

Law foiled

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Will President Mubarak's latest intervention contain the simmering conflict between judges and the minister of justice, asks [Mona El-Nahhas](#)

As hundreds of judges gathered at the headquarters of the Cairo Judges Club on Friday to protest against the draft law prepared by Justice Minister Mamdouh Marei regulating the Higher Council for Judicial Bodies they were surprised by a phone call from the president's office informing them that President Hosni Mubarak had ordered the legislation to be withdrawn.

The presidential order means that the draft law is back to square one. It must now be redrafted, and judges hope that they will be consulted during the process and their views taken into account.

The initial draft, which was leaked to the press last month, provoked the ire of judges who saw its eight articles as an attempt to tighten the executive's -- in the figure of the minister of justice -- control of the judiciary. The most damaging article, judges argued, was the one that abolished judicial immunity, a constitutional privilege hitherto granted to judges in an attempt to guarantee their neutrality and independence.

Marei's draft legislation gave the justice minister precedence in the council over the heads of the Higher Constitutional Court, the Supreme Judiciary Council, the Court of Cassation, the administrative courts, the Appeals Court and the prosecutor-general. The draft further stipulated that all council decisions must be ratified by the minister of justice, who would also decide on the venue of council meetings. It also attracted criticism for depriving judges of control of their own budget which they secured in 2006 after years of struggle.

During Friday's general assembly, judges expressed gratitude to the heads of both the Higher Constitutional Court and the Supreme Judiciary Council for "their honourable stances" over the draft.

Mubarak's surprise move followed receipt of a letter in which club board members had asked the president to intervene in his constitutional capacity as arbiter between the executive, legislative and judicial authorities, and stop the draft.

While welcoming President Mubarak's decision, judges said they remained wary in the face of ongoing attempts by Marei to undermine what is left of their independence.

"If the new draft fails to be approved by a majority of judges another general assembly will be convened to decide on what steps to take," judge Zakaria Abdel-Aziz, chairman of the Cairo Judges Club, told Friday's meeting.

The presidential intervention was not the only surprise at the general assembly.

Minutes after the call from the president's office the justice minister's advisor was on the line telling judges that the ministry had approved an increase in the pensions paid to retired judges.

The two phone calls are being interpreted as an attempt to contain the judges' anger and defuse the tense atmosphere that had prevailed ahead of the general assembly and which could have resulted in the passing of uncompromising recommendations.

Charging the club's board members with preparing their own draft law for the judiciary, the general assembly contented itself with recommendations addressed to President Mubarak seeking his intervention in finding solutions to their problems.

The assembled judges have asked Mubarak to lift the financial siege imposed upon judges' clubs since Marei joined the cabinet in 2006 and restore relations between judges and the Justice Ministry to their normal channels.

During the assembly, Abdel-Aziz blamed the breakdown in communication on Marei's hostility to judges' clubs.

"We have no objections at all to dialogue with representatives of the executive authority. I invite them, in the name of the general assembly, to visit the club at any time to exchange views with judges about the problems we face," said Abdel-Aziz.

This is not the first time Mubarak has intervened to contain judges' anger against Marei. Last March he ordered the justice minister to drop the action he had filed against Hamdi Wafiq, a board member of Damietta Judges Club, accusing him of libelling the president. Mubarak's intervention in favour of Wafiq came a day after he had ordered that the state pay the costs for the treatment abroad of judge Gad El-Manzalawi, who works for the State Council Courts. El-Manzalawi, who suffers from a brain tumour, was due to travel to a hospital in Germany when Marei said the ministry would not pay for his treatment.