

Egypt's new constitution legitimizes coup, enshrines military dictatorship

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On Saturday, military-backed interim Egyptian President Adly Mansour announced a national referendum on a new constitution for January 14 and 15.

In a speech broadcast on state TV, Mansour urged Egyptians to vote for the text which was worked out in secret by a hand-picked, 50-member committee, “Let this constitution be a word of justice, that unites and doesn't separate... for hatred is a tool for destruction... disagreement is legislated, as long as it adopts peacefulness and is in the country's interest.”

Standing next to Mansour, Amr Moussa, the head of the constitutional committee and former stalwart of the Mubarak regime, claimed “this is a constitution that clearly criminalises any form of discrimination against all citizens and ensures national unity.”

Also attending the ceremony at Ittihadia presidential palace in Cairo were coup leader and Defence Minister General Abdel Fatah al-Sisi, Minister of Interior Mohamed Ibrahim, Al-Azhar Grand Imam Ahmed Al-Tayyeb, and a representative of Pope Tawadros II, the head of the Coptic Orthodox church.

What is cynically presented as an exercise in national unity and democracy is in reality a desperate attempt by a blood-stained junta and its supporters to legitimize its July 3 military coup and enshrine continued military dictatorship in the constitution.

The most significant part of the new constitution is its effort to defend the power and privileges of the military. It aims to strengthen the army's role as the last bulwark of capitalist rule and of the bourgeois state in Egypt, on which the Egyptian bourgeoisie directly depended during the mass working class uprising that ousted former dictator Hosni Mubarak in February 2011.

The constitution basically enshrines autonomy for the

military, which has been the dominant political force in Egypt since the Free Officers coup led by Gamal Abdel Nasser in 1952.

The new constitution goes beyond even the 1971 constitution which formed the basis for the Mubarak dictatorship and the 2012 constitution, which was the result of the temporary alliance between the military and the Islamist Muslim Brotherhood (MB). While the former constitutions already granted the military a high degree of autonomy, it is now effectively acquiring the “legal” status of a state within a state.

Article 234 of the constitution stipulates that the Supreme Council of the Armed Forces (SCAF) will approve the appointment of the Minister of Defence for two presidential terms. Article 203 establishes that the National Defence Council—a body dominated by the army brass and intelligence chiefs—will decide on the armed forces' budget and on national security issues.

The new constitution also continues to allow the military prosecution of civilians. Article 204 states that civilians can face military trials for “crimes that represent direct assault on military establishment, the armed forces' camps and the like, or the military areas or its border zones, its equipment, vehicles, weapons, ammunitions, documents, military secrets, public funds, factories, or crimes related to conscription or crimes that constitute a direct assault against its officers and personnel while performing their work.”

These formulations are so broad and general that military trials “based on the constitution” can easily be applied against striking workers or protesters.

Since mass revolutionary struggles broke out in Egypt in January 2011, various governments—the Mubarak regime, the SCAF junta and then Islamist president Mohamed Mursi—used military trials to suppress protests and strikes by workers and youth

fighting for their social and democratic aspirations.

According to a study by Human Rights Watch, some 12 000 civilians were tried in military tribunals only between January 28, 2011—the famous Friday of anger when the military was deployed to replace the security forces after they have been defeated by protesters—and September 10, 2011. This amounts to more than the number of civilians who were sent to military trials in the three decades of dictatorial rule under Mubarak alone.

The new constitution also strengthens the police and broader security and intelligence apparatus. A Supreme Police Council is to decide on any law concerning the police and general intelligence officers will not be subject to civilian law, but to military courts. This effectively guarantees that the notorious police security and intelligence complex will all remain essentially immune from civilian oversight and prosecution.

Article 237 further demands that the state and its institutions fight “terrorism”. Political organizations and parties based on religion will be banned.

There could hardly be a clearer statement for continued military repression. Since the July 3 military coup the regime has been using the cover of an alleged “fight against terrorism” to intensify its crackdown against any opposition to its rule. The army has killed, wounded, and jailed thousands of supposedly “terrorist” opponents of the coup—mainly adherents of the Muslim Brotherhood of ousted President Mohamed Mursi—but also striking workers and protesting youth and students.

The anti-democratic character of the constitution highlights the reactionary character of the affluent middle class milieu in Egypt. Many of the liberal and “left” groups which first played a crucial role in channeling the mass working class discontent against Mursi and the Islamists behind the army are now an integral part of the military regime. They have been directly involved in drafting the constitution.

The constitutional committee included Tamarod leaders Mahmoud Badr and Mohamed Abdel Aziz, Egyptian Social Democratic Party leader and co-founder of the National Salvation Front Mohamed Abul Ghar, the head of the Nasserite Karama Party Mohamed Sami, and the deputy head of the National Progressive Unionist Party (Tagammu) Hussein Abdel-Razek. They were joined by a number of writers,

artists, university professors, judges, religious figures, businessmen, representatives of the military and Interior Ministry, and various trade union leaders.

The military and its liberal and “left” supporters seek to push through the constitution by any means. Interior minister, Mohamed Ibrahim, warned last week that any attempt to disrupt the referendum will be thwarted, if necessary “using firearms.”

Last month, Mansour signed a new anti-protest law that effectively “legalizes” the junta's violent crackdown on protests and strikes threatening participants with extensive jail time and high fines.

As the military regime is seeking to use the referendum to tighten its grip over the country before the third anniversary of the Egyptian Revolution on January 25, there are increasing signs of mass working class discontent. Polls conducted by the Egyptian Center for Public Opinion research (Baseera) show that approval rates for the government are falling, from 37 percent in October to 20 percent in December.

The class gulf separating the regime and its supporters from the working class on the other was starkly revealed at a recent press conference of the pro-regime Egyptian Trade Union Federation (ETUF).

ETUF chairman Abdel Fatah Ibrahim said “workers have a national duty to vote ‘Yes’” and called “on all political forces to unite for the success of the roadmap.” When laid-off workers interrupted Ibrahim and chanted against the constitution, *Daily News Egypt* reported, Ibrahim “ordered their removal from the hall, accusing them of being ‘terrorists’ and belonging to the Muslim Brotherhood.”



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