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*The following press release was issued by the Government of Egypt on May 11, 2010 on the occasion of its request to Parliament for limited renewal of the State of Emergency.*

## **Egypt Introduces Legal Limits to the Application of the Emergency Law**

- **Reforms significantly curtail the special powers provided under the Emergency Law, prohibiting the Government from monitoring communications & media, confiscating publications & property, & ordering evacuations.**
- **Changes transform the Government's political commitment to limit the use of the emergency law to counter terrorism into legal restrictions**
- **Changes introduced are a transitional step towards the lifting of the state of emergency and the adoption of a counter-terrorism law**

CAIRO - The Government today formally introduced draft legislation before Parliament requesting the extension of the state of emergency for a duration of two years, citing persistent and grave threats to national security posed by terrorism and narcotics trafficking. At the request of the ruling National Democratic Party, the resolution before parliament includes for the first time legal restrictions on both the scope and the application of the emergency law.

Throughout the use of the emergency law the government has consistently abided by its pledge to safeguard civil liberties and political rights in accordance with its obligations under the International Covenant on Civil and Political Rights that it acceded to in 1981, which allows for the use of emergency powers in the face of grave security threats. Accordingly the Government has undertaken to limit the application of the emergency law solely for the purposes of countering terrorism and narcotics trafficking. This resolution codifies the Government's political commitment in the form of statutory limitations.

In his statement to the People's Assembly today requesting parliamentary approval of a limited renewal of the state of emergency, the Prime Minister reiterated the Government's commitment to formulating a balanced counter-terrorism law and to lift the state of emergency

as soon once it is adopted by Parliament.

### **New Safeguards**

Henceforth, the government may not exercise the following extraordinary powers previously available under Paragraphs 2,3,4 & 6 of Article 3 of the Emergency Law, among them:

- The monitoring of all forms of communication
- The monitoring, censoring, and confiscation of media and publications, and the ordering the closure of publishing houses & broadcasters
- The confiscation of property
- The regulation of the hours of operation of commercial activities
- The evacuation and isolation of certain areas

Under the resolution before Parliament extending the Emergency Law, the Government would be legally limited to using only those authorities available under Paragraph's 1 & 5 of Article 3 of the Emergency Law for the purposes of countering the threats of terrorism and narcotics trafficking. These include:

- The arrest & detention of persons suspected of being involved in crimes of terrorism and narcotics trafficking
- The searching of persons or places suspected of involvement in such crimes
- The cancelation of licenses to bear arms or own explosive materials, and the right to confiscate them

### **Renewal Prompted by Persistence of Serious Threat of Terrorism**

Egypt faces a very real and serious threat of terrorism. Since the assassination of President Sadat, thousands of Egyptians have been killed by terrorist organizations. It has been targeted by groups opposed to its commitment to a civil state and its efforts to seek a negotiated settlement to the Arab-Israeli conflict, including its peace treaty with Israel, which has been in effect for over 30 years. This threat, and that posed by narcotics trafficking, are the exclusive reasons for the continued declaration of a state of emergency.

In recent years, besides the Sinai bombings of 2005 & 2006, which killed and injured hundreds, Egyptian authorities recently uncovered the conspiracy of a Hezbollah terrorist cell to attack Egyptian tourist establishments and smuggle weapons to and from the Israeli-occupied Gaza Strip. The conspirators were recently tried before the judiciary and sentenced to prisons terms up to life imprisonment.

### **Many nations forced to apply extraordinary measures to protect themselves**

Egypt is by no means alone in maintaining an extended state of emergency, especially in the Middle East. Israel has operated under a state of emergency since its founding in 1948. Other countries which have needed to adopt such measures Pakistan (1977-1985 among others instances), Syria (Since 1963), Algeria (Since 1992) and Turkey (1971-2002).

The United States, in response to the terrorist attacks of 9/11, introduced the controversial Patriot Act, establish a special detention facility in Guantanamo Bay, and new judicial procedures to deal with those involved in terrorism.

## **Responsibly Transitioning to Counter-Terrorism Legislation**

In 2005, as part of his electoral platform for Egypt's first direct, multi-candidate presidential election, President Mubarak stated that he was committed to declaring an end to the state of emergency and replacing it with a counterterrorism law.

Yet, the Government, to date, has not succeeded in arriving at a consensus, internally or with stakeholders, on the appropriate balance between the means needed to preserve the lives and livelihoods of the public, while at the same time ensuring that fundamental rights are guaranteed. The challenge is not dissimilar to that faced by the Obama Administration, relating to the closure of the detention facility at Guantanamo Bay.

## **The State of Emergency has not stifled political life in Egypt**

The narrow application of the law has allowed Egyptians to develop a vigorous political life and civil society:

- Demonstrations for a variety of reasons and causes take place in Egypt regularly. According to the Solidarity Center, there were almost 2000 labor protests alone between 2004 and 2008
- Civil society organizations are extremely active in Egyptian society, organizing public meetings and activities, demonstrating and lobbying for changes to public policy and laws.
- The International Center for Not-For-Profit Law, while it expressed reservations regarding Egypt's NGO laws, has stated that *"Egypt as has one of the largest and most vibrant civil society sectors in the entire developing world."*
- Political parties and independent candidates compete for elected office. In the 2005 People's Assembly Election independent and opposition party candidates won nearly 65% of the contested seats.
- Freedom of expression and traditional and new media are thriving, with over 500 independent publications available, independent satellite broadcast reaching 70% of the population and over 160,000 bloggers active.