# Background Information on Egypt for the Permanent Committee on Foreign Affairs in the Tweede Kamer for the meeting with the Egyptian delegation on September 2, 2015

This text is the chapter on the historical context of the 2014 Constitution for a forthcoming 150 page academic publication on *The 2014 Egyptian Constitution in Context; Perspectives from Egypt*. Authors: Diana Serôdio & Cornelis Hulsman of the Center for Arab-West Understanding in Egypt. The text of the book was completed in July 2015. This chapter provides a good review of developments in Egypt from 2011 to 2014 and expects the coming Egyptian Parliament to be highly fragmented.

# Historical context of the 2014 Constitution

Cornelis Hulsman

Political opposition activities were mounting in Egypt as 2011 approached.[[1]](#footnote-1) According to Jason Brownlee, two parallel opposition groups were gaining strength; while the workers syndicates protested the government neo-liberal economic reforms, activists in the urban centers of Cairo and Alexandria focused their frustrations on heavy-handedness by the well-equipped police state and the succession plans made for Gamal Mubarak.[[2]](#footnote-2) Indeed, the ‘day of rage’ planned for January 25, 2011 targeted Egypt’s national police holiday and was organised primarily by non-Islamist factions, however, as the protest grew most factions in Egypt were temporarily united by the common goal of deposing Mubarak.[[3]](#footnote-3)

On the early morning of January 28, police arrested Muslim Brotherhood leaders accused of organising and partaking in attacks on security forces, in an attempt to quell the protests.[[4]](#footnote-4) On the same day the government shut off Egypt’s telecommunication services, further infuriating demonstrators and after Friday prayers thousands congregated in Tahrir Square and other squares across Egypt.[[5]](#footnote-5) At 16:00 that afternoon, the police received orders to withdraw and an hour later they had converged to heavily fortified areas and buildings, including the Ministry of Interior.[[6]](#footnote-6) The withdrawal of the police led to the deployment of the Armed Forces at 18:00 at the request of Mubarak’s Minister of Interior, Habīb al-ʿĀdlī.[[7]](#footnote-7) After the uprising, police presence in Egypt’s streets remained sparse and they would not return to full force until after July 3, 2013.

In conjunction with the dramatic events in Cairo, thousands of inmates at various prisons, including Tora, Abū Zābal, and Wadi Natroun[[8]](#footnote-8), escaped. Circumstances varied at different locations. At some prisons it was apparent that the guards had fled, whereas at others fleeing prisoners were shot.[[9]](#footnote-9) A fact finding mission appointed by then-Prime Minister, ʿIsām Sharaf, accused Mubarak’s Minister of Interior Habīb al-ʿĀdlī of orchestrating the events in an attempt to instigate chaos at the height of the uprising.[[10]](#footnote-10)

On February 10, President Mubarak delivered an impassioned speech to temper public opinion. Among other concessions, he provided a roadmap that included making amendments to the constitution, his resignation, and the transfer of power. However, in regards to these two final aspects, he asked to be given until September 2011 otherwise the situation would become more chaotic.[[11]](#footnote-11)

At first, demonstrators seemed satisfied by Mubarak’s sentiments. However, some activists were undeterred and Mubarak’s proposition was presented as ‘me or chaos’ by the opposition. Following 18 days of demonstrations, on February 11, 2011 Field Marshal Muhammad Husayn Tantāwī announced that Mubarak had stepped down and that the Supreme Council of the Armed Forces (SCAF) would assume control of the country.

Two days later, SCAF dissolved the widely discredited People’s Assembly,[[12]](#footnote-12) suspended the 1971 constitution and on February 15, appointed Judge Tāriq al-Bishrī, a top Egyptian legal expert widely believed to be sympathetic to the Muslim Brotherhood, as head of the Egyptian Constitutional Review Committee to begin reviewing the constitution.[[13]](#footnote-13) It is likely his nomination was either the result of negotiations between the army and the Muslim Brotherhood or an effort by the military to appease public sentiment.

With the rise of SCAF as the government’s executive branch the constitution of 1971 was suspended. Prof Ayman Salama, a constitutional law expert and Professor of law at the Higher Nasser Military Academy, underscores the legitimacy of SCAF among Egyptians during this time and the subsequent illegitimacy of the 1971 Constitution. SCAF had become the “*de facto”* executive of Egypt, responsible for safeguarding the state in the short-term.[[14]](#footnote-14) In an opinion piece in *The Guardian*, Muslim Brotherhood leaning Judge al-Bishrī, follows a similar line of reasoning on February 13:

*An assault against the regime means an assault against the legitimacy on which it is based. This creates a need for a new legitimacy, responsive to the demands of the new system [… hence …] why the formulation of a new constitution following the demise of Egypt's old regime was a necessity.*

The revolutionary force that overthrew Mubarak was a popular movement. It did not have the organisational and institutional leadership to take power and replace the regime of the president, and so this fell to the army. In other words, political power was transferred to the supreme military council on the basis of revolutionary, not constitutional, legitimacy.”[[15]](#footnote-15)

Thus, Article 84 (1971), which regulated presidential succession during the Mubarak era, as part of an illegitimate constitution, had no role to play in post-Mubarak Egypt. Furthermore, according to Dr ʿUsama Farīd, who is closely associated with Muslim Brotherhood-leadership, although SCAF was negotiating with all political parties at the time, the Muslim Brotherhood was in a privileged position since it was organized “like an army” wherein local levels adhered to hierarchical leadership.[[16]](#footnote-16)

Meanwhile, on February 18, the widely popular Muslim Brotherhood ideologue, Sheikh Yūsif al-Qaradāwī, flew in from Qatar and gave his first public appearance in Egypt since 1981. With a warning to the military against prolonging reform, al-Qaradāwī stated, “The revolution isn’t over. It has just started to build Egypt … guard your revolution.”[[17]](#footnote-17)

### Two Roadmaps

Since President Mubarak’s resignation, Egypt has gone through intense political turmoil that affected the country deeply. Heated discussions arose regarding which roadmap to take and stabilize Egypt. Split along politically motivated lines between Islamists and non-Islamists, two very different paths emerged, both of which have been followed in the aftermath of the January 25 and June 30 protests.

The first roadmap followed was backed by the Islamists, specifically the Brotherhood. In it they advocated to hold parliamentary elections first, followed by presidential elections, and then begin constitutional amendments. The reason they wanted parliamentary elections first was they hoped to capitalize off their grassroots strength, knowing that they would do well in fair elections. Indeed, for decades, widespread support networks have been created by Islamist-aligned social work among the lower classes, appealing to social justice and the state’s negligence of the poor. Compared to other socialist groups including Nasserists, the Islamists benefitted politically from President Sadat’s *infitāh* economic policies during the 1970s, which widened the poverty-gap which in turn allowed Islamists to gain support through their extensive social work. This first road map was the route taken following the January 25 uprising.

The second path to be followed was supported by non-Islamists who sought a constitutional change first, followed by presidential elections, and then parliamentary elections. Non-Islamist political parties were, and still are, deeply divided by internal conflicts. Furthermore, non-Islamists were aware that they were organizationally weaker and this succession would effectively keep the Islamists at bay before the ability to organize for upcoming parliamentary elections. Furthermore, they argued that the Constitution would form a legal foundation for the elections. This is the roadmap chosen by Field Marshall Abdel Fattah al-Sisi following June 30, 2013.

These are the main divisions that influenced the debate on a new Constitution. Equally important is the context in which the 2014 Constitution was formed: the Muslim Brotherhood was attempting to flex its muscles, using all means possible to come to power and holding on to it. However, in the process they alienated potential allies who, like them, did not want a continuation of military dominated governments.[[18]](#footnote-18)

### Inclusion vs. exclusion

On March 19, 2011, Egyptians voted on the text of al-Bishrī’s committee, limiting presidential terms to a maximum of two four-year terms, and stipulating a roadmap where parliamentary elections would come first, followed by presidential elections and the formation of a Constituent Assembly to write a new *permanent* constitution for Egypt. The Brotherhood and other Islamist groups campaigned in favour of a ‘yes’ vote, non-Islamists, on the other hand campaigned against it. In the end, the ‘yes’ campaign prevailed with 77 per cent in favour from the 41 per cent of eligible voters.

The more liberal and secular political actors and activists saw the Constitutional Declaration and the March 19 referendum as inherently flawed and largely illegitimate. The drafting process was especially criticised for its lack of civil and political party involvement and lack of transparency, thereby disregarding democratic values. Ayman Salama, however, referring to his statement on *de facto* regimes, argues that this highlights a common misunderstanding, as constitutional declarations are produced during times of emergency, and therefore, it does not need dialogue with the people. However, the referendum provided the electorate with a false sense of democracy.[[19]](#footnote-19)

Many non-Islamists believed the electorate was primarily focused on achieving stability, and they would have approved virtually any suggestion that was put to referendum without giving much thought to its content.[[20]](#footnote-20) The Muslim Brotherhood on the other hand, argued that the means by which the Constitutional Declaration was written was “the fastest way to restore civilian rule, and the best path to achieving stability as the political framework was still very blurred.”[[21]](#footnote-21) Furthermore, they argued that putting the draft to referendum for popular approval was proof of their willingness to attain popular approval before moving forward. This was also a means by which they could rely on their large network of support.

However, the privileged position of the Muslim Brotherhood did not last. On November 1, the government announced a draft of ‘Supra-constitutional Principles’[[22]](#footnote-22) and compiled the requisite criteria for choosing members of the Constituent Assembly. The draft was rejected by the Muslim Brotherhood and several liberal groups since it gave the Armed Forces exceptional powers in the drafting process of the new constitution.[[23]](#footnote-23) Indeed, Tāriq al-Bishrī argued that this draft contradicted the referendum in March.[[24]](#footnote-24)

The proposal for these principles increased distrust in the intentions of SCAF and were a prelude to the Mohammed Mahmoud Street clashes – the street in downtown Cairo that connects Tahrir Square to the Ministry of Interior. While political parties, including the Muslim Brotherhood’s Freedom and Justice Party, were campaigning for the coming parliamentary elections, young people—mostly non-Brotherhood— were continuously occupying Tahrir Square with sit-ins, hampering traffic. According to *Al-Ahram Weekly*, security forces attacked a demonstration in Tahrir Square on the morning of 19 November, 2011.[[25]](#footnote-25) Four days of bloody clashes followed negatively impacting public perceptions of both the then-ruling SCAF and the political parties who avoiding taking part in the fighting.[[26]](#footnote-26)

### The Islamists win the elections

Parliamentary elections followed in December 2011 and January 2012, wherein 54 per cent of the electorate went to the polls – the highest percentage since the January 25 uprising – with 68.95 per cent of votes going to the bloc of Islamist parties, and non-Islamist parties receiving the remaining 31.05 per cent. This high voter turnout reflected the hope of possible change.

The elections between March 2011 and January 2012 show support for Muslim Brotherhood and their allies decreasing from 77 per cent to 68.95 per cent. Accordingly, the Brotherhood’s political leaders tried to use their victory in the People’s Assembly elections to appoint a large percentage of their supporters to the Constituent Assembly. The first Assembly was formed prior to the presidential elections but it was deemed to be too Islamist and prompted severe resistance leading to it dissolution.[[27]](#footnote-27) A compromise was later reached in the creation of the second Assembly which had fewer Islamist sympathizers, but nonetheless, had a sufficient majority with the ability to forcibly push decisions through the Assembly.

In the same period the Islamist dominated parliament passed the Political Isolation Law to prohibit former high-level members of the old regime from holding positions in office. This further contributed to the reduction in the popularity of the Islamist bloc, and Islamist candidates received only 43.77 per cent of the vote during the first round of the presidential elections, which had a voter turnout of 46 per cent.

On June 14, halfway through the second round of presidential elections, the Supreme Constitutional Court ruled the Parliamentary Elections Law and the Political Isolation Law unconstitutional. The first ruling meant that one-third of the parliament had been elected illegally and that it would be dissolved.

Officially, the Brotherhood’s line was to respect the Court’s decision but, leading voices within the organization denounced the ruling and the court as being politicized. This claim has been refuted by some observers, since it was the third time that the Court had ruled elections unconstitutional on the same grounds during the days of Mubarak.[[28]](#footnote-28) Morsi, however, felt the court was opposed to him, and that its loyalties lay with the old regime. It was this notion that drove the continuous conflict between the forthcoming president and the judiciary.

Former Mubarak-era officials were confident that General Ahmed Shafiq, the last Prime Minister under ex-President Mubarak, would come to power, and thereby increase their influence.[[29]](#footnote-29) This confidence, coupled with the court’s ruling to dissolve parliament, led many non-Islamist activists to fear the possibility of Shafiq rising to power; ultimately playing in favour of the Brotherhood during the next electoral round.

The second round of presidential elections in June 2012 saw a 51 per cent voter turnout and Muhammad Morsi won with a reported 51.73 per cent over Shafiq. Disputing the results, Shafiq claimed that he had won by a narrow margin, which caused the Presidential Election Committee to withhold the announcement of the electoral results for a week, while closed-door negotiations took place. In the end Morsi was announced as Egypt’s first democratically elected president, by a heavily disputed – and possibly fraudulent – margin.[[30]](#footnote-30)

Before Morsi was announced the winner of the presidential elections, SCAF added an addendum to the March Constitutional Declaration, granting themselves a number of presidential powers, which were nonetheless repealed after Morsi became president. The new president also had to take his presidential oath before Egypt’s High Constitutional Court, as a means to symbolize his acceptance of the court. Only reluctantly did Morsi take his oath before the court, and that, only after he defiantly addressed the demonstrators in Tahrir Square.[[31]](#footnote-31)

Once Morsi was elected president he tried to overturn the Court’s decision, but ultimately failed. In response to this he gave more authority to the elected Shura Council, a body in which only 11.4 per cent of people voted for. Traditionally the Shura Council is not highly esteemed by the electorate and 83 per cent of the seats went to the Islamist bloc, including the Muslim Brotherhood and their supporters.

Continuous clashes between the government and the judiciary became one of the defining characteristics of Morsi’s presidency and it was particularly evident in the relationship between Morsi and Mubarak’s last prosecutor general, ʿAbd al-Majīd Mahmūd. Morsi lacked the legal ability to displace him and instead tried to remove him by appointing him ambassador to the Vatican.[[32]](#footnote-32) Mahmūd rejected the offer, and but leveraged it to represent himself as a champion against the so-called ‘Brotherhoodization’ of the state. Morsi did not approve, and only a month later on November 22, 2012, he issued his infamous Constitutional Declaration, dismissing the cumbersome judge and further granting himself the ability to appoint Mahmūd’s successor, placing the matter beyond judicial review. The legal battle continued throughout the first half of 2013 after Mahmūd filed an appeal with the Cairo Appeals Court, which struck down Morsi’s abilities to appoint a successor and moreover invalidated all and any consequences of Morsi’s replacement appointment.

Another power struggle focused on the Supreme Constitutional Court’s potential judgment which would dissolve the Shura Council which after the dissolution of the People’s Assembly in June 15, 2012, had temporarily obtained full parliamentary power, strengthening the institution considerably. In an attempt to avoid the dissolution Islamist parties in the Shura Council proposed reduce the retirement age of judges from 70 to 60 years of age. Such a reform would bring about the sudden retirement of ca. 3,000 judges, many of them in senior positions and opening those positions up to a new generation of judges during a time when security vetting could no longer be used to filter out Islamists.

In the same declaration of November 22, Morsi wanted to create a buffer against the expected Supreme Constitutional Court ruling, and thereby granted himself the power to legislate without judicial oversight or review. This, the Muslim Brotherhood argued, was “the fastest way to restore civilian rule, and the best path to achieving stability as the political framework was still very blurred.” At the same time, Islamist demonstrators in front of the Constitutional Court prevented judges from entering to stop them from issuing the expected ruling that would dissolve the second Constituent Assembly. Opponents to Morsi’s decision called this an “Islamist coup d’état,” and hundreds of thousands of protesters belonging to liberal and independent parties flooded into the streets to protest Morsi’s decree.[[33]](#footnote-33) For Morsi, this was the beginning of the end.

### The Clashes in Winter 2012

The Presidential Palace, *Al-Ittihadiyya*, became the focal point for anti-Morsi protests. In response the Brotherhood sent their supporters and they publically beat and allegedly tortured anti-Morsi demonstrators while the Republican Guard remained behind the palace walls.[[34]](#footnote-34) Across the country, FJP Party offices were torched by protestors.[[35]](#footnote-35) The violence escalated the situation and rumours of organised militias, both Islamist and non-Islamist, surfaced.[[36]](#footnote-36) As protests raged it became apparent that Morsi’s presidential decree had destroyed any chance of reconciliation between Islamists and their opponents in the short-term and Morsi’s non-Islamist advisors began to walk out.

As Egyptian politics factionalized, Morsi found himself relying on the Muslim Brotherhood and their networks of supporters.[[37]](#footnote-37) Furthermore, he showed a steady willingness to ally himself with hard-line Islamists with whom he would often share a stage. Those who opposed them were denounced as “against the religion” and the use of religiously inspired hate-rhetoric became increasing commonplace within Brotherhood and pro-Morsi circles.[[38]](#footnote-38) Similarly, Egyptian media platforms began airing the opinions of those opposed to Morsi in a routine and sensationalist manner.[[39]](#footnote-39)

By June 2013, these trends entrenched themselves further when on the 15th during a conference on the Syrian civil war, Morsi stood side-by-side with preachers espousing militant anti-Shīʿa rhetoric, thereby providing *de facto* backing to their views.[[40]](#footnote-40) Two days later, on June 17, Morsi appointed Ādel Muhammad al-Khayyāt, a former leader of al-Gamaʿa al-Islamiyya – the Islamist group responsible for the massacre of 58 tourists and 4 Egyptians in Luxor in November 1997 – as governor of Luxor.[[41]](#footnote-41)

In response to the growing political antagonism, youth activists had established the *Tamarrod* (‘Rebellion’) campaign on April 28, which would eventually receive unofficial support from the police and army. In May and June of 2013 Tamarrod organized a mass signature drive to petition Morsi to call for early elections. Instead of seeking broad consensus they began organizing their own counter demonstrations.[[42]](#footnote-42) Senior Brotherhood figures refused to acknowledge the discontent of a large and diverse part of the country’s population.[[43]](#footnote-43) As tension grew, then-Minister of Defence, General al-Sisi warned that “the army [would] intervene to ‘save Egypt’ if the country continue[d] to descend into chaos.” [[44]](#footnote-44)

Morsi remained defiant. With the June 30protest on the horizon, Morsi went on television on June 26 to address the nation and, much like his predecessor before him, tried to temper public opinion. In his speech, he admitted to having made mistakes, but declined to identify them. Instead he blamed the country’s problems on various actors, including the former regime and its supporters, the secular opposition, and the judiciary.[[45]](#footnote-45) Following the speech comparisons between him and Mubarak were made. People were unhappy that, much like Mubarak, Morsi was unwilling to take responsibility for his actions and his failure to bring about the changes that people expected. Less than a month later, al-Sisi stated that he had discussed the speech with Morsi beforehand, but after Morsi spoke, al-Sisi was deeply “surprised” that Morsi had not made a greater effort to reconcile. He gave “a totally different speech, which alienated everybody,” said al-Sisi.[[46]](#footnote-46)

Mass protests were planned on the one year anniversary of Morsi’s inauguration and on June 30, 2013 millions of Egyptians poured out onto the street and flooded Tahrir. The Armed Forces, police, and the judiciary, along with several ministers in Morsi’s cabinet and the formal religious establishment decided to stand by the protesters. Morsi’s supporters in the al-Nour Party, although not in support of the Tamarrod campaign, dropped their support for the president.[[47]](#footnote-47) Meanwhile, a court in Ismailia was continuing its hearings into Morsi’s role in the 2011 prison breaks.[[48]](#footnote-48)

### Morsi’s deposal

On several occasions before the 3 July, the Minister of Defence, Abdel Fattah al-Sisi, had given a number of clear warnings that political unrest could instigate the “collapse of the state.”[[49]](#footnote-49) Such warnings were aimed at all factions, not just the ruling FJP. According to Basil al-Dabh, on May 11 al-Sisi stated that the army “was not the solution to the current political problems.”[[50]](#footnote-50) However, on June 23, General al-Sisi’s patience dissipated: “There is a state of division in society, and the continuation of it is a danger to the Egyptian state, there must be consensus among us all.”[[51]](#footnote-51) On July 1, 2013, Minister of Defence, Abdel Fattah al-Sisi, told Morsi “that we still have 48 hours to find a way out of the crisis.”[[52]](#footnote-52)

On the 3rd of July, Morsi remained defiant and as a result, later that day, General al-Sisi appeared on national TV and announced that Morsi was deposed and he presented a new transitional roadmap.[[53]](#footnote-53) Following Morsi’s removal from power, Brotherhood-supporters labelled the move “a military coup orchestrated by the *filūl[[54]](#footnote-54)* and foreign actors.”[[55]](#footnote-55)

Only five days after Morsi and his government were deposed, ʿAdly Mansour, head of the Supreme Constitutional Court, was installed as the Interim President and issued a Constitutional Declaration suspending the 2012 Constitution.[[56]](#footnote-56) The declaration defined the basic functions of the state, delineated the essential rights and freedoms, and stipulated a roadmap and timeline for the establishment of a new Constituent Assembly to amend the 2012 Constitution. The roadmap would culminate in the election of a new president and a new parliament.

Similar to the Constitutional Declaration of March 2011, several political parties and social movements criticized the document for the lack of transparency in its formation, and the insufficient role played by political and civil movements involved in the uprisings.[[57]](#footnote-57) Additional criticism focused on Article 24 which gave the interim president, some argued, excessive executive powers as well as temporary legislative authority. Tamarrod claimed that the Declaration of July 8 was the first step towards a new dictatorship and vocally disapproved of the document.[[58]](#footnote-58)

Critics of the declaration also argued that it gave excessive leverage to judges in the Constitutional writing process who would form a substantial portion of the Committee of Experts. Article 28 stipulated that the expert Committee of Ten was to be formed by judges and constitutional law professors, who would be responsible for initially amending the 2012 Constitution. This was seen as interference by the judiciary in political decision-making, especially since it was made before, and not after the Constituent Assembly members had access to the text. The committee would also serve in an advisory capacity to the Committee of Fifty.

The anger among Islamist factions was obvious and would only increase. On July 8, 51 pro-Morsi demonstrators were shot and killed outside the presidential palace and their photos were displayed at the Rabaʿa al-Adawiyya sit-in throughout July and August, as martyrs for the ‘good cause.’ According to security forces, the shooting on July 8 began after armed men on motorcycles fired on the gate, however, this account has been denied by some witnesses who were supporting Morsi and the circumstances remain uncertain.[[59]](#footnote-59) Increased state violence against the Muslim Brotherhood was used by the Brotherhood’s public relations team to portray the group as victims of oppressors and was useful in winning sympathy among the population for their cause.[[60]](#footnote-60)

The dispersion of the sit-ins at Nahda and Rabaʿa al-Adawiyya in August was the pinnacle of this violence. An estimated 817 people including a handful of policemen were killed during the two day clearance and it sent shockwaves across Egypt as revenge attacks took place against police stations and Coptic churches and buildings. Particularly horrid was the slaughter of five policemen in the Giza village of Kerdasa, their mutilated bodies repeatedly shown on Egyptian media.[[61]](#footnote-61) Among it all, Brotherhood leaders such as ʿAmr Darrag, spoke of the need for non-violent and political solutions, but denied Brotherhood agency.[[62]](#footnote-62)

Images of the dead and hate rhetoric were used on both sides to discredit the actions of their opponents. Among the most thorough exposés of hate rhetoric in Egypt at the time have been written by the Danish journalist, Flemming W. Andersen, who highlighted how Brotherhood rhetoric at times culminated in in explicit calls for violence,[[63]](#footnote-63) but also documented the propaganda war on the so-called ‘fifth column’ since Morsi’s deposal. [[64]](#footnote-64)

### Formation of a new Constitution

It is in this polarized political environment that the Constituent Assembly was gathered and put to work. The most concerning aspect that preoccupied many was the tight deadline for drafting the new constitution and sending it to a referendum. The Committee of Ten was only given a month to make initial amendments and present their draft to the Committee of Fifty. The Committee of Fifty was then given merely sixty working days to agree upon a final draft. For many, three months remained too short a period of time to amend such an important document.

Muslim Brotherhood members continue to hammer on the point of legitimacy. They view Morsi as the first legitimately elected president and see his deposal as an illegal and illegitimate action. As a result the Brotherhood and their allies boycotted the presidential elections that brought President al-Sisi to power.

Since President al-Sisi came to power in May 2014, disagreements over the Electoral Districts Law have delayed parliamentary elections originally scheduled for March 2015 and at the time of writing, pushed back to September 2015. Most of the opposition to President al-Sisi’s government will most likely boycott the elections for the House of Representatives. However, those with Islamist constituencies have traditionally done well in the polls, and there is a chance that members may participate in the elections. Either way, the coming House of Representatives will likely reflect the fragmentation of Egypt’s political environment.

1. S. T. Cook, *The Struggle for Egypt: From Nasser to Tahrir Square* (Oxford, Oxford University Press, 2012), p. 276 [↑](#footnote-ref-1)
2. J. Brownlee, *Democracy Prevention: The Politics of the US-Egyptian Alliance* (New York: Cambridge University Press, 2012), pp. 123-124;
For more on the succession of Gamal Mubarak see M. Zahid, *The Muslim Brotherhood and Egypt’s Succession Crisis* (London, Tauris I. B, 2010), p. 130 [↑](#footnote-ref-2)
3. K. Fahim, ‘Violent Clashes Mark Protests against Mubarak’s Rule’, *New York Times*, January 25, 2011, http://www.nytimes.com/2011/01/26/world/middleeast/26egypt.html [↑](#footnote-ref-3)
4. Prof A Salama adds that court proceedings show that Morsi had been referred for criminal prosecution that day (‘Consultation with Prof A Salāmah,’ Cairo, July 6, 2015; *Reuters*, ‘Muslim Brotherhood Arrests Reported as Egypt Protests Continue’, January 28, 2011, <http://www.huffingtonpost.com/2011/01/28/muslim-brotherhood-arrest_n_815230.html?ir=India&adsSiteOverride=in>). [↑](#footnote-ref-4)
5. Brownlee, *Democracy Prevention*, p. 143 [↑](#footnote-ref-5)
6. C. Hulsman, Various interviews with (retired) police officers or close family members, February/March 2011 [↑](#footnote-ref-6)
7. *Rebeleconomy.com*, ‘Testimony Omar Suleiman’, September 14, 2011, <https://docs.google.com/document/d/1nyMTS2RQAhScC8mnSjXA7vQe7TDw_-KtPwp3VAbOzf4/edit> [↑](#footnote-ref-7)
8. Muhammad Morsi, later president of Egypt, was according to a statement from his Lawyer, arrested with seven other Muslim Brotherhood leaders and briefly detained at Wadi Natroun prison from which they either escaped or were released the following day, on January 29, 2011 (‘Muslim Brotherhood Arrests Reported as Egypt Protests Continue’, January 28, 2011) [↑](#footnote-ref-8)
9. R. Abouzeid, ‘Did Prison Breakout Reveal a Plan to Sow Chaos in Egypt?’; *NDTV*, December 21, 2013, <http://www.ndtv.com/world-news/egypts-mohamed-morsi-to-be-tried-for-2011-prison-break-prosecution-545233> [↑](#footnote-ref-9)
10. See *BBC News Hour* on July 26, 2013, <http://www.bbc.co.uk/programmes/p01cbxdv>

This narrative changed somewhat following the initial court hearing in Ismailia, which was held before June 30, 2013. In the court room, Judge Khalid Majūb announced that Hamas and Hezbollah were involved in attacking Wadi Natroun prison in order to liberate high-ranking Muslim Brotherhood members including Muhammad Morsi. In May 2015, Morsi was sentenced to death. The ruling was confirmed on June 16, 2015. Charges included murder, attempted murder, arson and looting during the escape and in a separate case he was also sentenced to 25 years in prison for espionage (H. Hamza, ‘Egypt Court: Muslim Brotherhood Hamas and Hezbollah broke President Morsi out of Jail in 2011’, *The Business Insider*, June 23, 2013, <http://www.businessinsider.com/how-president-morsi-got-out-of-jail-in-2011-2013-6>; *Egyptian Streets*, ‘Egypt Sentences Former-President Morsi to Death for Escaping Prison, June 16, 2015, <http://egyptianstreets.com/2015/06/16/egypt-sentences-former-president-morsi-to-death-for-escaping-prison/>) [↑](#footnote-ref-10)
11. H. Mubarak, ‘Speech given on February 10, 2011, translated from Arabic by the Federal Document Clearing House,’ *Washington Post*, <http://www.washingtonpost.com/wp-dyn/content/article/2011/02/10/AR2011021005290.html?sid=ST2011020703989> [↑](#footnote-ref-11)
12. C. McGreal, ‘Egypt's military rejects swift transfer of power and suspends constitution,’ *The Guardian*, February 13, 2011, <http://www.theguardian.com/world/2011/feb/13/egypt-military-rejects-swift-power-handover> [↑](#footnote-ref-12)
13. B. Trew and S. Shukrallah. ‘Morsi in Power: a timeline of diminishing Presidential prerogatives’, *Ahram Online*, June 24, 2012, <http://english.ahram.org.eg/News/45982.aspx>; C. Hulsman (ed.), *The Sharia as the Main Source of Legislation? The Egyptian Debate on Article II of the Egyptian Constitution* (Tectum Verlag, Marburg, 2012) p. 18 [↑](#footnote-ref-13)
14. Due to the special nature of *de facto* (non-elected)regimes following a revolution or a coup, they have the authority to issue constitutional declarations to maintain order and security. Contrarily, *de jure* – elected – regimes cannot issue constitutional declarations. This is the reason why the 2011 SCAF constitutional declaration was acceptable. However, when former-President Muhammed Morsi issued his declaration in November 22, 2013, he nullified the power traditionally located and monopolized with the people via elections. (‘Consultation with Prof A. Salāmah,’ Cairo, September 23, 2014). [↑](#footnote-ref-14)
15. T. el-Bishry, ‘Egypt’s New Legitimacy,’ *The Guardian*, March 21, 2011, <http://www.theguardian.com/commentisfree/2011/mar/21/egypt-referendum-constitution-legitimacy-change> [↑](#footnote-ref-15)
16. C. Hulsman, ‘Interview with Dr Usama Farīd,’ Four Seasons Hotel, Cairo, February 7, 2012; J. Casper, ‘FJP: First Conference and Key Questions,’ *Arab West Report*, June 11, 2011, <http://www.arabwestreport.info/en/year-2011/week-24/25-fjp-first-conference-and-key-questions> [↑](#footnote-ref-16)
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