# **Egypt and Its Laws**

#### ARAB AND ISLAMIC LAWS SERIES

Volume 22

Series General Editor Dr. Mark S.W. Hoyle

The titles published in this series are listed at the end of this volume.

## **Egypt and Its Laws**

Edited by

Dr. Nathalie Bernard-Maugiron Dr. Baudouin Dupret

Assistant Editor
Wael Rady

with the support of the Commission of the European Union



Published by:

Kluwer Law International P.O. Box 85889, 2508 CN The Hague, The Netherlands sales@kli.wkap.nl http://www.kluwerlaw.com

Sold and Distributed in North, Central and South America by: Kluwer Law International 101 Philip Drive, Norwell, MA 02061, USA kluwerlaw@wkap.com

Sold and Distributed in all other countries by:
Kluwer Law International
Distribution Centre, P.O. Box 322, 3300 AH Dordrecht, The Netherlands

Library of Congress Cataloging-in-Publication Data is available.

Printed on acid-free paper

ISBN 90-411-1639-7 © 2002 Kluwer Law International

Kluwer Law International incorporates the publishing programmes of Graham & Trotman Ltd, Kluwer Law and Taxation Publishers and Martinus Nijhoff Publishers

This publication is protected by international copyright law. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of the publisher.

Printed and bound in Great Britain by Antony Rowe Limited.

### TABLE OF CONTENTS

Preface	xii
Introduction : A General Presentation of Law and Judicial Bodies	xiv
1. Civil Law	1
T. Khattab	
1. Definition and Division	1
2. Historical Synopsis	1
3. Rules Followed in the Legislation	3
3.1. Persons (Status and Capacity)	3
3.1.1. Introduction	3
3.1.2. Definition of Status and Capacity	3
3.1.3. Contents	4
3.2. Property	4
3.2.1. Definition	4
3.2.2. Subdivisions and Contents	4
3.2.3. Rights of Easement	5
3.3. Obligations	6
3.3.1. Preamble	6
3.3.2. Sources	6
3.3.3. Provisions	8
3.3.4. Statutory Texts	9
3.3.5. Civil Responsibility	9
3.4. Personal and Material Guarantees	11
3.4.1. Material Guarantees	11
3.4.2. Personal Guarantees	14
3.5. The System of Proof	15
4. Two Important and Recent Rulings of the Egyptian	
Court of Cassation Concerning Conflicts of Laws	15
2. Law of the Family (Personal Status Law)	19
Y. Qassem	
1. Introduction	19
2. Ordinary Law	21
2.1. The Marriage Contract	21
2.1.1. Stages	21
2.1.2. Rights Arising from the Marriage Contract	22

		2.2. Dissolution of the Marriage	24
		2.2.1. Judicial Divorce	25
		2.2.2. Khul' Divorce	26
		2.3. Rights of Children and Relatives	26
		2.3.1. Rights of Children	26
		2.3.2. Rights of Relatives	27
		2.4. Inheritance and Testament	28
		2.4.1. Inheritance	29
		2.4.2. Testament	30
	3.	Examples of Egyptian Court Decisions	30
		3.1. Decisions Handed Down by the Egyptian Court of Cassation	30
		3.2. Some Decisions by the Supreme Constitutional Court	31
	4.	Personal Status Provisions Regarding	
	No	n-Muslim Egyptians	32
		4.1. Christian Marriage	33
		4.1.1. Characteristics of the Christian Marriage	33
		4.1.2. Introductory Steps	33
		4.1.3. Constitution of the Marriage	33
		4.1.4. Dissolution of a Christian Marriage	34
		4.1.5. Divorce in Christian Law	34
		4.1.6. Separation from Bed and Board (Séparation de Corps)	34
		4.2. Marriage among Jews	34
		4.2.1. Engagement	34
		4.2.2. Conditions of Marriage	35
		4.2.3. Divorce among Jews	35
		4.2.4. Separation from Bed and Board among Jews	35
	5.	References	36
2	Cri	iminal Law	37
٦.		Akida	31
		Definition of Criminal Law	37
		History of Criminal Legislation in Egypt	38
		General Principles and Competent Jurisdiction	39
		3.1. General Principles Governing Criminal Legislation (the Penal Code	
		and the Code of Criminal Procedure)	39
		3.1.1. The Principle of Legality of Crime and Penalty	39
		3.1.2. The Principle of the Personal Nature of the Sanction	39
		3.1.3. The Principle of Equality before the Penalty	40
		3.1.4. Individualization of the Penalty	40
		3.1.5. Presumption of Innocence	40
		3.1.6. Doubt is to be Interpreted in Favor of the Accused	40
		3.2. Competent Jurisdiction	41
		3.2.1. Courts of General Jurisdiction	41

		3.2.2. Courts of Special Jurisdiction	41
		3.2.3. Observations	41
	4	Applicable Provisions: Legislation	42
	٠.	4.1. Criminal Law (General)	42
		4.1.1. General Theory of Crime	42
		4.1.2. General Theory of Penalties and	72
		Precautionary Measures	42
		4.2. The Penal Code (Special)	43
		4.2.1. Crimes Affecting General Interest	43
		4.2.2. Crimes affecting Public Trust	44
		4.2.3. Crimes against Persons	44
		4.2.4. Crimes against Property	44
	5.	Applicable Provisions: Jurisprudence	44
		5.1. Analogy is Not to be Applied in Relation to	•
		Criminalization and Penalties	44
		5.2. Number of Acts Necessary to Constitute Habit	45
		5.3. Application of the Law Most Favorable to the Accused	45
		5.4. Justifiable Acts	45
		5.5. Consent of the Victim as a Reason for Justification	45
		5.6. Criterion for Causality	45
		5.7. Criterion for Attempt	45
		5.8. A Two-Pronged Expansion of the Notion of the Perpetrator	46
		5.9. Trial of the Accomplice is Not Dependent on the Trial of the	
		Original Perpetrator	46
		5.10. Participation in a Crime	46
		5.11. Insanity as a Bar to Criminal Liability	46
		5.12. Voluntary Inebriation Negates Special Intent	47
		5.13. Unintentional Error	47
	_	5.14. The Court of Cassation Admits the Idea of Precautionary Measures	47
	6.	Bibliography	47
4.	Co	ommercial Law	49
		El-Kalioubi	
		Introduction and Definition	49
	2.	Obligations of Merchants	50
		2.1. Commercial Book-Keeping	50
		2.2. Registration in the Commercial Register	50
	3.	Business Assets	51
		3.1. Elements	51
		3.2. Sale	52
		3.3. Mortgage	53

	4.	Industrial Ownership	53
		4.1. Legislation	53
		4.2. Main Provisions Governing Industrial Ownership Rights	54
		4.2.1. Patents	54
		4.2.2. Designs and Industrial Models	55
		4.2.3. Trademarks	55
		4.2.4. Trade Name and Address	55
	5.	Commercial Documents	57
		5.1. Bills of Exchange	57
		5.2. Promissory Notes	58
		5.3. Exclusion of Bearer Bond from Commercial Documents	58
		5.4. Cheques	59
		5.4.1. Definition	59
		5.4.2. Characteristics	59
		5.4.3. Date of Presentation of a Cheque	61
		5.4.4. Prescription of Liability Stemming from the	
		Issuance of a Cheque	61
	6.	Liabilities and Commercial Contracts	61
		6.1. General Provisions Related to Liabilities	61
		6.2. Transfer of Technology	62
		6.3. Commercial Sales	62
		6.4. Specific Provisions for Certain Commercial Sales	62
		6.5. Other Provisions	62
	7.	Bibliography	63
5.	Co	ompany Law	65
		El-Kalioubi	
	1.	Commercial Companies	65
		1.1. Definition	65
		1.2. Different Types	65
	2.	Elements of Company Contracts	66
		2.1. Objective Elements	66
		2.1.1. Multiple Partners	66
		2.1.2. Participation in the Capital	66
		2.1.3. Distribution of Profits and Losses	67
		2.1.4. The Intention to Share	67
		2.2. Formal Elements	67
	3.	The Company's Juristic Personality	68
		3.1. Acquisition	68
		3.2. Termination	70
		3.3. Liquidation	70

	4.	Kinds of Commercial Companies	71
		4.1. General Partnership	71
		4.1.1. The Name of the Company	72
		4.1.2. Characteristics	72
		4.1.3. Nationality of the Partner	73
		4.1.4. Management	73
		4.2. Limited Partnership	74
		4.3. Joint Venture	75
		4.4. Limited Liability Company	76
		4.4.1. Characteristics	76
		4.4.2. Establishment	77
		4.4.3. Management	77
		4.5. Partnership Limited by Shares	78
		4.6. Joint Stock Company	78
		4.6.1. Characteristics	78
		4.6.2. Establishment	79
		4.6.3. Financial Instruments Issued	79
		4.6.4. Management	80
	5.	Law No. 8 of 1997 Concerning Investment Incentives	
		and Guarantees	80
	6.	References	82
6.	Ta	ax Law	83
	<i>Z</i> .	Bahaa-Eldin	
	1.	Introduction	83
	2.	General Principles: Taxation in the Constitution	
		and Jurisdiction	84
		2.1. Power to Impose Taxation	84
		2.2. Court Jurisdiction	85
	3.	Tax Law	86
		3.1. The Unified Income Tax Law	86
		3.1.1. Natural Persons	87
		3.1.2. Juristic Personalities	87
		3.2. The Sales Tax Law	87
		Judicial Review: Role of the Constitutional Court	88
	3.	Concluding Remarks: Tax Administration	89
7.		ommercial Arbitration	91
		f. Abu el-Einein	
	1.	Historical Evolution	91

	2.	Principles Enshrined in the New Egyptian Arbitration Law	92
		2.1. The Autonomy of the Parties	93
		2.2. Jurisdiction over Jurisdiction	93
		2.3. Severability of Arbitral Clause	93
		2.4. Non-Amenability of Arbitral Awards to be Challenged	
		by the Ordinary Means of Challenge	94
		2.5. Observance of the Fundamental Guarantees of Litigation	
		in Arbitral Proceedings	94
		2.6. Requirement that Arbitrators Observe Rules of Conduct that	
		Guarantee their Impartiality and Independence	94
	3.	Expansion of Scope of Application of the New Law	94
		3.1. Arbitrability of all Legal Relationships	94
		3.2. Applicability of the Provisions of the New Law outside the Regional	
		Scope of the State by Agreement of the Parties to Arbitration	94
		3.3. Blurring the Distinction Between National and	
		International Arbitration	95
	4.	The Arbitral Agreement	95
	5.	Guarantees Provided by Law to Avoid Disruption of	
		Arbitral Proceedings	96
	6.	The Arbitral Award	96
Ω	La	abor Law and Social Insurance Law	00
ο.		el-Boraï	99
		Preamble and Framework	99
	1.	1.1. Individual Employment Contract	99 99
		1.2. Collective Work Relations	99 99
		1.3. Social Insurance	100
	2.	The Development of Social Laws in Egypt	100
		2.1. Organization of Individual Labor Relations before 1952	100
		2.2. Organization of Individual Labor Relations after 1952	100
		2.3. Collective Labor Relations before 1952	101
		2.4. Collective Labor Relations after 1952	101
		2.5. Social Insurance before 1952	102
		2.6. Social Insurance after 1952	102
	3.	A Study of Major Rules Related to the Individual	
		Employment Contract	102
		3.1. Scope of Application of the Labor Code (Law No. 137 of 1981)	103
		3.2. The Parties to the Individual Employment Contract	103
		3.3. Dependence and Salary	104
		3.3.1. The Relationship of Dependence	104
		3.3.2. Salary	105
		3.4. Effects of the Employment Contract	106
		3.4.1. Obligations of the Employer	106

3.4.2. Obligations Imposed on the Worker	108
3.5. Termination of the Contract	110
3.5.1. Reasons Leading to the Termination of Both Types of	
Employment Contracts	110
3.5.2. Termination of Fixed-Term Contracts	110
3.5.3. Termination of an Indefinite Contract	111
4. A Brief Account of the Provisions of Social Security in Egypt	114
4.1. Scope of Application	115
4.2. Professional Risks	116
4.2.1. Unemployment	116
4.2.2. Work Injury	118
4.3. Physiological Risks	121
4.3.1. Insurance against Sickness	121
4.3.2. Insurance against Old Age, Disability and Death	122
5. Bibliography	124
9. Land Law	125
T. Khattab	
1. Introduction	125
1.1. Definition	125
1.2. Contents	125
2. A Synopsis of the History of Land Law in Egypt	126
2.1. Introduction	126
2.2. Stages of the Historical Development of Land Law in Egypt	126
3. Provisions of the Legislation	127
3.1. Agricultural Tenure	127
3.1.1. Banning Foreign Holdings of Agricultural Lands	128
3.1.2. The Maximum Limit of Agricultural Tenure	129
3.1.3. The Protection of Cultivable Land	130
3.2. Agricultural Exploitation	131
3.2.1. Preamble	131
3.2.2: Regular Rent	131
3.2.3. Sharecropping	132
3.3. Relationship between Landlord and Tenant in	
Agricultural Lands (Law No. 96 of 1992)	132
10. Civil and Criminal Justice	135
W. Mahmoud	
1. Historical Background	135
2. The Egyptian Judicial System	136
2.1. Rules of Jurisdiction in the Criminal and Civil Domains	136
2.1.1. Introduction	136

		2.1.2. Distribution of Jurisdiction within the Civil Domain	136
		2.2. Distribution of Jurisdiction within the Criminal Domain	138
		2.2.1. Jurisdiction in Kind	138
		2.2.2. Personal Jurisdiction of Criminal Courts	139
	3.	Rules Underlying the Composition of Civil and Criminal Courts	140
		3.1. Composition of Civil Courts	140
		3.2. Composition of Criminal Courts	141
		3.3. Public Prosecution (the Parquet General)	142
		3.3.1. Composition	143
		3.3.2. Jurisdiction	144
		3.3.3. Properties	145
	4.	Proceedings of Litigation	147
		4.1. Civil Litigation Proceedings	147
		4.1.1. Proceedings of Litigation in First Degree Courts	147
		4.1.2. Challenge Proceedings	148
		4.2. Proceedings in Criminal Litigation	150
		4.2.1. Proceedings before Summary Courts	150
		4.2.2. Proceedings before Misdemeanor Courts of Appeal	151
		4.2.3. Proceedings before Criminal Courts	151
		4.2.4. Proceedings before the Court of Cassation	152
	5.	Judicial Rulings	152
		5.1. Major Judicial Principles Established by the Court of	
		Cassation in the Criminal Domain	153
		5.1.1. Rulings in Relation to the Application of the Penal Code	153
		5.1.2. Rulings in Relation to the Application of the Code of	
		Criminal Procedure	159
		5.2. Principles Established through Civil Court Rulings	170
		5.2.1. Civil Code	170
		5.2.2. Principles Established by the Tenancy Circuit	175
		5.2.3. Decisions Taken in Taxation and Commercial Circuits	176
		5.2.4. Decisions Issued by Personal Status Circuits	177
		5.2.5. Decisions Issued by Labor Circuits	178
	6.	Bibliography	180
11	Pro	ocedural Law (Civil Procedure, Criminal Procedure,	
11.		Iministrative Procedure)	181
		el-Sawi	101
		Definition and Classification	181
		The Development of the Code of Procedure	181
	┵・	ind postopinoni di die code di i ideadile	101

3	. Foundations and Principles of the Egyptian Judicial System	182
	3.1. Equality before the Judicial System	182
	3.2. The Gratuitousness of Litigation	182
	3.3. The Independence of the Judicial Power	183
	3.4. Two Degrees of Jurisdiction	183
	3.5. The Plurality of Judges and the Single Judge	183
	3.6. Publicity	184
4	. Jurisdiction of Courts	184
	4.1. Definition and Types of Jurisdiction	184
	4.2. Matters Which are Outside the Jurisdiction of the Judiciary	185
	4.3. Distribution of Jurisdiction between the Two Judicial Bodies	186
	4.4. Disputes Over the Distribution of Jurisdiction between Judicial Bodies	187
	4.5. Jurisdiction of Civil Courts	187
	4.5.1. How Distribution of Jurisdiction within	
	Civil Courts is Determined	187
	4.5.2. Classification of the Civil Courts	187
	4.5.3. Jurisdiction of Civil Courts	188
	4.6. The Judicial Section of the State Council	190
	4.6.1. Organization and Composition	190
	4.6.2. Areas of Jurisdiction	191
	4.7. Jurisdiction of Criminal Courts	195
	4.7.1. Jurisdiction of Criminal Courts in Criminal Matters	195
	4.7.2. Jurisdiction of Criminal Courts Concerning Civil Matters	
	Which are Crucial to the Determination of a Criminal Case	195
	4.7.3. Conflict of Jurisdiction	196
5	. References	196
12. I	aw Professionals	197
	I. el-Sawi	.,,
	. Judges	197
	1.1. Selection	197
	1.2. Duties	197
	1.3. Guarantees	198
	1.4. Incompetence, Challenge, Removal and Claim for	
	Damages against Judges	199
	1.4.1. Incompetence	199
	1.4.2. Challenge	200
	1.4.3. Removal	200
	1.4.4. Claim for Damages against Judges	201

	2.	Members of the Public Prosecution	201
		2.1. Legal Status	201
		2.2. Competencies	201
		2.3. Disciplinary Sanctions	202
	3.	Judge Auxiliaries	202
		3.1. Attorneys	202
		3.1.1. Duties	203
		3.1.2. Privileges	204
		3.1.3. Discipline	205
	4.	Experts	206
		4.1. Appointment	206
		4.2. Dismissal and Recusal	206
		4.3. Mission	206
		4.4. Report	207
		4.5. Discussion	207
		Clerks	207
	6.	Bailiffs	208
	7.	Translators	208
	8.	Duties of Court Employees	208
13.	Pr	rivate International Law	209
	<i>I.</i> .	A. Ibrahim	
	1.	Definition and Classification	209
		1.1. Definition	209
		1.2. Classification	209
		The History of Private International Law	210
	3.	General Principles and Jurisdiction	210
		3.1. General Principles	210
		3.2. Jurisdiction	211
	4.	Rules Applied in Legislation	211
		4.1. Nationality	211
		4.2. Personal Status: Marriage, Divorce, Filiation and Inheritance	212
		4.3. Property	213
		4.4. Obligations	214
	_	4.5. Enforcement of Foreign Judgments	215
	٥.	Rules Established by the Judiciary	215
		5.1. Nationality	215
		5.2. Personal Status: Marriage, Divorce, Filiation and Inheritance	216
		5.3. Property	217
		5.4. Obligations	218
	6	5.5. Order to Enforce (exequatur)	219
	ο.	Bibliography	219

14.	Administrative Law	221
	M. Rady	221
	1. Definition and Classification	221
	1.1. Definition	221
	1.1.1. Organization of Public Administration	221
	1.1.2. Administrative Activities	221
	1.1.3. Administrative Acts	221
	1.1.4. Resources of Public Administration	222
	1.1.5. Administrative Liability	222
	1.2. Classification	222
	2. Historical Background of Administrative Law	222
	3. General Principles and Competent Jurisdiction	223
	3.1. Principles of Administrative Law	223
	3.1.1. Specific Features of Administrative Law	223
	3.1.2. Foundations of Administrative Law	224
	3.2. Competent Jurisdiction	225
	4. Rules of Administrative Law: Applicable Texts	225
	4.1. Administrative Organization	225
	4.2. Administrative Activity	226
	4.2.1. Administrative Police	226
	4.2.2. Public Utilities	227
	4.3. Administrative Acts	228
	4.3.1. Unilateral Legal Acts	228
	4.3.2. Bilateral Legal Acts	230
	4.4. Administrative Liability	231
	4.5. Public Office	232
	4.6. Property of the State	233
	5. Applicable Texts: Judicial Rulings	235
	5.1. Organization of Public Administration	235
	5.2. Administrative Activity	236
	5.2.1. Public Utility	236
	5.2.2. Administrative Police	237
	5.3. Administrative Acts	238
	5.3.1. Unilateral Administrative Acts (Administrative Decisions)	238
	5.3.2. Administrative Contracts	240
	5.4. Administrative Liability	242
	5.5. Public Office	243
	5.6. State Property	244
	6. References	246
15.	Administrative Justice	247
	M. Rady	
	1 The Establishment of a System of Administrative Justice in Fount	247

	1.1.	The First Stage: Before 1946 and Until the Establishment of	
		the State Council	247
	1.2.	After the Establishment of the State Council in 1946	
		(the Dual Judicial System)	248
2.	The	Jurisdiction of the State Council in	
	Exe	rcising Administrative Justice	248
	2.1.	The Specific Criteria for Determining the Jurisdiction of	
		the State Council	249
		2.1.1. Actions Related to the Election of Local Bodies	250
		2.1.2. Actions by Civil Servants	250
		2.1.3. Challenges by Individuals or Bodies to Abrogate	
		Final Administrative Decisions	252
		2.1.4. Actions against Decisions of Administrative Authorities	
		with Judicial Jurisdiction	252
		2.1.5. Compensation Actions against Administrative Decisions	252
		2.1.6. Disputes Arising from Administrative Contracts	252
		2.1.7. Disputes about Taxes and Charges	252
		2.1.8. Nationality Claims	253
		General Criterion	253
3.	The	Structure and Organization of the Judicial Section	
	of th	e State Council	253
	3.1.	The Supreme Administrative Court	253
		The Court of Administrative Justice	254
	3.3.	Administrative Courts	254
	3.4.	Disciplinary Courts	255
4.		redures	256
	4.1.	Procedures before the Court of Administrative Justice and	
		before Administrative Courts	256
		4.1.1. Time Limits for Taking Legal Action to Abrogate a Decision	256
		4.1.2. Lodging the Petition	257
		4.1.3. The Petition and its Appendices	257
	4.0	4.1.4. Adjudicating on the Dispute	258
		Procedures before Disciplinary Courts	259
	4.3.	Before the Supreme Administrative Court	260
5.		ciples and Provisions of Administrative Law	261
	5.1.	On the Determination of the State Council Jurisdiction as	
		an Administrative Judicial Authority	261
		5.1.1. Acts of Sovereignty	261
		5.1.2. Legislative Restrictions on the State Council Jurisdiction	262
		5.1.3. Actions Undertaken by State's Authorities	263
		5.1.4. Professional Disputes	263

		5.1.5. Contracts	264
		5.1.6. Administrative Disputes	264
	5.2.	Actions for the Abrogation of Decisions	265
		5.2.1. Conditions for the Admissibility of Appeals	265
		5.2.2. Substantive Conditions of an Action for Abrogation	274
		5.2.3. Ruling on the Action for Abrogation	285
	5.3.	Actions for Compensation	286
		5.3.1. The Liability of the Administration on the basis of a Mistake	287
		5.3.2. Administrative Liability for Risks	295
	5.4.	Public Office and Public Officers	296
		5.4.1. Relationship between the Officer and the Administration	297
		5.4.2. Regulation	297
		5.4.3. Transfer	297
		5.4.4. Secondment	297
		5.4.5. Disciplinary Sanctions	298
		5.4.6. End of Service	300
	5.5.	Administrative Contracts	301
		5.5.1. The Legal Nature of an Administrative Contract	302
		5.5.2. Concluding an Administrative Contract	303
		5.5.3. Execution of the Administrative Contract	305
		5.5.4. The Rights of Whoever Contracts with the Administration	308
	5.6.	Public Rights and Freedoms	309
		5.6.1. Personal Freedom	309
		5.6.2. Freedom of Residence and the Non-Admissibility of	
		Deportation	310
		5.6.3. Right of Worship	310
		5.6.4. The Right to Litigation	311
		5.6.5. Economic Freedoms	311
		5.6.6. The Right to Security and Safety	311
		5.6.7. The Right to Establish Associations	312
		5.6.8. Freedom of Association	312
		5.6.9. Freedom of the Press and Publication	313
	6 D 6	5.6.10. Freedom of Movement and Travel	313
	6. Ref	erences	314
16.		tutional Law	315
	A. She		
		initions	315
		torical Developments and Subsidiary Subjects	315
		Historical Developments	315
	2.2.	Subsidiary Matters within the Scope of Constitutional Law	316

	3.	Fundamental Principles and the Role of the Judiciary	318
		3.1. Fundamental Principles Enshrined in the Egyptian Constitution	318
		3.2. The Role of the Judiciary in Protecting the Constitution	319
		Legislative Enforcement of Constitutional Provisions	320
	٥.	Bibliography	324
17.	Co	onstitutional Adjudication	325
	A.	Sherif	
	1.	A Short Historical Survey	325
	2.	The Competence of the Supreme Constitutional Court	326
	3.	The Composition of the Supreme Constitutional Court and	
		its Independence	327
	4.	Proceedings in Constitutional Actions	329
		4.1. Procedures before the Supreme Constitutional Court	329
		4.1.1. General Procedures	329
		4.1.2. Special Procedures	330
		4.1.3. Conditions of Admissibility	331
		4.2. The Constitutional Case	332
		4.2.1. Bringing Constitutional Cases before the Court	332
		4.2.2. Fees and Costs	335
		4.2.3. The Scope of the Constitutional Case and its Parties	336
		4.2.4. Conditions for Admissibility of a Constitutional Case	336
	5.	Examples of Cases Decided by the Supreme Constitutional Court	338
		5.1. In the Field of Civil and Political Rights	338
		5.1.1. Personal Freedom	338
		5.1.2. The Right to Litigation	339
		5.1.3. The Sanctity of the Home	340
		5.1.4. Freedom of Expression	340
		5.1.5. The Right to Defense	340
		5.1.6. Protection of Private Property	341
		5.1.7. The Principle of Equality	342
		5.1.8. Political Rights	342
		5.2. Economic, Social and Cultural Rights	343
		5.2.1. The Right to Education	343
		5.2.2. The Right to Work	343
		5.2.3. The Right to a Fair Remuneration	343
		5.2.4. The Right to Receive a Pension	343
		5.2.5. The Right to Form Trade Unions and Syndical Democracy	344
		5.3. In the Field of Taxation	344
	6	References	344

18.	. Press Law <i>K. el-Zoheiri and W. Rady</i>	
	1. Introduction	
	1.1. Evolution of the Legal Organization of the Press in Egypt	345
	1.2. Evolution of the Press Union in Egypt	346
	1.3. Current Constitutional Organization of Freedom of the Press	346
	1.4. Jurisdiction of the Courts in Crimes of Publication	347
	2. Organization of the Press under Law No. 96 of 1996	
	2.1. Publishing a Newspaper	347
	2.2. Editors-in-Chief of Newspapers	348
	2.3. Rights of Journalists	349
	2.4. Duties of Journalists	349
	2.5. Disciplining Journalists	350
	2.6. Ownership of Newspapers	350
	2.7. Management of Newspapers	350
	2.8. The Supreme Press Council	351
	3. Crimes of Press and Publication	353
	3.1. Attack against Honor and Consideration	
	(Defamation and Libel)	353
	3.1.1. Defamation	353
	3.1.2. Crime of Public Libel	354
	3.1.3. Important Rulings of the Court of Cassation in	
	Crimes of Defamation and Libel	354
	3.2. Ban Imposed on Certain Information	354
	3.3. Publication of False News	355
	3.4. Insults through Publishing	356
	3.5. Incitement through Publishing	356
	4. References	357
19.	Exceptional Laws and Exceptional Courts	359
	A. Seif el-Islam	
	1. Introduction	359
	1.1. Definition of Exceptional Circumstances	359
	1.2. Principle of Legality and Exceptional Circumstances	359
	1.3. Definition of Exceptional Laws	360
	2. Constitutional Provisions	360
	2.1 . Petty Danger and Rules of Delegation	360
	2.2. Regulations in Case of Necessity	362
	2.3. Emergency Regulations	362
	2.4. Regulations in Case of Serious Danger	363
	3. Ordinary Laws	363

	3.1. Emergency Law	364
	3.1.1. Why, How and When a State of Emergency	
	is Declared	364
	3.1.2. Authority in Charge of Emergency Regulations	364
	3.1.3. Legal System	365
	3.2. Law on Civil Defense	366
	3.3. Law of General Mobilization	367
	4. Exceptional Courts	368
	4.1. Division	368
	4.1.1. Definition	368
	4.1.2. Basic Features	
	4.2. Courts of State Security (Emergency)	369
	4.2.1. Types and Composition	369
	4.2.2. Competence	370
	4.2.3. Procedure	372
	4.3. Military Courts	372
	4.3.1. Competence	372
	4.3.2. Classification	373
	4.3.3. Military Courts and Ordinary Crimes	374
	4.4. Special Courts	375
	4.4.1. Treason Courts	375
	4.4.2. Revolution Court	375
	5. Bibliography	376
20.	Public International Law	377
	S. Amer	
	1. Definition and Classification	377
	1.1. Definition	377
	1.2. The Branches of Public International Law	377
	2. Historical Background	378
	3. Main International Treaties and Agreements Ratified by Egypt	379
	3.1. Treaties on Borders and Sovereignty	379
	3.2. Treaties and Agreements Related to the Arab-Israeli Conflict	385
	3.3. Treaties Related to the Codification of International Law	385
	3.4. Treaties Related to or Concluded within the Framework of	20.6
	International Organizations	386
	4. The Relationship between Egyptian Law and	200
	Public International Law	386
	4.1. The Provisions of the Constitution	386
	4.2. The Position of the Judiciary	388

	Table of Contents
5. Egypt in International Organizations	389
6. Bibliography	391
Glossary	393
Table of court rulings	437
Table of laws	457
Index	467