



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

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COMMUNIQUE DE PRESSE - COMUNICADO DE PRENSA

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Egypt – court decision on independent monitoring bypassed by Presidential Election Commission.

The International Commission of Jurists (ICJ) expresses deep concerns at the refusal of the Presidential Election Commission to abide by a court decision to allow independent poll monitoring.

Since the beginning of the presidential race, the Presidential Election Commission banned local Non Governmental Organisations (NGOs) from observing the presidential elections. On 3 September 2005, after local NGOs seized the Administrative Tribunal, the latter overruled the ban and confirmed the right of NGOs to monitor the electoral proceedings. Despite this court ruling, the Head of the Presidential Election Commission maintained the Commission's ban. The Presidential Election Commission has appealed the decision before the High Administrative Tribunal, arguing that the Commission's decisions are final and cannot be contested, as provided for in the Law on the Organisation of the Presidential Elections. Several judges and human rights groups consider this Law as unconstitutional.

In its General Comment on Article 25 of the International Covenant on Civil and Political Rights (ICCPR), the UN Human Rights Committee has stated that elections should be free and fair, and that "the result of genuine elections should be respected and implemented". It emphasized the need for "independent scrutiny of the voting and counting process". As a State Party, Egypt is bound to respect Article 25. The deployment of independent monitors is thus fully compatible with, and even required by, the international legal obligations of Egypt.

The refusal of the Presidential Election Commission to abide by the court decision puts it above the law. Moreover, by preventing transparency of the proceedings, the Commission decision feeds concerns about the integrity of the election process. "The pre-eminence of Court decisions is a universal legal standard that cannot be tampered with, and bodies and institutions have to abide by them", said Nicholas Howen, Secretary-General of the ICJ. "The rule of law is not an option that can be picked up or dismissed at will by organs of society. It is rooted in the judicial authority. Rejecting this authority is a very serious issue, particularly in the current context", added Mr. Howen.

The ICJ urges the Presidential Election Commission to respect the rule of law and the decision of the Administrative Tribunal, thereby allowing independent monitors to observe the presidential election process.

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The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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