



Statement by National Election Authority on Legal Status of Lt. General on call Sami Hafez Ahmad Anan

Out of keenness on the part of the National Election Authority (NEA) to inform the public opinion inside and outside Egypt on the latest developments regarding the upcoming presidential elections,

Also in the light of the issues raised in local and media outlets concerning the decision made by NEA in its meeting on Tuesday, 23 January, 2018 to exclude the name of Lt. General on call Sami Hafez Ahmad Anan from the voter database in the upcoming presidential elections, NEA would like to announce the following:

First: In the light of the judicial composition of its board and in application of the provisions of the Constitution and Law, NEA deals with all parties on the basis of equality and neutrality, raising high the principles of the Constitution and Law in all the measures and decisions it takes in full independence.

Second: Excluding Lt. General on call Sami Hafez Ahmad Anan was based on official documents NEA received confirming that he is still an officer in the Armed Forces, has the military status and is subject to all relevant laws.

Third: A committee from NEA executive body was formed to check the documents referred to NEA including Mr. Amr Ahmed Abdel Razek, a lawyer who submitted a request to delete the name of Lt. General on call Sami Anan from the voter database. It has been proven to the committee that the certificate dated 23/1/2018 was issued by the department of Armed Forces Officers' Affairs stating that Lt. General on call Sami Anan is still in the military service, among the Armed Forces officers and maintains the military status up till the date of issuing such certificate.

Fourth: it has been proven to the committee that the aforementioned certificate that NEA received was issued by the department of the Armed Forces officers' Affairs by virtue of the judicial ruling of the Cairo Court for Urgent Matters in lawsuit No. 160/2018 stating in its wording that the Minister of Defense shall present this certificate.

Fifth: The committee concluded investigation and submitted a memorandum of opinion based on the following:

- Paragraph 2 of the first article of decree law No. 45/ 2014 on regulating the exercise of the political rights stated that officers and personnel of the Armed Forces whether main, auxiliary, and/ or supplementary and officers and personnel of the police, for as long as such are in active service in the armed or police forces shall be exempted from exercising political rights.
- Article 103 of law No. 232/ 1959 on officers service stated that officers shall be prohibited from expressing political or partisan opinions, working in the political field, belonging to politically oriented parties, authorities or associations. Officers shall be prohibited from taking part in organizing partisan meetings and/ or electoral campaigning.
- Article 147 of the aforementioned law stipulated that the Armed Forces officers shall serve in the Armed Forces until retirement according to the age bracket stated for each rank.
- The Armed Forces is entitled to call some retired officers who acquired special expertise to work for it.
- Article 6 of same law stated that consequent to calling a retired officer, he shall be back to active service and subject to all its laws.
- Decree law No. 133/2011 issued on 23 November, 2011 stipulated that members of the Supreme Council of Armed Forces (SCAF) already in service at that period shall be called upon retirement according to the legal age bracket of retirement to benefit from their expertise and in observance of the security and safety of the Armed Forces and national security.
- Given the aforementioned, Armed Forces officers and personnel including those who are subject to call might not exercise political rights as long as they are in service; as they are among the persons that are exempted, by virtue of law No. 45/2014 to exercise political rights unless their service was terminated or according to a request to terminate being on call that shall

be referred to the corps of the concerned officer to be presented to the specialized officers committee. Such committee is entitled to decide on accepting the termination of calling officers or rejecting it. The committee's decision shall be ratified by the General Commander of the Armed Forces and the Minister of Defense and Military Production.

In view of the above-mentioned and taking into consideration that Lt. General Sami Hafez Ahmad Anan is still in military service and is banned from exercising political rights and that he was unrightfully registered in the voter database in grave violation of the law, and that this decision is not immune and can be withdrawn at any time without abiding by the fixed dates of withdrawing such illegitimate administrative decisions, it was incumbent to exclude his name from voter database.

NEA stresses that Article 16 of the law regulating the exercise of political rights stated that it is impermissible to make any modification to the voter database after inviting the voters to elections. It has become crystal clear that Mr. Anan was not entitled to be registered in the voter database. Consequently, deleting his name from the voter database is a rectification of a mistake by the administrative body to register his name in the voter database. This is not considered a prohibited modification according to the aforementioned article.

NEA urges all local and international press and media outlets to be precise regarding the data and information and the news they release related to its work, shoulder responsibility and resort to official sources in NEA in terms of managing the electoral process. NEA appreciates the role of media outlets and is keen on communicating with, and providing them with correct information and statements.