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Citations:

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English text of the declaration of 10 February 1953 73 (1953) Egypt, Provisional  
Constitution

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# EGYPT

## PROVISIONAL CONSTITUTION<sup>1</sup>

Declaration of 10 February 1953

*Introductory Note.* Under the Constitution in force since 1923<sup>2</sup> the form of government of Egypt was that of a hereditary monarchy and a representative regime.

The legislative power was exercised by the King concurrently with the Senate, partly an elective body and partly appointed by the King, and with the Chamber of Deputies, all of whose members were elected by universal suffrage. The central administration consisted of a Council of Ministers, who were appointed by the King but were expected to obtain and retain the confidence of the Chamber of Deputies. The King had the right, on the proposal of the Government, to dissolve the Chamber of Deputies. The order of dissolution had to be accompanied by a call for new elections, and the new Chamber had to meet within seventy days from the date of dissolution.

The Chamber of Deputies was dissolved in March 1952; yet no new elections were held, and after 29 January 1952 Egypt lived under martial law, declared after the Cairo fire of 26 January 1952.

Cabinet crises followed one another in rapid succession until on 23 July 1952 the Army, having secured the abdication of the King, took power.

On 10 December 1952, the Commander-in-Chief of the Armed Forces, as head of the military movement, proclaimed in the name of the people the repeal of the Constitution of 1923 and formed a committee to prepare a new Constitution.

On 10 February 1953, the Commander-in-Chief, in the name of the Revolutionary Movement, proclaimed a provisional constitution. This constitution will expire in January 1956.

With a view to stabilizing the basis of power during the period of transition, defining the rights and duties of all citizens, creating throughout the country the settled conditions necessary for productive work and raising the country to the level desired by us all,

I hereby proclaim, in the name of the people, that the country will be governed during the period of transition in conformity with the following provisions:

### I. GENERAL PRINCIPLES

*Art. 1.* All power derives from the people.

*Art. 2.* Egyptians are equal before the law with respect to their rights and duties.

*Art. 3.* Freedom of the person and freedom of speech are assured within the limits of the law. The

<sup>1</sup> Arabic text of the Provisional Constitution in the *Official Gazette of the Egyptian Government*, No. 12 bis "B" of 1953. French translation through the courtesy of Dr. Mahmud Abou Afia, Government-appointed correspondent of the *Yearbook on Human Rights*, Conseiller d'Etat, Cairo. English translation from the Arabic text by the United Nations Secretariat. The introductory note was prepared by Dr. Abou Afia.

<sup>2</sup> The human rights provisions of royal rescript No. 42 of 19 April 1923, establishing the Egyptian constitutional State, are reproduced in *Yearbook on Human Rights for 1946*, pp. 97-98.

inviolability of property, home and premises is assured in conformity with the provisions of the law.

*Art. 4.* Freedom of religion is absolute. The State guarantees the freedom of religious practices in accordance with established custom, provided that they are not prejudicial to the public interest or to morality.

*Art. 5.* The extradition of political refugees is prohibited.

*Art. 6.* Taxes shall not be imposed except by statute. Duties shall not be collected except in pursuance of a statutory provision. A person shall not be exempted from the payment of taxes except in the cases provided for by statute.

*Art. 7.* The judiciary is independent. It is not bound by any authority other than that of the law. Judgements and judicial decisions shall be pronounced and carried out in the name of the nation and in conformity with the law.

### II. SYSTEM OF GOVERNMENT

*Art. 8.* The Leader of the Revolution exercises supreme power in concert with the Revolutionary Command Council. In particular, he shall take whatever action he considers necessary to protect the revolution and the regime based on the revolution, for the purpose of attaining the objects of the revolu-

tion. He also has the right to appoint and dismiss Ministers.

*Art. 9.* The legislative power is assumed by the Council of Ministers.

*Art. 10.* The executive power is exercised by the Council of Ministers and by each Minister to the extent of his competence.

*Art. 11.* The Revolutionary Command Council and the Council of Ministers shall meet in joint session to consider matters of general State policy and questions relating thereto.

This joint session shall also have the right to ask Ministers for explanations concerning their functions.

My fellow countrymen,

In making these principles and provisions public, I also proclaim my profound belief that, at the expiry of the period of transition, it will be necessary to establish a complete system of democratic government based on a constitution and to give every one a free and worthy life and a bright and prosperous future. It is the duty of all of us to work for this constitution.

God protect us.

## LEGISLATIVE DECREE No. 37 CONCERNING THE DISSOLUTION OF POLITICAL PARTIES<sup>1</sup>

of 18 January 1953

*Whereas* by a Proclamation of the Commander-in-Chief of the Armed Forces dated 18 January 1953 the political parties were dissolved and their assets ordered to be confiscated and to become the property of the people.<sup>2</sup>

*Whereas* legislative decree No. 179 of 1952<sup>3</sup> had enacted provisions governing the organization of political parties;

NOW THEREFORE, on the proposal of the President of the Council of Ministers and with the concurrence of the said Council, it is hereby enacted as follows:

*Art. 1.* The assets of the political parties which have been dissolved shall be vested in the bodies to be determined by the Council of Ministers.

*Art. 2.* It shall be unlawful for any member or adherent of a political party which has been dissolved to engage in any party activities whatever.

It shall likewise be unlawful to aid or abet any such person in engaging in party activities.

*Art. 3.* A special receiver shall be appointed by order of the Minister of Finance and Economy to receive the assets of the political parties in question and, if necessary, to dispose of the assets.

*Art. 4.* Any person who holds assets of any of the political parties which have been dissolved shall declare the said assets within one week to the receiver appointed in conformity with the previous article.

<sup>1</sup> Arabic text in the *Official Gazette* (Special) No. 5 bis "B" of 18 January 1953, received through the courtesy of Dr. Mahmud Abou Afia, Conseiller d'Etat, Cairo. English translation from the Arabic text by the United Nations Secretariat. The legislative decree became operative on the date of its publication in the *Official Gazette*.

<sup>2</sup> The Proclamation, which was published in the *Official Gazette* No. 5 bis "A" of 17 January 1953, provides:

"The revolutionary movement of the Army derives its strength from its unshakeable faith in the right of all citizens to a noble life, absolute justice and complete freedom, based on a sound constitution expressing the will of the people and governing the relations between ruled and rulers.

"As the revolution's first objective is to free our country from foreign forces and as we are pursuing this great objective regardless of the circumstances and obstacles, we expected the parties to have the country's paramount interests at heart and to abandon forever the destructive tactics of partisan politics which have shaken the country and shattered its unity in the interests of a few politicians and so-called 'patriots'. On the contrary, we have discovered that the partisan and personal interests which frustrated the 1919 revolution are once again attempting to sow discord at this vital moment in our history.

"Some elements have not been ashamed to be in touch

with certain foreign Powers and to lay plans which, with the help of money and the intrigues of a disgraceful party system, would have led to utter chaos. They forgot that we are watching all those who mean to oppose the will of the people or whose plans would jeopardize its future.

"For this reason I have ordered the severest measures to be taken against any traitor or dissident who seeks to divide a united people. The parties with their obsolete methods and their reactionary way of thinking are a real danger to the country and its future, and I hereby proclaim that from today all political parties are dissolved and their assets, which shall become the property of the people, confiscated.

"So that the country may enjoy stability and prosperity and we may have a sound constitutional and democratic regime, I hereby announce the beginning of a transitional period of three years.

"From this day I shall not allow anybody, whoever he might be, to jeopardize the nation's interests; I shall take severe steps against anybody who stands in the way of our objectives, which are the fruit of your long sufferings and your aspirations for the better future so dear to us and to all the world.

"May God be our guide."

<sup>3</sup> The Arabic text of this Legislative Decree is published in the *Official Gazette* No. 131 bis, of 9 September 1952.