

# Egypt: New constitution makes martial law permanent

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Egypt's President Mubarak has rushed through constitutional changes that lay the basis for a permanent military-police state, including granting himself the right to dissolve parliament.

The constitutional amendments consolidate the supposedly temporary emergency laws that were put in place after the assassination of President Anwar Sadat in 1981 by a militant Islamist opposed to his recognition of Israel and alliance with Washington.

The brutal military regime that has ruled Egypt ever since has used these emergency laws to ban political dissent and strikes, muzzle the press, routinely keep people in jail without trial and torture prisoners. All this has been underpinned by massive aid from the United States and silence on the part of the European powers.

The constitutional amendments strengthen the executive, outlaw parties based on religion and ethnicity, and curb the limited power of the judiciary to criticise flagrant breaches of electoral law. Thirty-four new articles were introduced into the constitution.

References to "socialism," meaning the limited reforms introduced by President Nasser after the 1952 military coup, have been removed in favour of formulas supporting free-market reforms. For example, the "socialist economic system" has been replaced with a system "based on freedom of economic action ... safeguarding ownership and preserving workers rights."

The constitution has been amended to ensure the political dominance Mubarak's National Democratic Party and pave the way for a dynastic transfer of power to Mubarak's son, the business-friendly strongman Gamal. Political activities and parties "based on any religious background or foundation" are illegal. This is targeted at the Muslim Brotherhood, the largest opposition party, which although already banned is tolerated by the authorities and operates in parliament as independents. Now the party, which Mubarak has labelled as "a danger to state security," is unconstitutional.

Article 7 requires presidential candidates to be nominated by parties having at least 3 percent of elected members of parliament—an insurmountable hurdle for any opposition party.

Article 88 has been rewritten to remove the power of the judiciary to supervise elections. This is to make sure that it is impossible for a repeat of the situation last year, when two senior judges unsuccessfully pressed in a high-profile struggle for an inquiry into alleged electoral fraud during the general election in 2005. Instead, there will be an electoral commission whose

composition will be defined in some future law—if at all.

Article 179 is the most controversial. It replaces the draconian emergency laws, repeatedly renewed, with a new anti-terrorism law whose contents are as yet unknown and which will take precedence over three other articles that supposedly protect democratic rights.

The new law will apply only to terrorism cases. It gives the police sweeping powers and the president the power to refer terrorist cases to any judicial authority he chooses—including military tribunals whose verdicts are not subject to appeal.

In practice, therefore, the government now has the power under the constitution to do exactly what it did under the emergency laws: detain people without trial or even charges, conduct searches and surveillance without warrants, and use military tribunals to try cases without the usual protections of the civil courts.

The Egyptian government lyingly claimed that it had won 75.9 percent approval for changes to the constitution in a referendum, with the semi-official daily *al-Ahram* running the headline "Popular turnout for the referendum on constitutional amendments surpassed expectations."

But the government in fact only claims that voter turnout was 27.1 percent, and this is a gross exaggeration. Independent monitoring groups said that voter turnout was no higher than 5 percent and many polling stations were virtually deserted. The referendum, called with just two days notice and seven days after the legislation was rushed through parliament on March 19, was boycotted by the opposition parties.

The National Council for Human Rights, a state-appointed body headed by former United Nations Secretary-General Boutros Boutros Ghali, reported numerous flaws. "Voter lists were inaccurate, some civil society monitors were prevented from observing some polling stations, local authorities in some provinces organized mass voting, and some electoral officials intervened in the voting process and sometimes filled in ballots," the council said in a statement.

"Mass voting" is a euphemism for the bussing—supervised by the trade unions—of state workers to the polling station.

"The most important and dangerous aspect of the referendum was the low turnout despite a big media campaign in the three preceding days," the council said.

One of the leaders of Kifaya, a political activist group that took a leading role in the boycott campaign, scoffed at the declared results.

“In Egypt nobody believes the official figures, only if he is insane,” said Abdel-Halim Qandil. “And, supposing that I am insane and I believed these figures, they would mean that the government’s popularity has halved,” he said, referring to the fact that the government declared a turnout of 54 percent in a 2005 referendum.

Amnesty International has condemned the amendments as the “greatest erosion” of rights in Egypt in 26 years. Elijah Zarwan, a Cairo-based researcher with Human Rights Watch, said, “This makes Egypt a constitutional police state.”

Mohammed el Sayed Said, an analyst at the Al-Ahram Centre for Political and Strategic Studies, said that the amendments amounted to a “constitutional coup.”

The response from the Bush administration was muted. Insofar as it criticised the Mubarak regime, it was only for public consumption. Secretary of State Condoleezza Rice described the amendments as a “really disappointing outcome,” before leaving Washington for a Middle East tour. Even this mild rebuke was toned down a couple of days later, after a meeting with Mubarak in Cairo to drum up support for Washington’s plans to attack Iran.

Rice told reporters, “The process of reform is one that is difficult. It’s going to have its ups and downs.”

The White House has long since repudiated its call for greater democracy in the Middle East. Not long after the 2005 parliamentary elections, it signalled its approval for Mubarak, a key ally in the region, to crack down on opposition, channelled largely through the Muslim Brotherhood, in return for the regime’s unwavering support for the ongoing occupation of Iraq and threats against Iran.

The 2005 elections were marked by outright government vote tampering and thuggery, including the use of tear gas, rubber bullets and live ammunition that left 14 dead and saw hundreds of Brotherhood supporters thrown into jail. Independent monitors called it “a systematic and planned campaign” to block opposition voters from casting ballots. But Sean McCormack, a State Department spokesman, said that the US had “not received, at this point, any indication that the Egyptian government isn’t interested in having peaceful, free and fair elections.”

Weeks later, after the Brotherhood formed the biggest opposition bloc and the Islamic group Hamas won an electoral landslide in the Palestinian elections in January 2006, Rice said, in her address at the American University of Cairo, “We have to realize that this is a parliament that is fundamentally different than the parliament before the elections, a president who has sought the consent of the governed.”

“We can’t judge Egypt,” she said. “We can’t tell Egypt what its course can be or should be.” “It [the turn to democracy] takes time,” she added later. “We understand that.”

The reasons for Mubarak’s constitutional changes are not hard to see. Social and economic tensions have risen, alongside mounting poverty and social inequality. Some commentators have likened it to the situation preceding the 1952 coup by the Free Officers Movement that brought Colonel Gamal Abdul Nasser to power.

Unemployment is officially 12 percent, but is widely believed to be at least double that. Many are underemployed. Most do not earn

enough cover to cover their families’ basic needs and many are undernourished.

Cairo, one of the most populated cities in the world, has long been chronically short of affordable housing. Haphazard slums have sprung up without access to clean water. Many are homeless.

With half the 70 million population under 25, child poverty is endemic. Even conservative estimates put the number of children and young people under the age of 20 believed to be homeless at a shocking two million. Street children, some as young as five, dodge between cars, selling cigarettes and begging for food. Scrawny cats scavenge in the mounds of stinking rubbish. Healthcare is woeful. The public hospitals have untrained nurses, ancient medical equipment and crammed waiting rooms where people lie down to sleep. Cancer, respiratory diseases, diabetes and hepatitis C are rampant.

This week, a four-year-old girl in a town just north of Cairo became the 32nd case of avian flu. So far, 13 have succumbed to the virus. Women and children have been the worst affected as they are the ones that look after poultry, which many households keep to supplement their meagre income. Outside Asia, Egypt is the hardest hit by the avian flu virus.

Educational provision is dire. Public schools are overcrowded. Children are crammed four to a desk against peeling, graffiti ridden walls and on dirty floors. There are educational “co-payments” for everything, which take a sizeable part of family income. Conditions are so bad that there have been sit-ins by parents at schools.

Strikes—forbidden unless approved by the leadership of the General Federation of Egyptian Trade Unions, which is controlled by the ruling national Democratic Party (the former Arab Socialist Union)—have risen, particularly in the textile industry, one of Egypt’s most important sectors.

In December, cement workers in Helwan and Tura went on strike. At the same time, car workers in Mahalla al-Kubra staged a strike and sit-in. In January, there were strikes by railway workers and wildcat strikes by truck and microbus drivers, poultry farmers, refuse collectors, public gardeners and sanitation workers.

With political opposition largely channelled into the Moslem Brotherhood, less from active political support for its programme than for its welfare networks, the government has imposed a crackdown, recently detaining hundreds of its members, mostly without trial. Others have also been targeted. In Alexandria, the regime sentenced a blogger, Abdel Karim Nabil Suleiman, to four years in prison for among other things defaming the president.



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