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Written statement* submitted by Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 May 2010]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The Renewal of Egypt's Emergency Law and its UPR Recommendations

The Cairo Institute for Human Rights Studies (CIHRS), a non-governmental organization in Special consultative status with ECOSOC, greatly condemns the two-year extension of emergency law in Egypt. On May 11, 2010, the People's Assembly approved President Mubarak's request to extend Egypt's state of emergency for two more years starting June 2010. Despite the protests held in the streets of Cairo by all opposition groups, the National Democratic Party (NDP) dominated MPs voted 454 to 103 in favour of the extension.¹

This extension is happening despite promises by President Mubarak and the government since 2005 that a more limited anti-terrorism law would replace the emergency law. Indeed, the government also vowed that the use of emergency law would be restricted to crimes relating to terrorism and drug dealing. However, experience has demonstrated that such promises do not seem to impede the numerous violations of human rights in Egypt.

Legally, the emergency law continues to impose more or less the same infringements on human rights in Egypt. Article 3(1) of the Emergency law, which grants exceptional powers to the President and the security forces to place restrictions on civil liberties and human rights, will remain in force. Moreover, the law gives the government the power to establish exceptional courts such as the state security courts and supreme state security courts of emergency. This in addition to the law's jurisdiction to prevent peaceful assemblies, facilitate arbitrary detention, and torture. In addition, Article 179 remains in place, thus privileging the application of the state of emergency over human rights considerations. This is in addition to the laws' jurisdiction to prevent the practice of peaceful assemblies, and its tendency to result in arbitrary detention and torture.

The extension of the emergency law has led to widespread dissent from national and international entities. In addition to the numerous protests in the streets of Cairo, Amnesty International², International Federation for Human Rights³, Human Rights Watch⁴, Freedom House⁵, and numerous other international human rights organizations have expressed their serious concern and absolute discontent with the extension of such a law. Furthermore, the Working Group on Egypt has sent an appeal letter to the US Secretary of State, expressing their great concern over the extension.⁶

The extension of the state of emergency is contrary to the recommendations accepted by the Egyptian government during its Universal Periodic Review (UPR) in front of the Human

¹ National and international news coverage available at:

<http://www.almasryalyoum.com/en/news/extension-egypts-emergency-law-approved-2-more-years>

<http://www.nytimes.com/2010/05/12/world/middleeast/12egypt.html>

<http://af.reuters.com/article/topNews/idAFJJOE64A0EC20100511>

<http://english.aljazeera.net/news/middleeast/2010/05/20105116134595496.html>

² "Egypt Urged to Lift State of Emergency." Amnesty International. N.p., 12 May 2010 <https://www-secure.amnesty.org/en/news-and-updates/egypt-urged-lift-state-emergency-2010-05-11>

³ "The State of Emergency Extended for Two More Years. The Threat of Further Human Rights Violation Remains." FIDH. 13 May 2010 <http://www.fidh.org/The-state-of-emergency-extended-for-2-yearsThe>

⁴ "Egypt: Government Renews State of Emergency." Human Rights Watch. 11 May 2010.

⁵ "Freedom House Condemns Egypt's Failure to End Emergency Law ." Freedom House. 11 May 2010 <<http://freedomhouse.org/template.cfm?page=70&release=1182>>

⁶ Carnegie Endowment for International Peace, Letter to US Secretary of State. 11 May 2010.

Rights Council on 2/17/10.⁷ Indeed, the continuous 31 years old state of emergency was at the centre of dissuasion, and many member states condemned its continuation. Egypt accepted recommendations 79, 80, 112, 113, and 114, where it accepted to immediately lift the state of emergency and make hasty arrangements to replace it by a more limited, and human rights cautions, anti terrorism law. Nonetheless, the two-year extension seems to indicate the government's complete disregard to its international commitments. Indeed, this extension is yet another indication that the government does not intend to move towards the realization of its UPR recommendations and voluntary pledges.

Thus, the Cairo Institute for Human Rights Studies calls on the Egyptian government to carry out the following steps as required by international legal standards and the accepted recommendations of the UPR, and urges the United Nations Human Rights Council and all UN member states to call on the Egyptian authorities to:

1. Comply with recommendations 79, 80, 112, 113, and 114, and immediately terminate the two-year extension of the emergency law.
2. Refrain from issuing or putting to use further laws that are inconsistent with international human rights standards, particularly amended anti-terrorism law (179/2007) which grants more power to the executive.
3. Immediately release all prisoners held under emergency law for exercising their freedom to express and freely state their opinions.

⁷ All recommendations herein are cited from the Report of the Working Group on the Universal Periodic Review of Egypt. Available at:
<http://ods-dds-ny.un.org/doc/UNDOC/GEN/G10/125/48/PDF/G1012548.pdf?OpenElement>