

Islam's Blasphemy Laws Threaten Christians in Egypt, Sudan

Shifting political winds in the north African countries of Egypt and Sudan will leave their mark on history, but local attitudes ensure one thing remains unchanged: the laws against defaming Islam will stand like granite in a sandstorm.

As Egyptians continue to grapple with a revolution and seek freedoms commonplace in other parts of the world, there is no sign that Egypt's version of an anti-blasphemy law will be changed. And in Sudan, where the non-Islamic south is set to split from the Islamic north on July 9, Christians remaining in the north are more vulnerable than ever to baseless accusations of defaming Islam.

The law in Egypt, in theory meant to discourage people from offending others' religious sensitivities, is instead used to stifle free speech and punish and intimidate those who do not subscribe to the standard, Orthodox version of Sunni Islam practiced by most in Egypt, human rights advocates and religious dissident groups said.

"In general in Egypt, things are in flux, but because these particular issues are so hot button, I would not expect, even with a new regime, any changes in these laws," said Paul Marshall, a senior fellow at the Center for Religious Freedom at the Hudson Institute.

Still, Marshall said that after the national demonstrations of Jan. 25-Feb. 11 that led to the ousting of Egyptian President Hosni Mubarak, there may be changes coming in the way the statutes are applied; there is hope that they won't be used "simply to shut people up."

Crushing Non-Conformity

Article 98(f), known to Egyptian attorneys as the “contempt of religion” charge, states, “Whoever exploits religion in order to promote extremist ideologies by word of mouth, in writing or in any other manner, with a view to stirring up sedition, disparaging or contempt of any divine religion or its adherents, or prejudicing national unity shall be punished with imprisonment between six months and five years or paying a fine of at least 500 Egyptian pounds [US\$85].”

Strictly speaking, Article 98(f) is not an anti-blasphemy law, but it is used in much the same way as other anti-blasphemy laws throughout the Middle East and the greater Islamic world. Violating this statute is known as having “defamed a heavenly religion.” Others have been charged under the statute with “insulting Islam.”

Ashraf Thabet, 45, knows all too well about being charged with defaming a heavenly religion. The Port Said import merchant was a committed Muslim most of his life until an economic downturn and a canceled business deal gave him the spare time to investigate Islam more closely. What started as a quest to find deeper meaning within his religion led him to embrace Christianity. As he expressed his struggle and his newfound ideas to others, Thabet found himself on the losing end of a battle with Egypt’s State Security Intelligence service (SSI).

During an early morning arrest on March 22, 2010, SSI agents kicked down the door of his apartment, assaulted him in front of his family and dragged him off to prison. Accused of violating Article 98(f), Thabet spent 132 days in solitary confinement but was never brought to court.

Thabet said he believed the SSI left the charges unresolved to harass and pressure him to convert back to Islam. His case, still unresolved, is typical of the way the law is used to punish people not for actually insulting any religion but for

choosing a spiritual path not accepted by the government. It is what is known as a “status crime,” where one isn’t punished for doing something, but rather for being something. Status crimes have been stricken from the legal codes of most countries.

“If you become a Christian, you are likely to be accused of insulting Islam on grounds that you left, and therefore you are [supposedly] saying it’s bad,” Marshall said.

By comparison, no convert from Christianity to Islam has ever been charged with Article 98(f) for defiling Christianity.

Converts to Christianity aren’t alone in falling prey to the law. People in Egypt who follow the Baha’i faith, adherents to the Islamic Shia tradition and numerous other non-Sunnis have all been brought up on defamation charges. In some cases, Sunnis who have expressed non-conformist opinions have been accused of defamation. Several Sunni journalists, bloggers, lawyers, university professors, at least one renowned poet and a Nobel laureate have all been accused of religious defamation—not for actually insulting Islam or any other tradition, but merely for exploring non-orthodox ideas about religion.

“Muslims who hold unorthodox views are held to be insulting Islam or insulting a heavenly religion,” Marshall said.

Perhaps the most famous defamation case in Egypt against a Muslim was that of Nasr Hamed Abu Zaid, a Sunni Islamic scholar. Abu Zaid’s work dealt with interpreting the Quran in a historical context. Accused by officials at Al-Azhar University of defaming Islam, he was ruled in court to be an apostate. Because a non-Muslim man cannot be married to a Muslim woman, a court issued proceedings to nullify his marriage. In 1995, he fled to the Netherlands with his wife.

Later returning to Egypt, Abu Zaid died in August 2010 in Cairo of a cerebral infection.

“Generically, I would call that a blasphemy case because he wrote about Islam in a way Al-Azhar and others did not like,” Marshall said.

According to Azza Taher Matar of the Arabic Network for Human Rights Information, cases of a Muslim accused of defamation for holding a dissenting view are the most common ones.

“Most cases result from Muslims debating Islam or Islamic history and the Arabic empire,” Matar said. “When [religious] debates or conflicts heat up, they are usually solved in a political way.”

Human rights advocates say it is nearly impossible to find out how many people are charged under the defamation statute in Egypt. It is not pandemic, but it is certainly not uncommon. Matar said her group is not defending any defamation cases.

Unequal Enforcement

Another aspect of the law is that it is enforced unequally and in a way that is seemingly meant to protect the sensitivities of the majority from the minority, but not the other way around. In effect, the majority is given free rein to insult or even vilify religious minorities in the country.

While Judaism and Christianity are considered “revealed” religions under the Quran, no other religious traditions are, and therefore the defamation statute offers them no protection under the law. Using the Baha’i and Zoroastrian traditions as examples, Marshall said they are “not regarded as heavenly religions, so you may insult them all you want.”

Even the protections that in theory are extended to Judaism and Christianity are tenuous at best. Anti-Semitism is rife in Egypt. People insult Judaism and its adherents in the media and in the public arena “everyday and every way in Egypt” without anyone being called to task under 98(f), according to Marshall.

"The law is in principle insulting any one of those religions. In practice, you can insult Judaism all you want, even on state media," he said.

On a few rare occasions, the state has intervened when media professionals have insulted Christianity on television, but by and large, people "defame" Christianity and its core ideas in the public sphere with no recrimination.

"You can hear it on loudspeakers in the street," Marshall said. "You will find it on school television programs. You will find it in school textbooks. You will find that in books issued by government ministries."

After a church bombing in Alexandria last New Year's Eve, when at least 22 people were killed, Coptic Christians complained that it is commonplace in Alexandria for imams to launch into anti-Christian tirades during Friday afternoon prayers. In several instances in southern Egypt, rioters have attacked Christian-held businesses on prompting from imams during Friday prayers. In Egypt, imams' salaries are paid for in part by government-approved Islamic institutions.

No Public Outcry

Outside of human rights groups and a few religious groups, there has been no large outcry to reform the law.

According to a survey conducted in 2009 by , 71 percent of Egyptians agreed with the statement, "The government should have the right to fine or imprison people who publically criticize a religion because such criticism could defame the religion." is run by the Program on International Policy Attitudes by the University of Maryland.

Part of the reason the laws are unlikely to change is that Article 2 of the Egyptian Constitution states, "Islam is the Religion of the State. Arabic is its official language, and the principal source of legislation is Islamic Jurisprudence."

Although the Egyptian Constitution also has laws enshrining freedom of religion and expression, Article 2 supersedes those laws, rendering them ineffective. There has been widespread pressure from Coptic and secular groups to do away with Article 2, but the recent national referendum to reform the constitution did not include any language to strike the article.

The referendum passed with 77 percent voting in favor of its reforms; defamation laws remained intact.

Offense of the Cross

In Sudan's Sunni Muslim-majority north, where apostasy (leaving Islam) is punishable by death, the maximum sentence for violating the country's blasphemy law is milder than Egypt's maximum of five years in prison, but potentially more painful.

Violation of Section 125 of the Sudanese Criminal Act, which prohibits "insulting religion, inciting hatred and showing contempt for religious beliefs," is punishable by imprisonment of one year, a fine, and 40 lashes.

As in Egypt, the law can be used as a pretext for taking legal action against anyone who leaves Islam, since conversion to Christianity itself can be interpreted as "insulting" or "showing contempt" for Islam.

"This article is being used by the police to crush any person who leaves Islam for Christianity," said one Sudanese convert to Christianity.

One Sudanese lawyer, a Muslim, said the law is seen as protective.

"The importance of this section is that it helps protect Islamic religion from being insulted, and it also discourages those who do not want to respect other religions," said Nasour

Badr in Khartoum.

The Christian convert said that sentiment can be easily manipulated.

"This article is important to Muslims in Sudan since it gives the right to any Muslim to file cases against converts from Muslim backgrounds and other Christians as well," he said. "The law can also be used by the government to arrest individuals who may oppose the government."

Christians remaining in the north are particularly vulnerable, and the U.S. Department of State's latest International Religious Freedom Report describes Khartoum as having a "significant Christian population," due in part to migration during the long civil war.

"The Roman Catholic Church of Sudan and the Episcopal Churches of Sudan estimate they have 6 million and 5 million baptized followers, respectively, although active churchgoers are far fewer," the report notes, adding that there are also small but long-established groups of Orthodox Christians in Khartoum and in other northern cities, including Coptic Orthodox and Greek Orthodox communities.

"There are also Ethiopian and Eritrean Orthodox communities, largely made up of refugees and migrants, in Khartoum and the east," according to the report.

While convictions may be rare, Christian converts from Islam said they continue to be victims of Sudan's blasphemy law.

"In many cases this law continues to be used by the police to harass everyone who tries to express his or her belief in public," said another convert from Islam on condition of anonymity.

He said police arrested one such convert in downtown Khartoum in 2009; not until the convert arrived at the police station

did he find out, to his surprise, that authorities were opening a case against him under Article 125 for offense against any religious belief.

“He was falsely accused of insulting Islam, even though at the time of his arrest he was speaking only about his faith in Jesus,” the Christian said of the other arrested convert. “The police were angry with that move, so they arrested him and jailed him for few hours before they released him for lack of enough evidence against him. He was basically arrested because of his faith.”

While one church leader noted that Article 125 is “a weapon in the hand of the government to file accusations against Christians,” Christians are not the only ones vulnerable within the Sudanese population. In November 2007, a British teacher was jailed in Khartoum under the article for insulting Islam by letting her class of 7-year-olds name a teddy bear Muhammad as part of a school project.

Gillian Gibbons, 54, was charged under Section 125 and convicted on one of three counts, “insulting religion,” on Nov. 29, 2007. She was sentenced to 15 days in prison and deportation.

She had suggested to her students that they name their teddy bear, the new class mascot, “Faris,” but 20 of the 23 children decided they wanted to name it “Muhammad,” after one of the class’s most popular boys.

Most Sunni Muslims forbid any depiction of Muhammad. An office assistant at the school, Sara Khawad, had filed the complaint and was the primary witness in the prosecution.

The day after her sentencing, some 10,000 protestors in Khartoum demanded death for Gibbons after imams denounced her during Friday prayers. Ultimately, after intervention from British officials, she was granted a presidential pardon and released into the security of the British embassy in Khartoum.

In December 2007, the section was used against two Egyptian booksellers, Abdelfatah Al Sadani and Maharous Mahammad Abdelazeem, both 30. They were sentenced to six months in prison because they sold a book that the court deemed an insult to Aisha, one of Muhammad's wives.

The U.S. Department of State's International Religious Freedom Report 2010 notes that while Sudan's Interim National Constitution provides for freedom of religion throughout the country, it establishes *sharia* (Islamic law) as a source of legislation in the north. The official laws and policies of the Government of National Unity favor Islam in the north, while the constitution, laws and policies of Southern Sudan provide for freedom of religion "contributed to the generally free practice of religion."

The South has no penalties for apostasy or defaming religion, and evangelism is common. And while the State Department report notes that laws against blasphemy and defaming Islam in the north were rarely enforced last year, the threat they pose can be enough to restrict freedom of speech and freedom of religion—especially for converts.

"Those who leave Islam know they may be victims of this article," a source in Khartoum told Compass.