Court of Cassation asserts that Assembly Law is not repealed by the international human rights instruments.

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Human rights | May 19, 2016

Appeal No. 10004 of Judicial Year 85

Court of Cassation

Judgment of 19 May 2016

On 19 May 2016, **The Court of Cassation rejected an argument that Law No. 10 of 1914 concerning Assembly is repealed on the ground that it is inconsistent with the international human rights instruments, including the ICCPR, the ICESCR, and the Universal Declaration of Human Rights.**

This ruling was issued in the context of a case that arose from an incident in which a group of individuals gathered in a public street after Friday prayers and organized a demonstration. During the gathering, slogans were chanted against State institutions, traffic was obstructed, and public order was disturbed. According to the investigation, some participants carried firearms and bladed weapons. Security forces intervened, dispersed the assembly, arrested the defendant, and seized printed leaflets intended for public distribution. The defendant was then referred to the Public Prosecution. Following the investigation, the Public Prosecution charged the defendant with participating in an unlawful assembly consisting of more than five persons, disturbing public order, obstructing the enforcement of laws, and possessing printed materials capable of affecting public security.

The Criminal Court examined the evidence presented by the prosecution and convicted the defendant after finding that the legal elements of the offences had been established. The defendant appealed before the Court of Cassation. He argued, among other things, that Law No. 10 of 1914 should not be applied because it was inconsistent with Egypt's obligations under the ICCPR, the ICESCR, and the Universal Declaration of Human Rights.

The Court rejected this argument stating that

> “The Egyptian criminal law constitutes an autonomous legal system with its own objectives, primarily the protection of the State's security and the fundamental interests of society.

Accordingly, **When applying it to an offence provided for therein, the elements and conditions of which are satisfied, the court must abide by the legislature's intent as expressed in this domestic law, and observe its provisions — through which the legislature addressed the criminal judge — as these provisions take precedence, irrespective of any rules or principles that international law may impose, which are addressed to States as members of the international community.**

And since the provisions of Law No. 10 of 1914 concerning Assembly contain the conditions required for the constitution of the offence of unlawful assembly, as well as the provisions concerning the penalty therefore, its provisions must accordingly be applied to the incident, considering that its field of application differs from the field of application of the international convention.

Accordingly, the appellant's contention that the Assembly Law was repealed by virtue of the International Covenant on Civil and Political Rights, the International Covenant on Economic [and Social] Rights, and the Universal Declaration of Human Rights is without merit."

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