strictly containing these events, generally took a more disciplined, observer role in permitting the demonstrations to take place. However, in response to anti-government demonstrations on May 25 and July 30, pro-government thugs and plainclothes security forces assaulted dozens of demonstrators, including women.

During the May 25 national referendum to revise the constitution, pro-government thugs, possibly including undercover security personnel, attacked and beat several groups of opposition protesters (including demonstrators affiliated with the Kifaya Movement) and journalists, and assaulted and sexually humiliated several women journalists and protesters.

On July 30, about 200 demonstrators gathered in Cairo following a call for assembly by the Kifaya and other opposition movements to protest President Mubarak's intention to seek a fifth term. The protesters were attacked by uniformed security forces and men in plain clothes armed with truncheons. The demonstrators had sought to assemble in the downtown Tahrir Square, but when they arrived the square was closed off by security forces, which forced them to disperse into several groups heading to several parts of the city. There, numerous demonstrators, including human rights activists, were beaten and dragged along the ground. Thirty persons were arrested and reportedly detained in unofficial detention centers, in the camps of the central security forces in Darassa, Cairo. By August 2, all of the detainees had been released.

In general, the year was marked by an increasing number of political demonstrations across Egypt, particularly those organized by Kifaya and the Muslim Brotherhood; most were marked by some degree of government interference. The Ministry of Interior generally deployed a disproportionate number of riot police to contain both the size and effectiveness of the demonstrations. A pattern of arresting demonstrators, detaining them for at least 15 days "pending further investigation" emerged, particularly in cases of unauthorized rallies and especially those occurring near or around parliament.

In a number of unauthorized demonstrations, police detained suspected organizers, some of whom alleged mistreatment while in detention (see sections 1.c. and 1.d.).

The Kifaya movement organized numerous demonstrations throughout the year, including a March 30 protest where 300 to 400 demonstrators gathered in front of the Press Syndicate building in Cairo demanding a repeal of the emergency law and holding banners rejecting another term for President Mubarak. In late April, Kifaya held demonstrations simultaneously in 13 cities under the banner "no constitution without freedom." Hundreds of riot police and security forces surrounded demonstrators, arresting 50 in Cairo and over 100 in other governorates. There were reports that security forces used batons and clubs to beat back demonstrators, while sealing off roads to break up the demonstrations (see section 1.d.).

On February 24, ten unidentified thugs in tracksuits disrupted a meeting, organized by the Word Center for Human Rights, at Cairo's Pyramisa Hotel. The thugs threatened participants, overturned tables, and took cell phones and petty cash belonging to some of the participants. The meeting, which was attended by members of the al-Ghad Party (whose leader Ayman Nour had been detained on forgery charges on January 29), was focused on the prospects for constitutional reform to permit the direct election of the president. Although the identities of the thugs were never determined, eyewitnesses said that their appearances and speech suggested that they were members of the security forces.

Members of the MB also staged a number of larger protests throughout the year, though these demonstrations, unlike those of Kifaya, often met stiff resistance from security forces (see section 1.d.).

On March 27, central Cairo came to a standstill as the government deployed thousands of riot police to thwart a major demonstration by the Muslim Brotherhood. On May 4, MB members and sympathizers, reported to number in the thousands, conducted simultaneous demonstrations in Cairo and six other governorates. In response, the government arrested four hundred demonstrators, according to an interior ministry announcement.

Other groups also organized demonstrations, and the government responded in similar fashion. On March 28, Cairo police dispersed demonstrators in front of the People's Assembly building in downtown Cairo demanding reform and the rewriting of the constitution. Fifty protesters were arrested.

On January 28, media and NGO sources reported that 500 demonstrators gathered outside El-Arish's central mosque. Among the protesters were female family members of Sinai residents who had been detained by the government during the investigation into the October 2004 bombings. The protesters called for release of those arrested during the investigation. The security forces used tear gas to disperse the crowd.

Through the winter and early spring, family members of detainees continued to engage in regular protests. For example, on April 8, 140 women, many of them relatives of citizens arrested after the October 2004 bombings in the Sinai peninsula, held a sit-in in the leftwing Tagamu party's headquarters in the northern town of El-Arish to protest arbitrary detentions. The Ministry of Interior deployed 500 riot police to counter the protest.

On April 19, dozens of university professors in Cairo, Minya, and Assiyut, calling themselves "professors for change," conducted public demonstrations on their respective campuses to protest the presence and interference of the SSIS in campus life.

On May 10, Cairo University professors staged a symbolical sit-in strike to protest the detention of two fellow professors on charges of membership of the Muslim Brotherhood organization.

In early May, Ayman Nour and other al-Ghad Party figures reported that Nour's efforts to campaign for president had been disrupted by unidentified thugs who hurled bottles, insults, and garbage when he visited Nile Delta locations.

On May 31, the public prosecutor vowed to investigate allegations of beatings and sexual assaults of demonstrators and journalists, including women, during the May 25 constitutional referendum. Twenty-two leading human rights NGOs, including EOHR and HRAAP, in conjunction with the Journalists' Syndicate, called for a full investigation into the attacks and the removal of the minister of interior. By year's end, the public prosecutor had suspended the investigation, asserting that "there (was) no evidence declaring the doer of the assaults," (i.e., the case could not be pursued because it was impossible to determine the identities of those who committed the assaults).

The Ministry of Interior selectively obstructed some meetings scheduled to be held on private property and university campuses (see section 4).

On a number of occasions, worshippers at the Al-Azhar mosque in Cairo held mainly impromptu demonstrations at the conclusion of Friday prayers. These were tolerated but carefully watched by the government.

#### Freedom of Association

The constitution provides for freedom of association; however, the government significantly restricted the exercise of this right. The minister of insurance and social affairs has the authority to dissolve NGOs by decree. The law also requires NGOs to obtain permission from the government before accepting foreign funds. According to government officials, funds from foreign government donors with established development programs in the country were excluded from this requirement.

During the year, a number of organizations active in human rights advocacy and civil society development were allowed to register and thus became officially recognized. However, several other groups, including the Egyptian Association Against Torture, the Center for Housing Rights, and the Word Center, continued to face opposition from the government in their effort to register as NGOs. During the year dozens of NGOs and civil society groups worked together in three major coalitions and several smaller groupings to pool resources, expertise, and volunteer staff to monitor and report on the presidential and parliamentary elections. These groups did not generally receive the governmental accreditation and access to polling stations and vote counts that they requested, and in a number of cases they reported harassment, brief detentions for questions by security officials, and other forms of interference. The domestic monitoring coalitions were nevertheless able to play a leading role in monitoring and reporting on the presidential and parliamentary elections.

Under legislation governing professional syndicates, at least 50 percent of the general membership of an association must elect the governing board. Failing a quorum, a second election must be held in which at least 30 percent of the membership votes for the board. If such a quorum is unattainable, the judiciary may appoint a caretaker board until new elections can be scheduled. The law was adopted to prevent well-organized minorities, specifically Islamists, from capturing or retaining the leadership of professional syndicates. Members of the syndicates have reported that Islamists have used irregular electoral techniques, such as physically blocking polling places and limiting or changing the location of polling sites.

A July HRW report concluded that the extralegal role of the security services resulted in a serious barrier to meaningful freedom of

association. The report documented multiple cases where the government rejected NGO registrations, decided who could serve on NGO boards of directors, harassed NGO activists, and interfered with donations reaching the groups. The report further criticized the NGO Law's restriction on political and union-related activity and recommended legal reform to overturn the "host of intrusive administrative practices that stunt organizing by civil society groups, and provide ample means for state interference in their affairs."

### c. Freedom of Religion

The constitution provides for freedom of belief and the practice of religious rites; however, the government placed restrictions on the exercise of these rights. According to the constitution, Islam is the official state religion and Shari'a (Islamic law) the primary source of legislation. Religious practices that conflict with the government's interpretation of Shari'a are prohibited. Members of the non-Muslim religious minority officially recognized by the government generally worshiped without harassment and maintained links with coreligionists in other countries; however, members of religions not recognized by the government, particularly the Baha'i Faith, experienced personal and collective hardship. Most citizens (approximately 90 percent) are Sunni Muslims. There is a very small number (a fraction of 1 percent) of Shi'a Muslims. The percentage of Christians in the population ranged from the government's unofficial estimate of 8 percent (approximately 5.6 million) to Christian estimates of 12 to 15 percent (approximately 8.6 to 10.8 million), the majority of whom belonged to the Coptic Orthodox Church. There were small numbers of other Christian denominations, including Mormons and Jehovah's Witnesses, a Baha'i community of approximately 2,000 persons and a small Jewish community of less than 200 persons.

All mosques must be licensed, and the government attempted to supervise them closely for the stated purpose of combating extremists. The government appoints and pays the salaries of the imams who lead prayers in mosques, and it monitors their sermons; however, it does not contribute to the funding of Christian churches. During the year, the Minister of Awqaf announced that of the more than 92,500 mosques in the country, the government administratively controlled 74,500 regular mosques and 18,000 zawaya (smaller mosques located in private buildings). The government annexes new mosques every year, but the process did not keep pace with new mosque construction; however, a February 2004 decree from the Minister of Awqaf deprived governors of unilaterally issuing permits to build mosques and placed mosques in private homes under Awqaf administrative control.

Local government officials continued to prevent new churches from being built, often requiring an exhaustive list of documents to be submitted multiple times between administrative and security departments of governorates, in repeated attempts to preclude final authorization, despite presidential and interior ministry approvals for a building permit to be issued. As a result, congregations have experienced lengthy delays--lasting for years in many cases--while waiting for new church building permits to be issued. Authorities have also refused to issue decrees for restoration, renovation, and expansion of churches, or have failed to enforce decrees that have already been approved. Local authorities have also closed down unlicensed buildings used as places of worship.

According to statistics in the government's Official Gazette, 12 presidential decrees were issued from July 1, 2004 through June 30, 2005, for church-related construction, compared with 7 permits reported during the previous period; half of these 12 permits were for evangelical Christian churches, 5 for Coptic churches, and 1 for a Catholic church. The government also reported that 20 new churches were built in 11 governorates during 2004-05 and that 23 churches were renovated during the same period. Government officials have previously asserted that the government approves a much larger number of projects for church construction and expansion, through informal arrangements between church authorities and local security and administrative officials. Overall, the approval process for church construction continued to be hindered by delays often measured in years.

Despite decrees issued by President Mubarak in 1998 and 1999 to facilitate approvals for repairing, renovating, expanding, and building churches, societal attitudes long nurtured by the 1856 Hamayouni decree and the 1934 El-Ezabi decree, and encouraged by some local security and governmental officials, continued to hinder efforts by Christians to obtain the permits required for such construction.

On December 9, updating the 1998-99 decrees, President Mubarak issued a new decree that devolved church repair and reconstruction decisions to the governorate level and stipulated that churches would be permitted to proceed with rebuilding and repair simply by notifying the governorate administration in writing. Permits for construction of new churches remained subject to presidential decree.

Numerous complaints of delayed church construction and repair projects continued to be reported during the period covered by this report. Elements within the government, often local administrative or security officials, continued to impede church repair and construction projects.

Although the National Council for Human Rights did not give significant attention in its report to issues of religious freedom, it submitted a total of 27 requests to the Ministry of Interior and several governorates in Upper Egypt requesting action on numerous complaints it had received concerning alleged violations of religious freedom. Twenty-three of the requests the Council submitted dealt with church repair and construction; however, according to the Council's report, the ministry had not responded to any of the requests.

On July 6, the Administrative Judiciary Court in Alexandria annulled a decree issued by the Minister of Information banning the appearance of veiled anchorwomen in television programs. The court established that the Ministry of Information's decree violated Article 47 of the constitution, which guarantees freedom of religion.

Rulings concerning marriage, divorce, alimony, child custody, and burial, are based on an individual's religion. In the practice of family law, the government recognizes only the three "heavenly religions": Islam, Christianity, and Judaism. Muslim families are subject to Shari'a, Christian families to Canon law, and Jewish families to Jewish law. In cases of family law disputes involving a marriage between a Christian woman and a Muslim man, the courts apply Shari'a. The government does not recognize the marriages of citizens adhering to faiths other than Christianity, Judaism, or Islam. Some citizens who sought to formalize marriages not recognized under Egyptian law resorted to travel abroad to countries that would allow them to marry under civil law.

Neither the constitution nor the Civil and Penal Codes prohibits proselytizing, but those accused of proselytizing have been harassed by police or arrested on charges of violating Article 98(F) of the Penal Code, which prohibits citizens from ridiculing or insulting "heavenly religions" or inciting sectarian strife.

There are no legal restrictions on the conversion of non-Muslims to Islam; conversion of Muslims to Christianity, however, is prohibited by Shari'a. There were occasional reports that police harassed those who had converted from Islam.

In April 2004, an administrative court issued a verdict allowing Mona Makram Gibran, who had converted to Islam and later converted back to Christianity, to recover her original (Christian) name and identity. Some legal observers believed the case would constitute a significant precedent as the government has otherwise refused to acknowledge citizens' conversions from Islam to Christianity. During the year, there were at least 49 other cases involving individuals who converted to Islam and then back to Christianity, who are currently attempting to recover their original Christian identities. Approximately 8 of these 49 individuals have received verdicts allowing them to recover their Christian identities. The Ministry of Interior has appealed two of these cases, which were before the Supreme Administrative Court at year's end.

With the exception of the eight above-mentioned cases, resistance to such conversions by local officials constituted a prohibition in practice. In the absence of a legal means to register their change in religious status, some converts have resorted to soliciting illicit identity papers, often by submitting fraudulent supporting documents or bribing the government clerks who process the documents. In such cases, authorities periodically charge converts with violating laws prohibiting the falsification of documents.

Under Shari'a, as practiced in the country, non-Muslim males must convert to Islam to marry Muslim women, but Muslim men need not convert to marry Christian women. A non-Muslim wife who converts to Islam must divorce her "apostate", non-Muslim husband, if he refuses to convert as well. Custody of children is then awarded to the mother. In general, the minor children of converts to Islam, and in some cases adult children, are automatically classified as Muslims in the eyes of the government irrespective of the religion of the other spouse. This is in accordance with the government's interpretation of Shari'a, which dictates "no jurisdiction of a non-Muslim over a Muslim."

In April, the Family Court granted the divorce of Wafaa Riffat Adly, a Christian woman who had converted to Islam, from her Christian husband Said Farouk Adly after he refused to convert.

The Coptic Orthodox Church excommunicates women members who marry Muslim men and requires that other Christians convert to Coptic Orthodoxy to marry a member of the Church. In cases where a non-Muslim woman wishes to convert to Islam, civil laws require her to meet with her family, her priest, and the head of her church before she is allowed to convert.

Coptic males are prevented from marrying Muslim women by both civil and religious laws. A civil marriage abroad is an option should a Christian male and an Egyptian Muslim female desire to marry; however, if the couple returned to Egypt, their marriage would not be legally recognized. Additionally, the woman could be arrested and charged with apostasy, and any children from such a marriage could be taken and assigned to the physical custody of a male Muslim guardian, as determined by the government's interpretation of Shari'a. The Coptic Orthodox Church permits divorce only in specific circumstances, such as adultery or conversion of one spouse to another religion.

There were no reports of forced religious conversion carried out by the government; however, there were again unsubstantiated reports of forced conversions of Coptic women and girls to Islam by Muslim men. Reports of such cases were disputed and often included inflammatory allegations and categorical denials of kidnapping and rape. Observers, including human rights groups, found it extremely difficult to determine whether compulsion was used, as most cases involved a Coptic female who converted to Islam when she married a Muslim man. Reports of such cases almost never appear in the local media.

While there is no legal requirement for a Christian girl or woman to convert to Islam to marry a Muslim man, conversion to Islam has been used to circumvent the legal prohibition on marriage under the age of 16 or marriage between the ages of 16 and 21 without the approval and presence of the girl's male guardian (usually her father). The law only recognizes the willing conversion to Islam of any person over age 16. However, there are credible reports of local government authorities failing to uphold the law. Local authorities sometimes allow custody of a minor Christian female who "converts" to Islam to be transferred to a Muslim custodian, who is likely to grant approval for an underage marriage. Some Coptic activists maintain that government officials do not respond effectively to instances of alleged kidnapping. In cases of marriage between an underage Christian girl and a Muslim man, there have been credible reports that government authorities have failed to sufficiently cooperate with Christian families seeking to regain custody of their daughters.

Inheritance laws for all citizens are based on the government's interpretation of Shari'a. Muslim female heirs receive half the amount of a male heir's inheritance, while Christian widows of Muslims have no inheritance rights. A sole heiress receives half her parents' estate; the balance goes to designated male relatives. A sole male heir inherits all his parents' property. Male Muslim heirs face strong social pressure to provide for all family members who require assistance; however, this assistance is not always provided. Under Shari'a, converts from Islam lose all rights of inheritance; however, because the government offers no legal means for converts from Islam to Christianity to amend their civil records to reflect their new religious status, inheritance rights will, therefore, appear not to have been lost.

Article 19 of the constitution requires elementary and secondary public schools to offer religious instruction. Public and private schools provide religious instruction according to the faith of the student.

The government occasionally prosecuted members of religious groups whose practices deviated from mainstream Islamic beliefs and whose activities were believed to jeopardize communal harmony. On March 31, the Maadi misdemeanor court issued a verdict in a blasphemy case involving Ibrahim Ahmad Abu Shusha and 11 of his followers, who had been detained without an arrest warrant since July 2004. The court sentenced Abu Shusha to three years' imprisonment for claiming to be divine and for ridiculing a heavenly religion, namely Islam. The court

sentenced the 11 other defendants (including three women, two of whom are Abu Shusha's wives) to one year's imprisonment and ordered the leaflets and writings propagating the group's ideology confiscated. The court reasoned that there was sufficient evidence to show that Abu Shusha embraced beliefs contrary to and derogatory of Islam and that he tried to propagate those beliefs by attempting to show that he possessed divine powers. The court also asserted that freedom of belief does not constitute permission to deny the principles of heavenly religions. An appeals court reaffirmed the Abu Shusha sentences on July 16.

In May 2003, SSIS arrested Metwalli Ibrahim Metwalli Saleh. Metwalli's unpublished research, which he distributed to religious scholars and several embassies prior to his arrest, refuted the idea that it is a Muslim's religious duty to kill an "apostate" and also argued that Islam permits a Muslim woman to marry a non-Muslim man. SSIS detained Metwalli, a graduate of Al-Azhar University, without charge for nearly two months until July 2003 when he was charged by the State Security Prosecutor with "contempt of Islam" under Article 98(f) of the Penal Code. Following an investigation, the state security prosecutor ordered Saleh released in late October 2003; however, the Ministry of Interior continued to detain him under the Emergency Law. After each of five separate rulings from the Supreme State Security Emergency Court ordering his release--the most recent of which occurred on June 30--the ministry renewed the detention order under the Emergency Law. There were credible reports that Metwalli's wife and son were harassed and threatened at home in late June by SSIS officers, following demonstrations against Metwalli's continued detention. Metwalli remained in detention in Al-Wadi al-Gadid Prison, near Assiut, at year's end.

Shiite Muslim Mohamed Ramadan Hussein El-Derini, arrested in March 2004 apparently because of his religious beliefs, was released in June after having spent 15 months in administrative detention without charge or trial. Derini was freed following four separate rulings by the Supreme State Security Emergency Court ordering his release and an advisory opinion issued by the UN Working Group on Arbitrary Detention. Following each ruling by the court, the minister of interior issued a new administrative detention decree, under the Emergency Law, nullifying the court's release order. There were credible reports that the SSIS repeatedly tortured and mistreated Derini in custody. Derini's arrest came in the wake of the arrests of at least eight other Shi'a Muslims in December 2003 in the Red Sea coastal town of Ras Gharib, again apparently due to their affiliation with Shi'a Islam, which is not officially recognized by the government but acknowledged as a branch of Islam by Al-Azhar. The other detainees were released in 2004 after detention periods ranging from several weeks to eight months.

The Islamic Research Center of Al-Azhar University has authority to recommend that the government censor books on religious grounds. It did so during the year (see section 2.a.).

#### Societal Abuses, Discrimination, and Anti-Semitism

There generally continued to be religious discrimination and sectarian tension in society during the year. Tradition and some aspects of the law discriminated against religious minorities, including Christians and particularly Baha'is.

Article 40 of the constitution provides for equal public rights and duties without discrimination based on religion or creed, and in general the government upholds these constitutional protections; however, government discrimination against non-Muslims exists. There are no Christians serving as presidents or deans of public universities and they are rarely nominated by the ruling party to run in elections as NDP candidates. At year's end, there were 6 Christians (5 appointed; 1 elected) in the 454-seat People's Assembly; 6 Christians (all appointed) in the 264-seat Shura Council; and 2 Christians in the 32-member Cabinet. Christians, who represent approximately 10 percent of the population, currently hold less than 2 percent of the seats in the People's Assembly and Shura Council.

There also are few Christians in the upper ranks of the security services and armed forces. Government discriminatory practices continued to include discrimination against Christians in public sector employment, in staff appointments to public universities, by payment of Muslim imams through public funds (Christian clergy are paid by private church funds), and by refusal to admit Christians to Al-Azhar University (a publicly-funded institution). In general, public university training programs for Arabic language teachers refuse to admit non-Muslims because the curriculum involves the study of the Qur'an. There have been no reports of Christian graduates since 2001.

In October, sectarian tensions erupted in the Muharam Bek area of Alexandria after Muslim protests sparked by the earlier production at the Mar Guirguis Church of a play, which allegedly blasphemed Islam and which had been distributed on DVD. On October 19, a lone Muslim man assaulted a novice and a lay worker at the church. On October 21, after Friday prayers, a large crowd gathered outside the church. After some in the crowd threatened the church, security forces used tear gas and rubber bullets to disperse the crowd. Three Muslim protesters died in the ensuing violence.

In December 2004, a three-way standoff at Cairo's Abbasiya Cathedral involving Christian protesters, orthodox church officials, and security forces ended with the return of Wafaa' Constantin, the wife of a Coptic Orthodox priest in the Nile Delta province of Beheira, to the protective custody and supervision of the church following her apparent elopement with a Muslim man in late November. Although dozens of protesters and police were injured during the standoff, police did not respond with decisive force and made a notable effort to cooperate with church authorities. Church officials admitted in a December 10 press conference that Wafaa' had not been forced to convert to Islam against her will. During the year, Wafaa' reportedly remained in seclusion in a Coptic Orthodox facility.

In 2000, Shayboub William Arsal, a Coptic Christian, was convicted and sentenced for the 1998 murders of two Copts in al-Kush. His appeal, which has been pending for 5 years, had still not been heard by year's end. There was a widespread perception in the local Christian community that Shayboub was convicted because of his religion.

Egypt's small Jewish community numbers approximately 200, most of them senior citizens. Anti-Semitic sentiments appeared in both the pro-government and opposition press; however, there have been no violent anti-Semitic incidents in recent years. Anti-Semitic articles and opinion pieces appeared in the print media, and similar editorial cartoons appeared in the press and electronic media. For example, Nile Culture TV on November 27 broadcast a program entitled "A Study of Israel's History" wherein the narrator said that Jews "extorted the world by exaggerating what was done to them in World War II, and they are still benefiting from this extortion, in the form of money and aid, from countries that still have a guilt complex regarding Hitler's crematoria--for which there is no proof, except for the Zionists' propaganda." The

program also presented the views of journalist Mohammad Al-Qudussi, who said, "in the six years or so of World War II, it is not possible that six million Jews could have been burnt."

On December 12, columnist Hisham Abd Al-Rauf, in an article entitled "Israel's Lies" in the government-controlled evening newspaper Al-Masaa, asserted that Nazi gas chambers "were no more than rooms for disinfecting clothing." Addressing Western governments Abd Al-Rauf asked, "If you feel sorry of the poor Jews, why don't you establish their country on your lands?"

The government reportedly has advised journalists and cartoonists to avoid anti-Semitism. Government officials insist that anti-Semitic statements in the media are a reaction to Israeli government actions against Palestinians and do not reflect historical anti-Semitism; however, there are few public attempts to distinguish between anti-Semitism and anti-Israeli sentiment.

In January Jewish pilgrims celebrated the Rabbi Abu Hasira festival in the Nile Delta. The festival had not been celebrated during the previous three years after court decisions ruled that the site was not a protected antiquity.

The government continued to deny civil documents, including ID cards, birth certificates, and marriage licenses, to members of the Baha'i community. Law 263 of 1960, still in force, bans Baha'i institutions and community activities, and a 1961 Presidential decree stripped Baha'is of legal recognition. The problems of Baha'is, who number fewer than 2,000 persons, have been compounded since the Ministry of Interior began to upgrade its automation of civil records, including national identity cards. The government asserted that its new software requires all citizens to be categorized as Muslims, Christians, or Jews, although some Baha'is initially received identity cards that listed their religion as "other." During the year, Baha'is and members of other religious groups were compelled either to misrepresent themselves as Muslim, Christian or Jewish, or go without valid identity documents. Most Baha'is have chosen the latter course. The government's unwillingness to issue Baha'is identity cards and other necessary documents made it increasingly difficult for Baha'is to register their children in school, to open bank accounts, and to register businesses. At the end of 2004, some Baha'is reported that government representatives had offered them passports but no other documents. Police, often on public buses, conduct random inspections of identity papers, and anyone without an ID card risks arrest and detention until the document is provided to the police. Some Baha'is, unable to receive identity cards, choose to stay home to avoid possible arrest.

In 1997, a human rights activist filed a lawsuit seeking the removal of the religious affiliation category from government identification cards. The plaintiff challenged the constitutionality of a 1994 decree by the minister of interior governing the issuance of new identification cards. A hearing scheduled for February 25 never took place. The court informed the attorney for the plaintiff that the case documents had been withdrawn and forwarded to the president of the State's Council, a highly unusual procedure. A new hearing date set for October 14 did not take place. By year's end, there had been no additional progress.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

#### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the government generally respected them in practice; however, there were some notable exceptions. Citizens and foreigners were free to travel within the country, except in certain areas designated as military zones. Males who have not completed compulsory military service may not travel abroad or emigrate, although this restriction may be deferred or bypassed under special circumstances. Unmarried women under the age of 21 must have permission from their fathers to obtain passports and travel. Married women no longer legally require the same permission from their husbands; however, in practice police reportedly still required such permission in most cases (see section 5). Citizens who left the country had the right to return.

The constitution prohibits forced exile, and the government did not use it during the year.

The constitution includes provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. Apart from a 1954 agreement with UNHCR and two "technical decrees" from the Ministry of Interior relating to residence and travel, Egypt has no national legislative framework on asylum. The government generally did not issue work permits to refugees. The government admitted refugees on the understanding that their presence in the country was temporary. Because the country lacked national legislation or a legal framework governing the granting of asylum, UNHCR assumed full responsibility for the determination of refugee status on behalf of the government; however, the January 2004 peace accord in the Sudan led the UNHCR to halt new refugee status determinations in mid 2004. This led to protests by some Sudanese who sought refugee status and resettlement. The UNHCR provided recognized refugees with a refugee identification card that was considered a residence permit and bore the stamp of the national authorities. Refugees generally may not obtain citizenship.

During the year, approximately 31,000 recognized refugees (as well as individuals presenting asylum claims to UNHCR), resided in the country. Approximately 23,500 of these individuals were Sudanese nationals. (In addition, as many as 70,000 Palestinian refugees were registered with government authorities.) A total of 13,500 Sudanese were registered with UNHCR as refugees, but another 10,000 registered asylum seekers who sought formal refugee status. UNCHR halted refugee determinations in June 2004, after the January 2004 Sudanese peace accords, and ceased consideration of applications by Sudanese for resettlement abroad. Sudanese nationals protesting this decision periodically organized peaceful demonstrations. During random security sweeps the government periodically detained some refugees who were not carrying proper identification. Following intervention by the UNHCR, the refugees were released. Sudanese refugees, as well as those Sudanese who unsuccessfully sought refugee status, were part of a much larger community of Sudanese residents, many in Egypt illegally. Estimates of the total number of Sudanese range from two to four million. Many Sudanese legally enter Egypt with short-term visas and then decide to remain.

In the early hours of December 30, security forces attempted to disperse several thousand refugees who had occupied a squatters camp

since September in a small city park in the Mohandiseen district of Cairo near the UNHCR office. The refugees were protesting the UNHCR's decision in June 2004 to end processing of refugee determinations after the January 2004 peace accord in Sudan. At least 27 refugees died after police used water cannons and batons to force the refugees from the park. Refugees and human rights activists criticized the government for unnecessary use of force. The government contended that the deaths were the result of a stampede by panicked refugees, some of whom the government alleged were intoxicated, and that 74 police officers were injured. At year's end, the situation remained unresolved, with the government indicating that it might repatriate some of the refugees, and UNHCR and the international community urging the government not to repatriate any refugees who did not wish to return to Sudan.

There were occasional reports that human rights activists as well as members of the Muslim Brotherhood were briefly detained for questioning at international ports of entry and departure.

In late May, playwright Ali Salaam, known for his controversial stance on normalizing cultural ties with Israel, said he was prevented from leaving Egypt to receive a prize at an awards ceremony in Israel. Salaam, who was expelled from the Egyptian writers' union in 2001 for his pro-Israel stance, had caused controversy earlier in the year when he attended a conference in Israel on information technology in the Middle East. According to Salaam, passport authorities at both the Taba border crossing and at Cairo airport refused to permit him to exit on the grounds that he did not possess an "Authorization to Leave the Territory," a government-issued document required for workers suspected of traveling on a tourist visa but planning a long-term stay abroad. Political figures deemed controversial by the state are occasionally also refused permission to go abroad on the grounds that they do not possess the authorizations.

In December, MB leader Essam El-Erian was reportedly denied permission to travel to Lebanon and Morocco to participate in regional democracy meetings.

The disappearance of Yemeni dissident Ahmed Salem Ebeid, who EOHR alleged was sent by the government to Yemen, may have involved the forced return of a person to a country where he feared prosecution (see section 1.b.).

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

#### Elections and Political Participation

Article 76 of the constitution, as amended on May 25, provides for a multi-candidate presidential election to be held every 6 years, replacing the referendum system in place since 1952. On September 7, in the country's first competitive presidential election, President Hosni Mubarak was elected to a fifth 6-year term, defeating nine other candidates representing political opposition parties. The government announced that Mubarak received 88 percent of the vote and that Ayman Nour of the Al-Ghad party, in winning 7 percent, had placed second.

Observers also noted a number of improvements in the electoral process compared to previous referenda. The election marked the first opportunity to select a president in a competitive process. Multiple political parties fielded candidates, and the campaign, though short, was marked by vigorous and uncensored public debate, and greater political awareness and engagement. Opposition coverage by the media was significant. Domestic election monitors and civil society groups were permitted, albeit only after the actual start of the polling, to observe the electoral process at some polling stations, and these groups were able to play a substantial oversight role despite operating in less-than-ideal conditions. Security forces acted with restraint, discipline, and impartiality--and cooperated in ensuring the safety of the domestic monitors; and there was virtually no violence either during the campaign or on election day.

Despite these improvements, press reports, voters, opposition groups, and civil society monitors also cited violations and fraud during the presidential election, including observations that NDP representatives were in control of many polling stations and pressured voters to support Mubarak; that sitting NDP parliamentarians mobilized voters by providing them transport and by using small bribes or threats to win votes for Mubarak; that voter lists were outdated and included the names of deceased persons; that nonresident or unregistered voters were allowed to vote for Mubarak and husbands were able to cast illegal proxy votes for their wives; that the NDP had exclusive control over voter lists in some areas and refused to make the lists available to all competing parties; that some polling places were located in police stations; that the indelible ink used to mark voters' fingers was applied inconsistently and easily rubbed off; that there was confusion over voter registration, including who was registered and where persons were supposed to vote; that voters could not register to vote after January; and that the Presidential Election Commission, a nine-member body tasked with overseeing the election, suffered from a lack of transparency and accountability. Additionally, the government barred international election observer missions from observing the election. Domestic election monitors, using statistical sampling, said that voter turnout was lower than the 23 percent turnout reported by the government.

Under the amendment to article 76 of the constitution, approved on May 10 by the People's Assembly (PA) in a 405-49 vote and subsequently ratified in a May 25 national referendum, licensed and operating (not suspended) political parties can nominate candidates for the presidency, provided they have been in legal status as recognized parties for 5 continuous years and secured at least 5 percent of the elected seats in each of the PA and the Shura Council in the most recent parliamentary elections. A grandfather clause exempted currently licensed (and operating) parties from both the 5 percent representation and 5 year-existence rules for the 2005 presidential election only. Fourteen of the country's 18 licensed opposition political parties met the licensing and operating requirements; however, none would have qualified to field candidates in the presidential election without the one-time exemption clause, as no opposition party held the required 5 percent of elected seats in parliament.

The amendment also provides that candidates unaffiliated with political parties may run for president, provided they secure endorsements from at least 250 elected officials, to include at least 65 of the 444 elected members of the PA, at least 25 of 88 elected members of the Shura Council, and at least 10 elected members of local councils in each of at least 14 of 26 governorates. No independent candidates competed in this year's presidential election.

Presidential candidates were required to submit nomination applications to the Presidential Election Commission (PEC), a nine-member quasi-judicial body tasked with approving candidates and supervising the presidential election. Of the applications received, the PEC determined that 10 candidates, all nominees of established political parties, were qualified to run. The constitutional amendment stipulates that the PEC's decisions are final and not subject to dispute or appeal.

The Presidential Elections Law, as ratified by parliament, implemented the constitutional amendment and governed the presidential election on September 7. The law provided for the nine-member PEC, chaired by the President of the Supreme Constitutional Court and including three senior jurists and five other judges, to supervise the presidential election. The law also sets rules for campaign spending limits, mandates equal access to state media, and specifies the types of documents candidate hopefuls must submit to the PEC as part of the required election nomination application process.

Following the May 25 referendum on the constitutional amendment, parliament ratified several other laws which affected the functioning of the electoral system. The new Political Rights Law revised provisions of Law 73 of 1956 and established a ten-member Parliamentary Election Commission, headed by the minister of justice to oversee parliamentary elections. The law also set rules for establishing and updating voter lists, regulating campaigns, processing and announcing election results, and penalties for election-related fraud.

The Political Parties Law revised Law 40 of 1977, and increased the number of members required to form a new political party from 50 to 1,000. The law also expanded the membership of the Shura Council's Political Parties Committee (PPC), which reviews and approves or rejects applications by prospective political parties and may also withdraw recognition from existing parties, by adding six members from the general public, three of whom should be retired members of the judiciary. The law also provided that prospective new parties would be able to consider their submitted applications approved if, after 90 days, they are not officially rejected. In addressing foreign funding, the law prohibits political parties from accepting "any donation, privilege, or benefit from any foreigner (including Egyptian dual nationals)...or any foreign body or international body." Finally, the law offered government funding of LE 100,000 (\$17,000) to each political party, plus LE 5000 (\$870) for each parliamentary seat won by a party, to a maximum of LE 500,000 (\$8,700) for each party. The law also requires that no party can be licensed unless it offers a "unique and distinct program that enriches political life," or that new parties' programs must significantly differ from those of existing parties, which is the provision most commonly cited by the PPC for rejecting a party licensing application.

The Parliamentary Affairs Law governs the conduct of members of parliament and the qualifications required to hold a seat. The law requires that to serve in parliament, candidates born before 1970 must be able to read and write but those born after 1970 must also have an elementary education certificate. The law forbids parliamentary candidates from using places of worship, schools, or universities as campaign venues and forbids candidates from accepting foreign funds, including funds from citizens residing abroad.

The elections for the 444 open seats of the People's Assembly took place in three stages between November 9 and December 7. The first round in the greater Cairo area occurred peacefully, but there were multiple confirmed reports of vote buying and charges of vote rigging. Presidential runner-up Ayman Nour lost his parliamentary seat in a race against a recently-retired state security officer. Nour's camp alleged government fraud. Independent candidates allied with the banned but tolerated Muslim Brotherhood won 35 seats out of the 160 in play in the first round.

The second round of the parliamentary elections, which included Alexandria, witnessed violence by government supporters against opposition voters, sporadic police cordons intended to limit access to polling stations, and additional wins for independent Islamist candidates linked with the MB.

The third round of the parliamentary elections was marred by widespread police cordons at polling stations aimed at limiting opposition voters, as well as multiple clashes between police and opposition voters which left at least eight persons dead. The NDP retained its overriding majority in the new parliament but now faces 88 independent deputies allied with the outlawed Muslim Brotherhood and a handful of other opposition deputies.

Following the parliamentary elections, the NDP preserved its dominance of the 454-seat People's Assembly, the 264-seat Shura Council, local governments, the mass media, labor, and the large public sector, and controlled the licensing of new political parties, newspapers, and private organizations.

The People's Assembly debated government proposals, and members exercised their authority to call cabinet ministers to explain policy. The executive initiated almost all legislation. The Assembly exercised limited influence in the areas of security and foreign policy and retained little oversight of the Ministry of Interior's use of Emergency Law powers. Many executive branch initiatives and policies were carried out by regulation through ministerial decree without legislative oversight. Individual voting records were not published, and citizens had no independent method of checking a member's voting record.

The Shura Council, the upper house of parliament, has 264 seats. The constitution provides that two-thirds of the members are elected and one-third are appointed by the president.

In addition, during the year, a variety of other aspirant political parties sought legal recognition from the courts or the PPC.

On April 28, the Shura Council's Political Parties Committee rejected the request submitted by Tareq Imam Muhamad Mustafa to establish the "Socialist Democratic Freedom Party."

The Political Parties Law prohibits political parties based on religion, and the MB remained an illegal organization; however, MB members openly and publicly expressed their views. They remained subject to government pressure (see section 1.d.). A total of 88 candidates

affiliated with the MB were elected to the People's Assembly as independents. There were 6 women elected to the 454-seat People's Assembly, as well as 5 women appointed. Two women served among the 32 ministers in the cabinet.

There were 6 Christians (5 appointed; 1 elected) in the 454-seat People's Assembly; 6 Christians (all appointed) in the 264-seat Shura Council; and 2 Christians in the 32-member Cabinet. Christians, who represent approximately 10 percent of the population, currently hold less than 2 percent of the seats in the People's Assembly and Shura Council.

#### Government Corruption and Transparency

Despite a paucity of evidence, there was a widespread public perception of corruption in the executive and legislative branches. Corruption was a regular theme for opposition media speculation, and it emerged as a central campaign theme for the opposition during both the presidential and parliamentary elections. Kamal El-Shazly, who served as minister for parliamentary affairs until his removal in the December cabinet reshuffle, and Ibrahim Soliman, who served as minister of housing until his removal in the same reshuffle, have been dogged over the years by persistent but unproven allegations of corruption. Despite their ouster from the cabinet, Shazly and Soliman both remained in parliament, as a consequence of their successful campaigns for re-election during the parliamentary election.

In addition, on April 2, a criminal court convicted 45-year-old Judge Hisham Hasaballah of bribery and sentenced him to life in prison, removed him permanently from the bench, and ordered him to pay a \$17,540 (LE 100,000) fine for accepting \$209,000 (LE 1.19 million) of bribes from 12 defendants in exchange for lenient sentences or acquittals. Six of the defendants who bribed the judge were sentenced in absentia to 15 years' stiffened imprisonment; the other six were acquitted after confessing.

In December, two key figures in the country's media sector were arrested and indicted on corruption charges. Abdel Rahman Hafez, director of the state-owned Media Production City, and Ehab Talaat, a private sector advertising executive, were indicted on December 8 by the public prosecutor, after a case against them was brought by the Administrative Control Authority, the government agency mandated to combat public corruption. According to the indictment, Hafez and Talaat were involved in a scheme granting the latter's ad agency advertising time on the state-owned Nile Satellite Channel for a tenth of its actual value. At year's end, the judicial process was underway.

In August, the press reported a wide-ranging scandal allegedly involving senior members of the Ministry of Education who colluded with teachers to assist dozens of secondary school students in Giza to cheat on their general secondary school exams. According to press reports, several of the cheating students came from prominent families who were NDP members. Minister of Education Ahmed Gamaledin Moussa referred the case to the administrative and public prosecutors, who had taken no action by year's end. Minister Moussa lost his cabinet portfolio in the December cabinet reshuffle.

The local press routinely reported on confirmed cases of low-level corruption, including tampering with official documents, embezzlement, and acceptances of bribes by officials in various government departments.

There are no legal provisions for public access to government information.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Government restrictions on NGO activities, including limits on organizations' ability to accept funding, continued to limit reporting on human rights abuses. Government officials were selectively cooperative and responsive to NGO views (see section 2.d.).

The law governing the regulation and operation of all NGOs grants the minister of social affairs the authority to dissolve an NGO by decree, rather than requiring a court order. There were no reports that the minister resorted to this option during the year.

The leading independent human rights NGOs included the Egyptian Organization for Human Rights, the Human Rights Association for the Assistance of Prisoners, the Cairo Institute for Human Rights Studies, the Egyptian Initiative for Personal Rights, the Ibn Khaldun Center, the Arab Center for the Independence of the Judiciary and the Legal Profession, and the Egyptian Center for Women's Rights. The Arab Organization for Human Rights generally took a softer line towards the government. During the year, a number of NGO representatives, working on behalf of domestic elections monitoring coalitions, interacted with the representatives from the government, the presidential and parliamentary elections commissions, and the National Council for Human Rights. The government did not demonstrate a consistent approach towards cooperating with human rights NGOs.

The National Council for Human Rights (NCHR), established by parliament in 2003, issued its first annual report in April, covering calendar year 2004 and the first two months of 2005. The report described a wide range of human rights abuses committed by the government during this period, including deaths in custody, extremely poor treatment of prisoners, widespread use of torture, and continued mass arrests and detentions. It criticized the use of military and emergency courts and offered a balanced assessment of political reform and freedom of association, citing the public concern resulting from the "arbitrary and sudden measures" taken against Ayman Nour. The report criticized the government for failing to handle the specific case of Wafaa' Constantine (see section 2.c.) in a transparent fashion, although it was silent on the broader issue of religious minorities' rights.

The report concluded by offering a series of direct, strongly worded recommendations to the government for improving its human rights record, namely to: lift the emergency law; eliminate preventive detentions and require the Ministry of Interior to disclose the locations of all detainees; improve prison conditions and prisoner rights; revise the Penal Code to conform with the Convention Against Torture and ratify Articles 21 and 22 of the Convention; overhaul the justice system to improve efficiency and transparency; develop a national plan to expand women's political and social rights; reduce discrimination in the workforce; and halt violence against women. The Council referred to specific human rights abuses as categorical violations of both the constitution and international norms, while citing concomitant public concern over

such incidents.

The government's September 1 response stated that it was fully cooperating and would investigate all complaints submitted by the NCHR. The response reviewed previous government steps to protect and expand human rights (including establishment of the NCHR; the abolition of state security courts; the abolition of hard labor imprisonment; the abolition of military decrees; the establishment of family courts; the government's focus on women's issues, including naming a female judge; the passage of the NGO law; and a general raising of awareness about human rights). The government response also criticized some aspects of the NCHR report for inaccuracy and reiterated the government's commitment to protecting and expanding human rights. However, by year's end, the government had apparently not taken any concrete action in response to the report's recommendations.

The NCHR also issued reports on both the presidential and parliamentary elections. The report on the presidential elections was generally favorable, though it noted some procedural flaws. The NCHR report on the parliamentary elections was more critical, noting many of the violations that characterized the parliamentary polls, and recommending that the government take steps to investigate and remedy the flaws.

Several leading human rights groups and civil society organizations continued to press legal challenges against government decisions to allow them to register under the NGO law. Although these organizations were generally allowed to conduct operations, albeit on a limited basis, they did so in technical violation of the NGO law with the omnipresent specter of government interference and/or closure looming over them (see section 2.b.).

During the year, a court overruled the government's previous decision to prevent the Word Center for Human Rights, an organization which often handles Coptic rights issues, from registering as an NGO. In 2003, the Ministry of Social Affairs had rejected the Center's application for NGO status, citing "security objections" based on Article 11 of the NGO Law. The ministry also contended that the Center was a group based on religion and therefore not eligible for NGO status under the NGO Law. However, on February 13 the Administrative Court overruled the ministry's decision and allowed the Word Center to register as an NGO, based on the constitutional right to peaceable and unarmed private assembly. The ministry's appeal against the court ruling in favor of the Word Center was pending at year's end.

EOHR, HRAAP, and other groups obtained limited cooperation of government officials in visiting some prisons in their capacity as legal counsel, but not as human rights observers.

A number of civil society organizations received direct funding from foreign governmental and non-governmental donors to support their work in a variety of areas, including human rights advocacy and election monitoring. During the year, the government permitted various human rights organizations--including the Cairo Institute for Human Rights Studies, HRAAP, EOHR, the Ibn Khaldoun Center, and the Arab Center for Independence of the Judiciary--to hold and participate in international conferences.

International human rights NGOs have generally been allowed to establish formal operations. Organizations such as Human Rights Watch made periodic visits as part of their regional research program and were able to work with domestic human rights groups. The U.S.-based National Democratic Institute and International Republican Institute, which worked to provide technical assistance in support of expanded political and civil rights, established operations during the year, although by year's end the government had not yet approved their formal registration papers.

The government at times cooperated with international organizations; however, on April 4, UN Special Rapporteur on Torture Manfred Nowak reporting to the UN Commission on Human Rights, said that the government had "not yet responded to earlier requests by my predecessor (Theo van Boven) to visit" Egypt (see section 1.c.).

The People's Assembly has a "Human Rights Committee." Human rights activists did not judge it to be an effective mechanism for advancing human rights issues.

## Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides for equality of the sexes and equal treatment of non-Muslims; however, aspects of the law and many traditional practices discriminated against women and religious minorities.

### Women

The law does not prohibit spousal abuse; however, provisions of law relating to assault in general are applied. Domestic violence against women was a significant problem and was reflected in press accounts of specific incidents. According to a 2003 survey by the Center for Egyptian Women's Legal Affairs, an estimated 67 percent of women in urban areas and 30 percent in rural areas had been involved in some form of domestic violence at least once between 2002 and 2003. Among those who had been beaten, less than half had ever sought help. Due to the value attached to privacy in the country's traditional society, abuse within the family rarely was discussed publicly. Spousal abuse is grounds for a divorce; however, the law requires the plaintiff to produce several eyewitnesses, a difficult condition to meet. Several NGOs offered counseling, legal aid, and other services to women who were victims of domestic violence. Activists believed that in general the police and the judiciary considered the "integrity of the family" more important than the wellbeing of the woman. The Ministry of Insurance and Social Affairs operated more than 150 family counseling bureaus nationwide, which provided legal and medical services.

The National Council for Women proposed and advocated policies that promoted women's empowerment and also designed development programs that benefit women. The Office of the National Ombudsman for Women provided assistance to women facing discrimination in employment and housing, domestic violence, sexual assault, and child custody disputes.

The law prohibits non-spousal rape and punishment ranges from three years to life imprisonment; however, spousal rape is not illegal. Although reliable statistics regarding rape were not available, activists believed that it was not uncommon, despite strong social disapproval. A rapist is convicted of abducting his victim is subject to execution.

On May 8, after hearing confessions from two defendants that they had raped and beat to death 23-year old Hoda Al-Zaher, Judge Abdo Attia handed down sentences of only three years for one defendant and three months for another, justifying these light sentences under Article 17 of the criminal penalties code. On November 6, the public prosecutor appealed the court's decision. At year's end, the case was under appeal.

The law does not specifically address "honor" crimes (violent assaults by a male against a female, usually a family member, with intent to kill because of perceived lack of chastity). In practice, the courts sentenced perpetrators of such crimes to lesser punishments than those convicted in other cases of murder. There were no reliable statistics regarding the extent of honor killings; however, it was believed that they were not common.

Female genital mutilation (FGM) remained a serious, widespread problem, despite the government's attempts to eliminate the practice and NGO efforts to combat it. Traditional and family pressures remained strong. A study conducted in 2000 estimated 97 percent of women who have ever been married had undergone FGM. However, during the year a leading NGO reported that the number had fallen to 94 percent of women age 18-49. The same study estimated that 60 percent of girls age 10-13 were at risk for FGM. The Ministry of Health estimated that 50 percent of girls age 10 to 18 were subjected to FGM. The government supported efforts to educate the public about FGM; however, illiteracy impeded some women from distinguishing between the deep-rooted tradition of FGM and religious practices. Moreover, many citizens believed that FGM was an important part of maintaining female chastity, and the practice was supported by some Muslim religious authorities and Islamist political activists. FGM was equally prevalent among Muslims and Christians. Religious leaders joined the government in publicly refuting the notion that FGM had any sort of religious sanction.

Prostitution and sex tourism are illegal but continued to occur, particularly in Cairo and Alexandria.

Sexual harassment is not prohibited specifically by law. There were no statistics available regarding its prevalence. During the May 25 national referendum, several women, including demonstrators and journalists, were reportedly assaulted and sexually humiliated by pro-government thugs, including perhaps undercover security force personnel. The public prosecutor concluded a case could not be pursued because it was impossible to determine who assaulted demonstrators (see section 2.b.).

The law provides for equality of the sexes; however, aspects of the law and many traditional practices discriminated against women. By law, unmarried women under the age of 21 must have permission from their fathers to obtain passports and to travel. Married women do not require such permission, but police did not apply the law consistently. A woman's testimony is equal to that of a man in court.

While no law prohibits a woman from serving as a judge, there was only one female judge, Counselor Tahany al-Gabbani, appointed to the Supreme Constitutional Court in 2003. In the cases of two female attorneys, Fatma Lashin and Amany Talaat, who had challenged the government's refusal to appoint them as public prosecutors, the administrative court ruled that it had no jurisdiction and referred the case to the Supreme Judicial Council for determination. The council had not issued a ruling by year's end.

Laws affecting marriage and personal status generally corresponded to an individual's religion. *Khul* divorce allows a Muslim woman to obtain a divorce without her husband's consent, provided that she is willing to forego all of her financial rights, including alimony, dowry, and other benefits. However, in practice, some judges have not applied the law accurately or fairly, causing lengthy bureaucratic delays for the thousands of women who have filed for *khul* divorce. Many women have also complained that after being granted *khul* divorce, the required child alimony was not paid.

The Coptic Orthodox Church permits divorce only in specific circumstances, such as adultery or conversion of one spouse to another religion.

Muslim female heirs receive half the amount of a male heir's inheritance, while Christian widows of Muslims have no inheritance rights. A sole female heir receives half her parents' estate; the balance goes to designated male relatives. A sole male heir inherits all of his parents' property. Male Muslim heirs face strong social pressure to provide for all family members who require assistance; however, in practice this assistance was not always provided. Labor laws provide for equal rates of pay for equal work for men and women in the public sector. According to government figures from 2003, women constituted 17 percent of private business owners and occupied 25 percent of the managerial positions in the four major national banks. Educated women had employment opportunities, but social pressure against women pursuing a career was strong. Women's rights advocates claimed that Islamist influence inhibited further gains. Women's rights advocates also pointed to other discriminatory traditional or cultural attitudes and practices, such as FGM and the traditional male relative's role in enforcing chastity.

A number of active women's rights groups worked to reform family law, educate women on their legal rights, promote literacy, and combat FGM.

## Children

The government remained committed to the protection of children's welfare; in practice, the government made some progress in eliminating FGM and in affording rights to children with foreign fathers. However, the government made little progress in addressing the plight of street children, which remained a significant problem. The government provided public education, which is compulsory for the first 9 academic years (typically until the age of 15). The government treated boys and girls equally at all levels of education. The minister of education

asserted that 98 percent of citizen children were enrolled in compulsory education through 9th grade.

Approximately 30 percent of citizen students pursued studies at the post-secondary level.

Subject to budget restraints, the government provided medical care for all children.

The Child Law provides for privileges, protection, and care for children in general. Six of the law's 144 articles set rules protective of working children (see section 6.d.).

FGM remained a serious problem, albeit on the decrease, and was widely performed (see section 5, Women).

Child labor continued to be a significant problem, although the government took steps during the year to increase awareness of child labor-related issues and enforcement (see section 6.d.).

#### Trafficking in Persons

The law does not specifically prohibit trafficking in persons; however, other portions of the criminal code may be used to prosecute traffickers. There were anecdotal and press reports of trafficking of persons from sub-Saharan Africa and Eastern Europe through the country to Europe and Israel. It was difficult to determine how many of the aliens smuggled through the country were actually being trafficked and how many were voluntary economic migrants. The government aggressively patrolled its borders to prevent alien smuggling, but geography and finances limited the efforts. Government officials participated in international conferences on combating trafficking in persons.

#### Persons with Disabilities

There are no laws prohibiting discrimination against persons with physical or mental disabilities in education, access to health care, or the provision of other state services. Law 39 of 1975 ("The Social Integration Law"), amended by law 49 of 1981 and by the Unified Labor Law of 2002 (articles 12-14), provides that all businesses must designate 5 percent of their jobs for persons with disabilities who are exempt from normal literacy requirements. Statistics regarding the practical implementation of this policy were unavailable. Similarly, there were no reliable statistics regarding the total number of citizens with disabilities, but NGOs estimated that at least 8 percent of the population has some sort of disability, and that 1-2 percent of the population is severely disabled.

There is no legislation mandating access of persons with disabilities to public accommodations and transportation; however, persons with disabilities rode government-owned mass transit buses free of charge, were expeditiously approved for installation of new telephone landlines, and received reductions on customs duties for specially equipped private vehicles to accommodate disabled drivers.

In early June, according to press reports, the family of a 43-year-old woman with Down Syndrome filed a report accusing officials at a mental institution of torturing her. During a routine visit, the woman's family had found her in serious condition and had to call the police to have her transferred to a hospital.

The Higher Council for Social Integration, which was established by the 1975 law to provide leadership on the issue of persons with disabilities, has met twice during the past three decades. A leading NGO focused on the rights of persons with disabilities has sought to increase the government's and society's activities in support of persons with disabilities. The government, led by the Ministry of Social Affairs, made efforts to address the rights of persons with disabilities. It worked closely with UN agencies and other international aid donors to design job-training programs for persons with disabilities. Beginning in 2004, and with international donor support, the government, working with concerned NGOs, also sought to increase the public awareness of the capabilities of persons with disabilities in television programming, the print media, and educational material in public schools. However, there remains widespread societal discrimination against persons with disabilities, resulting in a lack of acceptance into mainstream society.

#### Other Societal Abuses and Discrimination

Individuals suspected of homosexual activity and arrested on "debauchery" charges reported in 2004 and earlier of being subjected to humiliation and abuse while in custody. There were no reports during the year of this practice.

#### Section 6 Worker Rights

##### a. The Right of Association

There are no legal obstacles to establishing private sector unions, although such unions were uncommon. Workers may join trade unions, but were not required to do so. A union local or workers' committee may be formed if 50 employees express a desire to organize. Most union members, about one-quarter of the labor force, were employed by state-owned enterprises.

Unionization has decreased in the past several years as a result of early retirement plans in public sector enterprises, which have aimed at rightsizing workforces. Privatization of public sector enterprises has also led to some job losses, although unions have continued to operate in privatized companies.

There were 23 trade unions; all were required to belong to the Egyptian Trade Union Federation (ETUF), the sole legally recognized labor federation. The ETUF controlled the nomination and election procedures for trade union officers and permitted public authorities to intervene in union financial activities.

ETUF officials had close relations with the ruling NDP, and some were members of the People's Assembly or the Shura Council. They spoke on behalf of worker concerns, and public confrontations between the ETUF and the government were rare. ETUF president Sayed Rashad served as an NDP member of parliament until his unsuccessful bid for re-election in November. Rashad also served as head of the NDP's labor committee. During the presidential campaign, Sayed Rashad had announced that ETUF's four million members supported President Mubarak's re-election bid.

Some unions within the ETUF were affiliated with international trade union organizations. Others were in the process of becoming affiliated. The law does not permit anti-union discrimination. There were no reports of attempted discrimination, nor were there reports of attempts to enforce this protection.

#### b. The Right to Organize and Bargain Collectively

The 2003 Labor Law establishes a labor consultative council, including representatives from the government, employers, and workers associations. The council was intended to address tripartite issues and problems and review labor-related domestic and international legislation; however, the council did not meet during the year. The law provides for collective bargaining, allowing for tripartite negotiations to improve labor terms and conditions and resolve disputes between workers and employers. Collective negotiation may be set in motion by any of the concerned parties without the consent of other parties involved with the assistance of the concerned administrative authority.

The Labor Law also established special pentagonal committees composed of two judges and representatives from the Ministry of Manpower and Migration (MOMM), the ETUF, and employers. The Labor Law provides these committees with judicial powers to adjudicate labor disputes arising from the law's application. Decisions by these committees, which are intended to serve in place of the courts of first resort, may be appealed through the regular appeals process. During the year, the pentagonal committees received 250,000 complaints in labor disputes and issued verdicts in ten percent of the cases. Observers noted that the pentagonal committees often failed to establish quorums, thus limiting their responsiveness.

The MOMM has a unit for collective negotiations and for monitoring the implementation of collective agreements. The government sets wages, benefits, and job classifications for public sector and government employees, and the private sector sets compensations for its employees in accordance with the government's laws regarding minimum wages.

The Labor Law permits strikes, but only after an extended negotiation process. There were no formal, recognized strikes during the year. Wildcat strikes are prohibited. Peaceful strikes were allowed, provided they were announced in advance and organized by the trade union to defend vocational, economic, and social interests. To call a strike, the trade union must notify the employer and concerned administrative authority at least 10 days in advance of the strike date, giving the reason for the strike and the date it would commence. Prior to this formal notification, the strike action must be approved by a two-thirds majority of the ETUF board of directors. This advance notification requirement effectively eliminated wildcat strikes. Strikes are prohibited by law during the validity of collective bargaining agreements and during the mediation and arbitration process. Strikes are also prohibited in strategic or vital entities in which the interruption of work could result in a disturbance of national security or basic services. The Labor Law also regulates litigation related to collective bargaining and allows collective bargaining in what are identified as strategic and vital establishments. As a result of the stringent rules governing strikes, the Land Center for Human Rights, a pro-labor group, reported that there were dozens of informal job actions during the year.

Firms, other than large companies in the private sector, generally did not adhere to government-mandated standards. Although they were required to observe some government practices, such as the minimum wage, social security insurance, and official holidays, firms often did not adhere to government practice in non-binding matters, including award of the annual Labor Day bonus.

Labor law and practice were the same in the six existing export-processing zones (EPZs) as in the rest of the country.

#### c. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced or compulsory labor. The 2003 Labor Law and the Child Law do not specifically prohibit forced and compulsory labor by children. Such practices, including by children, were reportedly rare.

#### d. Prohibition of Child Labor and Minimum Age for Employment

Child Law number 12 of 1996 and its executive regulations protect children from exploitation in the workplace. While MOMM, working with the National Council for Childhood and Motherhood (NCCM) and the interior ministry, generally enforced these regulations in state-owned enterprises, enforcement in the private sector, especially in the informal sector, was lax. Employers continued to abuse, overwork, and generally endanger many working children.

The law limits the type and conditions of work that children under the age of 18 may perform legally. In nonagricultural work, the minimum age for employment is 14 or the age of completing basic education (15), whichever is higher. Provincial governors, with the approval of the minister of education, may authorize seasonal work for children between the ages of 12 and 14, provided that duties are not hazardous and do not interfere with schooling.

Pre-employment training for children under the age of 12 is prohibited. Children are prohibited from working for more than six hours per day, and one or more breaks totaling at least one hour must be included. Several other restrictions apply to children: they may not work overtime, during their weekly day(s) off, between 7 p.m. and 7 a.m., or on official holidays. Children are also prohibited from working for more than four hours continuously.

During the summer months, children under the age of 14 were periodically seen working outdoors in and near construction areas of Al-Rehab City, outside Cairo.

Statistical information regarding the number of working children was difficult to obtain and often outdated. NGOs estimated that up to two million children worked. Government studies indicated that the concentration of working children was higher in rural than in urban areas. Approximately 78 percent of working children were in the agricultural sector. However, children also worked in light industry and on construction sites.

Previous changes in the Child Labor Law have not significantly improved conditions due to lax enforcement by the government. Enforcement remained spotty, and in cases where offenders have been prosecuted, the fines imposed were often small (e.g., 20 LE, or \$3.25) and thus had questionable deterrent effect. Regulations proposed in 2003 under the revised labor law, however, sharply increased the minimum fines in child labor cases to LE 500 (\$81). The increased penalties did not appear to have any impact during the year.

The government made progress toward eliminating the worst forms of child labor, pursuant to the UN Convention on the Rights of the Child (CRC); however, many challenges remain. The Ministry of Justice's department for legal protection of the Child worked with the NCCM to finalize comprehensive changes to the child labor law during the year. Work continued at year's end. The NCCM also worked with the MOMM, ETUF, ILO, UNICEF, and various government ministries to formulate and implement a national strategy to combat child labor and eliminate the worst forms of child labor; trained police officers on children's rights and working with juveniles coordinated with the Ministry of Education to incorporate study of the CRC into curricula; and set up social and economic projects in several governorates to remove working children into non-hazardous activities. The MOMM also increased child labor inspections in governorates with high dropout rates. The government's campaign to increase public awareness was highlighted by workshops and conferences throughout the country, including the June UN-led Regional Consultation on the Violence Against Children in Cairo, which consolidated research and relevant information about the forms, causes and impact of violence affecting children and young persons (up to 18 years). Many of these efforts were characterized by high-level government involvement.

#### e. Acceptable Conditions of Work

During the year, the minimum wage for government and public sector employees was determined by the National Council of Wages and differed among sectors. The law stipulates that 48 hours is the maximum number of hours that may be worked in 1 week. Overtime for hours worked beyond 36 per week is payable at the rate of 25 percent extra for daylight hours and 50 percent extra for nighttime hours. The nationwide minimum wage generally was enforced effectively for larger private companies; however, smaller firms did not always pay the minimum wage. The minimum wage frequently did not provide a decent standard of living for a worker and family; however, base pay commonly was supplemented by a complex system of fringe benefits and bonuses that may double or triple a worker's take-home pay and provide a decent standard of living.

The Ministry of Labor sets worker health and safety standards, which also apply in the EPZs; however, enforcement and inspections were uneven. A council for occupational health and safety was established by the Labor Law to address health and safety issues nationwide. During the year, ETUF called for development of a national health insurance program prior to proposed changes in the health insurance law.

The new labor law prohibits employers from maintaining hazardous working conditions, and workers have the right to remove themselves from hazardous conditions without risking loss of employment.

There were occasional reports of employer abuse of undocumented workers, especially domestic workers. A few employers were prosecuted during the year for abuse of domestic workers, but many claims of abuse were unsubstantiated because undocumented workers were reluctant to make their identities public.

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