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Egypt: Referendum must not be used to legitimize erosion of human rights

Amnesty International today warned that constitutional amendments paving the way for the introduction of a new anti-terrorism law will entrench existing practices of arbitrary arrest and detention, torture and unfair trials, further erode human rights protection, and violate Egypt's international human rights obligations. The amendments have been adopted by Parliament on Monday 19 March and are due to be approved in a referendum scheduled to take place on Monday 26 March.

While Amnesty International notes the Egyptian government's efforts to further socio-political reform through amending a number of articles in the country's constitution, the organization deplores those amendments which strike at the heart of constitutional protection of key human rights. In particular, the amended Article 179 expressly states that measures taken to combat terrorism shall not be constrained by the constitutional protections against arbitrary arrest and detention, of privacy of the home, and privacy of correspondence, telephone calls and other communication. It would also grant the president the authority to interfere in the judiciary by bypassing ordinary courts, including by referring people suspected of terrorism-related offences to military courts. Other amendments would ban the establishment of political parties based on religion and reduce the role of the judges in supervising elections and referendums.

Amnesty International recognizes the threat posed in Egypt by terrorism. However, human rights protection must not be eroded in the name of security. Egypt must comply with its obligations under international human rights law at all times, including when countering terrorism.

States have an obligation to take adequate measures to protect the life and security of those under their jurisdiction, including against terrorism. However, at the same time, they must ensure that all such measures, including legislation adopted at the national level, comply with international law. A parliamentary vote or referendum must not be a means for a government to evade its international human rights obligations.

These amendments will not only perpetuate existing abuses and the culture of impunity that has prevailed under the long-standing state of emergency, but will also entrench them in the country's constitution and, subsequently, in the planned anti-terrorism law.

The organisation is also urging the Egyptian authorities to ensure that voters on Monday are free to express their choice without fear of intimidation or harassment and to make clear that assaults or other human rights abuses by other voters or the security forces against voters will not be tolerated.

