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HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on freedom of religion or belief; and the Independent Expert on minority issues.

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on freedom of religion or belief; and Independent Expert on minority issues pursuant to Human Rights Council resolution 15/8, 14/11, and 16/6.

In this connection, we would like to bring to your Excellency's Government's attention information we have received regarding the **loss of homes and businesses of the Coptic Christian community by sectarian violence in the village of Dahshur, Egypt.**

According to the information received:

On the 27 July 2012, Mr. Sameh Samy, a Coptic Christian laundryman, inadvertently burned the shirt of Mr. Ahmad Ramadan, a Muslim client. Allegedly despite both men agreeing to settle the grievance that evening, Mr. Ramadan returned later in the afternoon with up to 3000 armed Muslims and surrounded Mr. Samy's house and laundrette. As the fighting intensified on both sides with Molotov cocktail bombs being thrown, Mr. Samy hurled a fire bomb from his rooftop and hit a Muslim passer-by, 25 year-old Mr. Moaz Hasab-Allah. Mr. Hasab-Allah was taken to hospital with third degree burns from which he died on 31 July 2012.

It was reported that on 31 July 2012, an estimated 120 families fled the village of Dahshur, with only one Christian family remaining behind, for fear of the revenge attacks allegedly threatened by the Muslim clerics and the family of the Mr. Hasab-Allah.

It is alleged that on 1 August 2012, hundreds of Muslims allegedly torched and looted homes and businesses belonging to the Coptic Christian community in the village. It was also alleged that the security forces who were present during the

incident did not act to protect most Coptic properties except for the small church of St. George and some houses in the neighbourhood of the church.

The police reportedly arrested and detained Mr. Samy, his father and brother and charged them with murder and possession of explosives. Five arrest warrants were issued for 5 Muslims who are yet to be apprehended.

Grave concerns are expressed at the acts of sectarian violence and intolerance against the Coptic Christian community. Concerns are also expressed at the lack of protection of the religious minorities in Egypt and the culture of “collective punishment” of an entire community for the action of an individual.

While we do not wish to prejudge the accuracy of these allegations, we wish to appeal to your Excellency’s Government to seek clarification on the information drawn to our attention and share our concerns in relation to present circumstances in light of the applicable international human rights norms and standards.

We would like to remind your Excellency’s Government of the applicable international human rights norms and standards relevant to this case. Article 11.1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which Egypt is a party, states that “the States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including housing, and to the continuous improvement of living conditions”. Furthermore, the Committee on Economic, Social and Cultural Rights commenting on the right to adequate housing in its General Comment No. 4, stressed that the right to housing should not be interpreted in a narrow or restrictive sense such as merely having a roof over one’s head; rather, it should be seen as the right to live somewhere in security, peace and dignity. With “due priority to those social groups living in unfavourable conditions,” the right to housing includes guaranteeing: (a) legal security of tenure; (b) availability of services, materials, facilities and infrastructure; (c) affordability; (d) habitability; (e) accessibility; (f) location; and (g) cultural adequacy.

The internationally accepted framework of the various obligations engendered by human rights law indicate that all rights, including the right to adequate housing, generate at least four levels of obligations for a State, namely the obligations to respect, protect, promote, and fulfill the rights. In the present case, the obligation on the part of the State of your Excellency’s Government relates chiefly to the obligation to protect. State parties to human rights treaties are obliged to protect right-holders against other interferences from third parties by legislation and provision of effective remedies. This obligation requires the State to take measures to protect beneficiaries of the protected rights against political, economic and social interferences. Protection generally entails the creation and maintenance of an atmosphere or framework by an effective interplay of laws and regulations so that individuals will be able to freely realize their rights and freedoms, without any violation or interference by other citizens, groups and other kind of non-State actors.

We would also like to appeal to your Excellency's Government to ensure the right to freedom of religion or belief in accordance with the principles set forth Article 18 of the Universal Declaration on Human Rights (UDHR) and the International Covenant on

Civil and Political Rights (ICCPR) that your Excellency's Government ratified on 14 January 1982.

Art. 2 (1) of the ICCPR provided that “[e]ach State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as [...] religion [...], Art. 26 provided that [a]ll persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as [...] religion [...].”

Art. 2 (1) of the 1981 Declaration of the General Assembly emphasized that “[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief and urged all states in Art. 4 (2) to make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.”

We would like to draw your attention to resolution 64/164, the General Assembly regarding religious intolerance which urged “States to take all necessary and appropriate action, in conformity with international human rights standards, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to members of religious minorities in all parts of the world.”

Furthermore, we would like to recall that the General Assembly, in its resolution 63/181, urges “(j) To ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of fulfilling their official duties, respect all religions or beliefs and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate education or training is provided”.

We wish to draw the attention of your Excellency's Government to international standards relevant to the protection and promotion of the rights of minorities. Article 27 of the ICCPR establishes that “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.” The 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities requires under article 1.1 that “States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.” This provision should be understood to require the prevention of any acts of violence and the protection of minorities from any form of physical attack against individuals, communities, their property and places of worship. In addition, article 4.1 establishes that: “States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.” Article 4.2

requires that “States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs.”

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the summary of the cases accurate?
2. Have complaints been lodged with regard to the incidents mentioned?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries or any criminal charges to the perpetrators in relation to these incidents. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please indicate the measures that your Excellency’s Government has taken to ensure that the victims whose homes and businesses were looted and destructed are adequately relocated, compensated and that their safety upon return to their village is guaranteed.
5. Please indicate which measures that your Excellency’s Government has taken to prevent acts of violence or “collective punishment” against the members of the Coptic Christian community in Egypt.
6. Please provide details of any legislation and policy that exists to protect and promote the rights of persons belonging to religious minorities.

We would appreciate a response within sixty days. Your Excellency’s Government’s response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency’s Government to take all necessary measures to guarantee that the rights and freedoms of the religious minorities in Egypt are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency’s Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Raquel Rolnik

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