

# Egypt: Mubarak extends repressive Emergency Law

**Rick Kelly**  
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Egypt's parliament last week renewed the country's 25-year-old Emergency Law for a further two years. The parliament is dominated by the party of President Hosni Mubarak, who has relied on the wide ranging antidemocratic and repressive provisions contained in the legislation to defend his dictatorship. The measure was opposed by about a quarter of the 378 lawmakers, mainly those representing the opposition Muslim Brotherhood.

The extension of the law indicates that the government is preparing another wave of repression to maintain its increasingly shaky grip on power. The immediate pretext for doing so was the April 24 triple bombing in the resort town of Dahab, which killed at least 19 people. The government claimed that the terrorist attack demonstrated the necessity of maintaining the existing emergency legislation until adequate anti-terrorist laws are drawn up—a process that authorities claim will take at least 18 months.

In reality, the Emergency Law's extension has nothing to do with protecting Egypt's citizens from the threat of terrorism. The legislation is directed at suppressing any expressions of anti-government dissent.

The Emergency Law gives the president far-ranging powers, including the authority to censor and ban newspapers, books and other media, and suppress freedom of assembly and movement. People can be arrested and detained without charge and held in prison indefinitely. Those who are prosecuted face state security courts, which function independently of the regular judiciary, and which often feature military judges presiding over closed proceedings.

Human rights groups estimate that as many as 15,000 people are being detained without charge under the provisions of the Emergency Law. There have been numerous documented cases of Egypt's notoriously brutal security forces torturing and raping prisoners.

The emergency legislation is one of the most widely despised elements of Mubarak's dictatorship. Its repeal is the primary demand of the established opposition parties, both liberal and Islamist. With his government increasingly

isolated from the population, Mubarak last year conceded a multi-candidate presidential election and promised a number of political reforms, including the withdrawal of the Emergency Law.

As recent developments make clear, none of this was intended to relax the president's iron rule. Last September's presidential election was a carefully orchestrated exercise designed to secure Mubarak another six-year term in office. Immediately afterwards, he moved against the liberal opposition politician Ayman Nour, who had received 7.6 percent of the vote in the presidential election. He was sentenced to five years imprisonment on fraud charges that are widely seen as trumped up.

Mubarak also suspended the local council elections scheduled for later this year. The regime feared further electoral losses, following last year's legislative elections in which the ruling National Democratic Party received just 35 percent of the vote. The Muslim Brotherhood won 88 seats, one-fifth of the total.

Last week's extension of the Emergency Law came as the authorities arrested large numbers of oppositionists. In the most widely reported incident, an estimated 10,000 police attacked protesters outside the Judges Club in central Cairo on April 27. Demonstrators had gathered at the Judges Club and the nearby High Court building in solidarity with two judges, Hesham Bastawisi and Mahmoud Mekky, who are being charged with the offence of insulting the judiciary. The men publicly condemned other judges who supervised last year's election for colluding with government vote-rigging.

The police, many armed and in riot gear, assaulted and arrested scores of protesters. About 80 judges and dozens of their supporters had staged a weeklong sit-in at the Judges Club to protest the prosecution of the two judges. The police responded with a massive mobilisation that was larger than that seen in the aftermath of the Dahab bombings.

"They started beating everyone, including the judges," Rasha Azzab, a member of the opposition movement, Kifaya ("Enough"), told *Al Ahram Weekly*.

The government is particularly sensitive to the mounting judicial criticism of its methods of rule. Under a system where the domestic media is strictly censored and opposition political parties are closely monitored or banned outright, the condemnation of government corruption and vote-rigging by dozens of judges has become a focal point of anti-government opposition.

The judiciary is the only state institution with any degree of autonomy from Mubarak and the government. In the late 1970s and 1980s, the Egyptian court system was overhauled as part of a right-wing economic and social program aimed at attracting foreign investment. After the nationalisations of foreign industries under the left-nationalist Gamal Abdel Nasser, transnational corporations and investment firms demanded that Nasser's successors, Anwar Sadat and then Mubarak, guarantee their property and profits.

"Faced with economic stagnation, political instability, and escalating pressure from international lenders, the regime increasingly pinned its political survival on attracting foreign direct investment," Tamir Moustafa has noted. "[T]he new Supreme Constitutional Court helped the regime assure both Egyptian and foreign private investors that property rights were now secure in Egypt and that formal institutional protections existed above and beyond mere promises by the regime." ("Law Versus the State: The Judicialization of Politics in Egypt," *Law and Social Inquiry*, vol. 28, no. 4, Fall 2003.)

The current prominence of a number of judges who are critical of aspects of Mubarak's rule is a result of the absence of any independent party or organisation representing the working class. Egyptian society is marked by massive social inequality. The real unemployment rate is estimated at 20 percent, and hundreds of thousands of people have lost their jobs as a result of the government's program of privatisations and deregulation. At the other end of the social scale, the stock market has boomed in the past decade and a privileged few have enriched themselves dramatically.

The interests of ordinary workers find no expression within the existing system. Independent trade unions are banned and socialist publications and organisations are proscribed.

The Muslim Brotherhood, the largest opposition group, is a bourgeois organisation. As Egypt's *Business Today* commented last year: "Economic analysts seeking a forecast of the Brotherhood's coming behaviour should not overlook an important fact: the wealthy businessmen who manage a significant source of the Brotherhood's power in hidden investments have no interest in destabilising the current favourable market in Egypt."

Abdel-Hamid El-Ghazali, leading Muslim Brotherhood member and professor of economics at Cairo University,

told *Business Today*, "By and large, our economic program doesn't differ drastically from the official government economic program or from any other program submitted by any political party in Egypt."

The liberal opposition groups, none of which has a mass base, have pinned their hopes on winning favour with the Bush administration. The *Kifaya* organisation—"Enough"—an umbrella grouping of liberals, Islamists, ex-Stalinists and Nasserists, was formed in 2004. It has tried to emulate the so-called "colour revolutions" seen in Ukraine, Georgia, and Kyrgyzstan—all of which enjoyed US backing.

However, despite certain political tensions between the US and Egypt, there is no sign that Washington is pursuing regime change.

Last August, the sentencing of Egyptian-American sociology professor Saad Eddin Ibrahim to seven years imprisonment on charges of bringing Egypt into disrepute provoked a threat by US President George W. Bush to oppose a \$130 million aid package to Egypt. More recently, the US has protested against the airing on state television of a drama drawing on the anti-Semitic Protocols of the Elders of Zion. But Washington again ruled out suspending aid to Mubarak. State Department spokeswoman Nancy Beck stated, "The United States provides assistance to Egypt because it is in US strategic interests to do so."

Mubarak remains America's closest Arab ally and he has played a critical role in supporting US policy in the Middle East, including his support for the ongoing occupation of Iraq. Washington bankrolls Egypt to the tune of nearly \$2 billion in annual military and economic aid—more than any other country except Israel. In response to his extension of the Emergency Law, a US State Department spokesman issued only the mildest of criticisms. "It's a disappointment," he declared. "We would have hoped that the Egyptian government would have used this time between the elections that they have had to do a lot of different things but to also work on this [emergency] legislation."



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