

IN THIS UPDATE



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Updated & Corrected

EGYPT UPDATE NO. 20



CHRONICLES OF THE CONTINUED
EGYPTIAN REVOLUTION OF
25 JANUARY 2011

*Egypt's Latest Revolution:
The Third Republic -
Analysis of Events between
30 June - 17 July 2013*

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On the Updates

The last update (no. 19) was in June 2012, when Mohammed Morsi was elected President. It was Egypt's first free and fair election. Even though only slightly more than 50% of the registered voters actually voted, and they gave Morsi a majority of under 52%, the outcome had to be respected. Morsi was sworn in as President on 30 June 2012.

At that time, Majliss al-Sba'ab, the national assembly, had been elected under a law later declared unconstitutional. Over 60% of the members of the new parliament were Muslim Brotherhood (MB) and Salafists.

As one who is committed to secular democracy, and a believer in the values of Islam, which I consider universal, I could not look in a positive way on the future of an Egyptian theocracy ruled by the MBs. But, their democratic rise to power had to be respected. Concerned about not being able to assess events in Egypt in a fair and balanced manner, I stopped writing when the Second Republic came to be. Regrettably, it was short lived, and now we are in the Third Republic whose birth came about through a military coup, with ensuing violence and the concern that the hoped for democracy has taken a step back. There is also the fear that a new era of MB repression may be at hand. This is why I am resuming these updates.

M. Cherif Bassiouni

17 July 2013

Chicago

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Cover Photos

(l) A crossed-out picture of President Mohammed Morsi at a protest in Cairo's Tahrir Square on 29 June 2013 | © France24; (r) Angry Islamist supporters protest on 5 July 2013 after the Egyptian army ousts Morsi | © Reuters

* The research assistance of Brian Wright, former part-time Faculty, Arab Studies, American University of Cairo, and editing by Jessica DeWalt, Esq. and Yousuf S. Khan, J.D., LL.M. (Adv) are acknowledged.



I. Current Events

1. On 25 January 2011, the Egyptian people took to the streets and in 18 days were able to bring down, using entirely peaceful means, the 30-year corrupt dictatorial regime of Hosni Mubarak. What drove the masses to the streets was a yearning for freedom, democracy, and the rule of law after 60 years of military dictatorship and an end to corruption and abuse of power. There was nothing more democracy and rule of law oriented than that. A year later, on Sunday 30 June 2013, millions of Egyptians went back to the streets to express their disapproval of the Muslim Brotherhood's (MB) government under President Mohammed Morsi. This time, it was to prevent the country from becoming a theocratic dictatorship under the rule of the MBs. Once again, the Egyptian people showed that they believe in secular democracy while also believing in the values of Islam. 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 centres of protest. An estimated 13 million Egyptians protested the Morsi presidency, asking for his resignation. More than 22 million persons signed a petition to that effect. Had a constitution been in effect, whether it be the 1971 or the 2012, an impeachment process would have been possible. The 2012 constitution provided for such a process in Article 156, but it could only be pursued before the People's Assembly, which had not been elected. Consequently, there was no constitutional process in place through which impeachment could have been pursued. Whether this constitutes legitimacy for the people to take to the streets and vote with their feet is a question of legality prevailing over legitimacy, but whether that is sufficient for the military to take sides and forcefully remove the elected president is both a question of legality and legitimacy. Under the circumstances, this was the best that popular democracy could produce.

2. Initial reports of sporadic violence and vandalism were reported, but the MBs showed restraint even though they could have easily fielded hundreds of thousands of their supporters to counteract their opposition. To their credit, the MB leadership wanted to avoid violence which they knew would lead to a military intervention. For that they are to be applauded. But the dye was cast.

3. The demonstrations of 30 June symbolically marked one year after President Morsi was sworn in as the country's first free and fairly elected President since the demise of the monarchy in Egypt on 23 July 1952. This election was filled with controversy and issues concerning disqualified candidates and accusations of bias and political influence. After two rounds of preliminary elections in May and June 2012, the runoff vote was between Morsi and Ahmed Shafiq, a former Prime Minister and Air Force Lieutenant General under Mubarak who was seen by many as a remnant of that regime (*See Update no. 18*). Out of a total of 50,958,794 registered voters, only 26,420,763 voted in the final round, marking a 51.85% turnout. Morsi won by 882,000 votes or 51.73%, meaning that he had secured the support of a quarter of eligible voters. It was however a clear victory which no one can contest.



Opponents of Morsi shout slogans and wave national flags in Cairo's Tahrir Square on 3 July 2013 | © AP



4. Controversy, however, followed Morsi during his first year in office while public security deteriorated and the economy turned into shambles. This included issues concerning the legislative elections and the new constitution. On 14 June 2012 a few days before the second round of presidential elections, the Supreme Constitutional Court ruled that the election law for the People's Assembly (*Majliss al-Sha'ab*) was unconstitutional and that the body, which reflected an Islamist majority, was to be dissolved. Morsi rejected the Court's decision and ordered the Assembly to reconvene on 8 July. Two days later the Court ruled against Morsi's decision and ordered the People's Assembly to be dissolved since its members were elected pursuant to an unconstitutional election law. Since then, the upper house of Parliament, the Shura Council, took up legislative powers, and that too was deemed unconstitutional by the Court (ruling on 2 June 2013). The Court allowed the Shura Council to remain until new elections could be held. It was officially dissolved on 5 July 2013 by order from the Temporary (in Arabic, *moaqqat*) President Adly Mansour.

5. During its short life, the People's Assembly was ineffective and its Islamist members had a scant understanding of its process. Growing public dissatisfaction became evident. With the Supreme Constitutional Court set to rule on 2 December on the dissolution of the Assembly, it stayed in session for more than 16 hours to push through a new constitution on 29 November. The Court was never able to rule on 2 December, because Brotherhood supporters staged sit-ins on the steps of the courthouse and refused the judges entry. This allowed Morsi to call a public referendum on the 15 and 22 of December 2012, and 63.8% of the voters approved the new constitution. However, only 32.9% of registered voters participated. The new constitution was borne under a cloud.

6. The most controversial decision made by President Morsi which signalled that a dictatorship was in the making occurred on 22 November 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. He used these powers to unilaterally dismiss the Mubarak-era Prosecutor General and put a new friendlier person in his place. This decision sparked more than a week of violent protests between the opposition and Morsi's supporters, and resulted in the creation of the National Salvation Front, designed to bring different opposition groups together. That decision was challenged before the Court of Cassation (the highest judicial organ) which on 2 July 2012 declared that Morsi's decision was in violation of the law on judicial independence. Morsi refused to enforce that decision. Temporary President Adly Mansour enforced it on 4 July, and Prosecutor General Abdel Mejid Mahmoud resumed his post only to resign a few days later on 9 July 2013. On 8 July, the Superior Council of the Judiciary acted pursuant to the 2012 Constitution, even though it had been declared as suspended, by nominating 3 candidates for the Temporary President to select and appoint one of them. He appointed a former prosecutor, Judge Hisham Barakat, who was at the Cairo Court of Appeals. Constitutional confusion goes on.

7. In response to the general deterioration of the political and economic situations, youth groups launched the *Tamarud* or "Rebel" movement, gathering 22 million signatures for the resignation of Morsi. They along with other opposition movements planned for the protests of 30 June, demanding the resignation of President Morsi, a revocation of the 2012 Constitution, and a temporary return



Signatures being collected during the *Tamarud* or "Rebel" movement in May 2013 | © dailynewsegyp.com



to the 1971 Constitution, until a new constitution could be drafted, and new parliamentary and presidential elections.

8. Just one week before the 30 June protests, General Abdel Fattah al-Sisi, the current head of the Egyptian Armed Forces, spoke in a hall full of military officers (estimated to be close to a thousand) and warned that the military would not stand by and allow the country to fall into what many were warning could turn into “civil war.” In response, Morsi made a speech before the Cairo Stadium, attended by the MBs, Salafists, and members of the Jamaa Islamia. Morsi and his members were held responsible for numerous political assassinations as well as the killing of tourists in Luxor in 1998. In his speech, Morsi claimed that all constitutional and legal powers vested in him as the head of the state. He thereby responded to the military’s warning of intervention that he deemed to be unconstitutional. But he too acted in an unconstitutional manner by taking over all powers and placing himself above the law. The situation was a stalemate, with opposing sides accusing each other of unconstitutional action and lacking legitimacy. Because of the muddled constitutional situation, both sides were partially wrong and partially right.

9. Following the 30 June protests, the military issued a new ultimatum to all parties concerned which was essentially to: fix the political situation in 48 hours or the armed forces will “be forced to enact a roadmap for the future.” This ambiguous statement was met with confused statements by President Morsi and his aides, hinting that there were more than likely behind the scenes negotiations to allow Morsi a graceful exit, new elections to be held, and have a temporary president take office according to the 1971



Mohammed Morsi, 5th
President of Egypt:
30 June 2012 to 3 July
2013

Fireworks light the sky
as opponents of Morsi
celebrate his removal in
Cairo’s Tahrir Square on
3 July 2013 | © AP /
Amr Nabil

Constitution, namely the President of the Constitutional Court. The MBs needed assurances from the military that they would not be hounded again, as they have in the past 85 years of their existence and that they could come back to power in a democratic way that would not exclude them from the political process. But, the MB’s biggest inducement to step-down from power in Egypt was to keep their gains in other Arab countries from being eroded. These presumed negotiations failed, and on 3 July the military intervened,



removing Morsi from power and installing the president of the Supreme Constitutional Court Adly Mansour as Temporary President, while also ending reliance on the questionable 2012 Constitution. Following Mansour's appointment, there was a crackdown on the MB, their leadership and affiliated institutions. Satellite channels that supported the Brotherhood have been taken off the air and many high-ranking Brotherhood members and other Islamists have been detained. Morsi and several of his aides have been rumoured to be set for military trials. Considering precedents, it is not likely that they will have a fair trial. Such military trials are in violation of the International Covenant on Civil and Political Rights (ICCPR), to which Egypt is a party.

10. As with every revolution, there are hidden stories. Two merit mention. One has to do with two

Bodies lie in a room in a hospital after shootings at the Republican Guard building in Nasser City, Cairo on 8 July 2013 | © AP Photo / Wissam Nassar



Pro-Morsi protestors carry an injured man during clashes outside the Republican Guard building in Cairo on 5 July 2013 | © Louafi Larbi / Reuters



purported meetings between General Abdel Fattah al-Sisi and then-President Morsi, one of the them reportedly having taken place at the Presidency on 23 June 2013. The other meeting, whose date is unknown, presumably took place between 23 and 29 June. At one of these meetings, Morsi sought to assert himself as the civilian head of the military and thereby tried to give orders to General al-Sisi, who reportedly sought to work out a graceful way for Morsi to resign. That meeting was reported as being acrimonious. The second meeting was a follow up, and some reports have US Ambassador Anne Patterson as present, though that would seem unlikely to this writer. It is also reported, and that is the second story, that then-President Morsi was going to appoint Lieutenant General Ahmed Wasfy who is a member and the commander of the second field army stationed in the Sinai, to replace General al-Sisi. General Wasfy is believed to have opposed the action by the SCAF as led by General al-Sisi. Shortly thereafter, a military spokesperson issued a statement that General Wasfy had been attacked while in the Sinai but was not killed. The statement indicated that a male civilian together with his 6-year-old daughter were killed in the car by military fire, which presumably occurred in the belief that the car in which these two civilians were was planning an attack upon Wasfy. This statement was later withdrawn by the military authorities. But independent sources confirm the death of a civilian adult and a 6-year-old child. For the last week General Wasfy has not attended the meetings of the SCAF, and a military spokesperson stated that this was because he was too busy with the security situation in the Sinai. Some observers, however, believe that Wasfy may be under some form of arrest because he was



supportive of then-President Morsi and could have been tapped by him to take over from General al-Sisi—much as the latter took over from Field Marshall Tantawi. The hypothesis that President Morsi wanted Lieutenant General Wasfy to replace General al-Sisi is plausible.

11. The MB leadership responded on 8 July 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. This was undoubtedly a call to violence, and a dangerous rhetorical escalation. The security services and the military responded accordingly. In an altercation between Brotherhood supporters and the armed forces in front of the Republican Guard headquarters, 53 protesters were killed with numerous others injured. Many, including the Sheikh of al-Azhar and the Vice-President designate Mohamed al-Baradei, called for an impartial investigation. This was seen as a major setback for the new regime which caused the Salafist al-Nour Party to announce that it was temporarily withdrawing from negotiations on future political steps. But this was not the only violent exchange between the MBs and others supporting them and the authorities. A number of violent incidents occurred and no one knows exactly how many persons have been killed and injured. Both sides accuse each other of initiating the violence and there is no doubt that an impartial and fair investigation is needed.¹ Excessive force appeared to have been used by the security forces and the military. The human consequences were appalling.



Adly Mansour, center, is applauded by Chiefs of the Constitutional Court after being sworn in as Egypt's Interim-President on 4 July 2013 | © AP / Amr Nabil

12. In the late hours on 8 July, Temporary President Adly Mansour announced a new interim Constitutional Declaration and a political timetable. In so doing, he assumed legislative powers. This new document outlines the timeline to re-establish a democratic system of government while positing certain basic principles about the nature of the state. In short, the “Third Republic” intended these principles to be drafted in a way to appeal to all concerned political sectors of society. The military, which made this transformation possible, preserved its autonomy in Article 19 which grants military courts complete independence in their affairs. Article 21 confirms that the armed forces are the sole protector of the nation. Article 22 limits discussion of the armed forces’ budget to a “National Defence Committee” likely to be dominated by the military. Additionally, perhaps the most important provision is Article 23, that does not define the President as head of the armed forces, a claim that ousted President Morsi constantly made to confirm the executive’s power dominance over the military. In short, the military not only confirmed its autonomy in every respect, it placed itself outside any constitutional limit, which is a blow to democracy with serious consequences on the rule of law when it comes to the military courts exercising jurisdiction over civilians. In short, the military is no longer under civilian control, but the controller of civilian power. So much for democracy in the making.

13. The new Constitutional Declaration gives the Salafists confirmation of the Islamic nature of the

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state. Article 1 states specifically that “The principles of Islamic Law and that includes its sources, norms, and principles that are to be found in the recognised schools of law of the Sunna, are the primary source of legislation.” This is an expansion from the 1971 Constitution amended in 1980 that stated “the principles of Islamic law are the primary source of legislation.” This Article 1 adds that the Supreme Constitutional Court can only recognise Sunni jurisprudence, rejecting any other Muslim jurisprudential school. This was designed to assuage the Salafists. Article 7 also states that freedom of religion is for the three Abrahamic religions, ignoring the country’s Baha’i and other minority populations. Therefore, the Baha’i, Hindu, and Buddhist will not be able to exercise their religious beliefs in public places or as groups. This Article violates the ICCPR, to which Egypt is a party.

14. The Constitutional Declaration also attempts to modestly address the concerns of liberals by expanding general freedoms. Article 4 declares all citizens equal under the law regardless of “origin, type, language, religion, or creed.” Article 6 states that no citizen may be “arrested, searched, detained, or restricted in movement or freedom” except in cases of flagrante delicto or with an order from a judge or the state prosecutor. Article 8 protects the freedom of the press, deleting the 2012 Constitution’s feared “Parliamentary Press Committee” that would have been given the right to monitor the press and regulate which organisations can and cannot publish. Article 10 grants full rights to peaceful meetings and demonstrations of all types. Private meetings are also now allowed, and no member of the security forces has the right to attend or listen in on the proceedings. But all of these rights and freedoms are subject to law, which means that laws regulating these freedoms and rights can restrict them. And that too is a violation of international human rights law and the ICCPR.

15. Although this Constitutional 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 which 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. This was obvious in 2011, during the period in which the SCAF had taken over all powers. In addition, this Declaration seeks to give something to everybody yet leaving all sides doubting. The Islamists are still wary that the freedoms granted in the declaration could open the door for what they perceive to be “blasphemy” or “attacks on Islam.” The liberals question contradictions in rights and freedoms and wonder how future laws will restrict them. Both camps have reason to be wary of the continued preferred position of the military that will operate as a state within a state.

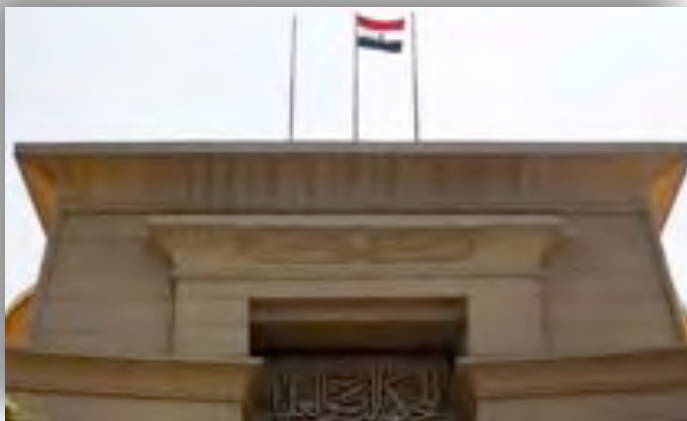
16. The Constitutional Declaration sets forth what may prove to be an unrealistic timetable for the country’s normalisation. It is as follows:

- Within 15 days from the issuance of the Declaration (23 July 2013), a committee shall be appointed to draft amendments to the suspended Constitution of 2012 and to draw upon the Constitution of 1971. Once again this raises questions about which of the two constitutions are in effect. The focus of this provision is on the selection of its members, namely two judges from the Supreme Constitutional Court, two judges from the Court of Cassation, two judges from Majliss al-Dawla (that is the highest administrative court), and four constitutional law scholars. For all practical purposes, this is a technical establishment



body. Each of the three courts mentioned above will designate its two members and the Supreme Council of the Universities will designate the four constitutional law scholars.

- The text that this committee will prepare is to be submitted within 30 days from 23 July 2013 to a 50-member committee. The committee is to represent different segments of society, such as: political parties, academia, the workers, the peasants, labour unions, professional associations, the armed forces, the police, Al-Azhar, and Egyptian churches. Presumably, the selected bodies will in turn choose those who will represent them on the committee. They are to be appointed by the Temporary President, and they will have 60 days to discuss and amend the text that they will receive. The 60 days would end by 23 October 2013.
- With respect to the two committees described above, the Temporary President will issue a presidential proclamation establishing the said committees, determining the location of their meetings, their internal regulations, and the processes by which they are to operate, including rules of order for the deliberation of the said committees.
- After the completion of the committee of 50's work, a public referendum will take place within 30 days, namely by 23 November 2013.
- 15 days after the referendum (which appears to presume that the new constitutional text will be approved) parliamentary (legislative) elections will be announced and that would be by 8 December 2013.
- The parliamentary elections would have to take place within one to two months, and that would be no later than 8 February 2014.



The Egyptian flag is seen at the Supreme Constitutional Court during the swearing in ceremony of now Interim-President Adly Mansour on 4 July 2013 | © Reuters / Amr Abdallah Dalsh



- There is no timetable for the parliamentary elections, the tabulation of its results, and the convening of the first session of parliament, but one week after the inaugural session of the new parliament takes place there would be a call for the presidential elections. This presumably may mean that the presidential elections could be called for before the end of February 2014, but it does not indicate when the actual elections will then take place. This unrealistic timetable does not include the runoff presidential elections between the two highest vote-getters in case no candidate receives more than 51% of the votes cast. This may also mean that the final results of the presidential elections may not take place until the third quarter of 2014.

The timetable is ambitious but it is also non-binding. Even if it were binding, those who could enforce it are those who made it. Any reasonable assessment would conclude that this is intended to show that democracy is in the making and that what happened was not a military coup, and more importantly that the military is not interested in seizing the reins of power. Nevertheless it remains a transparent way for the military to control the future course of Egypt's political life which is reminiscent of what Turkey went through after the death of Mustafa Kemal Atatürk on 10 November 1938. That model became known as the "Turkish Model", where the military remains behind the scene but either pull the strings of power or intervene whenever they deem it appropriate to safeguard the nation's best interests as they deem it fit. That model prevailed in Turkey until a few years ago, though admittedly the military still remains powerful in the political background of that country's system. In short, Egypt is on the same path as was Turkey some 30 years ago or so.

II. Economic, Social, and Political Factors Bearing on Current Events

17. The Morsi Government failed to address the economic needs of the country. For all practical purposes, the government consisted of marginally competent cabinet officers. But, more importantly, there was no economic policy. Not even the most elementary stop-gap measures to prevent the continued free-fall



An Egyptian woman carries a cooking gas canister in Cairo on 2 April 2013 | © AP / Khalil Hamra



of the economy were put in place. Public safety continued to deteriorate as street gangs and thefts became more blatant, and the country's economic productivity spiralled downwards. Tourism, which has long been Egypt's second largest source of income, plummeted to an estimated 25% to 35% of what it was before 2011. A substantial portion of the population became unemployed due to the events, adding to the already 60% unemployment level among those under 30 who represent 50% of Egypt's 84 million people. Egypt's foreign currency reserves, that were at 39 billion in January 2011, became a mere 11 billion by March 2013, of which 5 billion are believed to be in gold bullion and 6 billion in treasury authorisations which are non-usable at the international level. Egypt's economic credit all but disappeared, and all financial transactions, including government ones, had to be on a cash basis. The loan that Egypt had started to negotiate with the IMF in early 2011 (immediately following the 25 of January Revolution) for approximately 4.5 billion was never finalised because the Morsi Administration could not agree to removing government subsidies from electricity, gas, and food staples. In any event, that loan was only going to help Egypt in its 2013-2014 fiscal year. Substantial amounts were deposited with Egypt's Central Bank by Saudi Arabia and Qatar but they were in the nature of foreign deposits, which may have helped to give some comfort to investors, but they were not intended for economic development projects. In fact, the government had no economic development projects planned. Nevertheless, the government did use some of these funds, thus exposing the treasury to a substantial debt in addition to any other debts that the treasury may discover as a result of the collapse of previous investment projects, particularly in the tourism sector. The Egyptian Treasury will still be indebted to Saudi Arabia and Qatar for sums estimated at 8 billion dollars, which these two countries could forgive, or or extend in time, or use to acquire failed and failing economic projects from the public and private sectors. These acquisitions will be made at bargain prices, thus further undermining the Egyptian economy.

18. The substantial revenue loss due to tourism dropping by an estimated 65-75% and other economic factors resulted in a substantial loss in the value of the Egyptian Pound, which went from 6 pounds to the dollar, to 8 pounds in the relatively short period of 6 months in 2013. This reflected the factors mentioned above, and a high inflationary level which in the Morsi period of 1 year was approximately 18% across the board with higher percentages in certain sectors, particularly the food sector which affects most of the Egyptian people. This impacted particularly on the 20 million Egyptians who pre-Morsi lived on an average of \$2 a day, which was equivalent to 10-12 pounds.



A May 2013 report by the United Nations found that levels of poverty and food insecurity in Egypt had jumped over the past three years | © AFP

With the purchasing power of the pound dropping that significantly, namely from 5-6 to 7-8 pounds to the dollar, these 20 million people which were on the borderline of poverty, have been falling below it.

19. All of these economic factors had a significant political impact and resulted in a loss of confidence in the Morsi government and in the MBs. This was coupled with the obvious ineptness, not to say incompetence, of many cabinet officers and government appointees as well as a dysfunctional office of the President. Issue after issue developed into crisis after crisis, with the government unable to address them and the presidency unable to respond. After a year of what could well be described as a government in disarray, it was obvious to the Egyptian people that Morsi was not a competent president, but a figurehead and that



most decisions were made by the Office of Guidance of the Muslim Brotherhood. 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 his predecessors the Sadat and Nasser regimes. For 85 years, the MBs had been hounded by successive repressive governments; their principle enemy always being the state security apparatus and since the Nasser days the General Intelligence Agency and the military establishment. Over the years, hundreds of thousands have been arbitrarily arrested, most of them mistreated, and a significantly large number of them tortured and killed. Nobody knows the cumulative number, but one can easily estimate in the Mubarak last decade that an average of 10-15,000 members were 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. This is only the surface of what the MBs have endured over the years.

20. Without doubt, the Brotherhood 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 had to 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 the 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.

21. As the economy went from bad to worse, one of the consequences was a significantly high level of migration from rural to urban areas. Cairo saw an increase of more than 2 million people in 2 years. They



Cairo residents line up to buy government-subsidized bread on 14 April 2013 | © AP / Amr Nabil



resided in shanty-towns built on the outside of existing shanty-towns, thus increasing the inhabitability of these areas. As the number of such persons increased, so did the demand for electricity and water, which the city could not supply and by the time the 30 June events took place, the city of Cairo lacked electricity for an average of 3 hours per day and several neighbourhoods lacked water for 2-4 hours per day. Other cities also suffered from these shortages. There were also shortages of gasoline and bread, both of which are critical in the daily life of Egyptians. Public transportation broke down and rail transportation, which is so essential particularly to link Upper Egypt to Cairo, became less and less reliable. Protestors and gangs stopped trains and barricaded roads, while small gangs simply hijacked cars and trucks on highways including in certain parts of Cairo. All the while the government was unable to respond to any of these crises. In the end, the Egyptian people got fed-up with this situation and saw the prospects of an Islamist form of government auguring more of what they were already going through. The 30 June popular action was therefore not only for reasons of political beliefs, but also for practical exigencies. Those who went to the streets on 30 June voted with their feet while *tamarrud* petitions asking for Morsi to resign and call for new presidential elections had obtained 22 million signatures. This is almost twice the number of votes that Morsi obtained a year ago when he was elected.

22. 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 which would have warranted impeachment. But in the absence of an impeachment process, legitimacy could only be reclaimed in the street. Many in the west raise the question of whether the actions of the people on the street as of 30 June 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?



More than 40% of the average household's expenditure in Egypt goes towards food. For the poorest of families, this amounts to more than half their budgets | © WFP / Marco Frattini

III. Foreign Policy Considerations

23. The Obama Administration reacted to these events with some ambiguity as it had throughout the



Egyptian Revolution since January 2011, and for that matter throughout events in other Arab countries during the “Arab Spring.” Its positions as reflected in public statements by the President and spokespersons for the administration were frequently unfocused, unclear, and sending different messages. It does not seem to have learned the lessons of the past that public ambiguity is in the Arab World more dangerous than clarity. On 2 July, the US warned the Egyptian Armed Forces against a coup in Egypt by threatening to suspend military aid while at the same time encouraging President Morsi to hold early elections (whether those are for the presidency or the parliament we are not sure). But soon thereafter the administration took a different view. There is no doubt that the military are pulling the strings of power from behind the scene. The Egyptian military made it clear that they were uninterested in taking over political power, but only wanted to make sure that Egypt remains stable and safe, and that those engaged in the political arena find a compromised political solution which answers the needs and desires of the Egyptian people. But as stated above (*see* para. 16), the Egyptian military is following the path of the Turkish military some 30 years ago—to rule, or at least control from behind the scene.

24. The United States must continue to assist Egypt in order to influence it, not threaten it with cutting off military or any other form of economic aid. The last thing the US needs is for the Egyptian people and the military to feel hurt in their national pride. The consequences could be devastating. This is a critical juncture for Egypt, much like 1956 when Egypt wanted to build the Aswan dam with US funding. But then

Secretary of State John Foster Dulles unexpectedly and without any good reason withdrew funding for the project. Egypt turned to the USSR which funded the project, and between 1956 and 1972 Egypt remained in the Soviet orbit. The US lost much influence throughout the Arab World as a result of this shift in Egyptian policy.



The Aswan High Dam is located on the Nile River, Aswan, Egypt | © britannica.com

It was only in 1972 when the late president Sadat expelled all Russian military advisors from Egypt prior to the attack by Egypt in the Sinai in order to reclaim national territory seized by Israel in the 1967 war. During that war, the US played a supportive role for Israel by flying in military supplies directly into the Sinai. With that support, Israel was able to win a partial victory by crossing the canal and occupying a portion of Egyptian territory on its west side. This allowed Henry Kissinger to negotiate a step-by-step settlement that led to 2 disengagement agreements in 1974 and 1975. This in turn paved the way for the extraordinary mediation effort of President Jimmy Carter which resulted in the 1978 Camp David Accords and then the 1979 peace agreement between Egypt and Israel. Since then, the US has had a significant influence in Egypt, particularly through its military assistance which was approximately \$1.3 billion yearly. This amount is not particularly significant, considering that the military equipment sent by the US to Egypt is based on its book value in the Department of Defence and is probably worth half if it were sold on the open market, thus amounting to no more than the equivalent of 700 million. While it was not so much the equipment that was significant, but the fact that the

Egyptian army consisting of 450,000 men were using US made equipment and its senior officers were trained in the US.

25. It is indispensable for the US to maintain its contacts with the Egyptian military, to retain its leverage and to influence outcomes. If that were not the case, or if for some particular reason the Egyptian military became fed-up with the threats of cutting off this military assistance, Egypt will turn to Russia in the same way it did in 1956. President Putin being quite aware of this historic precedent has already made a declaration in Moscow on 7 July to the effect that Russia would be willing to provide Egypt with military assistance to prevent the situation falling into what he called a “civil war”. If Egypt shifted its military supply source to Russia and the US was cut out, its influence in most of the Arab region would disappear except in Morocco, Jordan, Saudi Arabia, and the other Gulf States. The Arab world would be divided once again as it was after 1956 between the monarchies and the republics. A new revolutionary flame would be lit, and the US would become the common enemy for most Arab states. Leaving aside the geopolitical consequences of such a situation, its most direct effects would be to unify the revolutionary fervour existing in the countries that have gone through what has euphemistically been called in the West the “Arab Spring,” and that in turn may reinforce the position of Islamist movements. It would also destabilise the monarchies and it could ignite sectarian war in some of the Gulf States with the support of Iran. It would also constitute a threat to the security of Israel which would cause the US to have a more direct role in providing security for Israel, such as naval protection as well as air coverage. A more direct US involvement in providing military support and protection to Israel would in turn cause an escalation in Arab antagonism towards the United States.

26. All of this must lead to the conclusion that the US should be very discrete in its pronouncements, work behind the scenes, have an integrated regional policy for the Arab World, and avoid being pushed into decisions about the Arab World by Washington politics. The Administration must fully realise that the lights along the banks of the Potomac do not illuminate the banks of the Nile, or for that matter of the Tigris and Euphrates (Iraq), the Litani (Syria and Lebanon), and the Yarmouk (Jordan and Palestine).

27. And last but not least, the saga of the Palestinian people is neither dead nor forgotten in the Arab World. What will happen in Egypt’s Sinai will strongly be affected by what happens in Gaza, and what happens in Gaza will strongly be affected by what Egypt does to Gaza. Similarly, what happens in the West Bank will be affected by what Israel does there and, in turn, what happens in Jordan will be affected by what happens in the West Bank. The Arab World is much more interconnected than most people in Washington believe it to be.

28. This is challenging for the Administration, which should take bold steps in the economic field to assist Egypt as well as Syria and Tunisia. It should also take strong initiatives in Libya, which does not need economic assistance but could benefit from technical assistance on many levels. The US could be a champion of new constitutions and of upholding the rule of law that would mirror its own constitution and the values and principles contained therein. But, it has to live up to these values and principles and not only make speeches about them. Guantánamo and the wars in Afghanistan and Iraq will continue to haunt the US, as its unconditional support of Israel to the detriment of any minimal justice to the Palestinian people. The US’s double standards (and Israel’s) will always be a bar to its credibility with the Arab peoples. But that too can change, if the political will exists.



IV. Assessment

29. Every revolution raises questions of legitimacy and legality. Sometimes revolutions have legitimate claims, grievances, and goals, but they seldom achieve them through the legality of a lawful process because, had such a process existed, then the legitimacy of these claims, grievances, and goals would have been addressed. Instead, revolutions are the ultimate resort to achieve by means of popular protest and sometimes by force what a lawful, constitutional, and legal process failed to achieve.

30. The Egyptian people have demonstrated that they are mature, responsible, and that they want democracy and the rule of law in their country. They should be supported. Notwithstanding the above, excessive use of force by the military and security forces cannot be justified. As many have demanded, there has to be an independent and impartial commission of inquiry to look into the facts that have occurred not only in Cairo but in other parts of Egypt as well during the last few days. There are too many conflicting and contradictory facts that need to be addressed in order to avoid more violence and the greater schism within a society already sharply divided. This is not only obvious on the street, but even within families. These divisions exist as some believe the MBs have once again been aggrieved by the security forces and the military, while others see the MBs as provoking violence and being a destructive force.

31. The Islamists entered the new political process after they saw the pro-democracy movement, which started with its first mass protests on 25 January 2011 succeed. Many claim that they have since hijacked the democratic process, but if so, it was in a lawful way and through the democratic process. For years, Islamists were told to act democratically and above board, and when they did so, they were forcefully removed from power in what can at least be called undemocratic ways. The military's use of force was not part of a democratic scheme. What is left for the Islamists to do? To keep faith in the democratic process and hope that they can have access to it in the new legislative and presidential elections, or will they give up on that hope and resort to violence?



Hundreds of thousands of Morsi supporters prayed at the Rabaa al-Adawiya Mosque in Cairo on 12 July 2013 during a rally demanding his reinstatement | © The New York Times / Yusuf Sayman



32. The stalemate is ongoing and it is not likely to subside since the MBs are undertaking a process of peaceful resistance reminiscent of the Gandhi and Martin Luther paths. But there is no guarantee that there is no provocation by either side and an escalation in violence with each side blaming the other for political purposes. There is no way that the military can respond to it only with violence, because it would totally discredit them. They need a political solution but they have no one within their ranks nor among those civilians they have selected with the exception of Mohammed el-Baradei who can negotiate a political outcome. At this point, the MBs are demanding the return of Morsi as President and acknowledgment of the 2012 Constitution and in exchange they are willing to have early elections. On its face, none of this is acceptable to the military, even though it is a good starting point for the negotiations. In the meantime, Morsi is held under arrest somewhere. The US and Germany have jointly requested his release which the rest of the international community and most Egyptians would agree with. But the military being stubborn by nature and not very flexible are likely to proceed with their established course even though making slight course adjustments. But that will continue the crisis and it will have a worsening effect on Egypt's economy and on its stability. There has to be someone who rises above the fray, and who is able to create a national consensus in this very divided country, wherein division is likely to increase.

33. Throughout Egypt's history, the one thing that has always held it together is the sense of "Egyptianhood." Egyptians love their country and they are as much a part of it today as they were in the days of the Pharaohs. This includes the Muslim and the Copt, the rural and the urban, the rich and the poor. Egypt has progressed when its people have been united and regressed when its people have been divided. If no charismatic leader has emerged in Egypt to unify the people around the *Misr* that every Egyptian carries in his and her heart, then maybe the people will have the political maturity and common sense to come to that conclusion on their own. In the meantime, Egyptians must avoid sectarianism. The MBs must stop this nonsense of claiming that there is a religious war between them and the *kuffar*, meaning anybody who disagrees with them or is a secularist. The Salafists have to realise that they, like the MBs and other Islamists, are part of an Egypt that can claim adherence to Islamic values, but that also can and must establish a non-sectarian form of government that guarantees all citizens, Muslim and non-Muslim irrespective of their faiths and beliefs, colour, gender, and any other distinction the same equal rights under the law. This is what the new constitution must clearly and unequivocally include, much as the US constitution guarantees freedom of religion and prohibits the establishment of religion as a form of government. This is what was stated in the book entitled *THE SECOND REPUBLIC IN EGYPT* BY MAHMOUD CHERIF BASSIOUNI AND MOHAMED S. HELAL, published by Dar el-Shorouk, 2012 (Arabic) (available for free at www.shorouk.com).

34. No matter how muddled and confused the situation has been since January 25, 2011, which is understandable whenever a revolution of this dimension occurs, it cannot continue without a strong foundation in both legitimacy and legality (bearing in mind the distinction between the two, legality being a formal, legal and political process, and the other one reflecting the higher values and principles usually reflected in a constitution). This means that the continued arrest or detention in any form or efforts to prosecute deposed President Mohammad Morsi and those who worked with him in the Presidency violates both legitimacy and legality. Morsi and those who worked with him acted within the boundaries of their legal authority and their arrest and eventual prosecution places them in the category of "political prisoners." This is a violation of the ICCPR and of both the 1971 and the 2012 Constitutions. The present efforts to link Morsi and his collaborators to a larger conspiracy aimed at disrupting public order is on its face unfounded. The unseating of Morsi was not in accordance to formal legality, though it could be argued that it was a form



of popular democracy in action, but the direct involvement of the military in that endeavor (to be distinguished from its involvement in preventing violence on the street) is to say the least questionable.

President Morsi and his supporters should be immediately released and the efforts to prosecute them on trumped-up criminal violations should be abandoned. Obviously, if there are valid criminal charges they can be brought but not as matters presently appear. In that same vein, efforts to repress the Islamists and in particular the MBs should be stopped, instead an effort at political dialogue and reconciliation should be established. Presumably, this was why the Ministry of Justice was renamed as the “Ministry of Transition and Reconciliation.” Though it is not clear what that means. Once again, it seems that those in power are confused because transitional justice consists of different mechanisms such as commissions of inquiry, truth and reconciliation commissions, providing victim compensation, memorialization, etc.² These are all exceptional and transitory measures, they have nothing to do with the ordinary administration of justice that is ongoing in Egypt and should be strengthened and supported with rule of law-oriented programs. In the opinion of this writer, it was a mistake to rename the ministry of justice as it has been instead of creating a separate national commission on transitional justice which would be established pursuant to a law or Presidential decree, specifying what its goals, functions, and methods are.

There are numerous examples of that which took place in many countries such as South Africa, El Salvador, Guatemala, Argentina, and Chile.³ The UN has also had many different models such as commissions of inquiry, and Special Procedures as well as other mechanisms that can be used as examples in addition to national experiences such as the Bahrain Independent Commission of Inquiry.⁴

35. Supreme Council of the Armed Forces (SCAF)

On 12 August 2012 newly elected President Mohammed Morsi asked Field Marshal Muhammad Hussein Tantawi to resign as Minister of Defence and Chairman of the Supreme Council of the Armed Forces



Egyptian army soldiers take their positions near armoured vehicles, guarding the entrances to Tahrir Square on 8 July 2013 | © AP / Hassan Ammar



Temporary Vice President for Foreign Relations Muhammad al-Baradei | © AP / Hassan Ammar



along with the Chief of Staff Lieutenant General Sami Hafez Annan. They complied without knowing at the time who their successors would be.

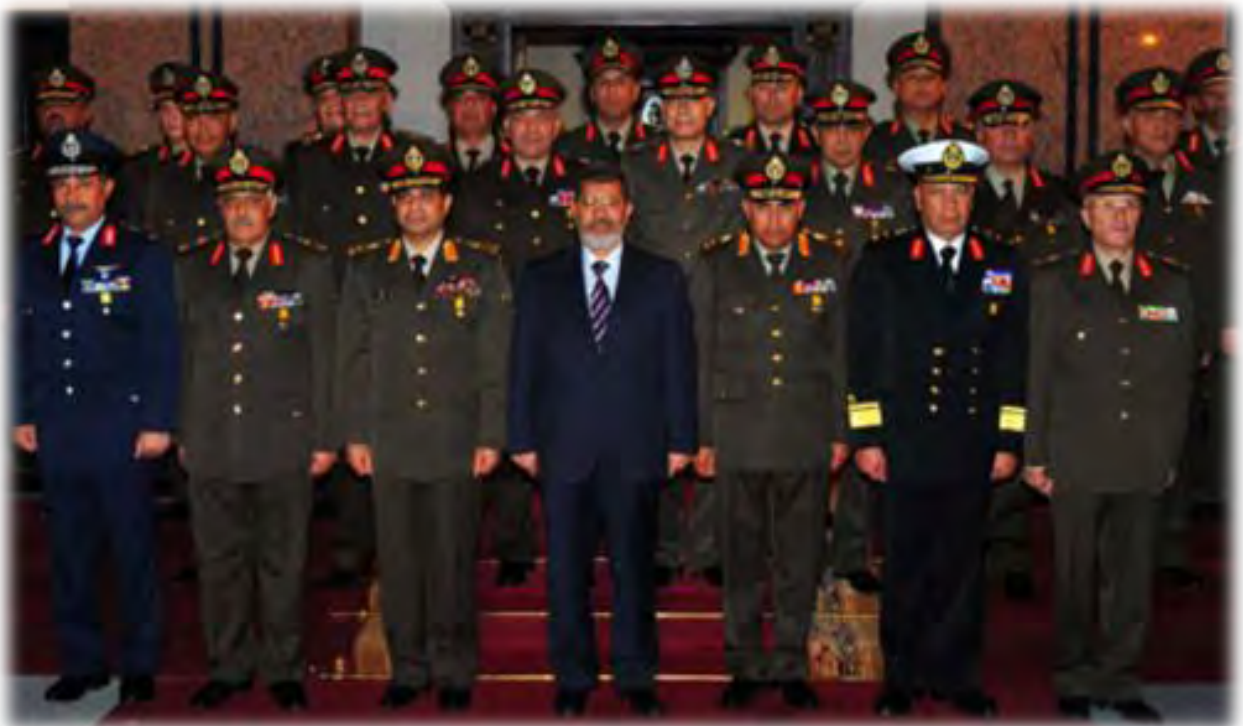
Contemporaneously, as the resignation took place in one office of the presidency, in another office Major General Abdel Fattah al-Sisi was promoted to General and appointed as the new head of SCAF. General al-Sisi was promoted over six officers of the SCAF who had more seniority. At that time, Major General al-Sisi was the Director of Army Intelligence.

The position of Chief of Staff was given to Lieutenant General Sedki Sobhi.

V. The New Regime

36. The Presidency

Temporary President Adly Mansour – The President of the Supreme Constitutional Court (SCC) was sworn in on 4 July 2013 as Temporary President following the military intervention that removed President Morsi from power, and declared Temporary President pursuant to Part 5, Chapter 1, Article 84 of the 1971 Constitution.⁵ First appointed to the SCC by then-President Hosni Mubarak in 1992, Mansour was Vice President until appointed President of the Court on 1 July 2013.



Morsi with military officers after a meeting with the Supreme Council of the Armed Forces (SCAF) in Cairo, April 2013 | © AP



37. The Vice Presidency

Temporary Vice President for Foreign Relations Muhammad al-Baradei – appointed on 8 July 2013 by order from the Temporary President. This is pursuant to the 1971 Constitution that states in Chapter 3, Article 139 “The President may appoint one or more vice-presidents, define their mandates and relieve them of their posts.”⁸

Following his appointment, al-Sisi appointed or re-appointed the following officers of the Supreme Council of the Armed Forces:

- Air Vice-Marshal Younes Hamed – Commander of the Air Force
- Rear Admiral Osama El-Gendi – Commander of the Navy
- General Abd Al-Moniem al-Terras – Commander of the Air Defence Forces
- General Ahmed Wasfy – Commander of the Second Field Army based in Ismailia
- General Osama Askar – Commander of the Third Field Army based in Suez
- General Tawhid Tawfiq – Commander of the Central Military Zone
- General Gamal Shehata – Commander of the Northern Military Zone
- General Mohamed Arafat – Commander of the Southern Military Zone
- General Mohamed al-Masry – Commander of the Western Military Zone
- General Nabil al-Shazly – Chief of Operations
- General Taher Abdullah – Chief of the Engineering Authority
- General Ahmad Ibrahim – Commander of the Border Guards Force
- General Ahmad Abu al-Dahab – Director of the Morale Affairs Department
- General Mamdouh Shahin – Assistant Minister of Defence for Constitutional and Legal Affairs
- General Mohamed al-Assar – Assistant Minister of Defence for Armament Affairs

38. General Intelligence Agency

The General Intelligence Agency was headed by Major General (Ret.) Omar Suleiman from 1993 – 29 January 2011, when he was appointed Vice President by then-President Hosni Mubarak. After Mubarak renounced (*tanabha*) his presidency, the SCAF self-appointed itself as the recipient of executive and legislative powers for the state.⁶ The leader of SCAF at the time, Field Marshal Tantawi, chose not to appoint Omar Suleiman as Acting President because of personal issues between the two and since Suleiman was not a member of the SCAF. He then attempted to be a presidential candidate in early 2012 but was unsuccessful and passed away on 19 July 2012.⁷ Following Suleiman’s appointment to the Vice Presidency, then-President Mubarak on 31 January 2011 appointed Major General (Ret.) Murad Muwafi to be the Director of General Intelligence. On 8 August 2012, after some disagreements with President Morsi, Muwafi resigned and was replaced with Major General (Ret.) Refaat Shehata,



General Abdel Fattah al-Sisi (l) with then-President Morsi in April 2013 | © Reuters



who had previously served as Secretary General of the Agency (Amin ‘Am) and previously as Commander of the Republican Guard. Temporary President Adly Mansour on 5 July 2013 appointed Refaat Shehata as his National Security Advisor. He was succeeded as head of the General Intelligence Agency by Major General (Ret.) Mohamed Ahmed Farid, also appointed by the Temporary President on the same day.

39. The Cabinet

The members of the cabinet were announced as of 16 and 17 July 2013. The candidates were vetted by the SCAF and discussed with certain political forces.

Prime Minister Hazem al-Biblawi: Appointed by Temporary President Adly Mansour on 9 July, Hazem al-Biblawi was previously Minister of Finance under the Essam Sharaf government from 17 July to December of 2011. In October 2011 he submitted his resignation in opposition to a security forces attack on Christian protestors. His resignation however was initially rejected by the SCAF, but he was then subsequently replaced.

Minister of Defense and Military Production and Deputy PM – General Abdel Fattah al-Sisi – Current head of the Supreme Council of the Armed Forces and former Head of Army Intelligence.

Minister of International Cooperation and Deputy PM for Economic Affairs - Ziyad Baha al-Din – Member of Egyptian Social Democrats Party, former President of General Authority for Investment.

Minister of Higher Education and Deputy PM for Social Justice - Hossam ‘Eissa – Founder and former president of al-Dustour Party with Muhammad al-Barad‘i. Professor of International Law at Ain Shams University.

Minister of Interior – Maj. General Mohamed Ibrahim – Past Minister of Interior under government of Hisham Qandil, appointed 6 Jan 2013 and removed after dissolving of government on 3 July 2013. Previously held public security positions in Qina and Isma‘iliyya and was Director of Police in Assiut and Qina.

Minister of Foreign Affairs – Dr. Nabil Fahmy – Founder and dean of the School of Public Affairs at the American University in Cairo; former Ambassador of Egypt to the United States 1999-2008; veteran diplomat.

Minister of Islamic Endowments (Waqf) - Mohamed Mukhtar Jom‘a – Current Dean of Islamic Studies College at al-Azhar Univeristy and Head of External Relations for the Sheikh of al-Azhar Office.

Minister of Social Solidarity – Dr. Ahmed al-Bur‘ai – Currently Professor of law and Head of Social Legislation Department, Faculty of Law, Cairo University and attorney at the Court of Cassation. Additionally member of Committee of Experts-Counselors of the International Labour Organisation and the Arab Labour Organisation.

Minister of Manpower - Kamal Abu ‘Eitta – Human rights activist in the field of labour.



Minister of Commerce and Manufacturing – Dr. Munir Fakhry Abdel Nour – Businessman; formerly Secretary General of al-Wafd Party; Minister of Tourism in February 2011 in the government of Prime Minister Ahmed Shafiq.

Minister of Environment - Leila Rashid Iskandar – Activist and social entrepreneur; founding board member of CID Consulting and trustee of Alfanar venture philanthropy.

Minister of Tourism – Dr. Hisham Za^czou^c – Former Minister of Tourism under Morsi government (appointed August 2012); former Assistant Minister of Tourism under Prime Minister Ahmed Nadhif since 2007.

Minister of Finance – Dr. Ahmed Jalal – Head of the Egyptian Economic Research Forum since 2007 and previously researcher at World Bank.

Minister of Petroleum - Eng. Sherif Isma^cil – Assistant Minister of Petroleum since 2005 under the governments of Ahmed Nadhif, Ahmed Shafiq, Essam Sharaf, and Hisham Qandil; previously long-time Mobil Oil Company executive in Egypt

Minister of Planning – Dr. Ashraf al-^cArabi – Professor of Economics at the National Planning Institute; board member of Egypt Telecom, long-term Minister of Planning

Minister of Agriculture – Dr. Ayman Abu Hadid – Minister of Agriculture under the General Ahmed Shafiq and Essam Sharaf governments and former head of the Agricultural Research Institute.

Ministry of Supply and Domestic Trade – General Muhammad Abu Shadi – Former police inspector in the Ministry of Supply.

Minister of Local Development – General ^cAdel Labib – Governor of Luxor during the Essam Sharaf Government, and former Governor of Alexandria and Daqahliyya during the Mubarak regime.

Minister of Telecommunication and Information Technology – Eng. ^cAtif Helmy – Former Minister for Telecommunication under the Morsi government and former board member of the Information Technology Industry Development Agency.

Minister of Electricity – Eng. Ahmed Imam – Deputy Ministry of Electricity from December 2012 and former head of the Cairo Electric Production Company.

Minister of Water Resources – Dr. Muhammad ^cAbd al-Mutallib – President of the National Institute for Water Research and former Head of Planning at the Ministry of Irrigation

Minister of Antiquities – Dr. Muhammad Ibrahim – Department Head of Tourism and Hotels College at Ain Shams University.

Minister of Transitional Justice and Societal Reconciliation - Mohammed Amin al-Mahdy –President of Majlis al-Dawla 2000-2001, member of Fact-Finding Committee for 25 Jan Revolution and Egyptian



Minister of Civil Aviation – °Abdel °Aziz Fadil – Vice President of the Airports Holding Company.

Minister of Culture – Dr. Muhammad Sabir Ibrahim °Arab – Professor of Modern History at al-Azhar University and former President of Dar al-Kutub and Egyptian National Archives.

Minister of Information – Dr. Dariyya Sharaf al-Din – Film critic, author and presenter on Egyptian Television, former head of government censorship board and former assistant to Information Minister under the government of Ahmed Nadhif

Minister of Scientific Research – Dr. Ramzi George – Professor of Agriculture at Cairo University.

Minister of Housing – Ibrahim Mahlab – Former President of Arab Contractors Company.

Minister of Education – Dr. Mahmoud Abu al-Nasr – Former President of Educational Planning at the Ministry of Education; academic researcher and engineer

Minister of Health – Dr. Maha Sayyid Zein al-°Abidin MD – Professor and Department Head of Public Health Department at the Qasr al-°Eini Medical School.

Minister of Investment – Usama Salih – Minister for enforcement of monetary regulations under the government of Hisham Qandil, and former President of Investment Authority and Free Zones

Temporary Minister of Administrative Development – Ahmed Samir – TBA

Minister of Youth and Sports – Khaled Mahmoud °Abdel °Aziz – TBA

39. The Constitutional Committee (The Committee of Experts)

The following were nominated by their respective bodies to serve on the Constitutional Committee established by temporary President Adly Mansour. As described above, this committee will have 30 days to propose amendments to the 2012 Constitution, currently suspended as of 3 July 2013. Following this period, the amendments will be discussed by another group of 50 representatives who must present a final draft for referendum within 60 days.

40. Members from the Judiciary

Councillor Mohamed Mahjoub – *Secretary General of Supreme Judicial Council;*

Councillor Hassan Bassiouni – *President of the Cairo Court of Appeals;*

Councillor Mohamed el-Shenawy – *Judge of the Supreme Constitutional Court;*

Councillor Mohamed Taha – *Judge of the Supreme Constitutional Court;*

Councillor Essam al-Din Abdel Aziz – *First Vice President of General Assembly of Majlis al-Dawla;*

Councillor Magdy al-Agati – *Vice President of Majlis al-Dawla.*



41. Members Nominated by the Supreme Council of Universities

Professor Fathi Fikry – *Professor of Constitutional Law, University of Cairo, Faculty of Law;*

Professor Hamdy Omar – *Dean and Professor of Constitutional Law, University of Zagazig, Faculty of Law;*

Professor Salah al-Din Fawzy – *Professor of Constitutional Law, University of Mansoura, Faculty of Law;*

Professor Ali Abdel Aal – *Professor of Constitutional Law, University of Ain Shams, Faculty of Law.* 

Endnotes

1 M. CHERIF BASSIOUNI AND DANIEL ROTHENBERG, *THE CHICAGO PRINCIPLES ON POST-CONFLICT JUSTICE* (DePaul University International Human Rights Law Institute 2008); *See also* M. CHERIF BASSIOUNI, *POST-CONFLICT JUSTICE* (Transnational Publishers 2002); *The Right to Restitution, Compensation, and Rehabilitation for Victims of Gross Violations of Human Rights and Fundamental Freedoms*, 18 January 2000, UN Doc. E/CN.4/2000/62.

2 *See Id.*

3 Report of the Bahrain Independent Commission of Inquiry, Presented in Manama, Bahrain on 23 November 2011 (Final Rev. of 10 December 2011) (Eng.)

4 *See Egypt: Threat of Escalating Street Violence*, HUMAN RIGHTS WATCH, 7 July 2013, available at <http://www.hrw.org/news/2013/07/07/egypt-threat-escalating-street-violence>; *Call for urgent, impartial investigation into deaths in Egypt*, AMNESTY INTERNATIONAL, 8 July 2013, available at <http://www.amnesty.org/en/news/call-urgent-impartial-investigation-deaths-egypt-2013-07-08>; *Egypt: Deadly Clashes at Cairo University*, HUMAN RIGHTS WATCH, 5 July 2013, available at <http://www.hrw.org/news/2013/07/05/egypt-deadly-clashes-cairo-university>. *See also*, for the names and data of 42 people killed by presidential guards, "الحرس" مجزرة "شهداء" 41 تنشر أسماء في مجزرة الحرس, FREEDOM AND JUSTICE PORTAL, available at fj-p.com/article.php?id=72443.

5 The 1971 Constitution was in effect until the 2012 Constitution was promulgated but there are issues as to its legitimacy. The Supreme Constitutional Court ruled its drafting committee unconstitutional on 6 February 2013, however the constitution was approved in a public referendum on 15-22 December 2012.

6 Although he has been designated, al-Baradei has not yet been sworn into his position.

7 This was a unilateral action taken on the part of the Supreme Council of the Armed Forces. Following this action, they issued a number of constitutional decrees in March 2011 and June 2012 that solidified their power during the transitional period, although they had no constitutional or legal authority to do so.

8 He passed away of presumably a heart condition at the Cleveland Clinic in Cleveland, Ohio, USA.

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Appendix A: Gallery



At a hospital morgue in Cairo, supporters of the Muslim Brotherhood stood next to the bodies of fellow protesters killed on 8 July 2013 in clashes with security forces | © European Pressphoto Agency / Mohammed Saber

Supporters of former Egyptian President Morsi carry a wounded comrade during clashes outside the Republican Guard building in Cairo on 5 July 2013 | © Reuters / Louafi Larbieuters



Appendix A: Gallery



An Egyptian man, supporter of the Muslim Brotherhood and ousted president Morsi, kisses a poster of him as worshippers gather for a dusk prayer outside Cairo's Rabaa al-Adawiya mosque on 11 July 2013, during the second day of Ramadan | © AFP



Opponents of ousted Morsi waved national flags in Tahrir Square on 5 July 2013 as they celebrated his removal from power | © AP / Amr Nabil



Appendix A: Gallery



Supporters of Morsi carried a man shot on 5 July 2013 in Cairo after troops opened fire | © AP / Khalil Hamra

Injured supporters of ousted Morsi were treated at a makeshift hospital in Cairo after the military opened fire on 8 July 2013 | © AP / Amr Nabil



Appendix A: Gallery



A supporter of Morsi attends a protest on 8 July 2013 at a mosque near a shooting site in suburban Cairo | © Reuters / Suhaib Salem



Morsi supporters pray in Cairo's Nasr City | © AP / Nasser Shiyoukhi

