

RELEASE IN PART
B6

From: Sullivan, Jacob J <SullivanJJ@state.gov>
Sent: Thursday, February 10, 2011 5:21 PM
To: H
Subject: FW: Cairo Update 2200 hrs February 10

FYI

From: Schlicher, Ronald L
Sent: Thursday, February 10, 2011 4:50 PM
To: Sullivan, Jacob J
Cc: Feltman, Jeffrey D
Subject: FW: Cairo Update 2200 hrs February 10

Jake: wanted to make sure you saw Margaret's outreach to Wa'el Ghoneim.

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From: Brownstein, David P
Sent: Thursday, February 10, 2011 3:29 PM
To: NEA-FO-DL
Subject: FW: Cairo Update 2200 hrs February 10

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From: Rosenstock, Matthew S
Sent: Thursday, February 10, 2011 3:24 PM
To: Rosenstock, Matthew S; Cutrona, Aimee; Shea, Peter T; Tueller, Matthew H; Walles, Jacob; Blome, Donald A; 'Daniel_B._Shapiro'; 'Sergio_L._Aguirre'; Shampaine, Nicole D; Schedlbauer, Amy W; Kosa, Lauren S; Parrs, Walter; Wittes, Tamara C; Allen, Katherine E; Feltman, Jeffrey D; Sullivan, Jacob J; Schlicher, Ronald L; Holtz, Greta C (NEA); Crowley, Philip J; Catalano, Elisa; Schrepel, Dawn M; Sullivan, Jacob J; Pelton, Erin; TaskForce-1; McHale, Judith A; Hensman, Chris D; NEA-PD-DL; Adams, David S; Epping, Jerome N; Randolph, Lawrence M (Algiers); 'Margaret.Keshishian'; Gressel, Jonathan P; 'Chang, Benjamin'; NEA-Egypt; Lenert, Adam J; Mahoney, Haynes R; Sanderson, Janet A
Cc: Scobey, Margaret; O'Dowd, Stephen; Miller, Bill A; Berns, David B; Kennedy, David JR; Colton, Elizabeth O; Newman, Robert B; Singer, Theodore J; Walker, Bridgette L; Smith, Dana S; Doyle, Robert F; Marrano, Mark F; Galliker, Andrew S; Turner, India R; NEA-Staff-Assistants-DL; Wells, Alice G; Farbeann, Joseph R; Speaks, John T; Boland, Patrick T; Crocker, John W; Williams, Eric C; Aguilo, Patricia M; Whitmire, Morgan G; Perry, Mark D; Randolph, Lawrence M (Algiers); Carl Yoder, Samantha A; ECPODistribution; Cairo Consular Americans; 'gudgeon'; 'Satterfield'; 'gerard'; 'riley'; Marrano, Mark F; Perry, Mark D; Powers, Roberto; Whitmire, Morgan G; Ash, Deborah J (Sofia); Makely, Emily J; Mayer, Paul O; Meininger, Laurie J; Young, Madelina M; Grandfield, Mary E; Hickey, Matthew B; Amer, Ibtisam; 'Chang, Benjamin'; Hickey, Matthew B; Rand, Dafna H; Frayne, Philip A
Subject: Cairo Update 2200 hrs February 10

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Political

Latest Developments: The Supreme Council of the Armed Forces released a cryptic statement late this afternoon, entitled "statement number one." It left many with the impression that the military was taking control of the political situation, but the situation remains unclear as we await televised remarks by President Mubarak. We cannot remember any previous instance when a meeting of the council was shown on TV (as it was today), and media report the last instance was in 1973 during the war. State TV broadcast footage of Mubarak meeting VP Soliman, saying it was happening in real time, followed by a meeting with PM Shafik, but many Egyptians are skeptical and think Mubarak has left or will shortly leave Cairo, perhaps to Sharm el-Sheikh or elsewhere. Media report statements by the PM that Mubarak remains in power, as well as statements by NDP Secretary General Hossam Badrawi saying Mubarak should step down. Local media report the military has taken control of the Suez Canal and quote senior MB Essam El-Erian as saying, "It looks like a military coup...I feel worry & anxiety. The problem is not with the president but with the regime."

Ambassador's Meetings: The Ambassador met FM Aboul Gheit earlier in the day (see CAIRO 145) and met with two prominent human rights activists this afternoon. They agreed that a military coup is the most likely scenario in the ongoing political crisis. One told the Ambassador that anxiety in the military is building daily since "they will need to clean up the mess." He hoped the military, possibly with VP Soliman at the head, would intervene to avoid things devolving further. He argued that the momentum for democratic change is unstoppable after January 25 and that Soliman would be compelled in a democratic direction. The second agreed that a strong transition figure is needed, but worried that a coup or designation of authority to Soliman would "perpetuate the crisis." Suleiman should try to win a free and fair election and then start a long-term transition. He proposed that the Army play a guarantor role akin to the military in Turkey. He said that after Mubarak resigns – a precondition for any transition – he would advocate forming a transitional government, amending necessary articles of the constitution, presenting these for a referendum in March, and proceeding with free presidential elections in 4-6 months. Parliamentary elections and further constitutional amendments would follow later. Both interlocutors agreed that a transfer of power to Soliman or the military could split the opposition.

Both NGO leaders complained that the Army has detained, and in some cases abused or tortured, hundreds of Egyptians since January 28, many for bringing supplies to Tahrir or possessing pro-democracy literature. Others have been detained for breaking curfew. He worried the Egyptian Army is not trained to handle this role. Neither could cite a specific number of detentions, but one provided a list of names published online by the "Front for Defending Protestors." He also noted that Western journalists and Egyptian activists have seen hundreds of others while in detention; he said one witness saw 300 at a single military base in Ismalia. Both human rights leaders also complained of the misuse of media by the state.

Wael Ghoneim: Ambassador called Dubai-based Google executive Wael Ghoneim and conveyed the significant impact he has made and how much pride he created in Egyptian hearts. Ghoneim said he had met PM Shafik and other members of the new Government and told them the days of using their power to suppress the people are over. He said he is not celebrating, he wants to wait and see what actually happens. But his is a "mission accomplished" and he plans to head back to Dubai to his job.

Strikes/Demonstrations: The crowd in Tahrir has grown over the course of the evening, with contacts telling us tomorrow will be "like a big party" in the square, obviously speaking in anticipation of Mubarak stepping down. Demonstrations were planned for many major cities throughout Egypt for tomorrow. It is unclear what impact, if any, this evening's developments will have on those plans. We do not have any information on whether Mohamed El Baradei will attend demonstrations in Tahrir Square tomorrow. His staff complained of

the difficulty of keeping him safe at the square the last time he visited, as well as the fact that he has received death threats.

Analysis of Constitutional Amendments: The articles listed below are those being discussed by the committee for constitutional amendments, although it is not entirely clear what precise changes are under consideration. The Ambassador is scheduled to meet a constitutional expert on Saturday, which should shed further light on this issue. In terms of timing of any changes and when they take effect, this remains unclear as well. The constitution calls for a 2/3 majority vote in the parliament followed by a public referendum for any amendments. However, many opposition leaders have balked at passing amendments through a parliament they view as illegitimate, and they may seek to move amendments directly from the experts committee to a referendum. The following is our understanding of those articles that are under review and the potential significance of possible changes:

Article 76 – This article creates additional qualifications for candidates for the presidency (article 75 outlines the basic requirements). Key requirements include being a member of the “high committee” of a political party with is represented in the People’s Assembly, or an independent candidate with the endorsement of 250 sitting officials (65 from the PA, 25 from Shura Council, and 10 from each local council in at least 14 governorates). Many view these requirements as unnecessary and aimed at ushering Gamal Mubarak or an NDP candidate into office. A likely change would be to scrap this amendment or lessen the requirements to make it easier for non-regime approved candidates to run.

Article 77 – This article allows the president to serve indefinitely. A likely change is to establish a limit of two terms in office.

Article 88 – This article scraps the previous requirement for judicial supervision of elections and requires elections be held in one day (previously one judge per ballot box or voting station, which required a three stage process). We think protesters would likely scrap the amendment and return to the original version of this article, requiring judicial supervision. This article was not part of Mubarak’s initial offer, but was added later.

Article 93 – This article gives the parliament exclusive rights to rule on the validity of its own members. This has been manipulated by the GOE in the past by drawing out any administrative court challenges to candidates, ensuring the judicial process would not end until after elections. Once official results were released for contentious districts, the winning candidate (even if disputed) became immune from the judicial process and could rest assured that the parliament would not throw him/her out. The opposition may wish to simply scrap this article, the amendment of which predates the 2007 constitutional amendments.

Article 179 – This article allows the president to move a terrorism case from any court to any other court, meaning he can choose for a case to proceed in regular criminal court, in the special security court (no appeals), or in the military court (non-transparent rules of evidence). It gives the president enormous power, especially because of the broad interpretation of “terrorism.” The opposition may choose to scrap this article as well.

Article 189 – This article details the process for amending the constitution. Currently it requires a 2/3 majority in the People’s Assembly followed by a public referendum. The GOE seems to want to amend the constitution with the current parliament, but the opposition views the parliament as illegitimate. One solution the opposition may pursue would be to move any changes directly from the committee that has been formed to a public referendum, leveraging the obvious legitimacy of a public vote in favor of any amendments.

Economic

Business Update: The Americana Group, which is the Master Franchisee for KFC, Pizza Hut, Baskin Robbins, TGIF, & Hardees (plus local brands Samadi, Chicken Tikka, Studio Misr) reports its franchises have resumed business but operating at about 30% operating capacity due to severe losses and shorter work hours due to the curfew. Ten outlets were burned down in several locations, including Tahrir Square, Arkadia Mall, and Maadi. Seven outlets were damaged by looters. The damage was reportedly not anti-American or anti-western, but rather due to their location. Twenty-five outlets remain closed. Americana management is compiling losses throughout the country, especially Alexandria and Suez, and will provide us with a final tally.

Security

The military cordon surrounding the embassy continues to maintain a footing similar to that seen throughout the last 24 hours. There are *unconfirmed* reports that some military officers are taking off their uniforms and joining the demonstrators.

This afternoon there were small groups (30-50) of demonstrators who would approach the military checkpoint near the North Gate, shouting angry slogans in the direction of the Embassy and pointing at it, and then departing the area.

We are on a stand fast footing with 136 (US and LES) on the compound, to include the 97 security personnel (MSG, FAST, LG, RSO).

Consular

ACS handled 31 emergency cases today including 9 regular passports, 7 emergency passports, 1 passport page case, and 6 CRBA applications, and one repatriation loan. ACS also distributed 8 previously issued passports and 11 benefits checks. ACS also heard from police in Hurghada, after making many inquiries on his behalf, that Mr. Rojas has boarded a flight for Germany and should be wheels-up soon. Remaining five TDY consular officers are scheduled to depart Cairo Friday morning Feb 11. Post greatly appreciates the assistance of all sixteen TDY consular officers.

Public Affairs

Media Coverage: Guests on local TV shows all seemed to believe the military had taken control of the government. State TV hosted General Sameh Seif el Yazel (former EGIS general), who believed the timing for military intervention was appropriate and necessary to restore normalcy in Egypt. He suggested that martial law could be imposed for a short period until stability and security is restored. Dr. Gamal Abdel Gawad, head of the Ahram Center for Strategic Research, said Egypt's political life before Jan 25 has changed but not necessary the social one. The mainstream will probably be democratic with leftist influence. He said the MBs are the main group benefiting from this revolution and they should be engaged in the society. He expressed hope that the army would keep the momentum of the revolution and avoid the mistakes that the regime has committed at the beginning of the crisis, which led to this deadlock. Dream TV hosted Mustafa Bakry who believed the army was already in control of the country, saying the main problem now would be constitutional. He believed a technocratic caretaker Government might be formed, perhaps under PM Shafik.

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