

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, Ethiopia, P.O. Box: 3243 Tel.: (251-11) 5513 822 Fax: (251-11) 5519 321
Email: situationroom@africa-union.org

PEACE AND SECURITY COUNCIL
416TH MEETING AT THE LEVEL OF
HEADS OF STATE AND GOVERNMENT

ADDIS ABABA, ETHIOPIA
29 JANUARY 2014

PSC/AHG/4.(CDXVI)

PROGRESS REPORT OF THE AFRICAN UNION
HIGH-LEVEL PANEL FOR EGYPT

PROGRESS REPORT OF THE AFRICAN UNION
HIGH-LEVEL PANEL FOR EGYPT

I. INTRODUCTION

1. The African Union (AU) has, over the past three years, given sustained attention to the situation in Egypt. While significant progress was made following the 25 January 2011 Revolution, notably with the election, in June 2012, of the President of the Republic, Egypt continued to face serious challenges, marked by the growing frustration of many Egyptians over the management of the country, continuing economic difficulties, a deteriorating security situation, and political and social polarization. The period that followed the May 2013 Ordinary Sessions of the AU policy organ was marked by an escalation of the crisis, leading to the overthrow, on 3 July 2013, of the Government of President Mohamed Morsi, the suspension of the Constitution and the appointment and swearing-in of a caretaker Head of State.

2. The present report covers the efforts deployed by the AU in relation with the situation in Egypt, including the measures taken following the 384th meeting of the Peace and Security Council (PSC), held on 5 July 2013, as well as a brief update on the latest developments in Egypt. The report concludes with recommendations on the way forward.

II. AU REACTION TO THE EVENTS OF 3 JULY 2013

3. At its 384th meeting referred to above, the PSC considered the situation in Egypt. In the communiqué adopted at the end of its deliberations, the PSC recalled the relevant AU instruments on unconstitutional changes of Government, notably the Lomé Declaration of July 2000 and the African Charter on Democracy, Elections and Governance of January 2007, which provide for the automatic implementation of specific measures whenever an unconstitutional change of Government occurs, and reiterated AU's condemnation and rejection of any illegal seizure of power. The PSC stated that the overthrow of the democratically-elected President, Mohamed Morsi, did not conform to the relevant provisions of the Egyptian Constitution and, therefore, fell under the definition of an unconstitutional change of Government as provided for in the relevant AU instruments. Accordingly, the PSC decided to suspend the participation of Egypt in the AU's activities until the restoration of constitutional order.

4. The PSC called on all Egyptian stakeholders to embrace the spirit of dialogue and mutual accommodation and to refrain from any acts of violence and retribution. It encouraged them to persevere on the path of national reconciliation, in order to contribute to a smooth preparation of elections leading to a return to constitutional order. The PSC urged the new Egyptian authorities to engage, without delay, in inclusive consultations towards the adoption of a consensual timeframe for the organization of free, fair and transparent elections. The PSC emphasized the solidarity of the AU with the people of Egypt and its commitment to assist this process in whatever way possible and to support long-term efforts to address the structural problems facing Egypt. The PSC welcomed the plan of the Chairperson of the Commission to dispatch a team of high-level personalities to Egypt to

interact with the ruling authorities and other Egyptian stakeholders. It appealed to AU partners, both bilateral and multilateral, to lend their full support to AU's efforts and to work towards a coordinated approach on the situation. The PSC requested the Chairperson of the Commission to establish, under AU's leadership, an International Consultative Forum that would bring together Egypt and relevant international stakeholders to facilitate coordinated action in support of a transition leading to the restoration of constitutional order, the deepening of the democratic process, and the mobilization of economic and financial support commensurate with the needs of Egypt and the challenges facing the country.

III. ESTABLISHMENT OF THE AU HIGH-LEVEL PANEL FOR EGYPT

5. Following the above-mentioned communiqué of the PSC, on 8 July 2013, the Chairperson of the Commission established the AU High-Level Panel for Egypt, consisting of Mr. Alpha Oumar Konaré, former President of the Republic of Mali and former Chairperson of the AU Commission, as the Chairperson of the Panel; Mr Festus Gontebanye Mogae, former President of the Republic of Botswana; and Mr Dileita Mohamed Dileita, former Prime Minister of the Republic of Djibouti.

6. The Panel was mandated to: *“Interact with the ruling authorities and other Egyptian stakeholders to establish a constructive political dialogue aimed at national reconciliation, as well as to contribute to their efforts as they work towards a transition that would lead to an early return to constitutional order, preserve the gains of January-February 2011 Revolution and consolidate the democratic process in their country.”*

IV. EGYPTIAN GOVERNMENT'S RESPONSE TO THE COMMUNIQUÉ OF THE PEACE AND SECURITY COUNCIL AND SUBSEQUENT PSC PRESS STATEMENT

7. In a note verbale, dated 9 July 2013, to the Commission, the interim authorities of Egypt rejected the communiqué of the PSC, indicating that it was based on a wrong interpretation of the “popular revolution, which unfolded in Egypt on 30 of June 2013.” The authorities also rejected “the proposal to establish an international consultative forum.”

8. At its 395th meeting held on 13 September 2013, the PSC received a briefing from the High-Level Panel following the first visit it undertook to Egypt from 27 August to 4 September 2013. In the press statement issued on that occasion, the PSC expressed its appreciation to the Egyptian authorities for facilitating the Panel's visit and its consultations with various Egyptian stakeholders. It also welcomed the steps taken by the High-Level Panel to interact with relevant international stakeholders. The PSC encouraged the Panel to pursue its efforts, while looking forward to a report on the implementation of its mandate. The PSC recalled its earlier communiqué and press statements on the situation in Egypt, stressing, in this respect, the need for all the parties to eschew all forms of violence and uphold the spirit of dialogue, inclusivity and national reconciliation.

9. Through a note verbale dated 23 September 2013, the Embassy of Egypt in Addis Ababa, conveyed the interim authorities concern about the AU's approach to the situation, despite its keenness to engage the AU, as well as its unreserved cooperation with the Panel.

In particular, the interim authorities regretted that the PSC communiqué of 13 September 2013 ignored a number of basic facts, notably the progress made in implementing the consensual roadmap for the transitional period and failure to condemn the assassination attempt that targeted the Minister of Interior on 5 September 2013. Furthermore, the interim authorities reiterated their rejection of measures and actions to address the situation in Egypt beyond the African context, and its commitment to lay the foundation for a genuine representative democracy without the exclusion of any political actor, provided that all concerned reject violence. While looking forward to African support, the interim authorities stressed that Egypt's continued suspension from the AU's activities would negatively affect the Union, as well as the interest of the entire continent.

V. ACTIVITIES OF THE PANEL

10. Following its establishment, the High-Level Panel held its inaugural meeting in Addis Ababa, on 16 July 2013. The meeting provided the Commission with the opportunity to brief the members of the High-Level Panel on their mandate and to discuss their work program, including a visit to Egypt. The meeting also provided an opportunity to discuss the modalities of interaction with international partners, notably the League of Arab States, in order to facilitate a coordinated and effective support for an inclusive transition leading to a rapid return to constitutional order.

11. The Panel intended to travel to Cairo from 17 to 25 July 2013, soon after its inaugural meeting. Accordingly, on 11 July 2013, the Commission sent a note verbale to the Egyptian Embassy in Addis Ababa, informing it of the envisaged visit. In a note verbale, dated 15 July 2013, the Embassy informed the Commission that "prior to the proposed visit of the Panel, the Government of Egypt would like to discuss all issues related to the mandate, aim and methods of work of that proposed Panel." Subsequently, on 22 July 2013, an Egyptian Presidential Envoy met with the Chairperson of the Commission, as well as with the Commissioner for Peace and Security, at the AU Headquarters, in Addis Ababa. In the meeting with the Chairperson, the Special Envoy conveyed the position of Egypt's interim authorities and their displeasure about the decision of the PSC suspending Egypt from AU activities until the return of constitutional order. The Envoy also sought clarifications about the terms of reference and the mandate of the High-Level Panel for Egypt. The Chairperson of the Commission provided answers to these questions. At the end of the meeting, the Chairperson and the Special Envoy agreed that the High-Level Panel would travel to Egypt to meet with Egyptian stakeholders and would, subsequently, brief the PSC on its mission. During a meeting with the Commissioner for Peace and Security, the Egyptian Special Envoy submitted the Government's "Roadmap for the Transitional Period," and discussed the arrangements and timetable for the visit of the High-Level Panel.

12. Subsequent to these consultations with the Egyptian authorities, the Panel traveled to Cairo twice, from 27 July to 5 August, and from 28 August to 5 September 2013, respectively. The second visit, in particular, took place in a context marked by the disappointment of the Egyptian interim authorities over the continued suspension of their country's participation in AU's activities, as they expected that the Panel would have recommended the lifting of this measure after its first visit. In actual fact, the understanding

of the Egyptian authorities, as conveyed by the Foreign Minister at the end of the Panel's first mission, was that the Panel would only visit once in order to gather the required information and report back to the PSC, to enable this organ to lift the suspension of Egypt.

13. In the course of its two visits, the Panel interacted with a wide range of Egyptian stakeholders, including interim President Adly Mansour, then Vice-President Mohammed El Baradei, Prime Minister Hazem el-Beblawi, Interim Vice-Prime Minister and Defense Minister, General Abdel Fattah al-Sisi, Minister of Foreign Affairs, Nabil Fahmy, Minister of Justice, Adel Abdel Hamed, and Minister of Transitional Justice and National Reconciliation, Amin El Mahdi. The Panel also met with the Tamarood (rebel) Movement, the April 6 Movement, the National Council for Women, the National Human Rights Council, the Egyptian Council on Foreign Relations, as well as intellectuals, writers and prominent businessmen. In addition, the Panel met with President Mohamed Morsi. The Panel also visited the al-Rabaa Adawiya neighbourhood in Cairo, then the venue of a large protest sit-in by the supporters of President Mohamed Morsi, and met with representatives of the Muslim Brotherhood and parties, groupings and personalities associated with it. Furthermore, the Panel met with the Secretary-General of the League of Arab States, Nabil Elaraby. It conferred with African and European Ambassadors accredited to Egypt. It also met with high-level personalities, such as former Foreign Minister and Secretary-General of the League of Arab States, Amr Moussa.

14. The Panel met in Addis Ababa, from 12 to 14 August 2013, to assess the outcomes of its first visit to Egypt and consultations with the various stakeholders, and, on this basis, agreed on the next steps in the discharge of its mandate. The Panel seized the opportunity to meet with the AU Chairperson, Prime Minister Hailemariam Desalegn of Ethiopia, in order to update him on its activities. The Panel also met with the Deputy Chairperson of the Commission, Erastus Mwencha, on behalf of the Chairperson of the Commission, Dr. Nkosazana Dlamini-Zuma, to discuss the situation in Egypt and related AU efforts. On 14 August 2013, the High-Level Panel provided a briefing on the evolving situation in Egypt to the PSC, which, at the end of its deliberations, adopted a press statement. In the statement, the PSC noted with concern that despite the initiatives taken by Egyptian actors and various members of the international community, the situation on the ground continued to be tense, necessitating, therefore, constructive dialogue between the parties, in order to ensure the long-term stability of Egypt, the cohesion of its people and its prosperity. The PSC strongly condemned the acts of violence that led to the loss of numerous human lives in Cairo and elsewhere in Egypt on 14 August 2013, and urged all Egyptian stakeholders, in particular the interim authorities, to exercise utmost restraint. The PSC requested the Panel to undertake, as soon as possible, a new mission to Egypt.

15. On the eve of its second visit to Egypt, on 27 August 2013, the Panel met with the Chairperson of the Commission, in Addis Ababa. The objective was to provide her with an update on the activities it had undertaken and to exchange views on the visit it was about to carry out.

16. From 9 to 12 September 2013, and as part of the Panel's interactions with relevant international stakeholders, two members of the Panel, namely former President Festus G. Mogae and former Prime Minister Dileita Mohamed Dileita, visited the United Arab Emirates (UAE), where they consulted with Crown Prince Sheikh Mohammed bin Zayed Al Nahyan and Foreign Minister Sheikh Abdullah bin Zayed Al Nahyan. On his part, the Chair of the Panel, former President Alpha Oumar Konare, visited Chad, from 15 to 17 September 2013, where he held consultations with President Idriss Deby Itno, in his capacity as Chair of the Community of the Sahelo-Saharan States (CEN-SAD). From 17 to 19 September 2013, the Chair of the Panel visited Qatar, where he held consultations with the Emir of Qatar, Hamad bin Khalifa Al Thani, and the State Minister for Foreign Affairs, Dr. Khalid Bin Mohammad Al Attiyah. From 5 to 9 October 2013, President Konare and former Prime Minister Dileita Mohamed Dileita visited Turkey, where they held consultations with President Abdullah Gul, Prime Minister Recep Tayyip Erdoğan and Foreign Minister Ahmet Davutoglu. From 29 November to 2 December 2013, President Konare visited Paris for consultations with the Secretary-General of *La Francophonie*, Abdou Diouf. On 27 January 2014, former President Festus Mogae and former Prime Minister Dileita Mohamed met with President Yoweri Museveni of Uganda, in his capacity as chair of the Common Market of Eastern and Southern Africa (COMESA).

17. The Panel also intended to travel to Kuwait and Saudi Arabia for consultations with the relevant authorities in these countries. The Embassy of Kuwait in Addis Ababa informed the Commission that the date that was proposed was not suitable and recommended that the visit take place at a later date. On its part, the Embassy of Saudi Arabia, while expressing appreciation for the AU's efforts, stressed that what was happening in Egypt was an internal matter.

18. On 20 September 2013, the Panel, through a Commission's note verbale to the Embassy of Egypt in Addis Ababa, requested that, as a follow-up to its earlier visits to Egypt, former Prime Minister Dileita Mohamed Dileita visit Cairo to meet with the Grand Imam of Al-Azhar, the Patriarch of the Coptic Orthodox Church, as well as the Chairman of the National Human Rights Council. On 2 October 2013, the Egyptian authorities informed the Commission that "it will not be possible for the Government of Egypt to arrange such visits as requested," and proposed that "the aforementioned personalities be reached by phone."

19. On 14 October 2013, the Panel, through a Commission's note verbale, requested that, in a spirit of transparency and cooperation, its Chairperson be allowed to travel to Cairo in order to brief and update the interim authorities about the visits that the Panel had undertaken to the UAE, Chad, Qatar and Turkey. The visit was also to provide an opportunity for the Chairperson of the Panel to be updated by the authorities on the situation in Egypt and the evolution of their efforts regarding the ongoing transition. On 28 October 2013, the Embassy of Egypt sent a note verbale to the Commission, which, while reiterating Egypt's appreciation for the Panel's efforts, invited the later "to brief the Egyptian Embassy in Addis Ababa on its recent activities, and to obtain any further information it deems necessary for its envisaged report via correspondence" with the concerned Egyptian stakeholders.

20. From 26 to 28 November 2013, the Panel met in Addis Ababa to review the situation in Egypt and determine the additional steps to be taken in pursuit of its mandate. The Panel identified the activities to be undertaken. It also had a meeting with the Chairperson of the Commission, as well as with the Commissioner for Peace and Security. From 16 to 17 January 2014, the Panel met again in Addis Ababa, to review the situation and the report it intended to submit to the PSC.

21. It should also be noted that, during its stays in Addis Ababa and visits in Cairo, the Panel held consultations with representatives of the international community. These consultations focused on the mandate entrusted to it and related efforts.

VI. INTERACTION WITH THE EGYPTIAN STAKEHOLDERS

22. The consultations with Egyptian stakeholders during the Panel's two visits to Cairo were undertaken with the objective of, first, explaining the PSC decision of 5 July 2013; second, elaborating on its mandate and how best it could assist in the early restoration of constitutional order; and, third, listening to the views of its interlocutors, including on the events of 3 July 2013 and the circumstances that led to it, as well as subsequent PSC pronouncements.

23. Throughout its interactions with the Egyptian stakeholders, the Panel explained that the PSC decision was taken in line with the relevant AU instruments and should not be misconstrued as a punitive measure. It emphasized that the AU had no agenda other than assisting the transition process in Egypt, mindful as it is of the importance of mobilizing African support to help Egypt overcome its challenges and retake its seat in the AU as soon as possible. These points were all the more important given the fact that a number of media outlets in Egypt misrepresented the PSC decision, describing it as inimical to Egypt and driven by other motivations.

24. Consistent with the relevant PSC decisions, the Panel emphasized the need for all concerned to embrace the spirit of dialogue and mutual accommodation and to refrain from any acts of violence and retribution. It encouraged the Egyptian political actors to persevere on the path of national reconciliation. In this respect, the Panel took note of the adoption by the Egyptian transitional authorities of a Roadmap for the transition.

25. Between the two visits, a number of developments took place. The most important was the operation initiated, on 14 August 2013, by the security forces to remove the mass sit-ins of Muslim Brotherhood supporters who camped in Rabaa adawiyah and al-Nahda, in Cairo, for the previous six weeks. Hundreds of people were killed and thousands more were injured in this operation. Subsequently, hundreds of members and supporters of the Muslim Brotherhood were arrested. A number of Coptic Christian churches were also burnt in retaliation. While the authorities accused the Muslim Brotherhood of being responsible of these acts, the latter denied these accusations. On the same day, as a protest against actions taken by the authorities in the camps, interim Vice President Mohamed El Baradei, resigned. The interim authorities announced a month-long state of emergency, which was subsequently extended by another two months, and ended on 12 November 2013.

26. The views of the Egyptian interlocutors that the Panel interacted with can be summarized as follows:

(i) **Egyptian Government Officials**

27. The Panel listened to the views of the interim authorities on the suspension of Egypt from participating in AU's activities, the nature of the 3 July 2013 change of Government, the Roadmap for the transition period and other related issues:

- (a) With regard to the event of 3 July 2013 and the subsequent suspension of Egypt, the Government representatives reiterated the views that were earlier communicated to the Commission, regarding the rejection of the PSC decision. They emphasized that the Lomé Declaration cannot and should not apply to the Egyptian case. Indeed, to them what Egypt witnessed on 30 June 2013, culminating in the 3 July 2013 change, was a full-fledged popular revolution. Describing these developments as a military coup is inaccurate and unacceptable. They stated that the first preamble paragraph of the 2012 Egyptian Constitution illustrates clearly the supportive role of the armed forces in the 25 January 2011 Revolution, which, in their view, is exactly similar to the role the latter played in the 30 June 2013 Revolution. In their view, the PSC reactions to both Revolutions were completely different and inconsistent, casting many doubts on the credibility and accuracy of its evaluation system, as well as on the political intentions behind its decisions. They stressed that the armed forces' involvement emanated from its constitutional obligation to protect the nation and was in line with the people's demands. They also stated that the armed forces did not seek to assume power in the aftermath of the demonstrations. On the contrary, the Head of Egypt's Supreme Constitutional Court assumed the position of interim President, and took the presidential oath in front of the General Assembly of the Supreme Court as an interim President until the organization of early presidential elections.
- (b) The interim authorities further maintained that while Egyptians were trying to consolidate the democratic achievements of the 2011 Revolution, these efforts were subverted by a democratically- elected but authoritarian administration and political party. They stated that President Morsi had taken a series of decisions, which, if subjected to the criteria stipulated in the Lomé Declaration, would clearly indicate that the change that occurred in Egypt was by no means unconstitutional.
- (c) Regarding the transition, the interim authorities referred to the Roadmap that would guide the process. This Roadmap revolves around the following elements: issuance of a constitutional declaration; establishment of a panel of 10 experts to propose amendments to the suspended 2012 Constitution; completion of the amendments to the Constitution; revision of the amended Constitution by a 50-member Committee representing all segments of the society; holding of a referendum on the amended Constitution; election of the House of Representatives; and holding of presidential elections. The proposed transition period was to last from 6 to 8 months.

- (d) The interim authorities clearly indicated that they viewed the reconciliation process as an internal matter, for which they do not see a specific role for the Panel.

28. In the course of their interactions and communications with the AU, including the Panel, the interim authorities stated that, despite many calls and initiatives in this regard, the Muslim Brotherhood refused to join the national unity Government and the process to formulate a national consensus on the way forward. They also stated that the Muslim Brotherhood rejected any participation in the Committee entrusted with drafting amendments to the 2012 Constitution, and rejected the Al-Azhar initiative for national reconciliation. The authorities further stated that there are no political detainees and that those members of the Muslim Brotherhood who are detained were facing criminal charges resulting from the use of, or incitement to, violence.

(ii) Interaction with the Muslim Brotherhood

29. The Panel met twice with the representatives of the Muslim Brotherhood. The first in the Rabaa camp, and the second after their forced removal from Rabaa and Al-Nahda on 14 August 2013. In these meetings, their representatives:

- (a) welcomed the PSC decision as principled and necessary. They appealed to the Panel for Egypt's suspension to remain in effect until the restoration of democracy in the country;
- (b) argued that what took place on 3 July 2013 was a coup and, as such, it had undermined democracy as the military overthrew a President who was elected democratically by a majority of the Egyptian people. They also complained against arbitrary arrests and killings of their members, and rejected accusations that they were resorting to violence to further their agenda;
- (c) rejected the interim authorities' Roadmap and the subsequent establishment of the Committee of 50, and refused to join the Government. As a way out of the current crisis, they proposed that President Morsi officially resign and delegate his powers to a consensual Prime Minister, who would organise early elections within 60 days. They informed the Panel that, prior to the 3 July 2013 change of Government, they proposed this idea but the army rejected it; and
- (d) stressed that the offer by President Morsi to the opposition National Salvation Front (NSF) of ministerial portfolios was rejected, and his calls for dialogue and reconciliation were not taken seriously. They accused former President Mubarak era businessmen, who owned TV channels and newspapers, of waging a continuous and unrelenting smear campaign against President Morsi, and criticized the Judiciary, which dissolved the Lower House of the Parliament and the first Constitution drafting Committee within the House of Representative. They added that Egypt had been governed by the military over the past 60 years, a period characterized, in their view, by authoritarian rule, rigged elections, selective distribution of wealth and

widespread corruption. They referred to the existence of a deep state that was opposed to any challenge to its privileges.

30. As indicated above, the Panel, during its first visit, met with President Morsi at his detention venue. The request made by the Panel to this effect was readily granted by the Egyptian authorities. During the interaction with President Morsi, the members of the Panel sought his views on the management of his year-long presidency and the circumstances that led to his ouster. They also seized the opportunity to stress the need for his supporters to refrain from violence and to constructively engage in the search for a solution to the crisis, particularly in view of the tension then prevailing in Cairo as a result of the mass seat-ins in the capital. While stating that he rejected violence, President Morsi said that he had no ways of communicating with his followers and supporters. President Morsi expected to deepen his interaction with the Panel, which, on its part, intended to use that opportunity to attempt to facilitate a consensus on the way forward. However, it was not possible to have the second meeting. Indeed the Egyptian authorities explained that it would not be possible to arrange for meetings with individuals who are under trial by the Egyptian Judiciary or detained based on decisions issued by the Public Prosecutor's Office, and this was the case of President Morsi.

(iii) Interactions with other Egyptian Stakeholders

31. During the Panel's two visits to Cairo, the Panel interacted with representatives of the 30 June Coalition, including Tamarood, Al-Nour party, the April 6 Youth Movement, the Strong Egypt Party and the Egypt Socialist Party, as well as with Human Rights activists. The Panel was briefed and provided with a background on the evolution of their protest movement. Through a variety of peaceful means, including the use of social media, the members of the Coalition challenged the Mubarak regime in January 2011, and supported the candidacy of President Morsi during the presidential election of 2012. However, according to them, after his election, President Morsi ignored their advice and counsel against unilateral and undemocratic measures that the new regime was taking. The Muslim Brotherhood became the sole power with influence on the President. Starting in November and December 2012, these parties began agitating against President Morsi for ignoring his pledge to govern equally and for all. Moreover, the Coalition noted that there were illegal and excessive police actions, for which no one was held accountable. But following the 3 July 2013 removal of President Morsi, the views of the coalition became less homogeneous. Their positions can be summarized as follows:

- (a) The Al-Nour Party: The Al-Nour party was aligned with the Muslim Brotherhood, while President Morsi was in power, although it remained critical of some of the policies of his administration. According to its representatives, in the days leading to the change of 3 July 2013, leaders of Al-Nour met with President Morsi and urged him to: (a) form a coalition government, (b) appoint a Prime Minister outside of the Muslim Brotherhood, (c) appoint a New Attorney General, and (d) initiate reconciliation with the judiciary and the military. But when their advice was rejected by President Morsi, and the military warned that the country was on the verge of a civil war, on 30 June 2013, Al-Nour shared this concern. It joined the military's call for

- the creation of a new situation and became part of the movement that helped develop the Roadmap of 3 July 2013. Subsequently, the party became sceptical about the steps that were taken and the overall intentions of the military. Al-Nour argued that, while it was correct to remove the President, suspending the 2012 Constitution and the dissolution of the Shura Council were not necessary. The party also advocated for the establishment of a technocratic Government with proven managerial experience. Soon after, Al-Nour withdrew from the 30 June 2013 Coalition. The party supported the PSC decision suspending Egypt, and requested that the Panel uses it as a mean to press for an inclusive transition and for the Muslim Brotherhood to join the transitional Roadmap.
- (b) The April 6 Movement: The April 6 Movement was critical of some of the policies of the transitional authorities even while in the Coalition, and opposed to the crackdown on the members of the Muslim Brotherhood. It condemned transitional authorities' policies against the independent media and urged that the negative campaign against the Muslim Brotherhood be stopped. It had no representation in the Committee of 50, and argued for the appointment of a consensual Prime Minister as a care-taker executive until the holding of national elections.
- (c) The Tamarood Movement: The Tamarood Movement expressed strong support to the Roadmap, and fully justified all measures the interim authorities took against the Muslim Brotherhood following the removal of its sit-ins in Cairo. It also demanded that the Muslim Brotherhood renounce violence officially, apologize for the crimes it committed, pledge to work within the framework of the Roadmap, and declare the sources of its finance, before being allowed to join the political process.
- (d) Sheikh of Al-Azhar: The Sheikh of Al-Azhar, Ahmed el-Tayyeb, informed the Panel that he is fully supportive of the Roadmap. He indicated that he exerted efforts to bring the Muslim Brotherhood to join the political process. However, these efforts were rejected by the Muslim Brotherhood as it believed the Sheikh of Al-Azhar was behind the 3 July 2013 change.
- (e) The Coptic Orthodox Church: Similarly, the Patriarch of the Coptic Orthodox Church, Pope Tawadros II, also expressed support for the Roadmap, which he views as a national plan for the present and future and, as such, should be supported by all. He expressed scepticism about the willingness of the Muslim Brotherhood to join the political process. He stated that the Muslim Brotherhood cannot be part of the Roadmap so long as it continues to use religion for political purposes and resort to violence and terrorism to create divisions within the country. The Pope stressed that religious antagonism in the country increased during the time of President Morsi's administration, and accused the Muslim Brotherhood to be behind the burning of Christian churches and institutions.
- (f) The Egyptian National Human Rights Council: The leadership of the Egyptian National Human Rights Council accused the Muslim Brotherhood of using violence, inviting foreign intervention, and taking its orders and instructions from outside. For these

reasons, they felt that the Muslim Brotherhood could not be part of the transition process.

- (g) Other Egyptian stakeholders: As indicated above, the Panel met with former Foreign Minister and Arab League Secretary-General, Amr Moussa, who was later to serve as Chairman of the Committee of 50, and a number of other former officials associated with the Egyptian Council on Foreign Relations, as well as intellectuals, writers and prominent businessmen. They welcomed the change, expressed support for the Roadmap and stressed the difficulty of integrating the Muslim Brotherhood into the political process for as long as it does not renounce violence publicly and without ambiguity.

VII. CONSULTATIONS WITH INTERNATIONAL STAKEHOLDERS

32. As indicated earlier, the Panel met with a number of international stakeholders, both in Egypt and outside. During these meetings, the Panel elaborated on its mandate and the AU position on the situation in Egypt. It explained that the AU's aim was to assist Egypt in the process of ensuring an early return to constitutional order, stressing that the AU did not call for the reinstatement of President Morsi, but rather for an inclusive transition culminating with the holding of free, fair and transparent elections.

33. During the meeting with the Secretary-General of the League of Arab States, the latter fully endorsed the Roadmap and explained the difficulty of including the Muslim Brotherhood in the political process unless it renounces violence. He contended that most people in Egypt view the Muslim Brotherhood not as a political party but as an organisation that uses violence to further its political objectives. Popular resentment against the Muslim Brotherhood is such that, in his view, it will be extremely difficult to include them in the political process. During the second meeting with the Panel, the Arab League Secretary-General expressed reluctance at the then envisaged visits of the Panel to a number of countries to exchange views on its efforts, as, in his opinion, doing so would internationalize the crisis in Egypt.

34. The Panel met with both the African Ambassadors and the representatives of the international partners in Cairo. It also visited a number of countries with a view to explaining the AU's position and updating its interlocutors on its efforts:

- (i) some of the countries visited welcomed the removal of President Morsi, considering the Muslim Brotherhood as a terrorist organization, and, for this reason, seeing no political role for it in Egypt. They appealed for the lifting of the AU decision suspending Egypt from its activities as an encouragement to the transition process and an expression of support to the efforts of the interim authorities;
- (ii) others held different views and stressed the need for an inclusive political process that includes the Muslim Brotherhood. At the same time, they expressed understanding at the position taken by the AU, as it was based on instruments that are binding for all its Member States;

- (iii) all interlocutors of the Panel stressed the importance of assisting Egypt, as the stability of the country is critical for the stability of the region as a whole.

VIII. OBSERVATIONS

35. The Panel expresses its appreciation to the interim Egyptian authorities for facilitating its two visits to Egypt. The Panel endeavored to discharge its mandate in an objective, independent and dispassionate manner, fully aware of the importance of the tasks entrusted to it and the complexity of the situation it is grappling with.

36. Throughout its work, the Panel was driven by the following considerations:

- (a) the importance of Egypt to Africa and that of Africa to Egypt. Egypt's stability and prosperity and that of the rest of the continent are closely interlinked. Thus, the AU has a particular interest in the early stabilization of the situation in Egypt and resolution of the challenges facing it;
- (b) AU's solidarity with the Egyptian people, whose aspirations for democracy, the rule of law, good governance and the respect for human rights are consistent with the relevant AU instruments;
- (c) AU's determination, in line with its duties and responsibilities towards all its Member States, to promote and foster African solutions within the relevant African institutions; and
- (d) the need for the AU to act in a manner consistent with its relevant instruments.

37. In relation with this last point, the Panel observes that the position of the interim authorities regarding the 3 July 2013 change of Government, as outlined earlier, is not consistent with Article 153 of the 2012 Constitution that clearly outlines the steps to be taken for the transfer of presidential power. Indeed, the basis for the 5 July 2013 decision of the PSC was premised on this provision of the Constitution that calls for either the Prime Minister or the Speaker of the House of Representatives or the Speaker of the Shura Council, to act in the place of the President in the event that the latter is unable to carry out his duties. In this regard, and in view of the fact that the 2012 Constitution did not allow the Head of Egypt's Supreme Constitutional Court to assume the role of an interim President, the Panel reaffirms the correctness of the PSC decision of 5 July 2013.

38. The Panel notes that, since its last visit to Egypt, the situation in the country has witnessed important developments. In addition to the eviction of the supporters of the Muslim Brotherhood who were occupying some places in Cairo in protest at the overthrow of President Morsi, leading to the death of hundreds of protestors, a number of terrorist attacks have also been registered, notably in Cairo and in the Sinai Peninsula. Among others, mention should be made of the attack perpetrated on 24 December 2013 against a police headquarters in Mansura City, causing the loss of many lives and injuring several other people. These terrorist attacks have intensified over the past few weeks.

39. On 25 December 2013, the Egyptian interim authorities, which are accusing the Muslim Brotherhood of being behind these attacks, designated the latter as a terrorist group. Earlier on, a decision was made by the authorities to ban a number of charity organizations linked to the Muslim Brotherhood, while President Morsi and a number of leaders and members of his party are being detained and some prosecuted. On its part, the Muslim Brotherhood, which has denied any involvement in terrorist activities, accuses the Government to be engaged in widespread repression against its members and of inciting hatred against them through a propaganda campaign in the media. It has thus, over the past months, continued to stage demonstrations in opposition to the interim authorities. Several activists not affiliated to the Muslim Brotherhood have also clashed with security forces and some have been sentenced to jail terms. This situation has led to a further polarization of the Egyptian society, which is not conducive for political dialogue.

40. It is against this background that the implementation process of the Roadmap is taking place. In this regard, a major step has been the holding of the constitutional referendum on 14 and 15 January 2013. The Panel would like to recall that the Egyptian authorities indicated that its members could have taken part in the observer team that the AU Commission was invited to send to Egypt on the occasion of the referendum. The Panel felt that observing the referendum and the planned subsequent polls does not fall under its mandate. The Constitution was adopted by 98.1%, with a 38.5% voter turnout. On 26 January 2014, interim President Adly Mansour announced that presidential elections would be held prior to parliamentary elections.

41. The Panel wishes to stress the continued relevance of earlier pronouncements of the PSC on the situation in Egypt. In this respect, the Panel reiterates the need for the Egyptian stakeholders to embrace the spirit of mutual accommodation, dialogue and national reconciliation and to refrain from any act of violence and retribution. Equally important is the total rejection of terrorism, which cannot be justified under any circumstances. In view of the fact that the conditions in which the Constitution was elaborated were challenged by some of the stakeholders, it is critical that the interim authorities find a mechanism that would allow the broadest participation possible in the forthcoming and presidential parliamentary elections.

42. In the Panel's view, it is important that the PSC remain actively seized of the situation in Egypt to enable it to assess progress towards the full restoration of constitutional order and take the necessary steps in this regard, in line with the relevant AU instruments. The Panel, on its part, reaffirms its commitment to continue discharging its mandate and readiness to further interact with the Egyptian authorities and other stakeholders. It expresses the hope that, with the forthcoming national elections, the transition process in Egypt will be completed.