



منتدى البديل العربي للدراسات

Laws pertaining to Political Deposition and Transitional Justice

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This paper is a result of a closed round table discussion; it expresses the personal opinion of its writers and does not necessarily express the opinion of the Arab Forum for Alternatives or Global Partners Governance

This document defines transitional justice as the process of legislative changes as well as accountability, retribution and reconciliation that occurs after the removal of a regime. Despite the existence of the term for decades, there's still widespread debate over the true definition of it. Thus, any definition is bound to encompass a plethora of legal tools and institutions as well as various individuals and entities. However, how can one achieve transitional justice in a system that is rampant with political strife, weak state institutions, low political efficacy and the absence of the rule of law? Politically deposing individuals does not only revolve around cleansing the political system of those who participated in the fallen regime but it also holds them accountable for their crimes. An effective and efficient judicial system does not only facilitate reconciliation, but serves as a warning for the new government. One cannot view political deposition as being a purely judicial procedure; it's long-winded process. In the case of Egypt, there was an obvious lack of fact-finding committees, or lack of efficiency if there were any. Not all the officials involved have been held accountable and some victims haven't received the necessary recognition and are still identified as thugs in many instances. Furthermore, not all of the families of the victims have received compensation and many court decisions haven't been properly implemented, if at all, due to weak and uncooperative state institutions. There's also an obvious double standard in the judicial system, where many court decisions have sought out to acquit remnants of the regime. The judicial system is also guilty of coming out with contradicting verdicts and decisions. Transitional justice is only possible if the judicial system becomes truly independent and distances itself from all political affairs. All state institutions must work together to manage and protect this process. The author suggests that the parliaments set up a private or exceptional court to deal with the events of the revolution as well as lay out all the proceedings of this court. While this process is very time-consuming and quite expensive in the short-term, failure to do it would obstruct the transition to democracy.