

# EGYPT UPDATE NUMBER 10



## CHRONICLES OF THE CONTINUED EGYPTIAN REVOLUTION OF 25 JANUARY 2011

### CONTACTS

**Tel:**

+1 312.943.5797

**Fax:**

+1 312.943.2756

**Email:**

cbassiou@depaul.edu

**Twitter:**

@cherifbassiouni

**Facebook:**

[www.facebook.com/mcbassiouni](http://www.facebook.com/mcbassiouni)

**Web:**

[www.mcherifbassiouni.com](http://www.mcherifbassiouni.com)



**M. CHERIF BASSIOUNI**

*Emeritus Professor of Law*  
DePaul University College of Law  
Chicago, IL, USA



EGYPT UPDATE 10  
September 9, 2011

POST-REVOLUTIONARY UNCERTAINTY

These are uncertain times for Egypt. The euphoria that ensued after the removal of President Mubarak from office has been replaced with an anxiety over the political and economic prospects of post-revolutionary Egypt. Everyone in Egypt, from the dominant political actors to the layman currently harbors concerns over the country's future. The causes for concern are numerous and the sources of uncertainty are manifold, but the feeling of anxiety is shared by all.

**I. Constitutional Uncertainty:**

1. On February 13<sup>th</sup> 2011, two days after Hosny Mubarak relinquished the Presidency, the ruling Supreme Council of the Armed Forces (SCAF) outlined the steps that would be undertaken towards turning power over to a democratically elected government. These measures included suspending (not abrogating) the 1971 Constitution, introducing limited constitutional amendments, disbanding both houses of Parliament, and pledging to hold legislative and presidential elections before the year was over.
2. This plan immediately sparked controversy. For many commentators, the 1971 Constitution had, *de facto*, been abrogated. For them, one of the consequences of a popular revolution that aspires to and succeeds in overthrowing a regime is to dismantle the constitutional order on which it was founded. In addition, it was contended that Mubarak's decision to transfer power to the SCAF had no constitutional grounds, and could only be legitimate if the 1971 Constitution was no longer applicable.
3. Politically, some argued that holding parliamentary and presidential elections before 2011 was over would have deleterious effects for the country. To them, Islamist political forces would be poised to achieve the greatest gains in any such elections, which would produce an unrepresentative legislature, and would give these forces a disproportionate say over the political future and fortunes of Egypt. Therefore, people, groups, and political figures espousing this view, who tended to fall on the liberal and leftist ends of the political spectrum, argued in favor of proceeding first with the drafting of the new constitution, delaying parliamentary elections, and then holding presidential elections.<sup>1</sup> On the other hand, Islamist groups, including conservative 'Salafi' groups, and more prominently the Muslim Brotherhood, favored the plan announced by the SCAF, and openly lobbied for the early holding of parliamentary elections, which should be followed by the drafting of the new constitution.

---

<sup>1</sup> It is noteworthy that the liberal/leftist political forces were not unanimous in their views on the order of steps that should be undertaken. For some, presidential elections should be held before parliamentary elections, while others differed on the length of the transitional period, and some felt that drafting the constitution should be preceded with the forging of a 'national consensus' on the basic principles of the constitution.

4. This dichotomy between Islamist and non-Islamist forces quickly transformed into all-out polarization by mid-March 2011, when the proposed set of limited amendments to the 1971 Constitution were put to a popular referendum. While there were many points of disagreement between the two camps, the most salient was whether legislative elections should precede the drafting of the new constitution, or if the latter should be prepared before elections are held. This controversy was partially provoked by the fact that article 189*bis* of the proposed amendments stated that the members of the Constituent Assembly that would write the new constitution would be chosen by parliament. For liberal and leftist forces, the ‘elections-first’ option meant that Islamist forces would enjoy an inordinate percentage of the parliamentary seats giving them a degree of influence on the drafting of the constitution that was disproportionate with their actual popularity. The Islamists, on the other hand, argued that the proposed amendments provided a more democratic path towards a new constitution, since its drafters would be chosen by the freely elected representatives of the nation.



Figure 1 Egyptians line up to vote in the constitutional referendum that was held on March 19, 2011. (Photo credit: Daily News Egypt).

suggests that one of the main purposes of preparing and issuing it was to confer greater legitimacy on the military’s role as Egypt’s ruling authority, since the 1971 Constitution did not include any reference to the SCAF or its powers.

6. This, however, caused further confusion. The logical consequence of the popular approval of amending the 1971 Constitution was that the constitution should be reactivated, especially that the SCAF had not by abrogated the constitution, but had merely ‘suspended’ it. In that case, power should have been transferred to the President of the Supreme Constitutional Court, who would become President *ad interim*, until presidential elections are held within 60 days. The fact that the SCAF did not do that, led some to conclude that the 1971 Constitution was, *de facto*, abrogated. The problem was, however, that *de jure*, the SCAF had not announced the abrogation of the constitution, and its declaration of February 13<sup>th</sup>, in which it suspended the constitution, remained in force and was referred to in the preamble of the Constitutional Proclamation of March

5. On March 19<sup>th</sup> 2011 the matter was put to a referendum, the result of which was that 77% of the participating voters favored the proposed amendments. On March 30<sup>th</sup> these amendments were incorporated into a 63-article long Constitutional Proclamation that was issued by the SCAF. This document also outlined the powers of the ruling military council, which

30<sup>th</sup>. To complicate matters further, the form, structure, and substance of this latest proclamation was borrowed – almost entirely – from the 1971 Constitution. Indeed, it maintained many aspects of that document that had drawn criticism from various political circles, such as the provision requiring that 50% of the members of the legislature be peasants and workers, the almost absolute powers of the presidency, and the article stating that Islamic Sharia was the principal source of legislation.

7. Therefore, to this day, Egypt lives in a situation of constitutional confusion. The 1971 Constitution drafted by former President Sadat and maintain by Mubarak seems to be clinically dead, but its spirit continues to hover over Egypt’s constitutional order.

## II. The ‘Constitution First’, ‘Supra-Constitutional Principles’, and the Polarization of Politics

1. As aforementioned, the liberal and left-leaning political powers in society had been persistent in favoring the drafting of the new constitution before holding legislative and presidential elections; a position which was embodied in the popular slogan ‘the constitution first’. When, however, the results of the March 19<sup>th</sup> referendum showed that the vast majority of Egyptian favored holding elections first, proposals began to be advanced to allay the fears and concerns of these liberal and leftist actors.
2. One such proposal was to reassert the need to draft the constitution first, on the basis that the results of the referendum had been nullified by the March 30<sup>th</sup> Constitutional Proclamation, which, in their view, had replaced the 1971 Constitution that was supposed to be reactivated in light of the results of the referendum. In addition, it was contended that the SCAF had entered some changes into the text and wording of the amendments approved by the Egyptian people, which meant that the entire referendum and its results had been nullified by the governing authority.
3. Another idea was that ‘Supra-Constitutional Principles’ should be agreed upon by all political forces prior to the drafting of the new constitution. These principles, it was contended, should govern the drafting process, and would set the general contours of the new document.

Various political groups and leading figures presented their views on the content of those principles. Some, like potential Presidential candidate Mohamed Elbaradie, proposed a short Bill of Rights that could be incorporated into the constitution. Others emphasized the

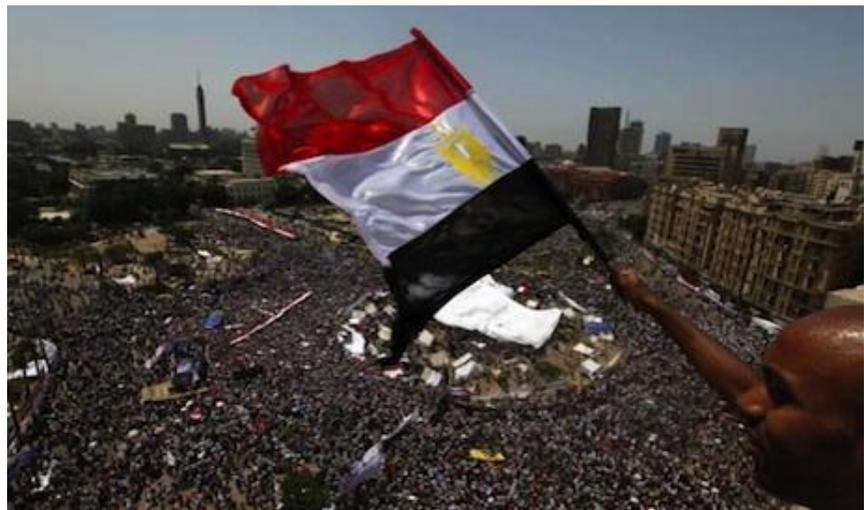


Figure 2 Hundreds of thousands gather in Tahrir square for Determination Friday, on July 8 2011. (Photo credit: Reuters)

need to ensure that the constitution maintained the ‘civil’ nature of the state, which would foreclose the possibility of establishing either a theocracy or a military-ruled state.

4. Meanwhile, various political factions that had spearheaded the 25 January revolution against Mubarak called for and organized a ‘million-person’ demonstration in Tahrir Square on Friday July 8<sup>th</sup> 2011.<sup>2</sup> This demonstration had multiple purposes, primary among which was to apply pressure on the SCAF to change course and draft the new constitution before holding elections. In addition, the demonstrators called for an end of the prosecution of civilians before military courts, condemned the excessive use of violence by riot police, demanded the prompt payment of compensation for those killed or injured during the revolution, and underscored the need for bolder economic reform to achieve greater social justice.
5. In response, Islamist forces, especially Salafi groups, organized a massive rally in Tahrir Square on July 29<sup>th</sup> in which they reaffirmed their rejection of calls to draft the constitution before the planned parliamentary elections. In their view, any changes to the steps of the transition that were approved in the March 19<sup>th</sup> referendum and codified in the March 30<sup>th</sup> Constitutional Proclamation would represent a “circumvention of the will of the people,” and a violation of the result of the referendum, which to them was unacceptable. These Islamist powers even threatened further escalation if the SCAF succumbed to the pressure of the liberal political parties.



Figure 3 Egyptian Islamist demonstrators rally in downtown Cairo's Tahrir square on July 29, 2011.

6. On its part, SCAF announced that it intends to issue a third Constitutional Proclamation that would include general principles to govern the constitutional drafting process. The announcement was formulated in such a way that it caused further confusion because one reading of it suggests that the military would merely set guidelines to be followed by the

<sup>2</sup> These demonstrations are called ‘million-person’ demonstrations, but are not necessarily attended by one million people.

elected legislature while choosing the members of the Constituent Assembly. Another plausible reading of the announcement is that the SCAF will articulate specific substantive principles that would set the parameters of the new constitution.

7. The result is that the unity and solidarity that marked the 18 days that toppled Mubarak has been dissipated. Instead, suspicion, mistrust, and mutual recrimination have ensued between the liberal and leftist powers on one side and Islamist groups on the other. Naturally, the prime beneficiary of this situation is SCAF, which seems to be adopting a 'divide-and-rule' strategy that ensures that none of the powers currently active on the Egyptian political scene becomes powerful enough to challenge its political dominance.

### III. The Imbalance of Power: A Reading of the Political Map

1. Thomas Paine, one of the founding fathers of the United States, once said: "The balance of power is the scales of peace." Unfortunately, however, the political scene in Egypt today is characterized by a severe imbalance of power, which means that the results of the political process might not necessarily reflect the ideals and aspirations for which Egyptian people revolted against Mubarak's authoritarianism.
2. There are, for purposes of simplification, three main political actors. The first, and most powerful, of these is the SCAF. The military in Egypt enjoys credibility and popularity, and its leadership is perceived, according to recent polls conducted by various US institutions, as incorruptible and nationalistic. This perception is partially due to that all matters relating to the administration the military are shrouded in secrecy, and because the SCAF is seen to have distanced itself from the corruption and cronyism of Mubarak and his coterie. Despite the fact that there has been considerable criticism of the military and its performance as the *de facto* ruler of the country, its popularity and credibility among Egyptians remains high.
3. The second main powerbroker are the Islamist forces, which, contrary to some views, are not a monolithic body, but include various groups, organizations, and individuals which hold diverging views on political, economic, social, and even religious issues. These groups also vary in their popularity and *modus operandi*. Some, like the Muslim Brotherhood, have amassed extensive political experience, while others, like Sufi groups, command a degree of spiritual authority. Furthermore, some leading Islamic political forces, including the Muslim Brotherhood, are experiencing degree of internal dissent within their ranks, especially among its younger members. In addition, there are numerous public figures who, despite being officially unaffiliated to any particular political group, are identified as having Islamists leanings. Among them are two of the leading potential presidential candidates Mohamed Selim El-Awa and Abdulmoneim Aboufotouh. It is also noteworthy that the powerbases of these various groups are not identical. For example, most members of the Muslim Brotherhood hail from the educated urban middle class, while supporters of the more conservative Salafi groups tend to be of less educated rural backgrounds.
4. The third force on the political scene is composed of an incoherent constellation of political parties, civil society organizations, groups, and individual leaders. The ideological affiliations of these entities range from the communist, socialist, and center-left parties, to more economically liberal groups and parties. Some of these groups have Nasserite leanings that aspire to revivify the pan-Arabism of the 1960's, while others are

focused on establishing a democratic polity in the post-Mubarak Egypt. In addition, some entities belonging to this category on the Egyptian political spectrum have transformed into political parties, like the center-right *Almasreyoon Alahrar* (Free Egyptians) party, the centrist *Adl* (Justice) party, and the center-left Social Democratic Party, while others have elected to remain political pressure groups, like the Ahmed Maher wing of the April 6<sup>th</sup> Movement. Despite this diversity, these powers are united in their opposition to either an Islamist takeover of the country or the continuation of military rule. The leading public figures of this group include former IAEA Director-General Mohamed Elbaradie, Judge Hisham Elbastawisi, both of whom have expressed presidential ambitions, and political commentator Amr Hamzawy. The main powerbase of these groups is the younger urban educated middle class which spearheaded the uprising that began on January 25<sup>th</sup>, and its primary tools of mobilization remain internet-based social media platforms and the networks and groups that have emerged in the post-revolution months.

5. These three segments of the Egyptian political scene do not, however, enjoy power parity. The military remains the primary power broker, with the credibility, popularity, and, more decisively, the sheer firepower, to affect the political fortunes of Egypt. The Islamists rank second, with two distinctive comparative advantages that give them greater influence than the more liberal parties. The first is their superior organizational capacity, their political experience, and their relatively high degree of internal discipline. Second is their use of the highly persuasive religious discourse that grants them considerable sway and popularity among Egyptians, who are generally conservative. Finally, liberal and leftist groups come third on the power scale, and are beset with a number of challenges, primary among them is their disunity. Indeed, despite the ideological contiguity between many of the entities belonging to this camp, tens of political parties have emerged in the past months, and hundreds of so-called ‘revolutionary youth coalitions’ have appeared. The resultant fragmentation on this side of the political spectrum has caused an overall relative weakness of these parties and groups. This is unfortunate because it was these entities and their members that originally led the revolution. This has caused a feeling to spread among many Egyptians that the revolution is being ‘hijacked’, and that forces and powers that had not supported it wholeheartedly stand to achieve the greatest political gains from it.

#### IV. Revolution-Fatigue

1. It has been almost seven months since the Egyptian people succeeded in ousting Hosny Mubarak from power after 18 days of demonstrations. The jubilation that ensued in the following days and weeks began to wane as Egyptians began demanding the fruits of their revolution. At first, there was a wave of sectoral demonstrations in which employees from every industry began demanding better working conditions and higher pay. Some of these demonstrations expressed legitimate grievances, while others bore the signs of opportunism. Initially, these manifestations of public anger enjoyed the sympathy of the population at large, especially that many harbored the same concerns and grievances expressed in these demonstrations. However, as these protests continued and widened in scope, their economic toll began to be felt, particularly as foreign investment dropped considerably, and rates of production decreased throughout the country. This caused

many people to grow weary of the lack of stability that had ensued in the aftermath of the revolution, and started blaming it for some of the economic difficulties they were facing.

2. Then as the summer approached discontent towards the SCAF started to rise among the youth groups that spearheaded the revolution due to what they felt was the lack of progress towards democracy, and their increasing distrust of the intentions of the military. This led to a series of demonstrations, the largest of which was on July 8<sup>th</sup> that was followed by a three-week sit-in in Tahrir Square. During this sit-in a number of protesters closed down a large administrative building that housed various government agencies that provided essential services to citizens. Meanwhile, protestors in Alexandria demonstrated in front of the headquarters of the Northern Command of the Egyptian Army, while others in Suez threatened to block navigation in the Suez Canal if the demands of the demonstrators were not fulfilled. These steps and announcements from revolutionary groups, which were intended as escalatory measures to apply greater pressure on the SCAF, backfired against the protestors, and caused many Egyptians to get disenchanted with them, as they felt that their daily lives were being adversely affected by the demonstrators. Further complicating the situation was that few Egyptians, particularly among the apolitical masses, related to or understood the reasons for the sit-in or the demands of the protestors. This coupled with the already high credibility that the SCAF and the military at large enjoy among most Egyptians caused greater disillusionment with political forces and groups that were leading the sit-in, which had also been the spearhead of the revolution.
3. In addition, as is the case with all revolutions, Egyptians are currently experiencing a moment of frustrated expectations. Many were hoping that Mubarak's fall and the demise of his corrupt regime would lead to a palpable improvement in the living standards. Unfortunately, that is not the case and will not be the case for the immediate future, especially as engendering a business-friendly environment and attracting badly needed foreign investment requires a degree of political stability and certainty, both of which are in insufficient supply in Egypt today.
4. The cumulative result of all the aforementioned phenomena was a general sensation of revolution fatigue in Egypt, with more people craving a faster return to normalcy, and desire to end the continuous resort to demonstrations and sit-ins as tool of political pressure. The problem, however, is that protesting and organizing mass rallies remains the most potent weapon available to the



Figure 4 A protest against military trials of civilians in Cairo on September 9, 2011. (Photo credit: Hossam el Hamalawy).

liberal pro-democracy youth that led the January 25<sup>th</sup> revolution to wrest concessions from the ruling military

council. As time passes the effectiveness of this tool is dwindling, and might begin to cause a backlash against these groups, which need to develop new strategies and tactics to achieve their aims without losing the support of the bulk of Egyptians.

## V. Military Trials of Civilians: Nothing has Changed

1. One of the egregious human right violations that marred Egypt's human rights record in the Mubarak era was the referral of civilians to military courts, which lacked many of the basic guarantees of a free and fair trial. Unfortunately, in the post revolution months thousands of civilians have been prosecuted by military courts for crimes ranging from the destruction of public property by thugs, to demonstrating without permits, and insulting the military.
2. According to some statistics, more than 10,000 civilians have been referred to military courts since the revolution. These trials violate principles of fair trial and due process, which are international obligations incumbent on Egypt. Furthermore, the military has failed to investigate accusations of torture and mistreatment perpetrated by its personnel at detention facilities, and the alleged conducting of virginity tests by military staff after the revolution.<sup>3</sup>
3. Three judges, Hassan al-Naggar, Alaa Shawky and Ashraf Nada, were referred to a disciplinary committee over their statements in the media against military trials for civilians. It was announced that the three judges had been referred to the disciplinary committee because they appeared in the media without prior permission from the Supreme Judicial Council. This decision has generated wide anger against the Minister of Justice Mohamed Abdel Aziz al-Gindy who is responsible for this decision. The decision also comes in line with the SCAF's zero tolerance policy with any criticism leveled against the military institution and its branches. Earlier, several TV presenters were called before the military prosecution to answer accusations for allegedly having insulted the military.
4. It is arguable that of all the issues causing mistrust between SCAF and the revolutionary youth, the referral of civilians to military trials is the most serious. Indeed, there are calls for organizing a large rally on September 9<sup>th</sup> in Tahrir Square to demand an end to this practice and the nullification of all sentences issued by military courts against civilians.

## VI. SCAF and the Revolutionary Youth: A Strained Relationship

1. In the immediate aftermath of the revolution relations between the military and the groups of Egyptian young women and men who had led the uprising could be likened to a honeymoon. Those who had lost their lives were described by the military as 'martyrs', and were given a military salute on live television by a prominent SCAF member.
2. However, as the weeks passed, skepticism and mistrust started to seep into the relationship. For the revolutionary youth groups the referral of civilians to military trials, the various political steps undertaken by the SCAF, and the increasing uncertainty and lack of clarity regarding the transition towards democracy caused these youth groups to lose faith in the SCAF. The military, on the other hand, is unaccustomed to dissent and exhibits minimal tolerance to any form of criticism of its leadership. Furthermore, while the military is probably committed to holding free and fair elections, it is unlikely that it

---

<sup>3</sup> <http://www.hrw.org/middle-eastn-africa/egypt>

will allow executive power, which it has effectively controlled for almost six decades, to slip from its grip. This is considered by many among the pro-democracy youth to be a betrayal of the revolution, which aspired to replace the political order that had governed Egypt since the 1952 military coup d'état.

3. Tensions between the revolutionary youth and SCAF reached their height when the military issued a statement on July 22<sup>nd</sup> 2011 claiming that the April 6 Movement was driving a wedge between the people and the army, that it was executing a foreign agenda in Egypt that aimed at destabilizing the country, and that it is funded by the US. This statement caused resentment among many Egyptians because they were reminiscent of the accusations leveled by Mubarak's regime against its political opponents. Following that statement, April 6, and other youth movements, organized a march from Tahrir Square to the headquarters of the Ministry of Defense to condemn the SCAF's accusations on Saturday July 23<sup>rd</sup>. The choice of date was considered a form of escalation against the military, since this was Egypt's national day that commemorated the ousting of Egypt's King in 1952 by the military. Thousands of protestors took off from Tahrir Square but were met halfway to the SCAF headquarters by military barricades in Abbasiyya Square, which prevented the protestors from reaching their destination. In the hours that followed a pitched battle ensued between the demonstrators and people claiming to be residents of the Abbasiyya neighborhood. During these clashes knives, swords, stones, and Molotov cocktails were used, and several injuries and one fatality were recorded. April 6 accused the SCAF of hiring thugs to attack peaceful protestors while the police, military police and army watched. In the days that followed, April 6 declared that SCAF's mask had fallen, and that the true face to reveal the face of Mubarak once again.
4. SCAF's positions towards April 6 and other youth movements can only be understood if placed within the context of the broader strategy and interests of the military. The Egyptian Armed Forces and its leadership considers itself the primary guarantor of peace and stability in the country, and probably does not have much faith in the ability of the democratic process to produce a political leadership that it can trust to maintain order in Egypt. Therefore, the SCAF is careful to ensure that none of the powerbrokers on the Egyptian political scene becomes powerful enough to threaten its dominant political position. It is, therefore, not unlikely that the SCAF might be targeting groups like April 6 because it foresees that they might be the most vocal opposition to attempts by the military to maintain its control over government in Egypt. Specifically, the SCAF might be concerned that if a senior military commander were fielded as a presidential candidate (Lieutenant General and Chief of Staff Samy Anan is the most probable candidate) groups like April 6 might attempt to mobilize public opinion against him.

## **VII. The Trial of Egypt's Last Pharaoh**

1. On August 3<sup>rd</sup> 2011 the unthinkable happened. The deposed pharaoh who had ruled Egypt with an iron fist for thirty years was wheeled into a courtroom and placed in the defendant's cage. Hosny Mubarak was charged with killing demonstrators during the January 25<sup>th</sup> Revolution, and financial corruption. Alongside the former president were his two sons, and the top leadership of the feared and despised Ministry of Interior.

## 🌀 EGYPT UPDATE 10 🌀

2. Mubarak was flown in by helicopter from the Red Sea resort town of Sharm Elsheikh, where he was held in a medical facility. The courtroom was situated in the police academy instead of its normal premises to ensure the protection of the defendants given the exceptional nature of the trial.
3. Many Egyptians had harbored doubts that Mubarak would actually be held accountable for his alleged crimes, especially that all the members of the ruling military council had been appointed by the former president, which led some to assume that they would shield their former Commander in Chief from prosecution. Nonetheless, to the disbelief of the Egyptian people, Mubarak appeared in court, and pleaded not guilty to the charges made against him by the Public Prosecution.
4. The court hearing the case is a normal criminal court, namely the Fifth Felonies Circuit of the Cairo Court of Appeals, and presided over by a civilian judge, which, at least *prima facie*, ensures that the former president and the other defendants will enjoy basic due process guarantees. This is to Egypt's credit, especially when compared to other revolutionary settings where Heads of State were deposed and summarily tried and executed, as was the case in Czarist Russia, Iraq after the 1958 coup d'état, and Romania after the fall of Nicolae Ceausescu in 1989.
5. Nonetheless, some concerns were expressed over the nature of the charges made against Mubarak. Primarily, the corruption charges were limited to profiteering through facilitating the unjust enrichment of his close friend business tycoon Hussein Salem who allegedly gave the Mubarak family 5 villas in Sharm Elsheikh in return for the former president's facilitating Salem's acquisition of large tracts of state-owned land in prime seaside locations in Sharm Elsheikh. This, many observers noted, was a fraction of the corruption that could be attributed to Mubarak and his family, especially his sons who were known to have extensive business interests that were rumored to have been wholly dependent on the power and influence of their father. Second, many expressed concerns that the evidence presented by the prosecution was insufficient to hold Mubarak accountable for the killing of protestors, and that he might end up being found guilty of negligence. Third, many felt that Mubarak should also be prosecuted for the many human rights violations that were committed by his security forces throughout his reign. That includes thousands of political detainees who were held incommunicado for many years, the systematic torture of political opposition, and systemic police brutality that Egyptians regularly experienced. Fourth, many commentators felt that Mubarak should be held accountable not only for financial corruption, but also for the *political* corruption that reigned in Egypt since he took office in 1981. This took many forms, including preparing the ground for his son Gamal to inherit power from him, and stifling political dissent.
6. More importantly, however, are the psychological and sociological effects that this trial will have on the Egyptian people and Arabs throughout the region. On one level, this trial could spell the end of a mode of governance that has hitherto persisted in Egypt and the Arab world, namely that of the untouchable and irreproachable pharaoh who governed the country with absolute powers. It is unclear what the social impact of this trial will be, but it is not unlikely that it will contribute to a shift in the Egyptian and Arab psyche that had always revered authority, shunned dissent, and rejected the questioning or criticism of those elders who wielded power.

### VIII. Foreign Relations

1. Foreign policy did not rank among the top grievances that Egyptians expressed during the 18 days of protests that ended President Mubarak's reign. This does not mean, however, that Egyptians were satisfied with policies adopted by Mubarak's government. Quite to the contrary, there was considerable public displeasure with various aspects of Egyptian foreign policy, including the country's dwindling influence in Africa, its perceived subservience to the United States, and its diminishing role in the Middle East. However no single issue cause popular discontent with foreign policy as much as Israel's ongoing siege of Gaza and what many Egyptians considered to be their country's complicity in it.
2. It was, therefore, not surprising that one of the first foreign policy decisions taken by the Egyptian government in the days following the ousting of Mubarak was the partial opening of the Rafah crossing, and easing of the restriction placed on the travel of Palestinians to and from Gaza. Egypt also reestablished ties with Hamas which had been severely strained since the latter took over Gaza, and because Egypt's political leadership harbored a visceral suspicion of Hamas due to its ideological and organizational links to the regime nemesis: the Muslim Brotherhood. Shortly thereafter, Egypt succeeded in prodding Fatah and Hamas to sign the Palestinian National Reconciliation Agreement, which had been prepared by Egypt previously but remained unsigned due to differences between the two Palestinian factions. This was Egypt's first post-revolution foreign policy success.
3. The first real foreign policy challenge to face Egypt came when, in the aftermath of an attack against the Israeli town of Eilat, Israeli forces killed a number of Egyptian border control officers on duty near the Taba crossing. This immediately caused uproar in Egypt, with parties and groups from every end on the political spectrum calling for a firm and unconciliatory Egyptian response. Popular demands ranged from recalling Egypt's Ambassador in Tel Aviv, to declaring Israel's Ambassador in Egypt *persona non grata*, to freezing diplomatic relations, to calling for a suspension of the Egyptian-Israeli Peace Treaty.
4. Meanwhile, Israel's Defense Minister issued a short statement expressing regret at the incident, and promising a thorough investigation. Thereafter, Israel's President Shimon Peres apologized for the inadvertent killing of Egyptian servicemen and reaffirmed his country's commitment to investigate the incident. On its part, the Egyptian government had a confused response. Initially, it announced that it demanded a full apology, that it considered the statement issued by the Defense Minister insufficient, and that it required a joint investigation into the incident. Shortly later, the Egyptian Cabinet issued a press release announcing that it was recalling its Ambassador in Tel Aviv, which was later retracted, and then denied, and explained as draft press release that was issued by mistake.
5. Popularly, outrage ensued, which was manifested in large demonstrations and a weeklong sit-in at the premises of the Israeli Embassy in Cairo located in an apartment building overlooking the Nile. The climax of these demonstrations came when an Egyptian teenager climbed the building and removed the Israeli flag and hoisted the Egyptian flag

instead. Egyptian media immediately hailed this feat as an act of bravery, heroism, and a reassertion of national pride, and an affirmation that post-revolutionary Egypt would no longer allow Israeli provocations to pass unanswered.

6. While accurate information about the policy decisions that were taken at the political level in Cairo remain scarce, it is probable the SCAF wanted to strike a balance between placating public anger, and avoiding an escalation of the incident that could harm Egyptian national interest. This was manifest in allowing the media to scathingly condemn Israel's behavior, the issuance of public statements by SCAF members affirming that the military would be steadfast in defending Egyptian national security, and insisting an investigation of the incident. Egypt also rejected the statement issued by the Quartet on the Eilat attack because it failed to condemn the death of Egyptian servicemen, and responded to western, including US, calls on Egypt to ensure security and stability in Sinai by affirming that it rejected any foreign intervention in its internal affairs.
7. Naturally, the future tone and posture of Egyptian foreign policy will depend on the nature of the democratically elected government that takes over from SCAF after the upcoming elections. Nonetheless, the power dynamics in Egypt will probably mean that it is unlikely that Cairo will undertake any fundamental strategic shift in its foreign relations. This is attributable to the fact that SCAF, which as aforementioned enjoys considerable popularity among most Egyptians, has a vested interest in maintaining its close relations with the United States, especially that the latter provides around \$1.3 billion annually in aid to the Egyptian military. Furthermore, despite public calls for the revisiting, or even renunciation, of the Egyptian-Israeli Peace Treaty, SCAF is committed to maintain and upholding the treaty as a cornerstone of peace and stability in the region.

## **IX. Security**

1. Police and military police forces have captured thousands of fugitives who have run out of prisons during the revolution. But over 8000 prisoners remain at large. While the general security situation has improved throughout the country, street fights are occurring frequently, each involving tens of persons. During the first week of August only 3 major street fights broke out in separate areas of Cairo, each of which included no less than 70 persons and involved the use of Molotov bombs, machine guns and other weapons. There have been multiple incidents of shootings between the police and criminal bands in various areas of the country.
2. Strikes, demonstrations and sit-ins for private interests, including demonstrations by police staff, continue to take place. What is worrisome about these activities is that on some occasions they turn violent. It has become the norm for protestors to block major thoroughfares or a railway tracks to voice their demands and to apply pressure on the government. Meanwhile, protestors have persisted in their Tahrir Square sit-ins, closing all entrances to the Square and paralyzing traffic in surrounding streets.
3. The most dangerous security development has been the attacks against a police station in the city of al-Arish in Northern Sinai and a gas pipeline. An affiliate organization of al-

## 🌀 EGYPT UPDATE 10 🌀

Qaeda in Sinai has claimed responsibility for the attacks. The attacks left seven dead and more than a dozen injured. The organization is believed to comprise of Egyptian and Palestinian militants who want to transform Sinai into an Islamic Caliphate and terminate the Egyptian-Israeli Peace Treaty. The government announced a major security operation to target the newly formed al-Qaeda cells in Sinai. So far, only 15 suspects have been arrested of which 10 are Palestinians.