



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/SR.2050
24 October 2002

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

Seventy-sixth session

SUMMARY RECORD OF THE 2050th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 18 October 2002, at 3 p.m.

Chairperson: Mr. BHAGWATI

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT (continued)

Third and fourth periodic reports of Egypt (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.02-45099 (E) 221002 241002

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT (agenda item 7) (continued)

Third and fourth periodic reports of Egypt (continued) (CCPR/C/EGY/2001/3;
HRI/CORE/1/Add.19; CCPR/C/76/L/EGY)

1. At the invitation of the Chairperson, the members of the delegation of Egypt resumed their places at the Committee table.
2. The CHAIRPERSON invited the members of the delegation to respond to questions 19 to 32 of the list of issues.
3. Ms. GABR (Egypt) asked whether her delegation could first provide some additional information on a question raised at the previous meeting.
4. The CHAIRPERSON gave his consent, but asked the delegation to be brief, as a significant number of issues remained to be addressed.
5. Mr. KHALIL (Egypt) said that administrative detention could take place only during a state of emergency and only with the approval of the Ministry of the Interior. Detainees had the right to appeal every 30 days to the State security (emergency) courts. Such an appeal would be upheld only if the detainee no longer posed a threat to security and any decisions had to be implemented immediately. Administrative detention differed from pre-trial detention, which was governed by ordinary law.
6. Replying to question 19 of the list of issues, he said that, despite encountering numerous difficulties, his Government had started to compile the data requested by the Committee on persons tried and sentenced by military courts and State security courts over the past five years and on the crimes in question. The information would be provided to the Committee at the earliest possible date. He drew attention to the fact that the question rather ambiguously made reference to State security courts rather than to State security (emergency) courts. The State security (emergency) courts had jurisdiction over civilians during a state of emergency for crimes under the Emergency Act or for failure to obey military orders.
7. Article 6 of the Emergency Act gave the President of the Republic the right, during a state of emergency, to refer certain cases involving civilians to military courts. That right had been challenged on several occasions, and as a result, the Supreme Constitutional Court had been asked to interpret the article. The Court had decreed that such referrals were valid under states of emergency if the case involved an act of terrorism. In all such cases, civilian defendants were subject to the provisions of the Penal Code and therefore enjoyed the judicial safeguards under that Code. Normally, the military courts were responsible only for cases involving military personnel, civilians in military camps or civilians who had committed crimes against military institutions or property.

8. Moving on to question 20, he said that no authority had the right to intervene in the due process of the courts. All court decisions were subjected to monitoring under a procedure equivalent to that of an appeal, carried out by the State Security Office for the Ratification of Verdicts, which comprised high-ranking judges with specialized competence. The President had the power only to mitigate or commute sentences or to ask for a retrial. In the case of a retrial, the second judgement was final. The exceptional powers conferred on the President authorizing him to refer to military courts individuals accused of terrorism were valid only during a state of emergency.

9. Responding to question 21, he stressed that State security (emergency) courts were temporary courts, operating only during a state of emergency. There was no need for defendants to lodge an appeal, because all court decisions were subjected to a compulsory ratification procedure by the aforementioned State Security Office for the Ratification of Verdicts, so as to ensure that all judicial safeguards had been respected. The Office had the power to annul decisions and its decisions were executed immediately. For example, in the Queen Boat case, the Office had ruled that the State security (emergency) court did not have jurisdiction and had annulled its decision, without the defendants having to lodge an appeal.

10. Ms. GABR (Egypt) said that English versions of the documents containing the statistical data requested by the Committee were being circulated. The documents provided information about the results of the plans and programmes for the improvement of prison conditions, measures to punish the perpetrators of acts of torture and other forms of cruel treatment, and the cases of torture and cruel treatment in which the accused were police officers for the years 1998-2002.

11. Mr. KHALIL (Egypt) said that freedom of religion and tolerance of divergent beliefs were hallmarks of Egyptian society. Throughout history, Egypt had served as a meeting-point for different civilizations, religions and cultures. The Egyptian legal system was founded on the commitment to freedom of religion and freedom of belief enshrined in the Constitution. The manifestation of religion in written or oral form to promote extremist views or for the purposes of derision was prohibited. The plea argued before the Supreme Court that the law calling for the dissolution of Baha'i forums was unconstitutional had been rejected on the ground that the law did not contest the freedom of the Baha'i faith or detract from it in any way, but merely provided that it was unlawful for private associations to hold meetings and to engage in activities intended to preach their beliefs in a manner that was inconsistent with public order and threatened other religions. That provision was based on the Constitution and was compatible with the restrictions recognized in article 18 of the Covenant. A ruling had been made not to implement the decision of the Court of Cassation ordering the separation of Professor Nasr Hamed Abu Zid from his wife on the grounds that a Muslim could not be married to a non-Muslim.

12. With regard to question 23, he said that article 40 of the Constitution prohibited all forms of discrimination, including on the ground of religion. The Supreme Constitutional Court had ruled that article 40 did not provide an exhaustive list of the grounds for discrimination, but merely examples. The Court had illustrated the point by referring to the forms of discrimination mentioned in the International Convention on the Elimination of All Forms of Racial Discrimination, which were considered to be equally serious and implicitly included in the

Constitution. Therefore, all political parties established on the basis of religion and associations that attempted to promote discrimination on the ground of religion were prohibited. The Press Act of 1996 prevented the press from disseminating racist messages or messages that expressed contempt for or advocated hatred of religions, denigrated the beliefs of others or promoted discrimination or contempt for a particular community.

13. Ms. GABR (Egypt) pointed out that the issue of religious extremism was linked to the issue of tolerance. Egypt had been commended by international organizations, including UNESCO, for its work in promoting tolerance among young people and society as a whole. Many of the activities it had organized had been very simple but were key to raising awareness of the importance of tolerance and respect for the beliefs of others. For example, children's books on tolerance had been published and drawing competitions organized. The media were being used to teach both adults and children about the importance of accepting other religions and to discourage extremism.

14. Mr. KHALIL (Egypt), turning to question 23, said that intensive preventive measures were being taken to combat intolerance and discrimination based on religion or belief. A National Decade for the Promotion of Human Rights had been inaugurated in 1994. His delegation believed that a human rights culture should form part of daily life. A comprehensive review of school curricula had been undertaken at primary and elementary levels, ensuring that examples provided in all classes instilled in pupils a sense of tolerance. Similar measures were now being taken at secondary level. Human rights as a subject had been introduced in law and business schools and a master's degree programme in human rights had been introduced. Training sessions for members of the legal profession and media personnel were being organized with the cooperation of UNDP. The Ministry of Justice had organized several human rights awareness seminars with the cooperation of Egyptian universities and had met with some success. Additional seminars would be held in the future.

15. Mr. HAMAD (Egypt) said that the Egyptian police academy comprised various colleges and centres to train police at all levels; they all provided some form of human rights training. For example, any law school graduates training to become police officers at the police academy received one hour of human rights training every week. In addition, human rights and freedoms were taught as a subject within the framework of political and legal research programmes; for example, certain students were looking into the question of human rights and pre-trial protection. Students at the college of higher education (also part of the police academy) could take a diploma in the role of human rights in public security or penal procedures. The college had produced several publications on the role of law enforcement officers in the protection of human rights. Law enforcement officers involved in the military courts were taught about the safeguards for the accused that must be compiled with during the initial investigation process.

16. Mr. KRETZMER, speaking on a point of order, asked the delegation to indicate whether it was answering question 24 of the list of issues.

17. Ms. GABR (Egypt) said that it was important to prepare all sectors of society to combat intolerance and discrimination based on religion or belief, including those working in the administration of justice. It was essential to train police officers, particularly at higher levels, in ways of respecting human rights.

18. The CHAIRPERSON said that while he welcomed the information about police training, because of time constraints the delegation should endeavour to answer the remaining questions.

19. Mr. KHALIL (Egypt), addressing question 25, said that it was necessary to inculcate a culture of human rights, for example through programmes in the school system and police and military training institutions. A law adopted in 1982 prohibited the use of religion to promote extremist ideas that expounded contempt for other faiths or were detrimental to national unity or law and order, and imposed penalties ranging from six months' to five years' imprisonment for violations. If such an offence was related to terrorism, the penalties were still more severe.

20. Turning to question 26, he explained that Egypt had acceded to international conventions prohibiting sexual exploitation and human trafficking, and in 1961 had enacted a law prohibiting prostitution. The law did not categorize a particular type of sexual orientation as an offence. It distinguished between female and male prostitution only in name, by referring to them respectively as "prostitution" and "debauchery". In both cases, it stipulated that, for the act to constitute an offence, it must involve a sexual service carried out indiscriminately and for financial gain, and the perpetrator must commit the offence repeatedly or habitually. In cases involving minors, such acts constituted a serious offence.

21. Replying to question 27, he said that the principle of freedom of expression was enshrined in the Constitution and had been confirmed in the rulings of the civil and constitutional courts. Freedom of expression had a special place in Egyptian law. It was regulated by a number of acts, and was limited only to the extent allowed by article 19 of the Covenant, in particular in order to ensure respect for others and the protection of public safety, morals, health and order. The Supreme Constitutional Court had recognized freedom of expression as a basis for democracy and had issued rulings which obliged the legislature to respect that principle when it enacted legislation.

22. Taking up question 28, he explained that the law gave NGOs prerogatives, exemptions and rights to encourage and enable them as non-profit organizations to meet the needs of civil society. The law that had until recently governed NGOs had been repealed in 2002, as it had been deemed unconstitutional. It had since been replaced by a new law that set out the requirements for the establishment of such organizations. To be officially registered, NGOs must be founded by at least 10 members, and an official request must be submitted to the competent registration authority, which either recognized the organization or denied authorization. Failure on the part of the authorities to deny the authorization within a period of 30 days amounted to acceptance of the request. The new law contained no special limitations or constraints upon NGO activities apart from the prohibition of military or clandestine activities, the use of force and involvement in other illegal activities.

23. A lawsuit had been filed against the Egyptian Organization for Human Rights, in which it had been claimed that the organization had not been properly registered. The case had since been dismissed, and the organization had been permitted to continue its activities in full freedom.

24. Decree No. 592 by the Prefect of Cairo had not denied registration to the organizations in question. It had suspended the publication of 14 newspapers that had not received prior authorization for publication in accordance with the Press Act. The bodies that registered

civil-society organizations were the Council of State and the Administrative Tribunal. In the event of denial of a registration request, an appeal could be lodged with the Administrative Tribunal.

25. NGOs played a crucial role in the country's development in many fields, including human rights. There were over 16,000 such organizations registered throughout the country.

26. Responding to question 29, he said that hisba had existed for over 14 centuries in the Muslim world as a traditional process, the main purpose of which had been to ensure public safety and welfare through good deeds. In recent years, following the hisba case brought against Professor Nasr Hamed Abu Zid, the legislature had established a legal framework for hisba, inter alia by assigning responsibility for it exclusively to the public prosecutor. Consequently, no such cases could be initiated by individuals without the prosecutor's consent.

27. Taking up question 30, he said the law set certain conditions for the registration of political parties. Parties must have at least 50 members, and the request for registration must include the names of the party's founders, information on its finances, its statutes, banking information and the name of the person responsible. A committee composed of the chairman of the Shura Council, the Ministers of Justice and the Interior, a representative of parliament and three former judges was responsible for considering applications. Its decisions were published in the official gazette and in two daily newspapers, and were subject to appeal to the Supreme Administrative Tribunal, which was headed by the President of the Republic. An application was denied if it was ascertained by means of an investigation that the party in question violated the rules and principles of law. The committee had authorized the registration of six political parties and had denied the applications of 30 others. Of those 30, 11 had lodged appeals with the Supreme Administrative Tribunal and won their cases. There were currently 17 political parties registered in Egypt.

28. In connection with question 31, he said that persons prohibited from exercising political rights included those who had committed serious offences that undermined the trust and confidence that could be placed in them, such as theft or corruption-related offences. The prohibition was a procedural consequence of criminal proceedings. It was a temporary measure lasting five years and could be the subject of an amnesty. Under the Constitution, judicial supervision was required for all elections in Egypt, including municipal elections. Because of a lack of judges and other logistical problems, local elections to legislative bodies had been conducted in stages so as to ensure proper judicial supervision. Under a recent legislative amendment, elections to local councils that had no legislative authority were supervised by committees chaired by government staff.

29. Addressing question 32, he said that NGOs that had registered with the authorities had the right to disseminate information and were encouraged to do so. After Act No. 153 had been ruled unconstitutional, the Government had sought an administrative solution to deal with the dissolution of organizations. Such proceedings were, however, subject to judicial review and appeal. For a dissolution order to be issued, valid reasons must be adduced, such as violations of legal provisions. In addition, the federation of NGOs must be consulted, and the organization in question must attend or be represented at such proceedings. A decision to dissolve an organization could be appealed before the Council of State.

30. NGOs required authorization to receive funds in two cases: if they engaged in public fund-raising and if they received funding from abroad. The authorization was not in itself a restriction, but rather an administrative requirement aimed at ensuring that no funds were used for money-laundering or derived from other illicit activities, and that the money was employed properly. Noting that the Declaration on Human Rights Defenders stated that domestic law was the juridical framework within which human rights should be implemented, he emphasized that a set of rules was about to be issued to govern the transfer of funds abroad.

31. The CHAIRPERSON invited the members of the country task force to put further questions to the delegation, to be followed by other members of the Committee.

32. Ms. CHANET, speaking also on behalf of Mr. Amor, who was unavoidably absent, said that she had been particularly concerned about the responses to questions 30 and 31. She had a further concern, moreover, about question 22 and the delegation's reply to the question about the Baha'i community. The delegation had focused its reply on article 18, paragraph 3, of the Covenant, whereby limitations could be imposed on the freedom to manifest beliefs for reasons of public safety. She found it hard to believe that the delegation could give any specific example of ways in which the Baha'i community had disturbed public order.

33. In response to question 25, the Committee had been told that Egyptian law did in fact criminalize publications that portrayed racial or religious groups in an offensive or stereotypical manner. She wondered, however, whether any measures had been taken against violently anti-Semitic material published on the Internet. Was such material governed by Egyptian law and had there been any prosecutions for incitement to hatred? She had a whole list of such texts in her possession and was willing to hand it to the delegation.

34. She had a further question regarding political parties and the conditions for their registration. Apparently, whether or not registration was permitted was determined by the views held by the party in question. She would like to know on what conditions the committee set up to monitor the process could refuse to authorize a party and what was the membership of that committee. She believed that three of its members were government ministers from the party in power. Her last question, to which the delegation could reply in writing, if necessary, concerned Act No. 73 of 1956. She would like to know what offences fell under that Act. There should be a full list of them in the Penal Code.

35. Mr. RIVAS POSADA said that, in the light of the delegation's explanation, he had some further questions in relation to questions 19 and 21. He gathered that information regarding persons who had been tried and sentenced by military courts and State security courts was to be provided at a later stage. The Committee was anxious to be in a position to understand the scale of the problem and the scope of the charges. He would particularly like to have more information on the powers of the State security courts. It was his understanding that individuals committing offences not related to terrorism but occurring under the state of emergency came under the jurisdiction of those courts. Paragraphs 240 to 242 of the report could give the impression that the Executive had used its powers to intervene and that there had been some undermining of the courts' independence. Paragraph 240 made it clear that ordinary offences could be brought before the State security courts. Paragraph 241 stated that the President was

empowered to appoint two officers as additional members of such courts, and paragraph 242 said that the President could specify other offences to be heard by higher State security courts. He would like to know the actual relationship of the President to the functioning of those courts.

36. Under article 14, paragraph 5, of the Covenant, anyone convicted of a crime had the right to have his conviction reviewed by a higher court. There would appear to be a review procedure in Egypt but it was not clear whether it was equivalent to a court of second instance. More information was needed on mandatory review with a view to determining whether the procedural guarantees afforded by article 14 were in place.

37. He wished to endorse the point made by Ms. Chanet about the importance of compliance with the terms of article 20, paragraph 2. She had also referred to breaches of freedom of thought as established by article 18. Freedom of expression as set out in article 19 should clearly not be used as a basis on which to incite hostility against certain segments of the population. The State was under an obligation to take steps to prevent the proliferation of the publications in question and the use of language inciting public opinion to racial hatred.

38. Mr. LALLAH said that, on the question of publications defaming certain religions, he also had received information about certain highly anti-Semitic texts which he would hand to the delegation. In that regard, while he had been impressed by the range of measures the Government was taking to train police officers and educate children about human rights, he would suggest that some kind of training was also needed for journalists. For example, they might be encouraged to organize seminars to study the implications of the Covenant. He noted that intolerance, especially religious intolerance linked with ethnicity, was not restricted to Islam but was also taking place elsewhere. It would be good if all Governments would do their best to ensure that the right to freedom of religion was enjoyed by all their peoples, in an atmosphere that extended beyond tolerance to respect. While he had been impressed by the number of laws enacted to protect religion, he would like to know more about their application in practice. He hoped that the next report would give indications of the circumstances in which charges had been brought in that connection and the outcome of those cases. He had been told that the law criminalizing the defamation of religion applied only to Christianity, Judaism and Islam. If true, he would like to know why that was the case. Article 18 of the Covenant guaranteed freedom of conscience as well as freedom of religion, and free thinkers and humanists should also be protected rather than vilified.

39. In connection with question 22, he did not quite understand the answer given by the delegation concerning Professor Nasr Hamed Abu Zid. There were two questions: first, regarding the actions of the Government in dealing with the declaration of apostasy against him, and second, regarding the decision ordering his separation from his wife on the grounds that she had married a non-Muslim. He would like to know whether that was the result of a particular application of the Shariah. He understood that the professor was currently living abroad.

40. Mr. HENKIN said that he would like a final clarification of the answers to two questions. First, in connection with the matter of the "Queen Boat", he would like to know whether homosexual relations between consenting adults constituted a violation of Egyptian law. If not, what was meant by "debauchery" in that connection? He would also like to know whether the harassment of homosexuals or discrimination against them was unlawful and, if so, whether any

action had been taken to enforce the law. With regard to the response to question 27, it was not clear what Mr. Saad Ibrahim had been charged with and found guilty of. Was it a violation of the law of the State party to criticize its human rights record? Would an NGO activist or other citizen be guilty of an offence in claiming that his Government failed to protect freedom of speech?

41. A number of the questions asked had focused on the enforcement of existing laws. The State party should be able to demonstrate the real state of affairs through statistics showing the number of proceedings brought and the outcome of those cases. With regard to question 28 and the procedure for registering NGOs, he noted that, while all States were entitled to have a registration procedure, it was important to know whether the arrangements in question were being abused in order to prevent such organizations from being registered or from carrying out their legitimate activities. As regard to question 29, the legal status and exact consequences of hisba were still unclear and information on its use before and after the reforms of 1996 was still lacking.

42. Sir Nigel RODLEY regretted that little time remained for the Committee to take up the major problem of the rights guaranteed in articles 9 and 10 of the Covenant. The observations in the report relating to those articles implied that only isolated abuses occurred and that the law and administrative practice were able to deal with them. From a reading of the information provided by NGOs and a number of intergovernmental bodies a far more serious picture emerged. His impression was that the law was more effective with regard to common criminality than in cases perceived as being a threat to the State.

43. The statistics just received by the Committee gave details of officers indicted from 1998 to 2002. However, it was difficult to reconcile that information with the figures in the tables in paragraphs 669 to 671, regarding measures taken to punish the perpetrators of torture and other cruel treatment. What was needed was the figures for those actually indicted, not those acquitted or given suspended sentences, and there would seem to be very few of them. He was not referring to disciplinary or administrative sanctions but to sentences imposed on those accused of offences relating to the crime of torture. How many of the indictments mentioned actually related to the crime of torture rather than to the offences of bodily harm or manslaughter in the case of a death? The number of convictions was also very small but among them he would be interested to know how many involved officers of the so-called SSI. According to information from non-governmental and other organizations, where that body was concerned, torture was routine and impunity the rule. It was important to know, therefore, how many actions had been brought against its officers and what sentences had been imposed. If there had been a sentence of imprisonment, for example, how long was it for? The State party seemed unwilling to take the opportunity to demonstrate the real situation by opening up to an outside view. Where access was allowed, he had the impression that, at the national level, it was for humanitarian bodies rather than human rights organizations. At the international level, the State party had refused to allow the Committee against Torture exercising its functions under article 20 of the Convention against Torture, to have access to places of detention. Successive special rapporteurs of the Committee against Torture, including the current one, had been denied such access, as had Amnesty International. The State party was thus denying itself the opportunity to refute what it described as inaccurate reports and, in the circumstances, it was difficult to accept the State party's assessment of the situation.

44. Regarding the issue of the application of the death penalty after trial in absentia, he would merely draw attention to page 6 of Amnesty International's briefing for the Committee on Egypt, 2002, which he understood had been made available to the State party by Amnesty International a month ago and by the secretariat three weeks ago.

45. Mr. YALDEN joined his colleagues in expressing appreciation for the valuable contribution of Mr. Ahmed Khalil as a member of the Committee. He noted that, once again, as the Committee had found in 1993, there was very little in what was a very substantial report about racial or ethnic minorities such as the Nubians or Berbers. Paragraph 675 dealt with the entire topic of minorities in four lines. He believed that the Committee was entitled to a more substantive answer on that issue. In conclusion, he entirely endorsed Ms. Chanet's remark that there was no indication that activities of the Baha'i were contrary to public order, and also what she and Mr. Lallah had said about publications, including those of a quasi-official nature, such as the newspaper El-Akhbar, which had published some extraordinarily anti-Semitic material.

46. Mr. KRETZMER associated himself with the tribute to Mr. Ahmed Khalil. On the question of torture, already raised by Sir Nigel Rodley, he stressed the importance of an indication of the number of complaints brought by individuals or human rights organizations and the number of persons tried. If the presiding authorities decided not to take action on a complaint, was there any right of appeal? Could the victim or the members of his family bring a civil action against the use of torture during an investigation? It was his understanding that there was immunity against any civil action. There had been allegations of the use of electric shocks. Had those allegations been investigated and, if so, by whom? And what had been the result? As to the statistics provided, it would be useful to know what types of offence had been involved.

47. On the response to question 8 regarding NGOs and their finances in particular, he noted that the right of association guaranteed under article 22 of the Covenant was subject only to those restrictions prescribed by law or necessary in the interests of national security or public safety. He appreciated that the State might have a legitimate interest in finding out the source and amount of money received from abroad, in order to prevent money-laundering and so forth, but he did not understand why, in a democratic society, the use of those funds must be approved. It had been alleged that State approval had been used to curb the activities of human rights organizations. An instance of such action had been the allegations made against Mr. Saad Ibrahim of misuse of funds and defrauding the European Union. He noted that the Union had dissociated itself from the State party's claim.

48. One question that had not been raised in the list of issues was that of the provisions of article 25 of the Covenant. He was sure that the delegation was aware of the Committee's General Comment No. 25 (1996) on that article, paragraph 15 of which stated that the effective implementation of the provisions of the article required that persons entitled to vote should have a free choice of candidates. On reading the Egyptian Constitution, he found that under the provisions governing the election of the President, the most important office-holder in the Egyptian system of government, only one candidate could be nominated, and that person by parliament. He wondered how that could be said to be compatible with the Covenant.

49. Mr. ANDO expressed concern about the scope and implications of Egypt's far-reaching reservation based on the Shariah and about the continued state of emergency. He understood the difficulties faced by the State party in confronting terrorism, but the state of emergency had lasted so long that it had become difficult to know if Egypt really was still in the situation provided for in article 4 of the Covenant.

50. The CHAIRPERSON requested information on two laws that appeared to be in conflict with the Covenant. The first was the Public Assembly Act (No. 14) of 1923, which gave wide powers to the authorities to break up meetings even in private places, and the second was Act No. 40 of 1977, which prohibited the establishment of political parties whose objective was in conflict with Islamic law or the achievement of socialism.

51. Ms. GABR (Egypt), replying to the questions put to the delegation by Committee members, said that the Egyptian press would hardly publish anti-Semitic articles, as Egyptians were themselves Semites; nor was it allowed to attack any religion. Indeed, the evident religious tolerance and respect for one's neighbour practised in Egypt had been praised in official reports by several specialized agencies of the United Nations. However, while newspapers must respect all religions, when political parties or organizations were linked with a particular religion the press was free to express its views on them, as it had done, for example, in the case of religious fundamentalists linked to Al Qaeda. Egyptians did not seek in any way to foster hatred against other religions or peoples in the Middle East. The small number of people of the Baha'i faith living in Egypt also enjoyed freedom of belief, but problems arose when it was necessary to reconcile that freedom with respect for others' beliefs and with the demands of public order and security.

52. Mr. KHALIL (Egypt) added that atheists also enjoyed the right to freedom of belief, provided, of course, that they did not attack the beliefs of others or violate public order. With regard to the establishment of the committee on political parties, he stressed that it was an administrative committee whose members included judges and did not necessarily have to be members of a political party; appeals against its decisions were possible. People could only be deprived of their political rights if they committed serious crimes such as theft, corruption or crimes against morality.

53. The State security courts were specialized courts linked to the courts of appeal. They had nothing to do with the law on the state of emergency and dealt with civilian cases, not military ones. The President had never exercised his prerogative to appoint judges to those courts, which should not be confused with the State security (emergency) courts. The latter investigated crimes relating to the armed forces. Cases could only be referred to the military courts if they involved terrorist acts and if a state of emergency had been proclaimed. Judicial reviews of judgements of the courts were carried out by judges and jurists of the Verification Office, which, in the "Queen Boat" case, had overturned the court's decision on the grounds that it had been incompetent to try the case.

54. Responding briefly to other questions raised by members of the Committee, he said that Mr. Nasr Hamed Abu Zid had been granted a stay of execution. It had once been possible for hisba cases, except for criminal cases, to be brought before the courts by an individual, but under current Egyptian law all such cases must be brought by the public prosecution service.

Homosexuality was not a criminal offence in itself but the law did criminalize prostitution, provided that it was proven that the sex acts were carried out in exchange for money and on a habitual basis. The law applied to both males and females. In the case of Mr. Saad Ibrahim, an appeal had been lodged against his sentence and was currently being considered by the Court of Cassation. He stressed that the state of emergency had been proclaimed in accordance with the law, the justifications for extending it were discussed publicly in parliament, and the judiciary was required to determine whether it was legal or not. With regard to ethnic minorities, he drew the Committee's attention to the detailed answers in the parts of the report dealing with article 27, stressing that Egyptian society was historically a homogeneous one and all Egyptian nationals had equal rights. While it was true that NGOs needed prior authorization before they could receive funding from abroad, the Government was considering new regulations to deal with certain aspects of that issue.

55. Ms. GABR (Egypt) said that her Government encouraged NGOs to work within the framework of the law and official recognition of their status through the registration procedure facilitated their work. The Government was not afraid of criticism and, as far as she knew, had never prevented any Egyptian NGO from participating in an international conference, even if the NGO was not registered in Egypt and was not in consultative status with the Economic and Social Council. In any case, in a global village linked by the Internet and satellite technology, it was impossible to conceal information from the outside world. She did not agree with those who thought that NGO funding was no concern of the Government's; in a country where resources were scarce, NGOs should not be allowed to waste money and had a duty to be transparent in their finances.

56. Mr. KHALIL (Egypt), replying to comments by Sir Nigel Rodley, insisted that the statistics provided by the delegation in a document circulated in the meeting room were accurate and compatible with the figures in part III of Egypt's third and fourth periodic reports. The new figures included not only police officers but government officials too, and gave examples of compensation awards made to prisoners who had been tortured, treated cruelly or beaten. In reply to the questions raised by the Chairperson, he said that the conditions cited were no longer imposed on political parties. Egypt had a pluralistic political system and there was no requirement that a political party should have socialist objectives. Political activities were encouraged by the Government with a view to strengthening democracy and the rule of law, and the few existing restrictions on political activity were consistent with the law and the provisions of the Covenant.

57. The right to bring a civil action was guaranteed to all, without restrictions, and no government official enjoyed immunity from prosecution. However, any case brought against a public official must be drawn to the attention of the public prosecution service. The officials concerned could, of course, appeal against any judgement against them.

58. Mr. HAMAD (Egypt) stressed that the allegedly anti-Semitic comments in Egyptian newspapers should not be taken too seriously. They were merely the emotional reaction of certain journalists to provocative and derogatory comments made by others about Arabs. He assured Committee members that there was no discrimination against religions or religious communities in Egypt.

59. The CHAIRPERSON said it was unfortunate that the Egyptian Government had not submitted its third periodic report on time, as that would have allowed the Committee to make recommendations for improving the human rights situation in Egypt at least four years earlier. Nevertheless, the combined third and fourth periodic reports were detailed and quite thorough. Unfortunately, there had not been time for the delegation to reply to all the questions raised by Committee members and he would be grateful if the delegation could submit concise written replies to the secretariat in time for them to be translated and taken into account when the Committee prepared its concluding observations and recommendations.

60. The Committee was particularly honoured to count among its members the distinguished Egyptian diplomat and human rights defender, Mr. Ahmed Khalil, whose contribution to its work was highly appreciated. On behalf of all Committee members, he thanked the Egyptian delegation for its cooperation and expressed the wish that Egypt would enjoy peace, prosperity and progress.

61. Ms. GABR (Egypt) said that her delegation would be happy to provide further information if it could be translated in time for the Committee to take it into account before adopting its concluding observations. Her Government was keen to maintain a dialogue with the Committee and other human rights mechanisms of the United Nations, including special rapporteurs, who were welcome to visit Egypt in order to study the human rights situation there for themselves, provided that certain conditions were met. The country was also open to NGOs, whose reports showed that, while in Egypt, they enjoyed the freedom of movement and freedom of expression that were essential if human rights defenders were to do their job. In response to an earlier question, she confirmed that there were training courses to raise awareness of human rights issues among journalists in Egypt. She reaffirmed her strong belief in the value of dialogue, human rights education and awareness-raising in the field of human rights.

The meeting rose at 6.05 p.m.