

Mubarak's Trial: A Divisive, Dangerous Distraction

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ABOUT THE AUTHORS



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Is Hosni Mubarak's trial a necessary step toward democratic reconciliation, or does it raise risks of more anarchy and a violent military crackdown?

Revolutions require that heads roll. Sometimes this implies the guillotine. In other cases -- like Tunisia, after which erstwhile President Zine el-Abidine Ben Ali sought refuge abroad -- leadership decapitation has been more figurative.

Egypt today is in the midst of its own post-revolution purge. Dozens of senior officials and business associates of the toppled Mubarak regime are being investigated, tried, and convicted of some very serious charges. Atop the list of regime minions, the longtime minister of interior, Habib el-Adly, will soon stand trial for ordering the killing of some 840 people during the revolution. If convicted, he'll face the gallows.

Unlike the trial of Adly, who engendered widespread antipathy for his role in the repressive state security apparatus, the impending trial of Hosni Mubarak -- for allegedly giving Adly his deadly orders -- does not have unanimous public support in Egypt.

Indeed, notwithstanding 30 years of authoritarian rule, many Egyptians clearly have some residual sympathy for the dying, broken, onetime war hero. Sure, attach his assets, the logic goes, but why further humiliate Mubarak with a public trial?

On the other hand, the young activists who occupied Tahrir Square and felled the regime are demanding a transparent proceeding. And if they don't get one, they've threatened to reoccupy downtown Cairo, further undermining an already tenuous economic recovery.

The arbitrator in this debate is the Supreme Council of the Armed Forces, which has governed Egypt since the regime fell in February. While there's little doubt the Supreme Council would have preferred that Mubarak avoid legal exposure, it had little choice. With a rising chorus in the streets demanding blood, the military authority felt compelled to offer him up.

Given Mubarak's health, it is unclear when or if there will ever be a hearing. To be sure, though, should the trial proceed, it will unlikely satisfy anyone. The only consensus issue underpinning the revolution was the necessity to end the Mubarak regime. Now, for some Egyptians, anything short of Mubarak's execution will be a cause for remobilization while for others, the whole process will be seen as a gratuitous exercise in retribution. In any event, it will put more stress on an already taxed Egyptian military managing the transition.

After 30 years of authoritarianism, Egyptians have a legitimate right to closure. With all the political, economic, and social challenges ahead for Egypt, however, a tribunal focusing on the past could prove to be a divisive distraction. Egyptians already have Mubarak's head. At this point, there's really no need for the guillotine.

David Schenker, the Taube Senior Fellow and director of the [Program on Arab Politics \(http://www.washingtoninstitute.org/template102.php?SID=1&newActiveSubNav=Program%20on%20Arab%20Politics&activeSubNavLink=template102.php%3FSID%3D1&newActiveNav=researchPrograms\)](http://www.washingtoninstitute.org/template102.php?SID=1&newActiveSubNav=Program%20on%20Arab%20Politics&activeSubNavLink=template102.php%3FSID%3D1&newActiveNav=researchPrograms) at The Washington Institute, is author of [Egypt's Enduring Challenges: Shaping the Post-Mubarak Environment \(http://www.washingtoninstitute.org/templateC04.php?CID=341\)](http://www.washingtoninstitute.org/templateC04.php?CID=341). ❖

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