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**FROM THE SECOND TO THE THIRD
REPUBLIC**



Woman holds poster of then Egyptian Defense Minister Field-Marshal el-Sisi with the caption "The Lion of Egypt" in Tahrir Square on July 19, 2013. (Photo credit: AP/Hussein Malla)

CONTACTS

Web:

<http://www.mcherifbassiouni.com>

Facebook:

www.facebook.com/mcbassiouni

Email:

cbassiou@depaul.edu

Tel:

+1 312.943.5797

Fax:

+1 312.943.2756

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MR. CHERIF BASSIOUNI
Emeritus Professor of Law
DePaul University College of Law
Chicago, IL, USA
❧

“Those who make peaceful revolution impossible will
make violent revolution inevitable.”

John F. Kennedy, President of the United States of
America. Address on the first Anniversary of the Alliance
for Progress, reception for the diplomatic corps of Latin
American Republics, 1962.

From the Second to the Third Republic

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❧ *The research assistance of Omar Sabry is gratefully acknowledged* ❧

I. Introduction

1. On July 23, 1952 a military coup led by 13 officers under the direction of Lieutenant-Colonel Gamal Abdel Nasser took the country by surprise while the King and the government had moved their offices for the summer from Cairo to Alexandria. Within 24 hours they took over control of the country and choose as their nominal leader Major-General Muhammad Naguib. He was a highly respected officer who had fought in the 1948 war against Israel and was wounded in battle three times. They also chose another respected political figure, Ali Maher Pasha, to be the designated prime minister. As the revolutionary forces surrounded the Royal Palace in Alexandria to force the King's abdication, in favor of his young six-month-old son Crown Prince Ahmed Fuad, the credibility that Ali Maher Pasha and Major-General Naguib brought to the process led U.S. Ambassador Jefferson Caffery to take an active role in these transitional events. The revolutionary officers acted in a proper and respectful manner by allowing the King and his family to depart from Alexandria to Naples, Italy on the royal yacht, al-Mahrusa, onto which the King's staff loaded 147 suitcases, many containing foreign currency and gold. At the dock Major-General Naguib and a number of officers of the Revolutionary Command Council were present and gave the king his last salute. Prime Minister Maher was also present, as was Ambassador Caffery. A Council of Regents was established consisting of three members: Prince Muhammad Abdel Moneim, Bahey El Din Barakat Pasha, and Brigadier-General Rashad Mehanna. The Council of Regents in effect took the place of the King, as Crown Prince Ahmed Fuad was still an infant. But that was merely a transitional period, and on June 18, 1953 the Revolutionary Command Council, whose titular head was still Major-General Naguib, but whose real leader was Lieutenant-Colonel Nasser, declared Egypt a republic. That was the First Republic.

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With the resignation of Hosni Mubarak (center) on February 11, 2011, the SCAF led by Field Marshal Mohamed Hussein Tantawi (left) took over legislative and executive powers. The two are shown here, with Chief of Staff Salah Halabiat (right), during a visit to the tomb of the Unknown Soldier to mark the 26th anniversary of the war against Israel in Cairo on October 5, 1999. (Photo credit: Aladin Abdel Naby/Reuters)

Mohammed Morsi (center) talks with Field-Marshal Hussein Tantawi (left) as soldiers perform during a medal ceremony for graduates at the Egyptian Military Academy in Cairo July 17, 2012. To their right is Lieutenant General Sami Hafez Anan, who was Chief of Staff of the Armed Forces at the time. (Photo credit: Sheriff Abd El Minoem/Egyptian Presidency/AP)



Temporary President Adly Mansour (right) sits next to Field-Marshal el-Sisi (center right) at a ceremony marking the anniversary of Egypt's accomplishments during the 1973 Arab-Israeli War on October 6, 2013 in Cairo. (Photo credit: AFP)

2. The First Republic lasted for all practical purposes until February 11, 2011 when its last president, Hosni Mubarak, resigned. The Supreme Council of the Armed Forces (SCAF), without any constitutional authority, took over the direction of the country on that day much as the Revolutionary Command Council

did on July 23, 1952, even though the 1971 Constitution was in effect and did not provide for such assumption of executive and legislative powers by the SCAF.

3. As discussed below, the SCAF ran the country until the presidential election of June 24, 2012 when Mohamed Morsi was elected president. (See Section III) During that period of time, like the 1952 Revolutionary Command Council before, the SCAF exercised executive and legislative powers. With the election of Morsi and subsequent to his swearing in before the Constitutional Court on June 30, 2012 (See Section IV), Egypt was under the Second Republic.¹
4. The Second Republic lasted until July 3, 2012 when the SCAF took over the country as described below in this section. On that date the SCAF appointed a Temporary President, Judge Adly Mansour, until then President of the Constitutional Court, as well as a Temporary Vice President, Mohamed El-Baradei, a pro-democracy leader who resigned in protest on August 14, 2013 over the Security Forces' repressive actions at al-Nahda Square and Rabaa al-Adawiya Mosque (See Egypt Updates 22, 23, 24, and 26).
5. President Mansour announced a timetable for the transition to the Third Republic (See Egypt Update 20, Paragraph 12) that included a revision of the 2012 Constitution that was drafted by the heavily MB influenced legislature under Morsi and supported by public referendum on December 15 and 22, 2012. On September 1, 2013 Temporary President Mansour announced the names of the "Committee of 50" that the SCAF appointed to make amendments to the 2012 Constitution. (A committee of 10 had spent the last 30 days proposing changes.) The "Committee of 50" was headed by Former Foreign Minister Amr Moussa who served under Mubarak and ran as a presidential candidate in the 2012 elections. The "Committee of 50" was carefully selected, and it excluded several political constituencies, including pro-democracy leaders and activists. It purposefully excluded representatives of the some 9 million Egyptian expatriates. This exclusion came despite the fact that expatriates have the right to vote and that they maintain their nationality by law even if they may have acquired another nationality. This is not, however, the first instance of discrimination against Egyptian expatriates who are specifically excluded from becoming candidates for

the presidency, including candidates whose parents have acquired another nationality. Many among the pro-Regime supporters would also like to exclude them from cabinet positions as well as legislative elections.



The “Committee of 50” tasked with revising the 2012 Constitution as they gather on December 18, 2013. Pictured sitting at the far left is Major-General Magdi Barakat, a senior officer with the Military Justice Program. (Photo credit: Pan-African News)

6. On January 14 and 15, 2014 the new constitutional text, which was a substantial rewrite of the approved 2013 Constitution, was submitted to a referendum as discussed below in Paragraph 50. Despite a low overall voter turnout of 38.59%, the Constitution received a high approval rate. It received 19,985,389 of 20,366,730 votes (98.13% of the total votes), but it has not yet entered into effect. The new constitution was an important step to usher in the Third Republic, which will come into being after the inauguration of the next president. The forthcoming presidential elections are scheduled for April 2014, and it is highly anticipated that Field-Marshal Abdel Fattah el-Sisi will be the victorious candidate. It is expected that soon thereafter, whether in 2014 or 2015, new legislative elections will be held. The time lag between the forthcoming presidential elections and the legislative elections will depend on how effectively the new president and his new cabinet will be able to take charge of the country, create a new sense of stability and confidence among Egyptians, obtain support from the outside world, and in particular secure financial support from Saudi Arabia and the United Arab Emirates to shore up the faltering economy (See Section VI).

7. To pave the way for the new el-Sisi presidency, Prime Minister Hazem el-Beblawy resigned from his post on February 24, 2014. The newly appointed Prime Minister, Ibrahim Mahlab, served under Mubarak and comes from the business sector² of what was discussed in Egypt Update 27 as being part of the “deep state.” There are a number of reasons for the resignation of el-Beblawy and the appointment of Mahlab. Among these reasons were the continuous labor strikes, increased public dissatisfaction over power disruptions and fuel shortages, the continued opposition campaign against the military establishment, the repressive actions taken by the Security Forces against Islamists and pro-democracy activists, the continued deterioration of the economic situation, and the increased social dissatisfaction. Mahlab is supported by the military establishment. He was the head of the largest government construction company, “Arab Contractors,” which had its origins under Sadat and maintained close ties with the military establishment. He is considered an effective manager with a good understanding of how to prioritize and implement programs.

II. How the Situation Evolved Between 2012 and 2014

8. The presidential elections of 2012 were the first free and fair elections Egypt had since the 1952 Revolution. This was due to the strong popular revolutionary movement of 2011 that consisted of two separate groups having two different goals. The one was the pro-democracy movement which started the January 25, 2011 Revolution and the other was the MB supported by the Salafists who rode on the coattails of the pro-democracy movement. The former was not unified and rather disorganized, mostly driven by a younger generation of less than 30 years of age whose ideals were high, but whose political experience was low. The MB and the Salafists, on the other hand, were highly organized and were a marriage of convenience. The SCAF (as described in Update 27, Paragraph 9) appropriately assessed the situation and allowed it to play itself out politically. While they controlled the streets and expanded their control over all

security aspects in the nation, they appeared to be the guardians of the nation and the insurers of a peaceful democratic process.

9. The election rules that were announced by the SCAF on January 30, 2012 appeared fair, and the election commission is believed to have acted in a fair and objective manner. The electoral process did not witness much violence or government interference. It was, by all accounts, an exercise in democracy. It was most rewarding to see how, after so many years of dictatorship and electoral manipulations, the electoral process could be so well functioning and how the people also showed a high level of political maturity. Regrettably, only 46% (23,672,236) of the electoral vote participated in the first round, and only 51% (26,420,763) in the second round. Of the two final candidates in the second round of voting, Mohamed Morsi of the MB received 13,230,131 votes and Ahmed Shafiq received 12,347,380 votes. This means Morsi received 51.73% of the vote. There were speculations at the time that votes for Shafiq may have been in fact grater than those announced and that the SCAF decided to allow the election of Morsi in order to avoid what they expected to be a violent, bloody confrontation in the event Morsi was not elected (See Egypt Update 27, Paragraph 9).³
10. Twenty-three persons initially registered as presidential candidates. On April 14, 2012 the Supreme Presidential Electoral Commission disqualified ten candidates: Omar Suleiman, Khairat El-Shater, Hazem Salah Abu Ismail, Ayman Nour, Ahmad Awad Al-Saidi, Mortada Mansour, Ibrahim El-Gharib, Mamdouh Qutb, Houssam Khayrat, and Ashraf Barouma.⁴ Thirteen candidates remained in the running, and these were Ahmed Shafiq, Abdel Moneim Aboul Fotouh, Khaled Ali, Mohammad Salim el-Awwa, Hisham el-Bastawisi, Abu el-Izz el-Hariri, Amr Moussa, Hamdeen Sabbahi, Mohammad Morsi, Abdallah el-Ashaal, Mahmoud Houssam, Houssam Khairallah, and Mohammad Fawzi Issa. On May 16, 2012, the latter candidate dropped out of the race in support of Amr Moussa, leaving the final count of candidates who entered the first round of the election at 12 (See Egypt Updates 14, 16, an 18).
11. While the pro-democracy movement was spilt and unable to back a single candidate, the Mubarak supporters were strongly behind Shafiq who also received

the mild support of the SCAF. This was only due to the fact that the SCAF was not willing, at that point, to take an open position in support of Shafiq in light of what it anticipated to be a strong MB/Salafist coalition. In that respect their assessment was correct. But the MB had originally supported Mohammed Khairat Saad el-Shater over Dr. Abdel Moneim Aboul Fotouh Abdel Hady (commonly referred to as Aboul Fotouh), who was previously in competition with el-Shater for the number two position in the MB, but who lost out in that internal race. El-Shater, a multimillionaire presently in prison awaiting trial, was probably the business front for the MB. He had strong connections with the U.S. and Canadian MB members and became the main link between the MB and the U.S. government. Aboul Fotouh formed his own party consisting mostly of MB and MB supporters who were more liberal and more pro-democracy oriented than the organization's mainstream was. He had strong support amongst MB and Islamists outside Egypt. The MBs only put up Mohamed Morsi as a precautionary step in the event anything would happen to their main candidate, el-Shater. And they were correct in so doing, as el-Shater was disqualified and that left only Morsi to run against Aboul Fotouh and Shafiq. Morsi was not the favorite, nor was he the strongest candidate of the MB. He was not the candidate of the Salafists, though he received their votes, and he certainly was not the candidate that that majority of the Egyptian people backed.⁵ He had limited experience in government. More importantly he was a figurehead for the MB. After he was elected, executive power was not truly wielded by him, his staff, or his government. Most political directives came from the Office of Guidance of the MB. For all practical purposes the MB had a shadow government and shadow ministers who were represented by unknown persons. These shadow figures administered by way of what, in their lingo, are called "dossiers" (or *mellafat* in Arabic). It soon became apparent that the country was being run by the MB Office of Guidance and by unknown and unaccountable persons within the MB structure. What also became apparent is that a program was in motion to transform the country into a theocracy.

12. In their grand scheme, the MB saw Egypt not as a nation but as a unit in the global "Islamic Nation" that they expected to bring about. They supported

Hamas politically as well as economically, extended their support to Libyan MB and Islamists, and reached out to their Tunisian and Syrian counterparts. In short, they were moving as fast as they could in establishing the foundations of the future Muslim Nation. The 2012 Constitution that was drafted by the MB/Salafist dominated legislature contained a very significant provision, namely Article 219, which required referral of challenged provisions to a committee of theologians in order to determine compliance with the Shari'ah, Islamic Law. This article was designed to pave the way toward a theocracy. But the MB failed to properly address the needs of Egypt and proved to be inept at government. Almost every issue, whether it be economic or social, was simply mishandled. The economic and social conditions of the country spiraled down as did its finances, notwithstanding the financial support the MB were able to obtain from Qatar (See Section VII). On the whole, they simply failed to address the basic needs of government and of the people. The military establishment was quite aware of that and did everything possible to enhance these difficulties and to make things more difficult for the MB government. The people got fed up with the theological goals of the MB and their failure in addressing the people's needs at almost all levels including education, public safety, health services, transportation, water resources, electrical and gas supplies, increased inflation, and increased costs of living. No society can tolerate so many hardships and countenance so many failures without losing faith in their government. This is what happened on June 30, 2013, a year after Morsi was elected. The military establishment, through the mechanism of the "deep state"⁶ (see Egypt Update 27, Section II), helped to precipitate the demise of the Morsi presidency and the MB. This was, and continues to be the open goal of the military establishment, and the historical goal of the "deep state"⁷ since the late 1950s. Any speculations about the demise of the MB and the Islamists is exaggerated and their future is unforeseeable for the next few decades.

13. In short succession, between February 2011 and July 2013 Egypt progressed through several phases:

- popular pro-democracy revolution
- a regime change with the resignation of President Mubarak

- free and fair elections at the presidential and legislative levels
- generalized dissatisfaction with the incompetency of the elected legislature
- the failure of the elected President Morsi and his government
- another popular uprising to remove the president and change the government.

14. There is no doubt that the uprising of June 30, 2013 represented the majority of the people's wills, and it was also strongly supported by the SCAF. Some would even argue the military establishment manipulated it. The military took over on July 3, 2013. It was a "military coup" but it was backed by popular revolutionary legitimacy since there was no constitutional process in place through which President Morsi could be removed from office. There was also no constitutional process in place that would have allowed for new presidential or legislative elections. The constitutional vacuum left effectively no other means available than the resort to popular revolutionary expression by the people taking to the streets as they did. It is estimated that 13 million people demonstrated in the streets on June 30, 2013 and 20 million people signed an electronic petition for the removal of Morsi. The number of those who voted with their feet in the streets on June 30 exceeded the number of those who voted for Morsi in 2012, as did the number of those who signed the electronic petition for his removal. The MB and their supporters claim that the "military coup" was without legitimacy, and in that respect they are mistaken because the "military coup" did have popular revolutionary legitimacy. What occurred was a clash between legality and legitimacy. The former is based on the formal and substantive legality of the process by which Morsi was elected president. The latter is based on the absence of any formal or substantive constitutional process to remove the elected president. This leaves no other option but that of popular revolution, legitimately expressed by the feet on the streets and by the electronic petition. The debate continues as

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Serving at the time as Minister of Defense, Field-Marshal Abdel-Fattah el-Sisi, meets with President Morsi in Cairo on August 13, 2012. (Photo credit: AP/Egyptian Presidency)

Field-Marshal el-Sisi announces Morsi's removal from office and the SCAF's takeover of executive and legislative powers on state television. (Photo credit: Egypt State Television/ AP)



Adli Mansour (C), the chief of Egypt's highest court, speaks after taking the oath as Egypt's interim president, in Cairo, on July 4, 2013. Mansour took the oath before the Supreme Constitutional Court. [Photo credit: CFP]

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the lines are drawn and as Egyptian society continues to be polarized and divided. The sequence of events from January 25, 2011 to July 3, 2013 has led to the military establishment's takeover, though it was done in a very artful manner as described in Egypt Update 27, Paragraph 9 and several previous Updates.

15. The Morsi presidency had the support of the U.S. and Europe. Upon its demise, however, the U.S. and Europe switched their support to the military. Such has always been the politics of major powers. They follow their interests no matter who they have to deal with. Geopolitics have strongly impacted what has occurred in Egypt, as has been described in Egypt Updates 24, 25, 26, and 27. This continues to be a factor. Because of the fast changing events in the region, it is difficult to foresee anything that is likely to lessen the support of the U.S. and Europe to the present course that the military establishment has traced for Egypt. Russia will become a new player in that equation as described in Egypt Update 27. How that will impact relations with the U.S. is yet to be seen. The U.S.



Secretary of State Hillary Clinton and Egypt's President Morsi meeting in Cairo in July 2012. (Photo credit: Reuters/Egyptian Presidency)

administration is likely to support continuation of military and economic assistance to Egypt, and it is not likely to look at the present state of affairs in Egypt as being anti-democratic. Any gain made in service of improving U.S. relations with the military establishment of Egypt is also a way of preventing Russia from making political and military inroads into that country. Israel is likely to continue to cautiously support the military establishment so long as it is curtailing Hamas in Gaza. However, Egyptian public opinion has consistently

been negative towards Israel and has been increasingly negative towards the U.S. How that will affect future developments is to be seen. Certainly the U.S. and Israel have to be very cautious in any public display that is likely to increase their respective negative perceptions among the Egyptian people.

16. Egypt's biggest challenge, which now everybody acknowledges even though it has been in the making for years (and particularly in the last three years), is the declining economic situation. This is due in large part to demographic increases and the deterioration of social values (See Section VI). How the expected new president is likely to deal with the myriad of problems that he will face is difficult to predict. But for sure he will not be able to satisfactorily address them all, and he will therefore likely generate opposition. He may, in the end, turn out to be the military establishment's sacrificial lamb if things do not go right. But to insure against such a turn of events, preliminary steps have been undertaken with the resignation of Prime Minister el-Beblawy and the appointment of a business oriented person, Ibrahim Mahlab, to said post (See Paragraph 6).

III. Egypt under the Supreme Council of the Armed Forces

17. For years the military industries (as described in Egypt Update 19) have been flourishing and able to expand without any public controls or accounting, and the senior military received the financial benefits. During the last 20 years of Mubarak's Reign, Field Marshal Hussein Tantawi withdrew the military partially from public life. The military was content to run its own affairs including its military-industrial complex and to keep out of what they surely must have perceived as the corrupt mess that Mubarak was creating. The military establishment during the Tantawi leadership years avoided confrontation with the Ministry of Interior, led by Habib el-Adly, a ruthless, cruel, and venal career police officer. He competed hard for Mubarak's shifting alliance, moving Mubarak's reliance for internal security from the military to the police. He succeeded but at an enormous human, social, and political cost. Tantawi wisely avoided confrontation and bided his time.

18. By 2010 it was clear that Mubarak wanted his son Gamal Mubarak to succeed him, something that the military opposed. The SCAF under Tantawi's chairmanship was unanimous in opposing it. In part this opposition existed because of Gamal's connection to the corrupt oligarchy, but also because he was not part of the military establishment nor had he developed any links with it over the years in which he ran the party of which Mubarak was the titular head. Conversely, the police establishment supported Gamal.
19. Personal reasons also made Tantawi oppose Mubarak's potential alternative choice for president, namely Major-General (Ret.) Omar Suleiman, who was then head of the General Intelligence Service (GIS) with the rank of Minister. This was due in part to the fact that Tantawi considered Suleiman his junior in rank, but mostly because of personal jealousy since Mubarak gave so much confidence and authority to Suleiman in matters of foreign affairs. What probably troubled Tantawi most was that Suleiman was more liked by the U.S. military and intelligence establishment than himself. When Mubarak resigned on February 11, 2011, Tantawi made sure that Suleiman, who had been appointed Vice President on January 29, 2011 would not succeed him as acting president.⁸ And when Suleiman wanted to run for president, a number of the individual petitions nominating him were found ineligible and he was thus declared not to be an eligible candidate. Instead, another retired officer was allowed to run, Lieutenant-General (Ret.) Ahmed Shafiq, former Air Force Chief under Tantawi and Mubarak's last appointed Prime Minister. Shafiq lost to Morsi by 882,751 votes, or 3.45 percent of the total votes cast (See Egypt Update 27, Paragraph 5 and Paragraph 9 above).
20. When the SCAF first assumed direct power in February 2011 after Mubarak's resignation, they took to issuing communiqués (*Bayan*), the same technique that was used by the Revolutionary Command Council under Nasser (1952-58).
21. The much-feared police general Habib el-Adly, former Minister of Interior, was arrested on Friday, February 18, 2011, a mere week after Mubarak's resignation.⁹ Mubarak and his two sons, Alaa and Gamal, were referred to

criminal trial over the killing of protestors and for charges of corruption. Businessman Hussein Salem, who had been close to the Mubarak family and who remains at large abroad, was also charged with corruption-related crimes (See Egypt Update 7, Paragraph 2.2). The Prosecutor General froze the assets of major figures in the Mubarak Regime and banned them from travel (including the former Minister of the Interior and the former Secretary General of the NDP). These early moves by Egypt's interim government under the SCAF indicated to many in Egypt and abroad that the SCAF were pro-reform, and that they believed in the ideals of the January 25 Revolution. On February 13, 2011 the SCAF outlined further steps: suspending (not abrogating) the 1971 Constitution, introducing limited constitutional amendments, disbanding both houses of Parliament, the People's Assembly (*Majlis al-Sha'b*) and the Shura Council (*Majlis al-Shura*), and pledging to hold legislative and presidential elections before the year was over (See Egypt Update 10, Section I).

22. On March 5, in a highly symbolic move, the headquarters of the police's State Security Investigations Service (SSI), the highest internal security body of the Ministry of Interior at the time, was stormed by protestors who were concerned about rumors that documents inside the building would be burned by the authorities to destroy evidence of many human rights abuses that were committed throughout decades of authoritarian rule.¹⁰ Subsequent to this, the SSI was dissolved on March 15, 2011 and was replaced by the Agency for National Security (*Qita' al-Amn al-Watani*). This popular outrage was well founded. Over the years, hundreds of thousands of persons were arbitrarily arrested, most of them mistreated, and a significantly large number of them tortured and killed, at the brutal hands of the SSI. Nobody knows the cumulative number, but one can easily estimate in the last decade of Mubarak's rule that an average of 10,000-15,000 individuals were mistreated and tortured on a yearly basis while an estimated 100,000 were routinely rotated in prisons for periods ranging from weeks to years. The state security courts and the military courts routinely sentenced hundreds every year to long-term imprisonment. The government's charges were always that these individuals and the groups to which they belonged,

whether they were the MBs or other smaller groups of Islamists, were dedicated to violence and were therefore considered “terrorists.” On the political front, everything was done to keep them away from legitimately exercising their political rights. The military establishment relied on the GIS to pressure State Security to engage in the above conduct whilst maintaining “plausible deniability.” The GIS, which was the primary organization carrying out these practices between the 1950s and 1970s, receded into the background under Mubarak. This was due in part to the need to project a new image, but mostly because the police wanted their share of the glory at being the guardians and the servants of the regime as well as the rewards for such services. These rewards were received in the form of bonuses and other fringe benefits.

23. For almost 30 years, the Ministry of the Interior under Major-General (Ret.) Habib el-Adly, dominated the internal security scene, acting with complete impunity and extending their political and social influence over the country. The military intelligence establishment maintained their role as the nation’s protector, and thus was in charge of external security, though still maintaining some influence over internal security. The SSI reaped many benefits, and turf battles between them and the GIS mostly concerned who would get more benefits for their operatives. This related also to struggles over internal political influence, because in the end that too translated into financial benefits. (Such benefits included highly lucrative jobs in the civilian sectors and business opportunities. Many business enterprises employed security chiefs and consultants who were former police officers, mostly from SSI. Governors would routinely court former SSI operatives as well.) Over the years, however, the military intelligence establishment came to resent all of these benefits and felt that the police establishment, with its political and economic alliances, composed the real “deep state” (See Egypt Update 27, Section II). The intelligence establishment desired to displace the ministry of interior from being at the epicenter of power. That is why after March 2011, the SCAF altered the landscape. The GIS is now firmly in control of all security, both external and internal, and the new SSI known as Egyptian Homeland Security, takes its direction from the GIS. The latter is

directed by Major-General (Ret.) Mohammed Ahmed Fareed al-Tohami, who was formerly Director of Military Intelligence (See Egypt Update 24, Paragraph 15 and Egypt Update 27, Paragraph 12). The SCAF is now once again at the epicenter of power and in control of the “deep state.”

IV. Mohamed Morsi's Year in Power

24. On June 29, 2012, Mohamed Morsi took an unofficial oath of office at Tahrir Square to symbolize his commitment to the January 25, 2011 Revolution. On the following day, June 30, 2012, Morsi was officially sworn in by Egypt's highest court as the country's first democratically elected head of state, becoming the fifth head of state since the overthrow of the Egyptian monarchy in 1952.¹¹ Later that day, he delivered a speech to an audience of domestic and foreign dignitaries at the University of Cairo into which he inserted language tantamount to another oath of office.
25. One of the first acts Morsi took after his election to the Presidency was to order the People's Assembly (the lower house of Parliament) back into session on July 8, 2012. Egypt's Supreme Constitutional Court (SCC) had ruled the electoral law, on the basis of which the parliamentary elections were based, was unconstitutional.¹² This put Morsi and the MB in immediate tension with the judiciary; a tension that continued to escalate throughout Morsi's year as President. The decree also ordered the constitutional assembly, consisting of members selected by the erstwhile parliament, to begin writing Egypt's new constitution, despite the SCC's ruling. The next day, the SCC rejected Morsi's decree and stated its ruling was not subject to appeal and remained binding on all state institutions. The speaker of the dissolved parliament, Saad el Katatni, sought an appeal from Egypt's Court of Cassation, but the latter rejected the request claiming it had no jurisdiction over the implementation of the June 14, 2012 ruling by the SCC on the constitutionality of the electoral law.
26. On August 2 2012, Morsi's first cabinet, headed by PM Hisham Qandil, was sworn in. Ten days later, on August 12, 2012, Morsi asked Mohamed

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President Mohamed Morsi addresses tens of thousands of Egyptians in a symbolic oath of office in Cairo's Tahrir Square on June 29, 2012. (Photo credit: AFP)

In this handout picture made available by the Egyptian presidency, President Mohamed Morsi (center) stands next to Faruq Sultan (left), head of the presidential election commission as he takes the oath of office during his swearing-in ceremony at the Constitutional Court in Cairo on June 30, 2012. (Photo credit: AFP/Getty Images)



Egyptian President Mohammed Morsi waves to guests after giving his inaugural address at Cairo University in Cairo on June 30, 2012. (Photo credit: Mohammed Abd El-Maaty/Egyptian Presidency/AP)

Hussein Tantawi and Sami Anan, then the Head and Chief of Staff of the country's Armed Forces respectively, to resign.¹³ Morsi replaced Tantawi and Anan respectively with Abdel Fattah el-Sisi,¹⁴ Egypt's current de facto ruler, and Lieutenant-General Sedki Sobhi.¹⁵ In addition, the Constitutional Declaration of June 17, 2012 that was issued days before Morsi was elected President and which had significantly restricted presidential powers in favor of the SCAF, was cancelled by the Presidency. These decisions came days after an attack on a police station in Sinai on August 6, 2012 killed 16 policemen. Major-General (Retired) Mourad Mowafi, then Chief of Intelligence, and other senior security figures, were dismissed by Morsi's government. Morsi also, in the absence of a functioning parliament, assumed legislative powers after cancelling the SCAF's Constitutional Declaration of June 17, 2012. Morsi appointed as his VP a senior judge Mahmoud Mekki, who was a leading figure in the movement for an independent judiciary during Mubarak's presidency.

27. On October 11, Morsi removed Prosecutor General Abdel Meguid Mahmoud from his position, in an attempt to defuse public anger over the lack of legal accountability for those who were responsible for the "Battle of the Camels" incident in the uprising in 2011.¹⁶ Morsi appointed a new Prosecutor-General, Talat Abdullah, in violation of the Supreme Council of Judges rules that do not provide for such presidential appointment. On November 24, 2012, a special chamber of the Court of Cassation, whose competence is to adjudicate judicial disputes, found the removal of Abdel Meguid Mahmoud in violation of existing judicial rules on the independence of the judiciary. (He was reinstated, but resigned three days later and is presently a Court of Cassation Judge sitting in the Cairo Court of Appeals.)
28. By then, many in the Egyptian public felt Morsi and the MB were attempting to dominate Egyptian political, judicial, and legislative life and began turning against the MB. In addition, during Morsi's year in office, public security deteriorated and the economy turned into shambles. The most controversial decision made by President Morsi, which signaled that a dictatorship was in the making, occurred on November 22, 2012 when Morsi issued a "Constitutional

Decree” placing his executive decisions beyond judicial review and giving himself full legislative powers until the new constitution came into effect.¹⁷ He also ordered the retrial of Hosni Mubarak and his top aides for the killing of protesters in the 2011 uprising. He argued this measure was necessary to protect the Revolution and to accelerate the transition to democratic rule. This decision sparked more than a week of violent protests between the opposition and Morsi’s supporters, and it resulted in the creation of the National Salvation Front, designed to bring different non-Islamist opposition groups together. The decision was also condemned by the Supreme Judicial Council, which described this development as an unprecedented attack on judicial powers. Morsi’s declaration was challenged before the Court of Cassation (the highest judicial organ in Egypt), which on July 2, 2012 declared that Morsi’s decision was in violation of the law on judicial independence. Morsi refused to enforce that ruling. On November 30, 2012 the MB-backed constitutional draft was passed a few days ahead of an expected ruling by the Supreme Constitutional Court that would likely have dissolved the Constituent Assembly that worked on the draft. The SCC could not deliver its ruling due to continued protests by MB supporters outside the court’s building, which prevented the judges from entering.¹⁸ With the Supreme Constitutional Court set to rule on December 2, 2012 on the dissolution of the Assembly, it stayed in session for more than 16 hours to push through a new constitution on November 29.¹⁹ The Court was never able to rule on December 2, however, because Brotherhood supporters staged sit-ins on the steps of the courthouse and refused the judges entry. On December 5, 2012, violent clashes occurred between Morsi opponents and supporters after large protests against Morsi’s expanding presidential powers outside the Presidential Palace in Heliopolis, Cairo.²⁰ Four days later, on December 9, Morsi annulled the November 22 decree that expanded his powers, but still went ahead with calling for a referendum on Egypt’s new constitutional draft on December 15.²¹ The 2012 Constitution passed amid nationwide clashes with a narrow majority of 63.8%, with only 32.9% of the electorate voting.²² The 2012 Constitution was thus born under a dark cloud, far from attaining a general consensus in Egyptian society.

On February 21, Morsi announced that new parliamentary elections would be held in several stages starting in late April. The National Salvation Front, a coalition of liberal and leftist parties, said it would boycott the elections until a new electoral law was promulgated to guarantee a free and fair vote. Egypt's Electoral Commission cancelled plans for this vote on March 7, 2012 after the Cairo Administrative Court ruled that the electoral law backed by Morsi needed to be reviewed by the SCC first.

29. Confusion, incompetence, and a lack of vision continued until the end of Morsi's rule. During Morsi's presidency the Office of Guidance of the MB made most decisions. Regrettably, however, whoever was calling the shots at the Office of Guidance, including the Guide himself, were ill prepared to administer a country. The MB leadership were men who had struggled for years to simply live another day given the brutal repression of the Mubarak regime and its predecessors, the Sadat and Nasser regimes. For 85 years, successive repressive governments had hounded the MB. Their principle enemy always has been the state security apparatus and, since the Nasser days, the GIS and the military establishment (See Paragraph 22).
30. Without a doubt, the MB has always had the goal of seizing power and turning Egypt into a theocracy, an Islamic run state. Their affiliates in other Arab countries also have the same goal. Ultimately, they hope to create an Islamic Ummah grouping all of the Muslim states together. But day-to-day, they have had to regularly struggle for their survival. And, for those who lived underground for decades, it was difficult for their eyes to adapt to the daylight and to being in government. One of the cardinal rules of underground survival is being trustworthy. But trust is not what is primarily needed in government; rather, competence is what is needed. The Morsi Government and the Morsi Presidency consisted of people who were trustworthy, but not necessarily of the highest levels of competence. Thus, they failed to adequately respond to the needs of a country that faced one unaddressed emergency after the other.
31. Opposition to Morsi and the MB continued to grow, and a petition started by a grassroots movement named *Tamarrud* ("rebellion") gained widespread

support around Egypt.²³ They called for massive demonstrations on June 30, 2013, and claimed to have gathered around 22 million signatures ahead of the demonstrations. A week before the demonstrations took place, on June 24, General Abdel Fattah el-Sisi delivered a statement that the military would not allow Egypt to enter a “dark tunnel of conflict,” that it had tried to avoid politics, but that it had a moral responsibility to protect the “will of the people.”²⁴

32. As discussed previously in Paragraph 14, on Sunday June 30, 2013, millions of Egyptians returned to the streets to express their disapproval of the MB’s government under President Mohammed Morsi.²⁵ This time, it was to prevent the country from becoming a theocratic dictatorship under the rule of the MBs. The President’s supporters expressed their stance in one suburban intersection of the capital. The opposition held peaceful demonstrations in major cities in the country, with Cairo having at least three major centers of protest. An estimated 13 million Egyptians protested the Morsi presidency, asking for his resignation.
33. The demonstrations of June 30 symbolically marked one year after President Morsi was sworn in as the country’s first free and fairly elected President. In response to the general deterioration of the political and economic situations, Egyptians demanded the resignation of President Morsi, a revocation of the 2012 Constitution, and a temporary return to the 1971 Constitution, until a new constitution could be drafted, and new parliamentary and presidential elections could be held.
34. There was no option for the Egyptian people but to take to the streets, because the new constitution that was ushered in by the Brotherhood and whose drafters were mostly MBs (60% of the members of the drafting committee) did not provide for an impeachment process. There was no other way to remove an incompetent president who had also taken upon himself both executive and legislative powers, and also placed himself above the law by declaring that his decisions were not subject to judicial review, even when their constitutionality was in doubt. This constituted an issue of legitimacy of the head of state that would have warranted impeachment. But in the absence of an impeachment

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process, legitimacy could only be reclaimed in the streets. Many in the west raise the question of whether the actions of the people on the street as of June 30, 2012 and the intervention of the military constituted a breach of legality – and that it was. But the question is whether it constituted a breach of legitimacy. In other words, if Morsi had breached legitimacy through the actions mentioned above and demonstrated incompetency to the serious detriment of the people while there was no way to address both of these issues in a constitutional manner, what else was there left to do? But for the Regime to place Morsi under arrest and to prosecute him for questionable charges and deprive him of due process is far beyond any justification. In December 2013, the UN Working Group on Arbitrary Detention at its 68th Session in Geneva found that the prosecution of President Morsi, as well as Dr. Ahmed Atty, violated Articles 9 and 14 of the International Covenant of on Civil and Political Rights (ICCPR). The preliminary opinion of the working group was forwarded to the Egyptian government for a response. As of the writing of this piece, March 6, 2014, no response has been received.²⁶



President Morsi detained in a glass, soundproof defendant's cage during his hearing on January 28, 2014. (Photo credit: Almasry Alyoum/European Pressphoto Agency)

V. A Return to Direct Military Rule

35. A leaked video of a closed-door meeting of military officers chaired by Field-Marshal el-Sisi was posted to youtube.com on October 2, 2013.²⁷ At the time el-Sisi was still serving under President Morsi, who had yet to be deposed. In the six-minute video clip the officers discuss possible means to restrain the media from open commentary on the army. Though el-Sisi advises restraint in dealing with the media, it is an ominous foreshadowing of what has become an institution wide crack down by the SCAF. This crackdown is evidenced in the trial of three Al Jazeera journalists who have been detained on absurd terrorism charges since December 29, 2013. As of the writing of this piece, their trial has been continued until March 24, 2014.²⁸ Since the SCAF deposal of President Morsi, at least 60 journalists have been detained, though the numbers could be higher.²⁹ Whereas President Morsi was largely unconcerned with a highly critical media, the SCAF appears to be taking no chances when it comes to the freedom of the press.
36. On July 1, 2013, the SCAF gave Morsi an ultimatum to respond to the will of the people within 48 hours. He rejected the request to resign and the military intervened by removing Morsi from power and installing the president of the Constitutional Court, Adly Mansour, as Temporary President, while also ending reliance on the 2012 Constitution.³⁰ A roadmap for the country's future was released on July 3, 2013 (See Egypt Update 20, Paragraph 12).³¹ Perhaps the most important provision in the Constitutional Declaration of July 3, 2013 was Article 23, which omits that the President of the Republic is the Head of the Armed Forces, a claim contrary to the argument that ousted President Morsi constantly made to confirm a Civilian Executive Branch's dominance over the military. In short, the military not only confirmed its autonomy in every respect, it placed itself outside any constitutional limit, which was a clear blow to democracy with serious consequences on the rule of law when it comes to military courts exercising jurisdiction over civilians. In short, the military was no longer under

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Egyptian anti-government protesters offering flowers to soldiers guarding Cairo's Tahrir Square, on February 11, 2011, a day after President Hosni Mubarak stepped down. The woman on the left is journalist and former presidential candidate Bothania Kamel. (Photo credit: Left - Patrick Baz/AFP; Right - Chris Hondros/Getty Images)



Anti-Morsi protesters push army soldiers standing guard in front of the presidential palace in Cairo on December 9, 2012. The night before, President Morsi refused to rescind the draft constitution that was strongly influenced by the MB. (Photo credit: AP Photo/Nasser Nasser)

An Egyptian army officer tries to control the crowd as he escorts an Islamist man out of Cairo's Al-Fath mosque where Islamist supporters of ousted president Mohammed Morsi held up on August 17, 2013.

The standoff began on August 16, with security forces surrounding the building where Islamists were sheltering. (Photo credit: Mohamed El-Shahed /AFP/Getty Images)



civilian control, but the controller of civilian power. So much for democracy in the making. Although the Declaration was well drafted, it is ambiguous and leaves many questions unanswered. For example, it suspends and yet at the same time relies on the 2012 Constitution, while at the same time relying on the 1971 Constitution that the 2012 Constitution supersedes. Once again this shows the continuing confusion in the use of constitutional instruments as a way of achieving the political goals of those in power.

37. The MB leadership responded on July 8, 2013 with a call to war against those they called *kuffar* (a religious renegade), which was a call for religious war and implied the right to kill the enemy.³² This was undoubtedly a call to violence, and a dangerous rhetorical escalation. The security services and the military responded accordingly, and shortly thereafter began a crackdown campaign against the MB and their supporters. On July 24, 2013, General Abdel Fattah al-Sisi, speaking on national television in front of graduates of the Military Academy, called for a public mandate for the military and police to protect the country from violence and “potential terrorism.”³³ His speech, coupled with recent statements from Temporary President Adly Mansour, stoked Islamists’ fears that a full-scale crackdown against them was in the making.
38. Several domestic and internationally brokered attempts at dialogue between the MB and the military-backed government failed, and MB protests and sit-ins grew around the country, particularly at two locations in Cairo, at Al-Nahda and Rabaa al-Adawiya Squares (See Egypt Update 25, Section IV and Egypt Update 26, Section II). MB supporters had been engaging in periodic public demonstrations in Cairo and elsewhere, and in Cairo their sit-ins were converted into inhabited makeshift towns with field hospital tents and pharmacies, as well as cooking, housing, and food storage tents.³⁴ Both of these camps had concrete and stone barriers made of stone blocks removed from the streets. They became fortified areas. Traffic was impeded and the inhabitants of these areas were prevented from access to their homes and from circulating freely in and out of their neighborhoods. On August 14, 2013, Egyptian Security Forces (police and army) acted with excessive violence to remove the MB and their supporters

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Egyptian security forces clear a sit-in camp set up by supporters of ousted President Mohamed Morsi near Cairo's Rabaa al-Adawiya mosque on August 14, 2013. (Photo credit: AP)



An Egyptian riot policeman points his gun towards at stone-throwers during the dispersal of the Rabaa al-Adawiya sit in. (Photo credit: AFP)

Egyptian security forces standing over protesters arrested during the clearing of sit-ins at Nahda Square in. (Photo credit: Ahmed Assadi/EPA)

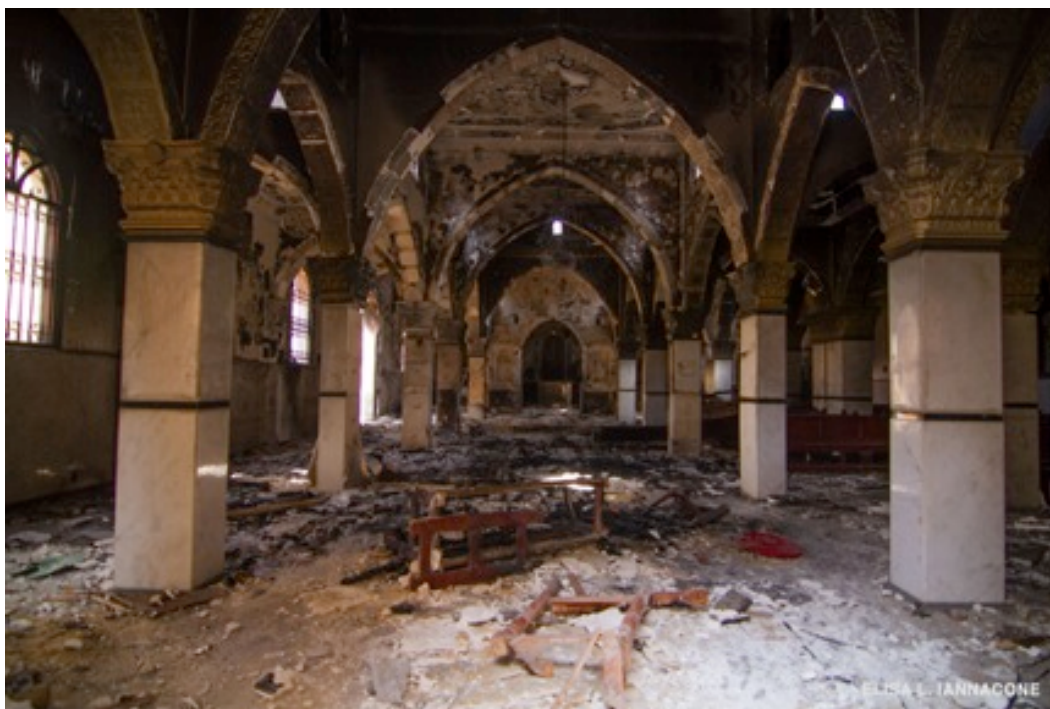


from these locations that they had occupied since 2 July after the ouster of then-President Morsi, killing over 1,000 over the next four days and injuring around 4,000 people.³⁵ Actions by the Security Forces appeared to be systematic both in terms of the tactics employed and the recurrence of similar patterns in various locations, particularly the two major locations of Rabaa al-Adawiya and al-Nahda Squares. The patterns include the use of bulldozers accompanied by security forces, with sniper fire from adjacent buildings and individuals dressed in civilian clothes who may or may not be part of the Security Forces, but who were apparently acting under their control. In some cases water cannons were used, and in all cases tear gas was used, as was live ammunition. Automatic weapons were also used. Those who were escaping were reportedly beaten, and many of them were arrested. Doctors and attendants at field hospitals in these areas were ordered to leave while injured persons were left unattended. Human Rights Watch described the dispersals as the worst incident of mass killing in modern Egyptian history.³⁶ After the incidents at the Rabaa al-Adawiya and al-Nahda Squares, demonstrators began to hold up four fingers during protests, referencing rabaa, the Arabic word for the number four and the name of one of the squares. Demonstrators also now regularly hold up signs referencing the four-finger gesture. This is consistently met with arrest by Security Forces, which is a clear violation of freedom of expression under any constitution that Egypt has ever had, as well as a violation of the ICCPR. It is unknown how many people have been arrested, how long they have been detained, and how many charges have resulted from people making this gesture. When persons are charged, it is usually on the charge of inciting violence, which is, on its face, questionable.

39. In response, the MB supporters engaged in destructive action against public and private buildings, such as churches and police stations around the country. Forty-two churches were attacked, 37 of them burned or seriously damaged.³⁷ This helped the Egyptian government portray their crackdown as a fight against terrorism, and this was widely believed by domestic media. As expected, this crackdown eventually extended to not just Islamists, but all those who are opposed to the military and the military-backed government. Most

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Egyptians support the crackdown and have turned against the MB and their supporters. Such action does not augur well for the future of democracy in the country, if for no other reason than the fact that a democracy cannot exclude a substantial portion of the population from exercising their political rights. The deep divisions between the secular and theocratic camps and the radicalization of their positions, particularly the high levels of violence described above and in Egypt Update 27, revealed a breakdown in the democratic discourse on both sides. A result of this polarization, xenophobia and discrimination against Palestinians and Syrians in Egypt has also risen, with many claiming that they are supporters of the MB.



The interior of the torched and burnt out Kerdasa Coptic church in August 2013. (Photo credit: Elisa Iannacone)

40. On October 6, 2013 at least 51 people were killed and over 250 injured in clashes in several Egyptian cities.³⁸ This was the highest death toll since the dispersal of the MB sit-ins. As thousands of Egyptians celebrated the national holiday in Tahrir Square with music and fireworks, Security Forces attacked anti-“military coup” Islamist protesters with tear gas and live ammunition, killing tens without much resistance from the Egyptian public.

41. Most of the MB's leaders are now either in jail or have fled the country. They include Mohamed el-Beltagi, Secretary-General of the MB Freedom and Justice Party (FJP); Mohamed Badie, Supreme Guide of the MB; chairman of the FJP, Saad el-Katatni; and leading member Khairat el-Shater. In addition, when Morsi was ousted and arrested, he was held incommunicado for four months until he appeared in court on charges of killing protesters in December 2012. The trial began in Cairo on November 4, 2013, ironically at the same location where Mubarak's trial took place.³⁹ Morsi faces a series of other charges, including conspiring with foreign organizations to commit terrorist acts and escaping from prison during the uprising in 2011. Satellite channels that supported the MB were taken off the air, the group's activities were banned by law, and it was deemed a terrorist organization.⁴⁰
42. The similarities between current events and events in 1954 cannot be ignored. The military regime in 1954, headed by Gamal Abdel Nasser, engaged in a fierce campaign of repression against the MB many of whose leaders were imprisoned and/or executed. Today, history is repeating itself. The military-backed government, with el-Sisi as de facto leader, is engaging in a similar campaign against the MB. To date human rights reports have found since the military takeover last July at least 3,000 people have been killed, 16,000 injured,



Two veiled Egyptian women, supporters of deposed president Mohamed Morsi, sit in front police standing behind barbed wire fencing that blocks the access to the headquarters of the Republican Guard in Cairo on July 8, 2013. (Photo credit: AFP Photo/Mahmud Hams)

and 22,000 imprisoned.⁴¹ But if the modern history of Egypt is to teach us anything, it is that these acts of repression will force dissident groups underground, which leads to further radicalization. This unfortunate turn of events comes at a time in which Egypt desperately needs a sense of national unity. The widespread support for the ongoing crackdown against the MB and their supporters is an indication that such national unity is far from being the reality.

43. As discussed in Section I, a new Constitution prepared by a “Committee of 50” established by Egypt’s military-backed government has been approved by a public referendum, and contrary to what was stipulated in the July 3, 2013 Constitutional Declaration, which clearly stated that legislative elections would precede presidential ones, it is now not clear which will take place first. It is in the interest of the military to have President el-Sisi in place as soon as possible.

VI. Economic and Social Conditions

44. A silent majority exists in Egypt, consisting mostly of the rural society and a majority of the lower economic echelons of urban society. Both of these groups are largely indifferent to the struggle for the country’s political control. Like their predecessors in history, going back to the time of the pharaohs, they are essentially interested in the needs of daily life and wish to keep national politics out of their day-to-day existence. For Egypt’s silent majority, their daily struggles are for the essentials of life: food, housing, health, and education, but also dignity.⁴² In the end, if their basic needs are met and their dignity safeguarded, they do not care much about who is the new pharaoh in Cairo. They simply do not care about what new deity or ideology is being touted in the capital of power, be it in previous times in Thebes or Tell el-^cAmarna, or in recent times in Cairo. And so it seems to have been for 7,000 years, and this period of history is no different. For these masses, nothing much changes, no matter what regime change takes place in the capital. To them it is about life’s needs, not who wields power, unless that power affects them negatively. Then, they revolt.⁴³



A young girl walks among the trash of a Cairo slum in June 2011. (Photo credit: urbanpeek.com)

45. What has significantly changed over the last half century is the erosion of traditional social values. As economic and social conditions have gradually worsened, with high demographic increases and populations shifting from rural to urban areas, the social values that kept Egypt going for so long have reached an all-time low point. This explains the absence of public order, the increased rate of criminality, and what can be called the ungovernability of Egyptian society. This sociological phenomenon, which also carries with it socio-psychological implications, has had significant consequences on what has become the dysfunctionality of society. The general sentiment of uneasiness in society produces in turn a feeling of instability and fear. The Egyptian people want stability and that is essentially why they support the present Regime. To most it simply means that the military can provide stability, and that is more important, at this point, than democracy. This is how most Egyptians perceive the situation, and it is the reason why society is so polarized, with the majority on the side of “law and order.” The majority’s concerns are essentially about what the nation has become and its bleak future, which they see as requiring a sharp correction from the present course of events strongly led by a decisive and value-driven

leadership. And that, at this point, means the military. The MB believed that this is what they could, and still can bring about. The military and their supporters from many sectors of society claim the opposite. The military has been given a popular mandate to restore stability and salvage the economy, and they will be expected to deliver. If they fail there will be a new popular upheaval against them, no matter what the consequences.

46. The conditions of economic and social rights in Egypt are appalling. Millions live under the poverty line and in unsanitary conditions, socioeconomic inequality is stark, the quality of public education is abysmal, and corruption and the absence of the rule of law is hampering progress in the respect for economic and social rights. Below is some data concerning the gravity of the conditions of millions of Egyptians.

- The 85-million population is increasing at an exponential rate, and in 20 years, it will be 100 million. An indeterminate number of persons have moved from rural to urban areas, particularly Cairo, where an estimated 2 million people have been added to the already over-populated city of an estimated 16 to 18 million (the numbers publicly available appear to be uncertain).
- At present, 50% of the 85 million are under 30 years of age, and in that age group, 60% are unemployed. That is an estimated 26.5 million, among whom an estimated 20 million are at or below the poverty level.
- An estimated 25% of the population (if not more) lives at or below the poverty level and within that group, an estimated 5 million people live below the hunger level.
- There are at least tens of thousands of street children on the streets of Egypt, mostly in Cairo and Alexandria, according to estimates by NGOs.
- An estimated 12 million people live in hundreds of slums across Egypt. They live in appalling squalid conditions, and many of them are without legal identities. They have no sufficient municipal

services, such as electricity, roads, sewage, water, public health services, and public safety, which is creating additional pressure on the city's administration and on public security.

- It is estimated that between 16,000 and 20,000 hectares of agricultural land are lost annually due to illegal building and urbanization, which further aggravates the food deficit in Egypt due to a reduction in agricultural production. Even though this is in violation of the law, the authorities (namely the police, prosecution, and the judiciary) are simply unable address this situation.

47. As for Egypt's economy, principal sources of income are tourism, the Suez Canal, remittances from Egyptian expatriates, and foreign investments. All of these have been in serious decline since 2011. As a result of the situation in the Sinai, as well as the demonstrations in Cairo and attacks upon Copts in southern Egypt, tourism continues to stay down, with a significant loss of income and a high level of unemployment in the tourism sector. It should be noted, as mentioned above, that 50% of the population is under thirty, and within that group there is a 50-60% unemployment rate and a medium income fluctuating between two and five dollars a day. The inflationary spiral continues to rise as the value of the Egyptian pound decreases against major foreign currencies, and the cost of living increases. The dollar, which in December 2010, almost a month before the January 25 Revolution, was 5.5 pounds. At the end of January 2014, it is 7.7 pounds. This significant decrease in the value of the pound translates into a high level of inflation and increase in the cost of living, which mostly affects those at and below the level of poverty. It also significantly affects those in and below the middle class. Considering that an estimated 20 million Egyptians live at or below the level of poverty, the increase in the cost of living threatens the marginal status of that segment of the population, risking pushing more Egyptians below the level of poverty.

48. Problems concerning the Egyptian economy are closely related to issues of social development and of the political system. Any revolution by definition is disruptive of the economic and social order, but the continued violent and

confrontational events, which commenced in January 2011 and continue to date, have not only brought the economy to a standstill, but also caused it to regress significantly. The population feels its impact, but its gravity has not yet hit home. Succeeding governments since 2011 have been unable or unwilling to address the situation. Neither these governments nor the military have raised this matter publicly, probably fearing that this would fuel additional instability. Whilst Egyptians continue to feel the consequences of the dire economic situation in Egypt, many do not have an in-depth understanding of what it will take to remedy this situation.

49. The foreign currency reserves have gone down continually since January 2011. In January 2011, Egypt's foreign currency reserves were 39 billion USD. Estimates indicate that by April 2013, they were down to 14.4 billion USD, and that in 2012 5 billion USD was lost to capital flight. (See Egypt Update 24, Appendix). As a result, all Egyptian external financial transactions are now handled on a cash basis. For all practical purposes, Egyptian credit is at its lowest level ever. What is shoring up its financial situation are deposits by Saudi Arabian, UAE, and Qatari investors. The exact extent of their support is not known, nor are the terms of these deposits. The Egyptian press has reported unverifiable figures regarding some of these deposits as either long-term loans or direct credit assistance to Egypt. Subsequent to visits to Egypt by Saudi Arabian and UAE investors in August, there has been no publicly available information as to how much of these pledged amounts have been paid into the Egyptian treasury or Central Bank and what their terms and conditions are.⁴⁴

50. This puts Egypt in the same condition it was in the late 1980s and early 1990s. The IMF loan during that period included a pledge by the Mubarak government to halt subsidies for petroleum products, particularly gasoline for cars, as well as other food staples, but that was never implemented. Similarly in 2012, there were negotiations between the Egyptian government and the IMF for a \$4.5 billion loan, but conditions on subsidy removals were not carried out because of the high rate of inflation, which varies in its estimate from 13% to 17%, with a particular price increase in basic food staples. This affects millions of Egyptians,

and more particularly the estimated 20 million who live on an income of 5 to 7 Egyptian pounds a day (the present rate of exchange is \$1 USD = 7 EGP, having gone up in two years from 5.5 EGP). Thus, an estimated 25% of the population (if not more) lives at or below the poverty level and within that group, an estimated 5 million people live below the hunger level. One has only to consider these facts to realize the seriousness of the present condition.

51. Two socio-economic factors that have had a significant impact on the economy, mentioned earlier in this section, are as follows. The first is an indeterminate number of persons who have moved from rural to urban areas, particularly Cairo, where an estimated 2 million people have been added to the already over-populated city of an estimated 16 to 18 million (the numbers publicly available appear to be uncertain). Most of these rural migrants have added to already-existing shantytowns that have no sufficient municipal services to support the existing let alone the enhanced population, such as electricity, roads, sewage, water, public health services, and public safety. This is creating additional pressure on the city's administration and on public security. The second factor has to do with the expansion of unauthorized buildings and houses in rural areas, which encroach on agricultural land, thus reducing agriculture production. Even though this is in violation of the law, the authorities (namely the police, prosecution, and the judiciary) are simply unable address the situation.
52. Egypt already imports 40% of its food requirements due to reduced agricultural productivity and an exponential increase in population. It is estimated that in less than 5 years, 55% of Egypt's food supplies will be imported. Unless a major agricultural development plan is put in place by the government in the next year, the food supply crisis or at least the increase in the price of food staples, will continue to spiral at a rate that a substantial portion of the population will not be able to afford. This, in turn, will have significant social and political consequences.
53. As stated in several previous updates, income from the tourism industry has gone down from 2010 to 2013 by 70% to 75%. (See Egypt Update 23, Paragraph 53). In addition to the revenue loss and the loss of jobs and taxes, there

is also an unforeseen loss that has yet to hit the market. This relates to the inability of tourism projects to repay their loans, particularly the financing of land and buildings and related industries, which may cause a significant series of bankruptcies whose impact on the economy would be quite significant. In the last few years, starting under the Mubarak regime, there had been instructions for private and central banks to extend credit limits to tourism and industrial projects. This has continued under succeeding governments since the January 2011 Revolution, but there will come a time when banks will not be able to extend such credit limits. It is unknown what the government policy will be at that time. It could be that the government will simply buy out these loans and then seek to administer or resell these projects. If it opts for resale, it is not likely that the government will be receiving more than 50% of the outstanding loans. Whether the treasury can support another such loss is questionable, but what is also unclear is that the sale of an important part of the Egyptian economy may well be to investors from Gulf Arab states, thus further reducing Egypt not only to be beholden to these states economically, but to literally be substantially owned by them. How this will sit with Egyptians and their sense of national pride is yet to be assessed. Considering the historic national pride of Egyptians, it is not likely to sit well or at least not for too long. In turn, this will also have social and political consequences.

54. With respect to the recovery of assets stolen by Mubarak-era businessmen, there has been no progress. In fact, the government has recently announced that it is now open to “reconciliation” initiatives with exiled billionaires and convicted Mubarak cronies who engaged in corrupt practices and stole the state’s assets, and that such reconciliation deals may be reached by committees appointed by the Prime Minister and Justice Minister, or they can be brokered by the General Prosecutor, who is appointed by the president. This was discussed and predicted in Egypt Update 23, Section VII. Hussein Salem, who made billions of dollars in the energy, arms and hospitality industries and who was so close to Mubarak the latter gave him a monopoly on gas exports to Jordan, Israel, and Spain, recently made an offer of \$3.6 million to help improve the country’s tourism industry and

repair police stations, churches, and mosques if charges against him are dropped. This offer was welcomed by the Egyptian government, as was evident in a statement by Hany Salah, Cabinet Spokesman. In May 2012, before Mohamed Morsi became President, Salem had made an offer of at least half his estimated \$1.6 billion in wealth in exchange for settling the charges against him.⁴⁵ Other businessmen are expected to make similar offers. Needless to say, these developments do not bode well for transitional justice, and create a climate in which there are no deterrents to the corrupt practices that were the hallmark of the Mubarak regime.

55. The culture of corruption created by thirty years of the Mubarak Regime is so entrenched at all levels of government that it is also impeding economic projects and in some cases, even precluding them altogether, as in the case of foreign direct investors, who cannot participate in bribes of public officials and other corrupt activities. A number of such projects have had to be cancelled because of outright solicitation of bribery and of the need to provide concealed bribes in the form of consultancy fees to well-connected consultants. For example, one such project involved the building of a fast railroad track connecting Upper Egypt to Cairo, which did not materialize as a result of this situation.⁴⁶ The financiers of this project ultimately went to another Arab country. These entrenched corrupt practices of the Mubarak era that persist to this day, have placed a halt on beneficial public-private partnerships in the infrastructure sector as well as a halt of foreign direct investment.
56. It has been reported that since the January 2011 Revolution a large number of industries, large and small, as well as small businesses, have been laying off workers and employees. Some have even suspended production while others have closed down temporarily or permanently. There is no reliable estimation of how much of that private sector business has gone under, nor is there an estimate of the number of people who have been suspended or permanently lost their jobs. The only sector of the economy that continues to function with no apparent loss seems to be military industries that accounted pre-2011 to an estimated 30% of the national economy. Considering all of the setbacks in the public and private sector

economy, this percentage must have increased, thus making military industries the backbone of the declining Egyptian economy. The government reported that in 2013 there were 24% more bankruptcies than in 2012. Unofficial reports have bankruptcies rising every year since 2011.

57. None of the governments since the January 2011 revolution have proposed a national economic development plan, which should more appropriately be called an economic emergency development plan, because current economic conditions constitute an emergency. No such plans appear to be in the making. There is simply no economic vision.

VII. Transitional Justice

58. Since January 2011, there have been no adequate transitional justice initiatives by the Egyptian government to address human rights abuses over the past decades. Whatever was proposed was nothing more than window dressing. The term transitional justice is alien to the Arabic language, because the word “transitional” modifies the word justice and that is simply inappropriate. The concept is not understood as well as it is in the West, particularly in the United States. Reconciliation is, however, something well ingrained in both the Arab and Muslim tradition.

59. In several previous Egypt Updates, I recommended the establishment of either a national or international commission of inquiry following the model of the Bahrain Independent Commission of Inquiry (BICI). Any such commission should have all the guarantees of independence. It should receive the cooperation of the Regime, all political forces in Egypt, the international community, and domestic and international civil society. The Commission should consist of persons of the highest level of integrity, competence, and experience and be given the resources and guarantees of freedom of action in order to achieve impartial and fair fact-finding. It should ultimately provide an assessment of what occurred, as well as a determination of where responsibility lies, particularly with respect to

international criminal responsibility for what could be considered crimes against humanity, torture, and violations of internationally protected human rights.

60. On December 21, 2013, Temporary President Mansour issued a decree ordering the creation of a “national independent fact-finding commission to gather information and evidence for the events that accompanied the June 30, 2013 revolution and its repercussions.” The decree appointed international law professor Fouad Abdel Moneim Riyad as its President. Dr. Riyad served as a judge at the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague, and he has taught at Cairo University and at The Hague Academy of International Law. The Deputy Head of the Commission is Dr. Iskandar Ghattas, former assistant to the Minister of Justice for international cooperation. The remaining members of the commission are Dr. Hazem Atlam (professor of international law at Ain-Shams University), Dr. Mohamed Badran (professor of public law at Cairo University), and Dr. Fatma Khafagi (Director of the Ombudsman Office at the National Council for Women). The decree assigned the commission to work for six months, after which it should deliver its final report and recommendations to the Egyptian President, no later than June 21, 2014. The decree stated that it is up to the commission to set its own organizational framework, work structure, and investigation mechanisms; which includes the organization of meetings, collecting testimonies, and conducting discussions when necessary. In its final report the commission should incorporate an analysis and a description of the events including how they occurred and escalated. It should specify the main actors in those events, and clarify their repercussions. The decree clarified that the commission has the right to review previous investigations, statements of fact, and information and evidence related to crimes that might have been committed against citizens and have not been investigated previously. The seventh article of the decree requires “the state apparatuses and the relevant authorities to cooperate with the commission and provide it with any information, data, documents, or evidence, in relation to the events, upon its request”. The decree creating the fact-finding commission has, however, several

shortcomings. It largely lacks the necessary elements to ensure the commission will be able to undertake its assigned tasks and to accomplish its goals.⁴⁷

61. The Egyptian military and Security Forces have always been sensitive to criticism and have always been reluctant to explain or defend their conduct. Instead, they usually offer dogmatic answers that are not open for discussion or debate and are not necessarily backed by facts. This excessive sense of pride is invariably counter-productive, but that lesson has yet to be learned. Only independent, fair, and impartial fact-finding can be the basis for future reconciliation and for the ultimate establishment of the rule of law and democracy in Egypt. Whether the commission in the above paragraph will be fair and impartial, and whether it contributes to accountability for those who are responsible for past human rights abuses, remains to be seen.

Dr. Fouad Abdel Moneim Riyad,
shown here in his office, will head
up the commission authorized by
Temporary President Mansour.
(Photo credit: Al-Ahram)



62. It is well known and well documented that there has been reciprocal violence by and between Security Forces and some MB elements. The Security Forces have suffered deaths and injuries. Public and private property has also suffered damages. The government has not issued any reports on these incidents. Nor has it issued any cumulative reports on the number of persons the Security Forces have killed, injured, arrested, mistreated, and prosecuted. They are also silent on the large-scale arrest of and intimidation of journalists and large-scale arrests of people charged with demonstrating without a permit. This is a clear violation of constitutional and international human rights to the expression of freedom of opinion exercised in a peaceful manner. This situation goes back to the beginning of the 2011 Revolution. It includes the use of snipers by the same Security Forces who were then operating under the Mubarak regime and who are

alleged to have killed between 800 and 1,000 peaceful demonstrators. They also participated in the arrest and detention of an estimated 12,000 persons during 2011, many of who were placed in military custody and brought to trial before military tribunals without due process. Many women were abused by the military, particularly when they were running virginity tests as described in Egypt Updates 7, 8, 10, 14, and 25. A more complete record of these repressions is described in Egypt Update 26, Section II. New reports continue to surface such as the death of 37 prisoners outside the prison of Abu Zaabal on August 18, 2013.⁴⁸ None of this has been addressed in any transitional justice initiative except for a reported fact finding commission established by President Morsi in 2012 which found the military to have committed a number of abuses including the killing of 28 peaceful Christian demonstrators (Coptic) at Maspero street on October 9 and 10, 2011 who were demonstrating against discrimination. They were demanding greater protection from Islamists in different parts of the country, as they were attacking the Copts and their churches, in particular in Upper Egypt. That report was never made public because of the strong opposition by the SCAF. They even forced Morsi to go out to the headquarters of the SCAF for a meeting with its members to ensure them that the fact-finding report would not be made public. Morsi then made a speech that was publicly televised in which he supported the military. After the speech he stood among the SCAF officers for a picture that appeared in all the domestic newspapers. In other words, Morsi backtracked as he consistently did in order to keep the military establishment on his side. This was obvious in the concession to the military contained in the MB drafted Constitution of 2012.

63. The recent initiative of the fact-finding commission lead by Professor Riyad mentioned above does not include any of the events that occurred before June 2013, thus giving both the military and the security forces impunity for what they have committed in the past. But, in so doing, the Regime missed the opportunity failed to show the extent of the harm done by some elements of the MB in a number of incidents, some particularly gruesome. Such was the case of the “Friday of Rage” on January 28, 2011 when Islamists broke out of the Wadi

el-Natroun prison and killed some 200 police and security officers, several of whom were discovered with slit throats.⁴⁹ The policemen were unarmed at the time. Under the Shari'ā, as well as under Egyptian law, these policemen should not have been harmed, let alone killed in such a cruel manner. Violent acts like this should have been included in the mandate given to the commission led by Professor Riyad.

64. On the whole, the failure to have a comprehensive fact-finding process does a disservice to the nation. History will not forget and the Egyptian people will not forgive whom it was that engaged in unlawful violence causing human and material harm to the people of Egypt. In three years it is estimated that 3,000 persons have been killed, maybe as many as double that number who have been injured, 22,000 persons detained, over 12,000 against whom criminal charges have been brought before the military and civilian system of justice (including some 200 journalists). Attacks have taken place upon the physical integrity and dignity of women demonstrators, freedom of expression taking in different forms, public and private property including destruction of historical and cultural artifacts and sites.

65. On March 5, 2014 the National Council for Human Rights (NCHR) held a press conference regarding a forthcoming report to be released after March 16, 2014 on the violence surrounding the dispersal of the Rabaa al-Adawiya sit-in on August 16, 2013. The NCHR's report places blame primarily on a "small group of armed protestors" within the sit-in campsite. The committee's report describes this group as inciting the violence of August 16 by firing at Security Forces who then responded using excessive force. Further failures of the Security Forces to be detailed include: not providing adequate time for protestors to vacate after warnings were given, failure to secure safe exit points, and "failing to use self-restraint." NCHR member Nasser Amin, who led the press conference, also noted that the committee was unable to obtain the official dispersal plan from the Ministry of Interior. It is believed that the report will be reviewed by security agencies before it is published, and that means that it is likely to be toned down in connection with criticism of the security forces. Also

troublesome about the report is that the NCHR places the overall death toll at 632, relying on numbers provided at the time of the incident by the Ministry of Justice's Forensic Authority. Eight of those deaths were found to be police officers, while most of the others are reported as peaceful protestors. Wiki Thawra, an independent website dedicated to documenting the events since the 2011 Revolution, places the number much higher at 969. (The Forensic Authority's figures do not reflect those who died of their wounds subsequent to the events in question.)⁵⁰

VIII. Post Scriptum

66. Since the founding of Egypt's modern state under Muhammad Ali Pasha in 1805, it has never faced such an existential crisis. Economic, demographic, political, and social factors as well as geopolitical factors have all converged at this time. Combined they constitute the present crisis. This is not to say that things cannot get better or worse. The general awareness of this crisis is not however matched by any vision, let alone an overall strategic plan, to address these converging challenges. This is not to say that Egypt is close to an abyss and likely to fall in it without any other way out. It is simply to say that the abyss is not far off and that once the country has reached it, it will be difficult pull back from the fall. This is not a pessimistic view, because I am convinced that the fall is not inevitable, it can be avoided. But as any reasonable observer would conclude it first requires an accurate assessment of all of the factors mentioned above, their interrelationship, and how their convergence can create an exponential series of consequences. The need for a vision is essential. The bridge that connects the vision and the strategic plan also needs to be built. Regardless of the words chosen, the vision and the plan must enlist popular support. The future of Egypt will not depend on the percentage of the vote that el-Sisi will get at the forthcoming presidential elections. It will depend on what concrete plans for the next decade that he has to offer, and more importantly if he can engender popular enthusiasm for it and popular participation in it. The initial

popular success of the 1952 revolution was that it placed a shared responsibility on the leadership and on the people. One of the main popular anthems developed at the time had these words in the lyrics, “put your hand in my hand and we will build the nation.” The main popular motto, which was plastered on all of the walls of cities and villages, was “Unity, Discipline, and Work”. The people were expected to commit to the changes in society, to stand united, to work together, and to be disciplined. Discipline, however, is a social characteristic that is fundamentally lacking in Egyptian society, now more than ever. The fact that the Egyptian people are willing to give all powers to el-Sisi and to the military establishment is not the solution. There is no magical wand that el-Sisi can wave that will solve all or even most of Egypt’s problems. Without the people’s commitment to the social values expressed in the older revolutionary slogan of “Unity, Discipline, and Work” there is no way that the nation’s problems will be solved.

67. In a year from now, if today’s problems remain as they are (even if somewhat lessened), the people who will have given their unfettered support to el-Sisi and to the military establishment will turn against both. By then el-Sisi will no longer look as dapper in his civilian clothes as he does in today’s military regalia. He is likely to put on some weight and appear burdened with the problems he is sure to face, and the usual satire of the Egyptians will target him personally. The bloom will be off the rose. The military establishment will likely blame el-Sisi for the failures to resolve intractable problems that no single individual can be expected to solve. But even if he becomes the scapegoat, the military establishment will have a hard time saving itself from public disappointment and maybe even public anger.
68. It is then that the Egypt revolution could reignite and enter yet another phase. Whatever such circumstances bring cannot be predicted, but it is not likely to result in stability, order, economic growth, and above all in democracy and freedom. This is why it is my belief that the present is such a critical moment in Egypt’s history, a moment which still offers the opportunity for a

qualitative change during the next few years and the could pave the way, to genuine democracy and freedom.

¹ M. Cherif Bassiouni & Mohammad Helal, *The Second Republic of Egypt* (Dar El Shorouk 2012)

² Kareem Fahim and Mayy El Sheikh, “Egypt Names Industrialist and Minister as Premier”, NY Times, February 25, 2014, available at: <http://www.nytimes.com/2014/02/26/world/middleeast/egypt.html>

³ Indeed, no sooner was Morsi elected than he sought to have Shafiq criminally investigated and charged with crimes. Shafiq had to escape to the UAE to avoid being charged.

⁴ David Kikpatrick, “New Tumult in Egypt’s Politics After Panel Bars 3 Candidates for President”, NY Times, April 16, 2012; Liam Stack, “Egyptians Worried Over Election Fill Square, But Unity is Elusive”, N.Y. Times, April 21, 2012.

⁵ In time the Salafists, on instructions from their leaders and funders in Saudi Arabia, broke away from the MB. Since June 30, 2013 and through the present, they have backed the military establishment. They formed their own political party, Al-Nour in May 2011 and during the legislative period of 2011-2012 they supported the MBs in parliament. While they are expected to have a presence in the forthcoming legislature, it is not known how many seats they are likely to obtain in the prospective elections of 2014 (or maybe 2015). It is also unknown as to how the Al-Nour Party will stand in relationship to the new majority that is expected to emerge in these elections with the strong backing of the military establishment.

⁶ Of 27 governors in Egypt, 19 are former army generals. More significantly, the chief executives of the 55 largest Egyptian corporations are all former generals. They account for roughly one-third of Egypt’s overall economy. (See endnote 41)

⁷ The Economist, *Deepening Rifts*, January 25, 2014 suggests the existence of a “deep state” with an overreaching goal of combating the MB and, more recently, politically left activists.

⁸ Omar Suleiman’s replacement at the General Intelligence Agency had already been named as General Mourad Mowafi, former head of Military Intelligence. General Suleiman subsequently died mysteriously at the Cleveland Clinic, where he went for a routine check-up, on July 19, 2012. . Rumors have it that he may have been poisoned with a radioactive material. No investigation was conducted. This is similar to what happened in 2004 to Yasser Arafat, who may have been poisoned with radioactive material by Israel, and in 2007 to Ashraf Marwan, the son-in-law of Gamal Abdel Nasser and a suspected spy for Israel, and who was mysteriously found dead near his London apartment after falling from his fourth-floor balcony. He had allegedly been writing his memoirs (which were going to reveal secrets about Middle Eastern intelligence agencies), and the manuscript of this memoir was not found at his apartment after he was found dead.

⁹ New York Times, *Feb. 17: Updates on Middle East Protests*, February 17, 2011, available at: <http://thelede.blogs.nytimes.com/2011/02/17/latest-updates-on-middle-east-protests-4/>.

¹⁰ Al Jazeera, *Egyptians raid state police offices*, March 5, 2011, available at: <http://www.aljazeera.com/news/middleeast/2011/03/201135211558958675.html>.

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¹³ BBC News, *Egypt leader Mursi orders army chief Tantawi to resign*, August 12, 2012, available at: <http://www.bbc.co.uk/news/world-africa-19234763>.

¹⁴ One of the generals who had defended the use of “virginity tests” against female protesters in March 2011.

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