EGYPT UPDATE | NO. 22



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CHRONICLES OF THE CONTINUED

EGYPTIAN REVOLUTION OF 25 JANUARY 2011

Confrontation: The Muslim Brotherhood's Last Big Stand and the Regime's Repressive Reactions -Where is Egypt Going?



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EGYPT UPDATE | NO. 22

17 August 2013

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EGYPT'S LATEST REVOLUTION

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Foreword

In the span of 72 hours, tragic events have unfolded in Egypt which, as of this writing, have resulted in an estimated 1,000 or more deaths, and 4,000 or more injuries. Exact numbers are difficult to ascertain. The Egyptian people have been traumatised by this unprecedented experience of violence.

Freedom and democracy are also among the casualties. Whether the country will turn into what some have described a police state is at this point speculative. Both sides, the regime and the Muslim Brotherhood (MB) and its Islamist supporters, are acting on the basis of two totally opposing realities which inform their policies and actions. Egyptian society is strongly polarised and partially radicalised—each side feeding upon their respective perceptions, using examples of violent and repressive actions as evidence of their suspicions. There is almost no centre left in Egypt, at least none to mediate between the two extremes. And, there are no emerging moral leaders who have credibility with both sides.

The international media is focusing on events in Cairo and tending to favour the MB; it has ignored what is happening in Upper Egypt, particularly the plight of the Copts who are being victimised by the Islamists.

The country is on the verge of an economic abyss, and the present instability only adds to the risks it is facing. The accumulation of social and political problems will render stability more difficult to achieve.

The regional implications of what is happening in Egypt are yet to be felt, as are larger geopolitical consequences. Admittedly, the US is in a difficult position. Somehow, notwithstanding its best intentions, it manages to continue to be viewed by all parties concerned as ambiguous and untrustworthy. Maybe it is this perception, more than anything else, that impacts the Arab and Muslim worlds. It is only the enormous reservoir of goodwill that Arabs have for Americans that keeps Arab and Muslim countries from giving up on the US as a reliable, friendly state.

M. Cherif Bassiouni 17 August 2013 Chicago

Cover Photo

Egyptians look for their relatives amongst the bodies of protesters who died at the Rabaa al-Adawia mosque on 14 August 2013 | © EPA

* The research assistance of Brian Wright, former part-time Faculty, Arab Studies, American University of Cairo is acknowledged.



I. Summary

- As of dawn, 14 August 2013, Cairo time, Egyptian security forces (police and army) acted to 1. remove the MB and their supporters from public locations that they had occupied since 2 July after the ouster of then-President Mohammed Morsi. Two primary locations were in Cairo, one at the big intersection and public square known as Rabaa al-Adawia, the other at al-Nahda Square. The protestors were also in other locations in Cairo and in other parts of Egypt. They engaged in periodic public demonstrations in Cairo and elsewhere. The two Cairo locations mentioned above were converted into inhabited makeshift towns with field hospital tents and pharmacies, as well as cooking, housing, and food storage tents. Both of these camps had concrete and stone barriers made of stone blocks removed from the streets. They became fortified areas. Traffic was impeded and the inhabitants of these areas were prevented from access to their homes and from circulating freely in and out of their neighbourhoods. These two locations and other smaller ones became small fortifications ready to face any efforts by the security forces to remove those on the inside. Both sides are locked in their respective positions. The security forces warned that they would act to remove those who had occupied the streets and public areas because they were impeding traffic and infringing upon the rights of the inhabitants of these areas, in addition to disrupting the economy and order of the nation.
- 2. These and other demonstrations, protests, and marches by the MB were held in the name of democracy, calling for the return of ousted President Mohammed Morsi and the restoration of the 2012 Constitution. The merits of these two propositions are discussed in **Egypt Update 21 (at Sec. X, pp. 17-18)**. There are valid claims on both sides. The MB have a valid claim based on the legality of the processes that brought about the election of Morsi and the adoption of the 2012 Constitution by public referendum. The opposition has a claim under legitimacy that transcends legality, namely: that Morsi had taken upon himself all powers without regard to judicial overview of his executive decisions; that he had mismanaged the affairs of state; that there was no constitutional or other legal mechanism for his recall, removal, or impeachment; and, that the 2012 Constitution had been rammed through a popular referendum after having been produced by a committee appointed by a legislature which had been declared unconstitutional and whose elected officials had been disbanded (see **Egypt Update 21, 5 August 2013)**.
- 3. A negotiated political solution was urged internally and externally. Internally, then-Temporary Vice President Mohammad al-Baradei (who resigned on 14 August) called on the nephew of the late President Anwar Sadat to convene a meeting of all political factions to discuss a solution to the crisis. The MB refused and the effort was not pursued. The Ministry of Transitional Justice, which had been established by decree of Temporary President Adly Mansour and whose cabinet position was occupied by a distinguished, retired administrative Judge, Amin el-Mahdi, was basically "dead on arrival." No initiative was taken by the new Minister.
- 4. The international community responded, though without success. The first foreign initiative came from the European Union, with the High Representative of the Union for Foreign Affairs & Security Policy/Vice-President of the European Commission Catherine Ashton, visiting former President Mohammed Morsi (who is held in an undisclosed detention facility

believed to be a villa used by the military for high-ranking visiting dignitaries where by all accounts he is living comfortably and safely). She urged all concerned to settle matters peacefully, but she had no mandate from the Commission and thus limited herself to urging all concerned to act with caution and to seek a negotiated political solution. Subsequently, the EU provided a mandate to a special envoy, Bernardino León, who joined a US initiative. That initiative consisted of two separate tracks, the first undertaken by US Deputy Secretary of State William (Bill) Burns and the second by Senator John McCain (Arizona) and Lindsey Graham (South Carolina).



The Burns-León joint undertaking involved meetings with the military leadership as well as with the MB leadership both in and out of prison. As for the two senators, who represented the Senate Foreign Relations Committee, and who also had the personal support of President Obama, they held separate meetings from the Burns-León initiative, which included one with General Abdel Fattah al-Sisi. The two US initiatives created the impression that the US was operating along two different tracks which was not the case for the US, but that is how it appeared in Egypt and in most of the Arab World. Both missions regrettably turned out to be failures, for different reasons, and both created the impression among Egyptians that the US was supporting both sides at the same time. Many on the Egyptian scene started to see the US in light of one of the many conspiracy theories circulating within and outside of Egypt (see Egypt Update No. 21, Sec. IV, pp. 7-10). According to one conspiracy theory, the US was continuing to destabilise Egypt which was ultimately serving Israel's interests, since the latter would be much more comfortable having a destabilised and weak Egypt on its borders rather than a strong and stable Egypt. While this speculation may be supported by some logic, the opposite is also true, namely that it is in the best interest of the US and Israel to have a stable, though not necessarily a strong Egypt. Be that as it

may, the general perception among both MB and pro-Regime supporters is that the US has played and continues to play an ambiguous, not to say a nefarious role, which is deemed by all concerned to be anti-Muslim, anti-Egyptian, and anti-Arab.¹

Against this background, it was easy for the Regime to conclude that political settlement 5. discussions were leading nowhere, particularly after Burns and León met with Khairat el-Shater, the apparent number two person in the MB. The meeting took place in a prison on 5 August 2013 where Mr. el-Shater was held. It was reported as having been acrimonious. El-Shater excoriated Burns for the US's duplicitous position, having given the MB leadership and President Morsi, in a meeting with then-Secretary of State Clinton on 14 July 2012, clear indications that the US would support the legally elected president and his government, only subsequently to support the military action which removed President Morsi and placed him and other MB leaders in prison. El-Shater (who was the MB's nominee for president instead of Morsi, but who was disqualified by the Election Commission because he had been convicted under the Mubarak regime for "MB-related political activity") reiterated conditions that the MB consistently offered, namely: 1) Morsi is to be reinstated as President; 2) the 2012 Constitution is to be considered effective; and 3) Morsi resigns and sets an effective date for his resignation during which time presidential elections take place followed by scheduled legislative elections.² The Regime had previously rejected the idea of Morsi being returned to the presidency and had declared on 3 July a timetable for presidential and legislative elections (see Egypt Update 21, p. 12). It has also established a process to revise the 2012 Constitution (see Egypt Update 21, Sec. VII). There was therefore no meeting of the minds. Regrettably, there was no agreement on establishing a process under which negotiations on this and other subjects could be undertaken. It seems that everyone was looking for a quick solution and more importantly with respect to the MB and the Regime, for the solution that each wanted. Such rigidity in the absence of an on-going process has never produced positive results in any conflict anywhere in the world, and so it was in this case as well. Though not generally reported, there was a workable initiative offered by a group of some 50 Egyptian intellectuals, academics, and public figures, which modified the MB proposal in a way that could have a positive outcome. It was to reinstate President Morsi for a limited period of time, have him appoint a Prime Minister which had the consensus of all political forces and who in turn would choose a cabinet of technocrats. He would then resign (probably with an effective date being as of the election of the new president, so that a handing over of the presidency could be done in a continuous legal manner) and that would be followed by legislative elections. Alternatively, parliamentary elections could proceed under the supervision of this new cabinet. In short, this proposal was flexible and workable. By all accounts, it was in part accepted by some on both sides but rejected by what appears to be the leadership of both sides.

II. Ongoing Events

6. On 14 August Temporary President Adly Mansour declared a 30-day state of emergency, which meant that civil rights were suspended and that the previously abrogated law on the state of emergency used under the Mubarak regime was *de facto* reinstated, albeit only for the announced period of 30 days. In addition, on 14 August, the Ministry of Interior announced a one-month curfew from 7pm to 6am, effective until further notice. For all practical purposes, the country is now ruled in accordance with

whatever the security forces decide. In addition, the Temporary President has announced the appointment of 19 new governors out of the 26 provinces. All of the said 19 governors are former army or police generals, 17 of whom are from the army and 2 from the police (in accordance to prior practice, those generals who are presently holding a military or police rank will have to resign from their positions at the time they take the oath of office as governors, but it is uncertain whether this practice will be followed in this instance).

- Also on 14 August, security forces attacked without timely notice or warning (earlier warnings had been given, but were not specific as to when the attack would take place. Warnings given at different on-scene locations were made minutes before the attacks). The security forces moved against the two main enclaves of the MB, namely at al-Nahda square and then at the Rabaa al-Adawia area. They did so in a manner that did not give an opportunity for most of those inside to leave peacefully. Those who were able to leave were arrested and reportedly mistreated. The security forces first moved at about dawn on 14 August (Cairo time) using bulldozers to remove the stone and other makeshift fortifications erected by the demonstrators. They also used teargas. In response, the protestors threw stones, returned the teargas canisters, and in a number of cases fired weapons presumably looted from police stations that had been ransacked in the period following the 25 January 2011 Revolution. As the violence escalated, it also extended to other locations in and outside of Cairo. The security forces were under instructions to not use deadly force unless directly attacked. As of 7pm Cairo time on 14 August, the estimated number of persons killed, as reported by Egyptian authorities and also by the media, was between 250–300 and an estimated 1,000 injured. The opposition estimated 2,000 dead. Among those killed were 43 security personnel and an undisclosed number of injured.
- 8. The MB and their supporters engaged in destructive action against public and private buildings and looted in some areas such as Mohandesseen in Cairo. They are reported to have attacked 23 churches throughout Egypt, seven of which have been burned (*see* Paragraph 12, *infra*). They have also attacked



An Egyptian woman tries to stop a military bulldozer from hurting a wounded youth as security forces move in to disperse supporters of deposed president Mohammed Morsi | © Mohammed Abdel Moneim / AFP

the Ministry of Finance, burning the first floor. The Library of Alexandria has been attacked, as have 21 police stations in various parts of the country; 43 security officers have been reported killed as of 15 August, A.M. Cairo time (numbers of injured security forces not reported).

9. Actions by the security forces appear to have been systematic both in terms of the tactics employed and the recurrence of similar patterns in various locations, particularly the two major locations of Rabaa al-Adawia and al-Nahda Square. The patterns include the use of bulldozers accompanied by security forces, with sniper fire from adjacent buildings and individuals dressed in civilian clothes who may or may not be part of the security forces, but who were apparently acting under their control. In some cases water canons were used, and in all cases teargas was used, as was live ammunition. Automatic weapons were also used. Those who were escaping were reportedly beaten, and many of them have been arrested. Doctors and attendants at field hospitals in these areas were ordered to leave while injured persons were left unattended. By 10pm Cairo time on 15 August the government reported 638 dead and that did not include the 234 who had been killed in Rabaa al-Adawia, and who had been lined up in rows in the Rabaa mosque.³ The number of injured persons is unknown but was estimated by various private sources to be more than 4,000.⁴



- 10. On 14 August, US Secretary of State John Kerry said that the "bloody government crackdown on protestors in Egypt" was "deplorable," and Turkey similarly urged the UN Security Council and Arab League to act quickly in order to stop a "massacre." On 15 August, US President Barack Obama delivered a public statement calling on leaders to lift the state of emergency in Egypt, and announced that the US would cancel military exercises with Egypt (though US aid to Egypt would continue).
- The international media seldom referred to the harm done by the MB and to the escalating 11. violence that they have been resorting to. Instead, it focused almost exclusively on what security forces were doing to the MB. The way it was portrayed in this one-sided manner is that the security forces were acting in a purely aggressive way giving the impression that the victims on the opposition side are civilians who are not engaged in the use of force. This is far too complex a situation to be described in such simplistic and one-sided terms, particularly when such emotionally charged terms as "massacre" and "bloodbath" are used. But by 15 August, the situation became exactly what the local and international media described about the events on 14 August. This is when the security forces, without sufficient prior notice and without giving people the opportunity to peacefully leave, attacked the Rabaa al-Adawia encampment. By the end of the day, the Ministry of Health reported 638 dead, though not counting the over 234 dead who were still in the Rabaa al-Adawia mosque. The details on how people died were shocking and Egyptians from all walks of life found it to be so. Many among the Islamists, whether MB or not, were particularly incensed and driven to the belief that there was only one way to deal with the Regime, namely to work until it is removed. Overall sympathy for the MB increased all over the world,⁶ but not in Egypt where most Egyptians saw another side to the MB and turned against them.
- 12. The international media did not cover events in Upper Egypt where an anti-Copt campaign had been ongoing. The Islamists (particularly in Qena, Souhag, and Assiut) are reported to have attacked at least 23 churches, burned seven, and attacked shops and houses belonging to Copts. In some areas it was reported that the Islamists marked Coptic shops and houses with crescents to identify them for burning or other forms of attack or intimidation. This is reminiscent of what the Nazis did in the early 1930s in



Germany. Why the international media and international society is not responding to these egregious acts is beyond understanding. In Egypt secular democrats and Muslims as well as Copts are deeply disturbed by this development.

- Friday, 16 August was a much-feared day, as many observers had predicted massive 13. demonstrations after the Friday prayers. These demonstrations did occur and to the surprise of many the demonstrators included many Egyptians who opposed the repressive measures of the Regime. Most Egyptians were shocked by the fact that an estimated 1,000 persons were killed and 4,000 injured in the span of 72 hours, among whom were women and children. The demonstrations in Cairo and elsewhere were on the whole peaceful except at Ramses Square, which is outside Cairo's main railroad station. There, a group of demonstrators attacked one of Cairo's major police stations, Ezbekieh station. The police had received orders to use live fire if attacked by large crowds who could take over their positions and seize their weapons and whenever firearms were used against them. That resulted in 30 persons killed on the attacker side and one reported person killed on the police side. The number of injuries on both sides in this incident is not reported. Another confrontation took place in a mosque nearby where armed persons and peaceful demonstrators barricaded themselves. An exchange of gunfire took place and one person was killed. Demonstrations elsewhere in the country resulted in a number of persons killed, bringing the total estimated dead on Friday, August 16, to an estimated 150. The number of injured is so far unknown. The curfew has been restored to 7pm Cairo time. The situation in Egypt can be said to be stable. The security forces are in control.
- 14. During the period of 2 July to 16 August, it is reported that several thousands, possibly up to 3,000 MB had been arrested, their media outlets have been shut down and other security measures taken against those believed to be leaders or known activists. The political future of the MB is in doubt.

III. Assessment

- 15. It could be said that this is the MB's last big stand.⁷ The MB feel they have no place to go and no way to retreat. Their hour of martyrdom has come and those who are willing to do so will willfully trade their place in this life with a better place in the Hereafter, as they have been taught.
- 16. The MB are likely to shift from public demonstrations and sit-ins to another strategy, namely to use their "secret organisation" to engage in violent guerilla tactics. The "secret organisation" has been in place for as long as the MB have been repressed some 80 years ago. It consists of small autonomous cells (some say of five to ten plus a leader whose word is indisputable). These units are reportedly trained for guerilla tactics, including the use of explosives.
- 17. Both sides are vying for international attention. At present, the MB have more sympathy abroad as the international community sees them as the victims of a military coup, which is undemocratic and fear that Egypt will return to the Nasser days of the 1950s.
- 18. Currently, democracy is gone. How long it will take to restore it is beyond prediction. The

economic situation continues to worsen and is not likely to improve in light of present circumstances, save for the economic assistance of the Gulf States.

- 19. The social and political rifts within society are likely to remain. This is what happens to any society that reaches a certain point of polarisation and radicalisation which leaves no space for reason and dialogue between opposing factions. When each side is totally convinced that it is right (in particular if one side also believes that God is on its side) this leaves no recourse but the use of force. There is also a lack of national leaders who are able to bridge the gap between the opposing sides, whether it is a Charles de Gaulle in post-WWII France, a Nelson Mandela as in South Africa, or a Martin Luther King Jr. in the US. Maybe the only consolation is the hope—some would say wishful thinking—that was expressed to me by the late President Sadat in 1975 when I was a guest in his country home of Mit Aboul-Kom. I was then expressing my concerns about the future of Egypt and he responded in a whimsical way, "Do not be concerned about Egypt. It has survived 7,000 years." As the common saying goes in America, "this too shall pass," and hopefully Egypt will find its footing without too much more harm.
- 20. There is no doubt that there is a concerted effort on the part of the regime to disable the MB as an organisation and to eliminate or at least significantly reduce their ability to be a viable political opponent.
- 21. In this climate, it is also likely that thugs who have been disrupting public order and public safety for over a year, will seize the opportunity to expand their activities and exploit the chaos for their criminal activities.
- 22. As this writer sees it, the Regime will stabalise the situation in the few days to come.
- 23. On 15 August 2013, France, the UK, and Australia jointly requested a meeting of the Security Council to discuss the deadly violence in Egypt. The meeting was a closed-door consultation but nothing came out of it. On the same day, the UN High Commissioner for Human Rights Navi Pillay stated: "There must be an independent, impartial, effective and credible investigation of the conduct of the security forces. Anyone found guilty of wrongdoing should be held to account." This is what this writer has been advocating. What the UN is likely to do is yet to be seen. But it is always up to the world's major powers to move things along, and it is unclear what the US wants to do.
- As stated above, the efforts undertaken to obtain a negotiated political solution failed, but it should be noted that they were few. There was not a genuine sustained effort to achieve a political solution, which should have been internal through someone whose credibility was better established than that of Anwar Sadat, the nephew of the late President Sadat to whom then Vice President al-Baradei had entrusted the mission. Al-Baradei himself was by then politically discredited, particularly with the MB. No Egyptian political personality emerged as having enough credibility in this polarised environment to be able to carry out that mission. But there are personalities such as the Sheikh of Al-Azhar, Mohamed Ahmed el-Tayeb, who is a respected religious leader known for his balance and wisdom, as well as other academics, maybe less known, who could adequately fill the role of convenor of peace negotiations.

Whether this was considered by the Regime is not known to this writer, but it did not surface publically. One has to wonder why the towel was thrown in so easily and so fast. To some, it is because the military supported by the former Mubarak regime *Fulool*, as well as some secular democrats were eager to seize the opportunity to eliminate the MB from the future political life of the nation as well as all Islamists. The Regime counters with the argument that the MB and their supporters are "terrorists" who seek to destabilise the country and to use provocation and martyrdom as a way of obtaining international sympathy and support as well as to further polarise and radicalise Egyptian society. There is no doubt that a combination of the two perspectives is valid.

IV. Recommendations

At this juncture there remains one of two options: 1) to establish a national commission 25. of inquiry such as in the case of Bahrain's BICI (Bahrain's Independent Commission of Inquiry, established on 29 June 2011)8; or 2) a UN Commission of Inquiry established by the Human Rights Council, as in the case of Libya and Syria (whose reports are available on the website of the UN Office of the High Commissioner for Human Rights). This is indispensable in order to establish the facts and ascertain responsibility, particularly in light of the events described below. In any case such a commission should have all the guarantees of independence, and receive the cooperation of the Regime and all political forces in Egypt as well as that of the International community including national and international civil society. The commission should consist of persons of the highest level of integrity, competence and experience and be given the resources and guarantees of freedom of action in order to achieve an impartial and fair fact-finding and assessment of what occurred as well as a determination of where responsibility lies particularly with respect to international criminal responsibility for what could be considered as crimes against humanity and torture; and violations of internationally protected human rights.



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Endnotes

- 1 It should be noted that for the entire spectrum of Egyptian political perspectives, as well as for the rest of the Arab World, US policy concerning Palestine remains very much present. The latest effort by Secretary of State Kerry to re-start Israeli-Palestinian peace talks by having Martin Indyk and Frank Lowenstein co-chairing the negotiations while Israel continues to build settlements is almost universally regarded as another deceitful initiative by the US. See generally RASHID KHALIDI, BROKERS OF DECEIT: HOW THE U.S. HAS UNDERMINED PEACE IN THE MIDDLE EAST (Beacon Press, 2013).
- 2 See editorial of 16 August 2003, NEW YORK TIMES, by Amr xxx on MB, who was formerly a member of Parliament.
- 3 See the cover photo of this piece. Because of the heat reaching up to 42 degrees centigrade, the bodies were decomposing and it was not until a day later that the bodies were removed.
- 4 For an insight into ongoing events see Esam Al-Amin, Bloodbath on the Nile: Egypt's Shameful Day, COUNTERPUNCH, 15 August 2013.
- 5 David D. Kirkpatrick, Hundreds of Egyptians killed in government raids: Emergency declared as sectarian violence spreads, NEW YORK TIMES, August 15 2013, p. A1; See also Kareem Fahim & Mary El-Sheikh, In Fierce and Swift Attack on Camps: Sirens, Gunfire, then screams of pain, NEW YORK TIMES, August 15 2013, p. A1; Ben Hubbard & Rick Gladstone, Arab Spring countries find peace is harder than revolution, NEW YORK TIMES, August 15 2013, p. A11; Egypt Brotherhood Supporters Defy Crackdown Amid Rising Death Toll, THE GUARDIAN, August 15 2013; There is still time to side with those committed to democracy in Egypt, THE GUARDIAN, August 15 2013; Egypt crackdown: bodies pile up as families grieve amid the slaughter, THE GUARDIAN, August 15 2013; Egypt: government building in Cairo torched as backlash takes hold, INDEPENDENT, August 15 2013; Cairo Massacre: The Muslim Brotherhood's Silent Martyrs Lie Soaked in Blood, INDEPENDENT, August 15 2013; Egypt: Supporters of former president Mohammed Morsi turn on Christians in angry backlash; INDEPENDENT, August 15 2013.
- 6 Robert Fisk, Cairo massacre: The Muslim Brotherhood's silent martyrs lie soaked in blood, THE INDEPENDENT, August 15 2013; See also David D. Kirkpatrick & Adam Cowell, New Bloodshed in Egypt as Islamists Defy Threat of Force, NEW YORK TIMES, August 16 2013; Kareem Fahim, Everyday Egyptians Try to Make Sense of a Burst of Brutality, NEW YORK TIMES, August 16 2013.
- 7 To make an analogy to American history, it would be something like Custer's last stand, or the Alamo.
- 8 See Report of the Bahrain Independent Commission of Inquiry, Presented in Manama, Bahrain on 23 November 2011 (Final Rev. of 10 December 2011), available at http://mcherifbassiouni.com/wp-content/uploads/BICI_Report_2011.pdf.