

**November 15, 1990**

## **EGYPT**

### **ELECTION CONCERNS**

**On November 29, Egyptian voters will go to the polls to elect 444 representatives to the People's Assembly, Egypt's national legislative chamber, which passes laws and nominates the President of the Republic every six years. The election is being boycotted by three legal opposition parties -- the New Wafd, the Socialist Labor Party and the Liberal Party -- and the technically banned Moslem Brotherhood, by most accounts the largest opposition force in the country. Together, these four groups captured 27.9 percent of the vote in the previous People's Assembly election, held in April 1987.**

**Among the reasons cited for the boycott are the insufficient safeguards to prevent electoral fraud and the restrictions on campaigning by opposition candidates. Although Middle East Watch takes no position on the appropriateness of the boycott as a response to these conditions, we share the boycotters' concern that these deficiencies pose serious obstacles to the holding of free and fair elections. We take the occasion of the upcoming national election to highlight these concerns, both as they relate to the People's Assembly contest and as they pertain to general electoral conditions in Egypt.**

**In addition to persistent allegations of electoral fraud, a variety of systematic practices taint the conditions for holding elections. Egypt has been under a continuous state of emergency since the 1981 assassination of President Anwar Sadat, affording the authorities the right to administratively detain any individual without charge or trial; the abuse of this broad detention power has resulted in many thousands of arbitrary arrests. Despite constitutional guarantees for a multi-party system, there are clear limits on freedom of political association; the Moslem Brotherhood, the Communists and the Nasirites continue to be denied legal status as political parties. The opposition has limited access to the state-owned newspapers, radio and television, which do not allow the full expression of diverse political views. Finally, allegations in previous election campaigns of harassment and intimidation, including so-called preventive arrests, raise cause for serious concern.**

**The Egyptian Constitution establishes in Article 62 that all citizens have "the right to vote, nominate and express their opinions in referendums according to the provisions of the law." Article 62 also states that the participation of citizens in public life "is a national duty." Similar rights are enshrined in the International Covenant on Civil and Political Rights, to which the**

**Arab Republic of Egypt is a party. Middle East Watch urges the Egyptian government to give fuller force to the right to vote and the duty to participate in public life by undertaking strenuous efforts to ensure that the People's Assembly election will be free and fair.**

**Middle East Watch calls upon the Egyptian government, through its appropriate ministries, to take immediate steps to maximize the opportunities for peaceful and fair political participation in the election by all candidates, participating political parties, and voters. Our specific concerns are as follows:**

**\* The integrity of the voting process at the local level must be guaranteed. It is essential that there be proper oversight of each of the 23,000 local electoral subcommittees which serve as the guardian of the voter-registration lists and supervise the voting. Middle East Watch urges the Egyptian government to consider the implementation of practical mechanisms to guard against any taint of irregularity or manipulation in the balloting and vote-counting on November 29. Two such mechanisms are noted in this report.**

**\* All nonpartisan efforts by Egyptian citizens to monitor the polls to prevent and report cases of abuse should be permitted and, if necessary, facilitated by the Egyptian authorities.**

**\* All independent candidates and participating political parties must be allowed to hold peaceful public rallies and meetings. Permission should be granted expeditiously and should not be denied in an arbitrary fashion. The Ministry of Interior should not impose unnecessary or unreasonable restrictions on the venue for such events. The detailed reasons for any denial of or restriction on the right to peaceful assembly should be provided, with the right to appeal the decision in a timely manner to a higher administrative or judicial authority.**

**\* Immediate measures should be taken by the Ministry of Information to increase the access on fair and equal terms of all candidates, especially independent candidates, to the "national" media. Such a step would increase the electorate's exposure to candidates' views, a vital complement of the constitutionally guaranteed right to vote. Serious consideration should be given to providing equal air time on the broadcast media for dialogue and discussion between candidates of differing opinions, in order to enhance the ability of voters to make informed choices on election day.**

**\* Egypt's emergency law, and other laws, should not be used to arbitrarily arrest and detain supporters of the candidates, including campaign workers and poll watchers, during the balance of the campaign period and on election day.**

**\* Local police and security forces should be clearly instructed to conduct their duties on election day with absolute neutrality. Special efforts must be made to ensure that all voters are able to freely enter polling places to cast their ballots, and that voters and campaign workers are not harassed or intimidated in the vicinity of, or in transit to, polling places.**

**\* Government officials should announce and publicize, in strong and clear terms, the intention to immediately investigate any and all allegations of irregularities during the balloting and vote-counting, and to hold accountable those individuals found guilty of violations of the electoral law and other laws, including local police and government officials.**

**The November 29 election is a consequence of a landmark ruling by Egypt's Supreme Constitutional Court in May of this year, which held unconstitutional the law used to elect People's Assembly representatives in 1987. The Court's decision required that the People's Assembly be reconstituted according to new election rules. Middle East Watch takes note of Mubarak government's implementation of the Court's decision. Despite our concerns outlined above, we believe that carrying out the court's ruling is a positive development, which strengthens the rule of law in Egypt.**

### **OVERVIEW: THE PRE-ELECTION CLIMATE IN EGYPT**

**The November 29 election is taking place in the shadow of the continuing crisis in the Persian Gulf, and in the context of major economic, social and political problems in Egypt. Even prior to Iraq's invasion of Kuwait, the Egyptian economy was suffering from unemployment and inflation, exacerbated by a staggering foreign debt, estimated at \$50 billion, and continued pressure from international lenders for additional austerity measures. Price increases in basic commodities earlier this year produced widespread public discontent.**

**The Gulf crisis dealt a massive blow to this strained economy, with government estimates of the financial losses put at \$9 billion. This figure includes an estimated \$2.4 billion in lost remittances for 1990-91 from Egyptian workers, but does not encompass the estimated \$10 billion in cash and bank deposits left in Kuwait and Iraq by those who fled.<sup>1</sup> The government announced that from the August 2 Iraqi invasion through October 24, some 370,274 Egyptians returned home from Kuwait and Iraq.<sup>2</sup> Cabinet Affairs Minister Atif Abeid described these now-unemployed workers, who cannot be quickly absorbed into the economy, as a "time bomb."<sup>3</sup>**

**Sectarian violence erupted on several occasions in 1990 between Copts and Moslems in Upper Egypt, and tension and violent confrontation have continued between radical Islamic groups and the security forces.**

**The assassination on October 12 in Cairo of Dr. Rifat Al Mahgoub, the speaker of the People's Assembly from the ruling National Democratic Party and a close associate of President Mubarak, increased concerns about Egypt's internal security and led to widespread arrests of alleged Islamic militants. The Jihad organization was blamed for the assassination, after a nationwide round-up of "hundreds" of students and alleged supporters.<sup>4</sup> Shaikh 'Umar 'Abd-al-Rahman denied any Jihad responsibility for the murder, claiming that the organization was "not even remotely involved."<sup>5</sup> On October 27, police opened fire in Cairo**

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<sup>1</sup>Middle East International, September 28, 1990, at 10.

<sup>2</sup>MENA, October 25, 1990, as reported in Foreign Broadcast Information Service Near East and South Asia Daily Report thereinafter FBISI, October 26, 1990, at 8.

<sup>3</sup>Middle East International, September 28, 1990.

<sup>4</sup>Mideast Mirror, October 31, 1990.

<sup>5</sup>ALQuds AL'Arabi (London), November 2, 1990, FBIS, November 5, 1990, at 4.

on a group of alleged Jihad members, killing two, including Mohammed Abdelfattah, who the Interior Ministry said had shot Mahgoub. Since then, approximately 3,000 Islamists suspected of membership in Jihad are thought to have been arrested.<sup>6</sup> The Interior Ministry has not released statistics on the total number detained.<sup>7</sup>

The arrests continued even after the Interior Ministry announced that it had apprehended the key suspects in the assassination. In Beni Sweif, an Islamist stronghold in Upper Egypt, for example, 205 people were arrested on November 1, after 67 were detained the previous day during clashes that included the firebombing of a police car.<sup>8</sup> One Cairo-based journalist described the round-ups as "the most comprehensive crackdown on Islamic extremism since the 1981 shooting of President Sadat."<sup>9</sup>

Students at Egyptian universities, where radical Islamic groups enjoy strong support, have also felt government pressure. On November 11, demonstrations took place at Cairo's al-Azhar University and at Alexandria and Zagaziq Universities.<sup>10</sup> Students were protesting the arrest and expulsion of Islamist students over the past few weeks and the veto by the security forces of certain candidates nominated for Student Union elections. The students at al-Azhar had mounted protests for ten days prior to their November 11 demonstration.

Concerns about internal security were publicly expressed prior to Mahgoub's assassination, as the government warned of possible violent attacks within Egypt by Iraqi agents or supporters. In an October speech, President Mubarak accused Iraq of attempting to destabilize Egypt.<sup>11</sup> The Egyptian press carried Interior Ministry reports of the apprehension of Palestinian and Iraqi infiltrators bent on violence in Egypt and other Arab states.<sup>12</sup>

The Gulf crisis and its political and economic fallout set the stage for the upcoming People's Assembly election, but also appear to have diminished voter interest in the contest, according to Egyptian political analysts interviewed by Middle East Watch. Egyptian historian Amira Sonbol added that the lack of interest in the election goes deeper than Egyptians' preoccupation with the current international crisis. She maintains that voter apathy reflects a widely held perception that Egypt's political parties are part of the ruling establishment. "Most people realize that the elections are part of the official structure, and that the

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<sup>6</sup>Mideast Mirror, November 2, 1990 and November 12, 1990.

<sup>7</sup>Washington Post, November 13, 1990.

<sup>8</sup>Mideast Mirror, November 2, 1990.

<sup>9</sup>Max Rodenbeck, Middle East International, November 9, 1990.

<sup>10</sup>Mideast Mirror, November 12, 1990.

<sup>11</sup>Washington Post, October 13, 1990.

<sup>12</sup>Middle East International, October 12, 1990; ALWafd, September 30, 1990, FBIS, October 10, 1990, at 7; ALAhram, October 1, 1990, FBIS, October 10, 1990, at 7.

results will make no difference to them," she told Middle East Watch.<sup>13</sup>

### **THE REASON FOR CALLING THE ELECTION**

The election was precipitated by a landmark ruling from Egypt's Supreme Constitutional Court in May 1990. The court struck down a section of the 1986 electoral law that had governed the 1987 election of representatives to the People's Assembly. That body had 448 elected members, with an additional 10 appointed by the President. Candidates ran in 48 electoral districts nationwide. Under Article 5 of Law No. 38 of 1972, the candidates for 400 of the seats were elected from "party lists" limited to members of Egypt's legalized political parties; a party was required to obtain a minimum of 8% of the total national vote for its winning candidates to gain seats. An additional 48 seats were designated for independent individual candidates, one from each district. In addition, winning candidates from a party's list could not obtain a seat in the People's Assembly unless the party achieved a minimum of 8% of the total national vote.

The Constitutional Court struck down Article 5 of Law No. 38 as unconstitutional. The Court objected to this system of proportional representation because it prevented independent candidates from competing for parliamentary seats. The court held that "when the People's Assembly was elected according to a legal text that has been determined to be unconstitutional...the formation of the assembly by necessity is null and void."<sup>14</sup> It required new electoral rules to be drawn up for electing a new People's Assembly.

### **Mubarak's Pledge**

In a July 22 speech, President Mubarak promised that the new election rules would guarantee a fair political process for selecting the next People's Assembly:

**I want to assure everyone that it is not the state's policy to interfere directly or indirectly in the elections or influence the free will of the voters...A study is currently being undertaken with complete objectivity and positiveness to make the election law a sound tool for the sound exercise of democracy...The departments and officials institutions of the state shoulder a fundamental responsibility in guaranteeing the sound process of elections and protecting it against mishandling and violations.<sup>15</sup>**

The President called for electoral participation "in accordance with the spirit of the Constitution and the law." At the same time, he suggested that the onus of ensuring fair elections rested not only with the state but also with the voters and the candidates:

**[A]ll voters and candidates should ensure that the election process is honest -- without coercion, fraudulence [sic], vote-buying, encouragement of dishonest practices, or shameful mob acts. There must be an absolute commitment to legitimate procedures, to**

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<sup>13</sup>MEW interview, November 14, 1990.

<sup>14</sup>Financial Times, May 21, 1990.

<sup>15</sup>Cairo Domestic Service in Arabic, July 22, 1990, FBIS, July 24, 1990, at 10.

**both the letter and the spirit.<sup>16</sup>**

**The new electoral laws were drafted by a panel appointed by the president. A joint opposition statement contended that the laws' new provisions were drafted "single-handedly and in absolute secrecy." Dr. Kamal Abul Magd, a professor of constitutional law at Cairo University who served on the panel, said that its eight members included two professors of constitutional law, two legal experts from the Ministry of Justice, two high-ranking police officers from the Ministry of Interior with doctoral degrees in law, the Minister of Justice, and the Secretary General of the Council of Ministers.<sup>17</sup> Dr. Abul Magd described the panel as a "technical preparatory committee," whose major task was to remove and revise the parts of the election law found unconstitutional by the Constitutional Court. He stressed the narrowness of the panel's mandate, and said that its work did not foreclose the possibility of more far-reaching reform at a later date. "It is left to the new People's Assembly to make more radical changes," he told Middle East Watch.**

**Critics and other observers interviewed by Middle East Watch faulted the government for not having shared the panel's draft recommendations with opposition political parties and obtained their input and comment before moving forward with reform legislation. On September 29, 1990, the Egyptian Cabinet approved bills that eliminated the party-list system for electing members of the People's Assembly and revised the political rights law. This prepared the way for the President to sign the measures and decree them as law. Another bill spelled out the boundaries of the new election districts.<sup>18</sup>**

### **People's Assembly Dissolved**

**To pave the way for the new parliament, President Mubarak decreed that the existing People's Assembly be dissolved on September 26, 1990. A national referendum to endorse the dissolution took place on October 11. The Interior Ministry announced that of 16.3 million eligible voters, over 9.5 million (58.56%) cast ballots in the referendum. (Some 169,000 votes were declared invalid and voided.) Over 94% of the voters were said to have supported the dissolution of the People's Assembly.<sup>19</sup>**

**Egyptian political scientist Ahmed Abdulla told Middle East Watch that the official results of the referendum were not thought to be credible, because the actual turnout did not begin to approximate the number of voters announced by the Interior Ministry.<sup>20</sup> Press accounts of the turnout appeared to corroborate Dr. Abdulla's point. The New York Times reported:**

**The [Prime Minister's] assessment of a relatively high turnout was not borne out by visits by Western reporters to many polling stations in Cairo and its outskirts, where poll supervisors in some areas recorded participation at less than one third of the eligible**

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<sup>16</sup>Id.

<sup>17</sup>MEW interview, November 11, 1990.

<sup>18</sup>Cairo Domestic Service, September 29, 1990, FBIS, October 1, 1990, at 17.

<sup>19</sup>Cairo Domestic Service, October 12, 1990, FBIS, October 12, 1990 at 14.

<sup>20</sup>MEW interview, November 1, 1990.

voters, and some said only a handful of people turned out for the occasion.<sup>21</sup>

Dr. Abdulla termed the official tally "a bad omen for the political process," and said that the perception of manipulation of the results was one factor that contributed to the decision of the opposition groups to boycott the election.

### **The Opposition Boycott**

Despite reported pressure from the executive branch and the ruling National Democratic Party (NDP), the three legal political parties with representation in the dissolved People's Assembly, and the Moslem Brotherhood, decided to boycott the election.<sup>22</sup> The major reasons cited for shunning the election included: the lack of adequate guarantees against election fraud, particularly constitutionally mandated judicial supervision; the absence of consultation with the opposition about the revised electoral rules; gerrymandering of new election district lines; and the continuing state of emergency in Egypt.

The boycott has roots in the years of accumulated grievances by members of Egypt's marginalized political opposition, which has operated in a political system overwhelmingly dominated by President Mubarak's ruling NDP. As one observer noted:

Officials seemed to believe that the new and fairer election rules introduced by presidential decree would pacify dissent. What they did not count on was the degree of bitterness other parties feel over years of being relegated to the margins of power by strongarm electioneering, gerrymandering and other forms of cheating.<sup>23</sup>

The boycotters charged the government with cultivating the appearance of democracy while ignoring its substance. Gamal Badawi of the New Wafd Party put it this way:

All the regime wants from democracy is its form. It wants all the parties to participate with it in a performance so that the world will think we are proceeding in the democracy march and participating in its known forms: general elections, competing parties, participating masses, and televised sessions.

Has the government taken a single practical measure to prove its sincere intentions to hold free elections? Has it at least stopped applying the emergency law during the elections? Has it entrusted the judiciary with supervising the elections process? Has it classified the electoral constituencies correctly and fairly?<sup>24</sup>

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<sup>21</sup>New York Times, October 12, 1990.

<sup>22</sup>Candidates from the officially banned but tolerated Moslem Brotherhood won seats in the 1987 People's Assembly election under the banner of an Islamic Alliance with the Social Labor Party and the Liberal Party.

<sup>23</sup>Max Rodenbeck, Middle East International, October 26, 1990, at 13.

<sup>24</sup>ALWafd, October 19, 1990, FBIS, October 26, 1990, at 8.

**The Wafd Party's leadership was the first to make its decision public, on the front page of the party's daily newspaper on October 18. Editor Gamal Badawi wrote that a series of government actions pointed to its "determination to conduct one-sided elections, so that the ruling party can win an overwhelming majority in the forthcoming parliament despite the will of the Egyptian people." Other opposition groups soon signed on to the boycott.**

**Mamoun Al Hudeibi, the former spokesman for the Islamic Alliance in the outgoing People's Assembly and the most prominent political leader of the Moslem Brotherhood, told Middle East Watch that the Brotherhood is respecting the boycott and that none of its members will participate in the election as an independent candidate.<sup>25</sup> (The Brotherhood, as an "illegal" party, is already barred from fielding a party slate of candidates.) Explaining the reasons behind the boycott, he said:**

**We wanted a free and fair election. We did not accept the circumstances of this election. Our demands were refused. We asked for judicial supervision; this was refused. We asked that voters prove their identity; this was refused. The Minister of Interior is controlling everything. Everyone is under his orders. There are no guarantees."<sup>26</sup>**

**Dr. Essam Al Erian, a colleague of Mamoun Al Hudeibi and also a member of the dissolved People's Assembly, told Middle East Watch that he was observing the election boycott and was not competing for a seat as an independent because he believed that the election would be "rigged."<sup>27</sup> He stressed the importance of requiring voters to sign a registration document at the polling places as a safeguard against fraud, and of the need for a commitment from the government to refrain from use of the emergency law to arrest without charge those who supported opposition candidates, as occurred during the 1987 People's Assembly campaign.**

**In a statement released at a joint press conference on October 21, ten days before the deadline for the registration of candidates, the opposition leaders<sup>28</sup> charged that the government "has no intention of conducting free and fair elections, particularly as it is holding these polls under a continuing state of emergency." Describing the decision to boycott the election as final, they said: "The opposition refuses to contribute to the creation of a false democratic facade." It was also announced that any party members who participated in the elections, or accepted People's Assembly seats designated for appointment by the President, would be expelled.**

**The left-wing National Progressive Unionist Grouping Party, or Tagammu, which had no seats in the 1987 People's Assembly, decided to participate in the election.<sup>29</sup> Nevertheless, Dr. Rifat Al Said, a Tagammu**

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<sup>25</sup>MEW interview, November 12, 1990.

<sup>26</sup>MEW interview, November 12, 1990.

<sup>27</sup>MEW interview, November 13, 1990.

<sup>28</sup>Fuad Serageddin from the New Wafd Party; Ibrahim Shukri from the Socialist Labor Party; Mamoun Al Hudaibi, the parliamentary spokesman for the Moslem Brotherhood; and Mustafa Kamel Murad of the Liberal Party.

<sup>29</sup>In a statement issued on October 20, the General Secretariat of the NPUG took the following position: "Out of belief in national

**leader, echoed the complaints of the boycotting parties. He told Middle East Watch:**

**We wanted legal guarantees, but we only got moral guarantees. We wanted voters to show identification cards and to have their I.D. numbers registered next to their signatures. The government refused. We demanded full observation by judges. We wanted to remove the hand of the Ministry of Interior.<sup>30</sup>**

### **Government Response to the Boycott**

**Al-Ahram, the newspaper of record of Egypt's "national" press<sup>31</sup>, charged on October 31 that the redesigned election law was a "major reform which will help transfer the dream of democracy into solid reality." The opposition boycott, it said, was an attempt to "assassinate democracy by withdrawing from participation in the process of democratic construction."**

**The "national" press also launched a campaign in early November, in which it claimed that 186 members of the boycotting parties were in fact candidates in the election. Al-Ahram reported on November 2 that of the 3,032 candidates, 186 were members of the boycotting parties: 81 from the New Wafd, 71 from the Socialist Labor Party and 34 from the Liberal Party.<sup>32</sup>**

**The opposition challenged this information, saying that some of those listed were no longer party members, and that others had been thrown out of their parties after their decision to run.<sup>33</sup> The New Wafd Party, for example, acknowledged that 24 of its members had entered the contest, but stated that they had been expelled for their actions. The New Wafd daily newspaper charged that the government sought to prove that opposition candidates were involved in the election "so that the facade will be complete, and**

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responsibility, and despite our radical disagreement with the ruling party's policies, we do not approve of an election boycott because such a decision would imply that all parties have given up on the possibility of bringing about democratic transformation of society under political pluralism and alternation of power through the ballot box." *Al-Ahali*, October 24, 1990, *FBIS*, October 31, 1990, at 18.

<sup>30</sup>MEW interview, November 11, 1990.

<sup>31</sup>According to the Egyptian Organization for Human Rights (EOHR), the term "national" press is used to describe the newspapers and magazines "issued by State-owned institutions. The State has all ownership rights over them through the Consultative (Shura) Council. The task of these publications is to mobilize public opinion behind the government's policy." See EOHR, "Freedom of Opinion and Expression in Egypt," Cairo, June 1990.

<sup>32</sup>The figures provided in the Egyptian press on November 2 indicated the following candidates: 186 "disputed" opposition party members; 444 from the National Democratic Party (NDP); 789 "NDP members who were not officially nominated but are standing as independents"; 100 from parties not boycotting the election (with 52 of these from the National Progressive Unionist Grouping (Tagammu); the balance were categorized as independents. Of the 3,000-plus candidates, ten are women (four of them from the NDP). *Mideast Mirror*, November 2, 1990.

<sup>33</sup>*Mideast Mirror*, November 2, 1990, at 26.

**Egypt will appear in front of the world garbed in democratic clothing."<sup>34</sup>**

### **PERSISTENT ALLEGATIONS OF ELECTION FRAUD**

**As a human rights organization, Middle East Watch takes no position on the propriety of the election boycott. Nevertheless, we note with concern the persistent allegations of election fraud and other irregularities that have plagued Egyptian elections and referenda. Middle East Watch is further concerned about the lack of independent oversight mechanisms to inspire full confidence in the fairness and honesty of the balloting and vote-counting.**

**In the April 1987 People's Assembly election, 350 of the 448 elected seats went to the ruling NDP, which the Ministry of Interior said received 69.6 percent of the votes. This election, and the previous one, held in 1984, were marked by "allegations of widespread ballot rigging and intimidation."<sup>35</sup> The results of the October 1987 presidential referendum -- an astounding 88.5% voter participation rate, with 97% voting "yes" for Mubarak -- was also viewed with skepticism. As one U.S. expert wrote:**

**Most observers believed that the turnout had been low, and so government claims appeared a reversion to the false plebiscites of Nasser and Sadat. Analysts were particularly disturbed that Mubarak went along with the charade.<sup>36</sup>**

**The U.S. State Department found that the opposition's allegations about vote-rigging had merit:**

**The opposition parties continue to make credible complaints about electoral fraud by the Government and about the method of calculating election results used by the Ministry of Interior. NDP candidates won all of the elected seats in the June [1989] Shura Council elections and a September [1989] by-election in Port Said. The 1987 postelection ruling by the State Council Administrative Court that the NDP should give up 39 seats to the Wafd and the Islamic alliance was never implemented.<sup>37</sup>**

**Egypt has 6,000 polling centers in schools, government buildings and other public institutions such as hospitals. The 222 electoral districts under the new election law comprise a total of 23,000 "precincts" of some 500 to 700 voters. The casting of ballots takes place at the precinct level, supervised by a local election committee, chaired by a public servant, such as a teacher or a local government employee, who is**

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<sup>34</sup>**Mideast Mirror, November 2, 1990.**

<sup>35</sup>**Financial Times, October 18, 1990.**

<sup>36</sup>**Ann Lesch, "Democracy in Doses: Mubarak Launches His Second Term as President," Arab Studies Quarterly, Fall 1989, at 93.**

<sup>37</sup>**U.S. Department of State, Country Reports on Human Rights Practices for 1989 (hereinafter 1989 Country Report), at 1374.**

selected by the Ministry of Interior. Candidates' representatives are also entitled to sit on the local committees.<sup>38</sup> Each local committee is responsible for the voter lists and ballot boxes in its precinct.

Article 88 of the Egyptian Constitution states that the People's Assembly "ballot shall be conducted under the supervision of members of a judiciary organ." Under the new election law, judges will supervise the ballot counting at the level of the 222 electoral districts. Dr. Kamal Abul Magd explained to Middle East Watch that the Ministry of Interior will request each judicial body in Egypt to send it the names of judges available for this task. "The Ministry is required by law to assign the judges," he said.<sup>39</sup>

The government's position is that judicial supervision is technically not feasible in Egypt's 23,000-plus precincts, since there are not enough judges to perform the task. Even the opposition has granted that there are only about 8,000 judges, public prosecutors and administrative public prosecutors throughout the country.

Despite this, Egyptians interviewed by Middle East Watch expressed concern about the lack of judicial supervision at the local election-committee level, where tampering with blank ballots by local bureaucrats or ruling party operatives has been consistently viewed as a problem. The opposition claims that the lack of judicial supervision contravenes Article 88.

The Cairo-based Jurists Club proposed a solution to this problem in a detailed and widely publicized document, signed by Chancellor Yahya El Rifa'i, the deputy president of the Court of Cassation.<sup>40</sup> The proposal stated that the purpose of judicial supervision of elections was to "guarantee the validity of the procedures and the integrity of the results." It advocated that the elections department be transferred from the Ministry of Interior to the Ministry of Justice, and that elections and referendums be supervised by panels of senior magistrates with one-year renewable appointments, to which elections department personnel would report. Suggesting changes in the electoral law to permit "real supervision and serious and de facto oversight by the magistrates," the proposal criticized entrusting the supervision of voting to a large number of subcommittees "headed by officials from the government and the public sector." The judges argued that utilizing judicial supervision at only the electoral-district level made it "impossible" to achieve any serious oversight of the 23,000 subcommittees, since each judge could have responsibility for over 100 smaller committees. They proposed that the subcommittees be eliminated entirely, and replaced by larger voting centers, each presided over by a magistrate. The number of judges in Egypt was thought to be "completely sufficient" to oversee such a system.

The proposal was unanimously approved by the board of directors of the Jurists Club and immediately transmitted to President Mubarak.

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<sup>38</sup>Interior Minister Mousa has stated that the new law allows each candidate to have a representative on the six-person committees that oversee the voting; if there are more than six candidates competing for a seat, lots are drawn to select representatives. (Middle East Mirror, October 10, 1990.)

<sup>39</sup>MEW interview, November 11, 1990.

<sup>40</sup>AL Wafd, July 26, 1990.

## **Proposals for Nonpartisan Election Observers**

**When it became clear that the government was not prepared to accommodate the jurists' and opposition parties' recommendations concerning reform of the election process, several prominent Egyptian intellectuals proposed the organization of a non-partisan group of citizens to observe the People's Assembly election. In addition, Middle East Watch has learned that there has been some discussion by members of the journalists syndicate and the 80,000-strong lawyers syndicate of organizing a national election monitoring effort, although the logistic difficulties and cost of such an undertaking are formidable obstacles to it being put in place in a short period of time.**

**One legal scholar, an informed observer of Egyptian politics, recommended to Middle East Watch that as a confidence-building measure the government could consider two practical mechanisms to address the problem of independent observation and supervision of the upcoming vote, until more fundamental reforms are considered and put in place. One mechanism is the creation of a special category of "election judges," deputized by the government for the sole purpose of monitoring the voting at the local level on election day. The deputies could be drawn from members of the Egyptian bar and from law professors in the academic community. An alternative mechanism would involve organizing teams of roving "election observers," drawn from persons of high moral standing nominated by Egypt's professional associations, syndicates and university councils. Each observer team, composed of three to five individuals, would be responsible for monitoring a pre-assigned number of local electoral subcommittees.**

## **Voter Signatures Not Used**

**Despite the official counts, most observers agree that Egypt does not enjoy a high percentage of voter participation in elections or referendums. The many registered voters who do not cast ballots, due to apathy or employment abroad, create the opportunity for the use of millions of falsified ballots. A related problem is the lack of prompt purging from the electoral rolls the names of voters who are no longer alive. In the 1987 People's Assembly election, the opposition contended that fully 2 million registered voters were deceased but their names had not been removed from the lists.<sup>41</sup> One Egyptian legal scholar told Middle East Watch: "Every January those who died should be eliminated from the electoral list and newly qualified voters should be added, but this is not done on a regular basis."<sup>42</sup>**

**One of the recommendations put forward to President Mubarak by the opposition was to amend the election law in order to require the signing of voter lists after balloting, in order to obtain an accurate count of the number of voters. Mustafa Kamil Murad of the Liberal Party explained that such a procedure has never been used in Egypt:**

**The electorate should put their signatures alongside their names on the electoral rolls after they cast their ballots in order to make it possible to determine the actual number of**

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<sup>41</sup>Christian Science Monitor, April 3, 1987.

<sup>42</sup>MEW interview, November 11, 1990.

those who have voted. The reason for this is that since general elections were first held in Egypt in 1924, it has not been possible to establish how many turned out because the actual number was always hidden by the fact that voters neither signed nor fingerprinted alongside their names on the electoral rolls.<sup>43</sup>

The Jurists Club addressed this issue as well. It recommended that every voter be required to present an identity document, such as an identity card, a passport or a driver's license. The number of the document would be registered on a list and the voter would either sign his name or leave a fingerprint. Then the voter would receive an opened ballot, signed by the president of the voting center, dated and sealed with the center's stamp. After voting, the ballot would be returned, folded, to the president of the voting center, who would deposit it in the ballot box.

### **ALLEGATIONS OF HARASSMENT AND INTIMIDATION**

Middle East Watch is also concerned that reported harassment and intimidation in previous Egyptian elections not be repeated. The opposition registered numerous complaints during the People's Assembly campaign in 1987:

**As polling day drew nearer, there were more opposition complaints of harassment, even violent assaults, by the NDP and the government, including reports of the disruption of party gatherings, the detention of party activists, and the threatening of potential voters for the opposition.<sup>44</sup>**

The opposition alleged that their representatives were prevented from entering polling places and in some cases were beaten by members of the ruling party in the presence of the police.<sup>45</sup> In the city of Sohag, in Upper Egypt, opposition candidates in one election precinct withdrew from the election because police "roughed up" their poll-watchers.<sup>46</sup>

For its part, the government said that violations took place in only 10 of the 21,235 polling places; it also charged that the opposition engaged in violence at the polls and incited people to "defy law and order."<sup>47</sup> Then-Interior Minister Zaki Badr said that members of opposition groups attacked polling places in rural areas with burning tires and gunfire.<sup>48</sup>

The Los Angeles Times noted "widespread reports of election irregularities, including polling stations

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<sup>43</sup>AlAhrar, October 22, 1990, FBIS, October 26, 1990, at 8.

<sup>44</sup>Middle East Contemporary Survey, Volume XI, 1987 (hereinafter MECSI), at 328.

<sup>45</sup>MECS, at 329.

<sup>46</sup>New York Times, April 7, 1987.

<sup>47</sup>MECS, at 329.

<sup>48</sup>New York Times, April 8, 1987.

**being forced to close early by NDP workers, polling monitors from the opposition parties being barred from voting stations and would-be voters in rural areas being accosted and turned back on their way to vote."<sup>49</sup> Violations were not restricted to outlying rural areas. It was also reported that in Cairo the police tolerated unfair electioneering by NDP workers:**

**At a polling station in Agouza, a middle-class district of Cairo, NDP workers urged people to vote for the government and pressed campaign flyers into their hands as they stood in line to cast their ballots. Workers from other parties were also present, but they were kept outside on the street, while the NDP campaigners canvassed for votes all the way to the door of the polling booth without interference from police.<sup>50</sup>**

**It should also be noted that critics say that the ruling party's administrative control of each governorate in Egypt can be used to enhance the NDP at the expense of the opposition through pressure and intimidation, which in turn can affect behavior on election day. Mustafa Amin, a prominent Egyptian columnist, noted earlier this year: "It is...not possible to hold neutral elections when the governor of every province is a member of the ruling party."<sup>51</sup>**

**Political scientist Ahmed Abdulla told Middle East Watch that intimidation by NDP functionaries can be a problem in rural areas.<sup>52</sup> Dr. Rifat Al Said of the Tagammu party informed Middle East Watch that on November 12, 1990 he filed a complaint by telephone with the Ministry of Interior and the President's office, regarding the alleged behavior of General Khadri Othman, the governor of Aswan province in Upper Egypt.<sup>53</sup> According to Dr. Al Said, Tagammu received reports that on November 11, 1990, Gen. Othman allegedly summoned village leaders ('umda, in Arabic) and local government officials, described himself as a representative of President Mubarak, and said that it was their duty to see to it that all NDP candidates win the election. According to Dr. al Said, the governor "threatened everybody" and said that if opposition candidates won, they would all lose their posts.**

### **LIMITED ACCESS TO THE MASS MEDIA**

**Egyptian radio and television are owned by the state "and all broadcasts are supervised by the Government."<sup>54</sup> The authorities' control of the broadcast media is particularly significant in Egypt, where approximately half the population is illiterate, making radio and television the major source of news. The Egyptian Organization for Human Rights reported earlier this year that radio and television are not forums for the expression of the diverse political views that exist in Egypt:**

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<sup>49</sup>Los Angeles Times, April 7, 1987.

<sup>50</sup>Los Angeles Times, April 7, 1987.

<sup>51</sup>Al-Akhhbar, June 13, 1990.

<sup>52</sup>MEW interview, November 1, 1990.

<sup>53</sup>MEW interview, November 12, 1990.

<sup>54</sup>1989 Country Report, at 1370.

**Despite the fact that a multi-party system has been in existence in the country since the mid-seventies, this has so far not been reflected in any way on radio and television.**

**There is a list of writers and intellectual and political figures of many trends who are not to be interviewed on the radio or TV, except on special occasions and for just a symbolic appearance not exceeding a few minutes.**

**TV news is an exceptional example of the monopoly exercised by the single ruling party over television. It is virtually a means of publicizing the activities of the top government officials....<sup>55</sup>**

**The control and dominance of the broadcast media by the government and the ruling party puts opposition candidates at a clear disadvantage during election campaigns. In the 1987 campaign for the People's Assembly, television, radio and the "national" press**

**offered extensive and favorable coverage of state leaders' activities, amplifying their achievements. President Mubarak, who was also the NDP chairman, toured the country in a thinly disguised promotion campaign for the party, inaugurating schools, factories and bridges in front of television cameras. So did cabinet ministers and other high officials. The opposition parties were allowed a token 80 minutes each of air time to present their platforms.<sup>56</sup>**

**The dominance of the ruling party in the media is not limited to election campaigns. During the October 1987 national referendum on Mubarak's presidency, opposition political groups were provided no access to radio, television and the "national" newspapers.<sup>57</sup>**

**The use of radio and television during campaigns is based on guidelines issued by the Ministry of Information, with the input of the Ministry of Interior. In the current People's Assembly campaign, for example, every party will be permitted a total of 80 minutes' time, divided equally between radio and television, in two 20-minute appearances in each medium. In what one observer called "a tradition in Egypt," party leaders are expected only to use their allotted time slots to deliver speeches; debates and more innovative programming is not allowed.**

**The boycott of the election by three of the opposition parties further limits the use of radio and television for freedom of political expression, because the equal-time formula applies to legal political parties only -- not to the large number of independent candidates, who Middle East Watch understands will be limited to one local radio appearance each.**

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<sup>55</sup>EOHR, "Freedom of Opinion and Expression in Egypt," Cairo, June 1990.

<sup>56</sup>MECS, at 326-327.

<sup>57</sup>See Ann Lesch, "Democracy in Doses: Mubarak Launches His Second Term as President," *Arab Studies Quarterly*, Fall 1989.

**Access to the media has been a subject of concern among Egyptian opposition political figures, human rights advocates and other observers. In terms of political campaigns in particular, a major point of criticism is that the equal-time concept is inherently unfair, because in any event state radio and television provide disproportionate coverage of the ruling party's activities and personalities. The formal equal-time slots for each participating political party during an election campaign do not begin to compensate for this imbalance. Philip Gallab, the editor in chief of ALAhali newspaper, told Middle East Watch: "Radio and television are considered national organs. They should not be monopolized by the ruling party. The NDP is always on the air -- every hour, every minute. We are asking for access to radio and television without limits."<sup>58</sup>**

**Critics also note that the amount of officially provided on-air time is meager. One Egyptian intellectual interviewed by Middle East Watch put it this way: "In the 1984 and 1987 elections, every party had 40 minutes in two installments on both radio and television. The amount of time is totally inadequate. There is no debate. You see one man on the screen outlining his program -- you can't explain every idea in 20 minutes. You can't get a real message across. The NDP, on the other hand, is on the air all the time."<sup>59</sup> The format for the presentation of political views is also considered inadequate because no time is set aside for discussion among competing parties or candidates; voters therefore have no opportunity to see or hear exchanges of political views and actual debate.**

**Middle East Watch believes that increasing the access of all candidates and parties to the mass media will strengthen the fairness of election campaigning in Egypt. We note that President Mubarak endorsed this view in a speech in July. He said that Egypt has "set a wonderful example to the Third World countries...The people's aspirations took shape in a new political system in which the public is consulted, freedom of speech is respected, and clashes of opinion take place in the open. There are no obstacles that prevent any opinion from being expressed in the legitimate channels endorsed by the people...."<sup>60</sup>**

## **FREEDOM OF PEACEFUL ASSEMBLY**

**Article 54 of the Egyptian Constitution guarantees "the right to peaceable and unarmed private assembly, without the need for prior notice." Public meetings, processions and gatherings "are allowed within the limits of the law." "Permission is required from the Ministry of Interior to hold public meetings, mass political rallies, and protest marches."<sup>61</sup>**

**Political parties or individual candidates must apply in advance at the local police station for permission to hold a major public event such as an outdoor meeting or rally. The police pass the request on to the Ministry of Interior, which grants or denies permission. The process "takes two or three days," one political**

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<sup>58</sup>MEW interview, November 9, 1990.

<sup>59</sup>MEW interview, November 9, 1990.

<sup>60</sup>Cairo Domestic Service in Arabic, July 22, 1990, as reported in FBIS, July 24, 1990, at 9.

<sup>61</sup>1989 Country Report, at 1371.

activist told Middle East Watch. "One problem in the past," he said, "was that sometimes the authorities gave permission but on the day of the meeting thousands of police were around, terrifying everyone."<sup>62</sup>

A Tagammu outdoor rally held in Cairo on November 12 took place without incident. One observer who attended told Middle East Watch that although there was a large police presence, there was no interference and the event proceeded peacefully.<sup>63</sup> As of the writing of this report, Middle East Watch has not received any information about restrictions imposed on public assembly or harassment of participants by the security forces during the current campaign. We urge the Egyptian authorities to permit peaceful public rallies and meetings by candidates and political parties during the balance of the campaign. We further urge that unnecessary or unreasonable restrictions not be imposed on the venue for such events, and that the security forces be instructed to interfere in no way in the exercise of the right to peaceful assembly.

### **ARBITRARY ARREST UNDER THE CONTINUING STATE OF EMERGENCY**

Under Egypt's emergency law, which has been continuously in force since the assassination of President Sadat in 1981, the Ministry of Interior can order the administrative detention of any individual without specific charge. There is a minimum 30-day period before detention orders may be challenged before an (Emergency) Supreme State Security Court.

In recent years, the overwhelming majority of detention orders have been nullified after judicial review, and detainees have been ordered released.<sup>64</sup> Amnesty International has noted that administrative detention has been used to remove anti-government activists from the streets during election campaigns:

**Mass detentions have occurred at times of political tension, such as in the run up to elections for the Maglis Ash-Shura (National Consultative Assembly) in June 1989, when approximately 1,500 people were detained, primarily from Islamic groups opposed to the government, some of whom were involved in election campaigning for legal opposition political parties.<sup>65</sup>**

For example, several days before the April 1987 People's Assembly election, opposition leaders charged that the police had arrested between 750 and 1,000 Moslem Brotherhood members or supporters throughout the country.<sup>66</sup> The semi-official *Al-Abram* newspaper quoted government sources who

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<sup>62</sup>MEW interview, November 11, 1990.

<sup>63</sup>MEW interview, November 12, 1990.

<sup>64</sup>See statistics for the period from March 1, 1986 to February 1, 1989 in Amnesty International, "Egypt/Recent Human Rights Violations Under the State of Emergency," October 1990, at 2.

<sup>65</sup>Amnesty International, "Egypt/Recent Human Rights Violations Under the State of Emergency," October 1990, at 3.

<sup>66</sup>*New York Times*, April 6, 1987.

confirmed the preventive arrest of 500 "Muslim radicals" who they claimed had planned to "stir up trouble and disrupt the elections."<sup>67</sup>

Although there are mixed views in Egypt about whether pre-election administrative arrests have been preventive or arbitrary and punitive, the law is easily broad enough to allow its use in removing opposition activists from the streets prior to and on the day of elections. Mustafa Kamil Murad of the Liberal Party expressed the importance of not using broad detention powers to bar opposition representatives from local election committees "and thus make it easier to tamper with the elections and their integrity."<sup>68</sup>

Interior Minister Musa stated in October that the police would not interfere in the election and that administrative detention would not be used.<sup>69</sup> Middle East Watch calls upon the Egyptian authorities to honor this pledge, and refrain from the arbitrary arrest of citizens involved in peaceful political campaigning, election monitoring, and other related activities.

### **LIMITATIONS ON FREEDOM OF POLITICAL ASSOCIATION**

Middle East Watch is also more generally concerned about the limitations on freedom of association in Egypt. Article 5 of the Egyptian Constitution describes Egypt's political system as "a multi-party one" and Article 14 sets forth the right of all citizens to seek public office. In his July 1990 speech, President Mubarak said that Egypt was "a society of consultation and pluralism." He proclaimed that there was no ban on ideology:

**Our abiding principle is that there will be no restriction on views -- I repeat, no restriction on views -- no constraint on ideas -- I repeat, no constraint on ideas -- and no ban on ideology. Public opinion will issue its judgment, make a distinction between the good and bad, and arrive at its decision.<sup>70</sup>**

Despite the President's welcome words, Egypt's political arena is not open to all competing ideologies. Egypt's law regulating political parties requires that prospective parties apply for legal status to a committee dominated by NDP appointees. The committee has "wide latitude in its decisions," which can be appealed to the Administrative Court.<sup>71</sup>

Legal status continues to be denied to the Moslem Brotherhood, the Nasirites and the Communists. Members of these groups are barred from running for office under their party affiliations, a rule which has led the Moslem Brotherhood to enter into political alliances with other parties in previous legislative

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<sup>67</sup>MECS, at 328.

<sup>68</sup>AlAhrar, October 22, 1990, FBIS, October 26, 1990, at 9.

<sup>69</sup>Mideast Mirror, October 10, 1990, at 27.

<sup>70</sup>Cairo Domestic Service, July 22, 1990, FBIS, July 24, 1990, at 10.

<sup>71</sup>Ann Lesch, "Democracy in Doses: Mubarak Launches His Second Term as President," *Arab Studies Quarterly*, Fall 1989, at 91.

contests.<sup>72</sup> In April 1990, the Supreme Administrative Court approved the formation of three political parties: the Green Party, the Democratic Unionist Party, and the Young Egypt Party. In the same ruling, however, the court refused legal status to the Nasirite Party.<sup>73</sup>

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**Middle East Watch was created in 1989 to monitor human rights practices in the Middle East and North Africa and to promote respect for internationally recognized standards. The chairman of Middle East Watch is Gary Sick, the vice chairs are Lisa Anderson and Bruce Rabb, the executive director is Andrew Whitley, the research director is Eric Goldstein, and the associate director is Virginia N. Sherry.**

**Middle East Watch is a component of Human Rights Watch, a non-governmental organization which is also composed of Africa Watch, Americas Watch, Asia Watch and Helsinki Watch. The chairman of Human Rights Watch is Robert L. Bernstein, the vice chairman is Adrian W. DeWind, the executive director is Aryeh Neier, the deputy director is Kenneth Roth, and the Washington director is Holly J. Burkhalter.**

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<sup>72</sup>In the 1987 People's Assembly, the Moslem Brotherhood joined a coalition with the Socialist Labor and the Liberal parties; its own candidates captured 38 seats, compared to the five seats it held in the parliament elected in 1984, when the Brotherhood joined with the Wafd Party. See Mona Makram-Ebeid, "Political Opposition in Egypt: Democratic Myth or Reality?" *Middle East Journal*, Summer 1989.

<sup>73</sup>Cairo MENA, April 14, 1990.