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Egypt: Proposed constitutional amendments greatest erosion of human rights in 26 years

Amnesty International today called on Egyptian members of parliament to reject proposed amendments to the country's constitution, which the organisation described as the most serious undermining of human rights safeguards in Egypt since the state of emergency was re-imposed in 1981.

The appeal came as the Egyptian Parliament prepared to approve this Sunday amendments to 34 articles of the constitution, including Article 179. The amendments to this Article would give sweeping powers of arrest to the police, grant broad authority to monitor private communications and allow the Egyptian president to bypass ordinary courts and refer people suspected of terrorism to military and special courts, in which they would be unlikely to receive fair trials.

"The proposed constitutional amendments would simply entrench the long-standing system of abuse under Egypt's state of emergency powers and give the misuse of those powers a bogus legitimacy. Instead of putting an end to the secret detentions, enforced "disappearances", torture and unfair trials before emergency and military courts, Egyptian MPs are now being asked to sign away even the constitutional protections against such human rights violations," said Hassiba Hadj Sahraoui, Deputy Director of Amnesty International's Middle East and North Africa programme.

The amendment of Article 179 would pave the way for the introduction of a new anti-terrorism law that would undermine the principle of individual freedom [Article 41(1)], privacy of the home [Article 44] and privacy of correspondence, telephone calls and other communication [Article 45(2)]. The amendments would also grant the president the right to interfere in the judiciary by bypassing ordinary courts, including by referring people suspected of terrorism-related offences to military courts.

If approved by parliament, the amendments to Article 179 will be put to a popular referendum on 4 April along with amendments to 33 other articles of the Constitution. Egyptian NGOs and others have also expressed grave concerns about these other amendments including those which would ban the establishment of political parties based on religion and reduce the role of the judges in supervising elections and referendums. The first is seen as part of a government strategy to undermine the opposition Muslim Brotherhood following its improved showing in the 2005 elections. The second is seen as an attempt to prevent any repetition of events last year, when two leading judges denounced the government's failure to take action in response to evidence of electoral fraud during the presidential and parliamentary elections in 2005.

The amendments are being presented to MPs as a package on which they must vote yes or no. They cannot accept some and reject others, nor can they open up any of the proposed amendments for further parliamentary review.

"Amnesty International recognises the threat posed to Egypt by terrorism, but respect for and protection of fundamental human rights cannot simply be swept away by a majority vote," said Hassiba Hadj Sahraoui.

"By pushing through these amendments, the government will write into the permanent law emergency-style powers that have been used to violate human rights over more than two decades, so that when it then bows at last to international criticism and lifts the state of emergency the impact will be no more than cosmetic. The parliament should

not rubber stamp this. Instead, it should reject the amendments and insist that Egypt's national law adequately safeguards the universal rights enshrined under international law which Egypt has committed, but so conspicuously failed, to uphold."

Amnesty International firmly believes that the current constitutional reform must be seized as an opportunity to further strengthen human rights protection and to break with the practices of the past. None of the provisions of the emergency legislation should be entrenched in the new law or protected by the constitution.

Background

The proposed amendment of Article 179 stipulates the following:

"The State shall work to safeguard the general discipline and security in the face of the dangers of terror. The law shall regulate the provisions related to the measures of conclusion and investigation necessary for combating those dangers under the supervision of the Judiciary in a way that the measure stipulated in the first paragraph of Article 41 and Article 44 and the second paragraph of Article 45 of the Constitution not to hinder putting those provisions into effect.

The President of the Republic may submit any crime of terror crimes to any judicial body stipulated in the Constitution or the law."

Demonstrators calling for rejection of the constitutional amendments were dispersed by police in Cairo on Friday. Scores were arrested and detained; most were quickly released but some 23 have been charged with public order offences.

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