

Customary reconciliations councils are used as a means to resolve conflict, functioning as a parallel judiciary.

The government continues to sponsor these sessions, despite trying to downplay their involvement.

Some members of the judiciary are disdainful of the practice calling reconciliation practices “a threat to the civil state.”

A PARALLEL JUDICIARY

Customary reconciliation councils are a form of conflict resolution in much of Egypt's countryside, particularly Upper Egypt and Sinai. Locally referred to as “majales al-solh al-orfeyya,” these sessions are deeply rooted in Egyptian culture and have been used as a method of community-based conflict resolution, long predating the modern judicial system in Egypt. Village elders or family leaders, along with political and religious leaders, convene to solve personal disputes rather than submit to the costly and often lengthy legal system. Additionally, [perceptions](#) that the courts are unfair and corrupt are motivating factors for the continued use of reconciliation councils. Although convenient for the state, the sessions often lead to [ineffective](#) policing and enforcement of the rule of law, functioning as a [parallel judiciary](#).

In a 2015 [report](#), the Egyptian Initiative for Personal Rights (EIPR) identified two regions with distinct trends in how the councils are composed and how they function. From north of Giza to north of Minya there are well-known arbitrators who perform their duties under the auspices of political party representatives, formerly affiliated with the Mubarak-era National Democratic Party and now with new political parties. The councils are selected based on influence or trust in a particular individual. From Assiut to Aswan, there are set councils, composed of people who are known by political and security authorities.

ABSENCE OF LAW AND GUIDING PRINCIPLES

Given the extra-judicial character of the reconciliation councils or session, the very

structure and setup of the meetings in resolving sectarian conflicts are often problematic. Allegedly led by neutral arbiters, the meetings are often overseen by an overwhelmingly Muslim representation (in some cases Muslim representation is over double that of Christian representation), compromising the impartiality of the dialogue. Not all arbiters are trained for such work and are not punished for misconduct; however, some of the more established arbiters are. For example, [Sheikh Hamdi Abdel Fattah](#) of Maghagha, after studying sharia law and obtaining a diploma in international arbitration from Cairo University, became a consultant with the International Arbitration Association and is a member in the Egyptian Committee for Customary Arbitration. Although religious leaders from both the Christian and Muslim communities are generally included in reconciliation sessions, there have been cases of reconciliation sessions carried out by [Salafi](#) leaders from [al-Azhar](#) with no religious representation for the Christians.

Not only do reconciliation sessions frequently lead to inequitable and unpredictable results for minorities, the sessions are frequently used as an alternate judicial system. Although these sessions are often quicker and cheaper than the normal legal system, the results are ineffective and rarely reach lasting outcomes in which perpetrators are held accountable.

IRREGULAR OUTCOMES GENERALLY HARM CHRISTIANS

Despite possible successful uses of reconciliation councils in specific environments, the use of these sessions often lead to negative outcomes for religious minorities, who do not share equal bargaining power with their counterparts. In many conflicts that involve majority Sunni Muslims and

a religious minority, a fundamental social or bargaining inequality has led to unjust consequences, sometimes even stripping minorities of fundamental rights. In an overwhelming number of instances, reconciliation sessions often seem to punish Christians, leaving Muslim perpetrators with few consequences.

At times, police encourage outcomes as a means to protect the Christians so that locals would not take extrajudicial revenge through property destruction or worse. In one situation in Beni Mazar, despite a legal case filed against Gad Youssef Yunan for blasphemy, a [reconciliation session](#) led to his displacement from his home village. In another case from the outskirts of Alexandria, an old land dispute was taken to the courts, resulting in a favorable decision for the Christian property owner. However, Hamdy Makanoty, with some unsuccessful support from security forces, failed to retake possession of his land. A [reconciliation session](#) concluded that he could not demand the return of his land for four months and that he and his family would not be allowed to attend St. George's Church for four months. The only measure taken against the local tribe that had allegedly taken his land was that they would not be able to come near the land for four months. The session in essence served neither the interests of either party nor the interest of justice, rather only served as a means to calm the people involved in an escalating conflict. This is not uncommon. In an [extensive report](#) published in February 2010, Arab West Report found that reconciliation sessions often served to return to the status quo ante. This conclusion was supported by several cases in which participants expressed dissatisfaction stating that the real reasons or causes behind the sectarian incident were not addressed.

STATE SUPPORT FOR EXTRALEGAL ATTEMPTS AT JUSTICE

EIPR [documented](#) 45 instances of reconciliation sessions that were used in response to sectarian strife from January 25, 2011 until the end of 2014. The report [concluded](#) that the extrajudicial meetings dealt only superficially with sectarian conflict and in fact often served to increase sectarian violence, as is evidenced by the numerous instances of attacks on Christians coming within days or hours of a supposedly successful reconciliation session. Occasionally

such meetings even [devolved](#) into fighting. Moreover, the decisions reached were often [illegal](#) under the Egyptian constitution, frequently leading to the unfair displacement of Copts from their homes. Nonetheless, these decisions were accepted and tacitly endorsed by the security forces and police, even though decisions reached are hardly enforceable given the extrajudicial nature of the councils. In other cases, the decisions of a reconciliation meeting [overruled verdicts resulting from formal court hearings](#), making these arbitrary panels not only a parallel judiciary, but in fact a more powerful one.

Government officials have often sought to [downplay](#) state sponsorship of reconciliation meetings by claiming that they occur in limited instances or that they are entirely optional when they do. However, the fact remains that the government [continues](#) to sponsor these sessions, sometimes tacitly and often openly. This is most commonly witnessed in cases when the public prosecutor relied on reconciliation sessions to halt criminal proceedings, despite being prohibited in the first article of the Criminal Procedure Code. [Other times](#), members of parliament, governors, or military generals, participate as leading figures in the council. The result is that some minorities are left with no opportunity to seek redress in the formal judicial system.

Understandably, some members of the formal judiciary are disdainful of the practice. Amir Ramzy, a judge at the Court of Appeals in Cairo, [called](#) the sessions “a threat to the civil state” and “a disaster threatening the dignity and power of the state, which must assure that all citizens are equal under the law.” Eshhad has documented at least nine incidents of reconciliation meetings used in cases of sectarian violence in 2015, at least seven of which included official government involvement.

RESOURCES

Ishak Ibrahim, *According to Which Customs, The Role of Customary Reconciliation Sessions in Sectarian Incidents and the Responsibility of the State*, Egyptian Initiative for Personal Rights, June 2015, http://eipr.org/sites/default/files/reports/pdf/imposing_biased_outcomes.pdf.

Michael Fares, *The Numbers: Sectarian Incidents and Reconciliation Sessions Since January 25 to the Present*, Al-Youm al-Sabaa, June 12, 2015 (Arabic), <http://bit.ly/1pdOMcb>.

Rochelle Curtis, *Reconciliation Sessions in the Egyptian Newspapers: Analysis and Observations*, Arab West Report, February 27, 2010, http://www.arabwestreport.info/sites/default/files/pdfs/Paper_22_-_Reconciliation.pdf.

ESHHAD

Eshhad is an online platform that aggregates and collates alleged religious persecution and sectarian attacks in Egypt.

Eshhad, which previously existed as an independent entity and is now an incubated project at the Tahrir Institute for Middle East Policy (TIMEP), seeks to encourage transparency and to influence policy by explaining the context in which sectarianism occurs throughout the Middle East.

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