



INTERNATIONAL COMMISSION OF JURISTS

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Egypt: President Mubarak to implement commitment to end the state of emergency

On the occasion of his swearing-in ceremony yesterday, the International Commission of Jurists (ICJ) wrote to President Mubarak welcoming his presidential campaign commitment to put an end to the state of emergency. In expressing his hope that it would be swiftly followed by the formal repeal of the Emergency Law, the Secretary General of the ICJ, Mr Nicholas Howen, stated that this step "would constitute a significant positive development that could fundamentally impact on the respect for basic human rights in the country." Mr Howen went on to note that for 23 years that Egypt has been a State Party to the International Covenant on Civil and Political Rights (ICCPR), "the people of Egypt have not been permitted to enjoy many of the rights set out in this fundamental human rights treaty". Mr Howen stressed that in particular, the State Security Courts set up under the 1958 Emergency Law had created "a parallel and arbitrary justice system that, by bypassing ordinary courts, had strongly undermined the credibility of the Egyptian justice system."

During his presidential campaign, President Mubarak also indicated that the Emergency Law would be replaced by legislative measures to combat terrorist acts. In its letter, the ICJ stressed that while the state has a duty to protect its citizens and bring to justice the perpetrators of such acts in accordance with international standards, Egypt's current ordinary court system could potentially assume its responsibility to try the perpetrators of such acts - provided it uses international standards - without resorting to parallel justice systems.

The organization emphasized that if the government plans to set up a future justice system genuinely respectful of international standards, it will need to implement the UN Basic Principles of the Independence on the Judiciary, that state in particular that "everyone shall have the right to be tried by ordinary courts or tribunals using established legal procedures" and that "tribunals that do not use the duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals." Mr. Howen recalled that when fighting terrorism, states should respect basic international law principles, such as those contained in the Declaration on Upholding Human Rights and the Rule of Law in Combating Terrorism, which has been adopted by 160 lawyers at an international lawyers' conference convened by the ICJ in 2004.

The ICJ expressed its hope that the formal repeal of the Emergency Law would mark the beginning of a long-awaited process of restoring the integrity of the justice system, of ensuring that civilians are tried only in ordinary courts, and of respecting the fundamental principles of competence, independence and impartiality of the courts. The repeal of the Emergency Law could "usher in a new era in which respect for the rule of law could be a fundamental pillar of Egyptian society", concluded Mr. Howen.

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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