

Reading Iraqi Newspapers to Formulate Amendments to the Articles of the 1971 Constitution and the Position of the Political and Popular Forces on it

(Extracted from the master's thesis entitled The Egyptian Revolution in Iraqi Newspapers 2011-2012: A Historical Study)

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Abstract

The research reviewed how Iraqi newspapers followed the drafting of the constitutional amendments to the articles of the 1971 Constitution, which was one of the most prominent popular demands of the Egyptian revolution of January 25, 2011, which overthrew the regime of President Mohamed Hasmi Mubarak. Iraqi newspapers are an important source in studying and tracking the course of events in Egypt. Especially after the success of the revolution and the Supreme Council of the Armed Forces, headed by Field Marshal Mohamed Hussein Tantawi, took over the reins of government in the country, who took upon himself the responsibility of running the affairs of the country and supervising the political process after Mohamed Hosni Mubarak stepped down from power on February 11, 2011, until democratic and fair elections were held, elected by the people.

Keywords: Marshal Muhammad Hussein Tantawi, Advisor Tariq Al-Bishri, Constitutional Amendment, Constitution Amendment Committee.

1. Introduction

After the revolution of January 25, 2011, Egypt entered a shifting and volatile constitutional path, not devoid of some ambiguity. The first ambiguity is the fate of the 1971 Constitution, as the Constitutional Declaration, which had been issued by a decision of the Supreme Council of the Armed Forces on February 13, 2011, led to the suspension of the work of the Constitution. In 1971, the Constitution Amendment Committee was formed, which took upon itself the responsibility of amending nine articles of the 1971 Constitution (Al-Kayyali, 1971).

After the army assumed executive and legislative authority after the ouster of President Mohamed Hosni Mubarak, on February 11, 2011; as well as the forces of revolutionary youth, the military council found itself in a critical position; On the one hand, it is required to protect

the goals of the revolution and its sponsors, dismantle the previous regime of which the army was a part, and follow the path of democratic transformation. On the other hand, he was concerned about his privileges and influence, especially since he lacked to some extent an alternative political vision for Egypt's future. He was not aware of the internal political map and Egypt's social and economic problems, and he did not have sufficient experience to manage the country's affairs after his removal in the last decade from the political arena and the adoption of the Mubarak regime. on the Internal Security Forces to a large extent (Issa, 2008).

For its part, the Supreme Military Council appointed the head of the committee drafting the constitutional amendments, which is considered the first step to achieving the demands of the Egyptian people, as the people were expected to hold a referendum on them within two months, paving the way for the establishment of democratic civilian rule. It also dismissed prominent security officials against the backdrop of shooting at demonstrators on the occasion of... The expected million-man march regarding the formation of the Revolutionary Trustees Committee (January 25, 2011 Revolution) includes all segments of Egyptian society (Salman, 2010).

The Military Council emphasized in its statement that it was not a substitute for the legitimacy that the people accept, and that it would work hard to make important changes to achieve the ambitions of the Egyptian people, the most important of which are: preparing a new and permanent democratic constitution to replace the interim constitution of 2011 to suit the requirements of the stage, and completing political reforms. Social and economic issues in the country (Al-Sabah Newspaper, 2011).

The transitional period in which the Supreme Military Council assumed power witnessed a series of procedures and events, as the constitution-drafting process was accompanied by great tensions, especially after news emerged that the Military Council was being run from Sharm El-Sheikh, indicating that President Mubarak is still controlling the decisions of the Military Council. While the Military Council denied what was indicated that President Mohamed Hosni Mubarak is the de facto ruler of the country (Parliament Newspaper, 2011).

Differences in positions escalated between the symbols of the makers of the Egyptian revolution on the one hand and between the government and the Supreme Council of the Armed Forces on the other hand, against the backdrop of the revolutionaries' urgency for change and the government's desire to be patient. What the opposition movements saw as a desire to gain time for the return of the previous regime with a new mask (Tajdeed Newspaper, 2011). The ruling Supreme Council of the Armed Forces announced on February 14, 2011, the formation of a committee of legal scholars headed by Counselor Tariq Al-Bishri to prepare amendments to a group of articles of the Constitution (1971). The work of the committee continued for twelve days (Al-Sabah Newspaper, 2011). And to approve the mechanisms for referendum on these amendments to prepare the appropriate ground for holding fair presidential and parliamentary elections. Retired judge and advisor Tariq Al-Bishri (Al-Muraqib Al-Iraqi Newspaper, 2011), former First Deputy Chairman of the State Council, was chosen as president. He was described as one of the best legal experts in Egypt and who was a strong supporter of the independence of the judiciary in Egypt. (Al-Bayna Al-Jadeeda Newspaper, 2011).

Activist Wael said Ghanima, two members of the Military Council informed a delegation of revolutionary activists that the expected constitutional amendments will be ready within ten days, with a popular referendum on them being held within two months (The Iraqi Observer Newspaper, 2011).

In the same context, at the conclusion of its fourth session held on February 15, 2011, the Constitution Amendment Committee affirmed its great keenness that the expected constitutional amendments come in line with democratic openness in order to be approved by the Egyptian people of all categories and orientations. The Chairman of the Committee, Counselor Tariq Al-Bishri, stated that: The first four chapters of the constitution, which contain general provisions, will be retained without amendment, implicitly denying the recent news of amending Article 2 of the constitution, which states that "Islam is the official religion of the state and the principles of Islamic law are the main source of legislation" (Badr Newspaper, 2011). The amendment will be to Chapter Five only, which relates to (the system of government), and thus Al-Bishri indicated that the task of drafting the constitution will be easy and not difficult (Parliament Newspaper, 2011).

Explained that the articles that will be amended relate to the positions of To make political decisions in the country, representing the authorities of the President of the Republic, Parliament, the People's Assembly and the Shura Council, and he drew attention to the fact that the committee is currently conducting the final drafting of the articles of the constitution subject to amendment and the articles complementary to them, in preparation for announcing them in their form and final formulation during the next few days (Al-Sabah Newspaper, 2011), in addition to Making amendments to the three draft laws related to elections, which are the law on the exercise of political rights and the laws of the People's Assembly and the Shura Council, with regard to the electoral process. Dr. Mohamed ElBaradei confirmed that he continues to work for reform and change, and that he will spare no effort in achieving this, indicating that his candidacy The presidency of the republic is a matter related to the extent of popular desire. During a meeting with the delegation of the popular campaign to support him and the demands for change, ElBaradei thanked the armed forces for their efforts in the past period, reiterating his demand for the formation of an "interim presidential council" (Al-Bayna Al-Jadeed Newspaper, 2011).

Coptic activists in Egypt objected to the committee forming the new Egyptian constitution without Coptic representation in it (Al Salman and Al-Gharawi, 2019).

The memorandum included an emphasis on the demands of the Copts in the civil state, demanding the consolidation of the values of equality, justice, and democracy, and a pledge to strike corruption in every position. The memorandum also demanded that the constitution committee be composed of personalities who do not have any religious, partisan, political, sectarian, or sectarian orientations. This came when The Supreme Council of the Armed Forces announced the names of the eight members of the committee headed by the former President of the Egyptian Council of State, Tariq Al-Bishri. Despite his good reputation and known for his integrity and uprightness, what he was accused of was that he had Islamic intellectual tendencies. The committee also included a former deputy from the Muslim Brotherhood, lawyer Sobhi.

Saleh, while it did not include any representation of any other political faction” (Al-Dawa Newspaper, 2011).

In a statement by the Egyptian Communist Party (Iraqi Observer Newspaper, 2011), a copy of which was obtained by Tariq al-Shaab newspaper, denounced the decision to exclude it from the expanded meeting held by the Supreme Military Council with the Egyptian political parties, and from any national dialogue, stressing that the Egyptian communists do not need recognition. From whatever side they exist, but they rely on a history of struggle and great sacrifices over more than eighty years since the founding of their party in 1922. He stressed that the party was and is still struggling to impose its public presence and reject the secrecy imposed on it. Said. “The Communist Party is in the process of preparing for public existence and gaining this right through the Egyptian people’s revolution, which imposed a radical change in all ancient practices and also emphasized the freedom to form parties without commandments or restrictions and issuing a law that allows freedom to form parties.” (Badr Newspaper, 2011).

On the other hand, Western diplomats expressed their opinion on the actions of the Military Council, pointing out that what the Supreme Council of the Armed Forces has done so far regarding proceeding with constitutional amendments and democratic elections, but it does not necessarily agree to every demand at the present time (Al-Salim, 2021).

Zewail added during his meeting with young researchers and winners of the Intel Prize for Science and Engineering in the Arab World (People’s Road, 2011), indicating that traditional politics in the period after the January 25 revolution will not have a role in the coming period. Which he described as “critical,” which will determine Egypt’s fate, whether by advancing through science or taking dozens of steps backward. He pointed out that throughout his stay in Egypt, he was keen to meet with the youth of Tahrir, pointing out the importance of investing in youth energies. Zewail added, “The youth revolution is a revolution.” “Scientific and peaceful,” and that Egypt’s next renaissance must be based on science. He said, “We have no hope in the political dimension, so let us work on the scientific dimension,” stressing “the necessity of developing a program for managing the state with a new vision and that national responsibility falls on everyone’s shoulders. Everyone must work seriously and sincerely.” He stressed, “He is certain of the people’s love and trust in him, and he will work for Egypt’s scientific renaissance” (Al-Sabah Newspaper, 2011).

It is worth noting that Egypt has been ranked at the bottom of the countries in the last ten years according to scientific testing standards. Therefore, Zewail stressed the necessity of reorganizing the scientific system to raise the level of education in Egypt. This speech came within his electoral program for the next presidency, where he stressed that he would not let the Egyptian people down if they nominated him for the presidential elections, meaning that he was ready to run in the next presidential elections (Badawi, 2022).

It should be noted that opposition activists and reformist figures have made efforts for years to amend specific constitutional provisions, and therefore the millions of crowds in Tahrir Square had chanted demanding the abandonment of constitutional procedures on February 11, 2011, and the suspension of the constitution two days after the fall of the regime, especially since the

country will be ruled by the military, and this means A fundamental restructuring is extremely dangerous for the opposition. Because it will depend on the regime's desire to negotiate and its agreement to a comprehensive and important political reconstruction process (Al-Dawa Newspaper, 2011).

*Announcing the constitutional amendments and holding a referendum on them, March 30, 2011:

Formed a committee to amend the Constitution, and amendments were made to 11 constitutional articles that were subject to a referendum. The most notable of these articles were related to setting a maximum limit for the presidential term to two terms of four years each, and facilitating the conditions for presidential nomination; The constitutional amendments (Al-Jarida Newspaper, 2011) stipulated the necessity of complete supervision of the elections, obliging the president to appoint at least one representative, in addition to forming a committee to draft a new constitution after the parliamentary elections, with Parliament choosing one hundred members for this task (Brown and Roszewski, 2011).

The referendum on the constitutional amendments took place amidst a state of great division between the national and Islamic political groups. At that time, it was expected that these constitutional amendments would be approved by a majority of the Egyptian people. Especially since the army was supervising the work of the committee, it seemed to be keen on making things go smoothly to end the state of chaos in the country that had not subsided since January 25, 2011, and despite the army's repeated promises to implement popular demands (Al-Adala Newspaper, 2011). An Egyptian activist, Ziad Al-Alami, stated: A member of the Youth Revolution Coalition in Egypt, he said that he met with three members of the Supreme Council of the Armed Forces, the ruling military council, and that the council decided to conduct a referendum on the constitutional amendments on March 19, 2011, and to hold parliamentary elections in June and the presidential elections will be six weeks later. No date was announced. Officially for a referendum or elections, Al-Alami confirmed that the Council made it clear that it is committed to handing over power to a civilian government within the six-month period it specified and refuses to extend that period (Tareeq Al-Shaab Newspaper, 2011), while the Muslim Brotherhood stressed that the constitutional amendments are a first step towards the correct path to issuing a new constitution despite the fact that The Brotherhood stated that the amendments are insufficient (Al-Dawa Newspaper, 2011).

In the same context, the Secretary-General of the League of Arab States, Amr Moussa, one of the most prominent presidential candidates on March 16, 2011, called on the Egyptian people to vote no on the constitutional amendments put to a decisive referendum on March 19, 2011, considering that they do not live up to the aspirations of the Egyptian people (Al-Takhi Newspaper, 2011), and Moussa said in A statement distributed to journalists said, "Rejecting the constitutional amendments is the right decision for those heading to the ballot boxes," while Dr. Mohamed ElBaradei tried to seek to abolish this constitution and begin writing a new constitution (Badr Newspaper, 2011).

The transitional period witnessed a difference and discrepancy in positions between the political forces that were opposed to the Mubarak regime, each from its standpoint. The most prominent and important point of disagreement with the Mubarak regime was the issue of the democratic system. After the fall of the Mubarak regime, differences emerged, the most important of which was the lack of agreement on democratic principles and the establishment of a united front. Confronting the old regime and imposing these principles on it, especially on the security services and the army, in the absence of unified revolutionary political forces that would hold power and purge the state apparatus of anti-revolutionary elements (Badr Newspaper, 2011).

Two main opinions emerged during the transitional period: The first opinion was adopted by the Military Council and the Muslim Brotherhood, which shared their opinion. Among the supporters of holding a referendum on the constitutional amendments were the Islamic Jihad Party (Al-Sabah Newspaper, 2011), a Salafi organization, and the Al-Wasat Party, who urged the Egyptians to vote on it with approval; Being an independent constitutional document, aiming to regulate the peaceful transfer of power; This is because the current circumstance does not help in formulating a new constitution. The Muslim Brotherhood's position with these amendments represented a political tactic that would keep many Egyptian parties away from competition, especially since the party represented by the Muslim Brotherhood expressed its willingness to ally with secular forces in the elections so as not to monopolize power, and all the national forces, which seemed to feel the imminent danger of their presence in the Egyptian street, those forces that represented the second opposition movement, which is a broad movement of revolutionary forces and political parties (Al-Wafd, Tagammu, and Nasserite); Those who considered the amendments a circumvention of the principles of the revolution (Al-Tariq Al-Shaab Newspaper, 2011).

Although the Egyptian Constitution Amendment Committee promised changes to the articles of the Constitution that include the powers of the head of state and political decision-making centers, it seems that the Revolutionary Coalition was not satisfied with the constitutional amendments, as hundreds of Egyptian youth from various factions organized a protest in front of the Council building. The state demanded the cancellation of the referendum on the constitutional amendments scheduled to take place on March 19, 2011, chanting, "The people want a new constitution" (Bishara, 2020). Revolutionary Coalition member Wael Ghoneim said in a statement to "Al-Sabah Al-Jadeed" newspaper: "These are the amendments that will be subject to a referendum." What is the type of patching up a constitution that lost its legitimacy with the fall of the previous regime and aims to restore a new dictator to the country? A founding committee must be formed to draft a new constitution for the country." Meanwhile, Dr. Ibrahim Nawar, a member of the Democratic Rally Party, said during a community dialogue called by the Egyptian Ministry of Communications that legislative elections will be held in only three months. It will constitute a disaster and an abort of the demands of the revolution (Abdel Moneim, 2010). It must be pointed out that the points of disagreement between the two trends are that the two most important basic matters that were opposed by the liberal movement are:

The first matter: represented by how to choose the founding assembly charged with drafting the new constitution. The proposal of the Constitutional Amendments Committee was that selecting

the members of this committee was entrusted to Parliament, while the opposition movement saw that granting Parliament this authority might provide the party that obtained the majority in the parliamentary elections a great opportunity to draft the constitution. With an ideological flavor, and thus controlling the management of the political game, which will pave the way for the return of tyranny through democratic mechanisms (Al-Mada Newspaper, 2011).

The second matter: What was a matter of disagreement among the political forces was related to the period of time needed to implement the steps of building institutions, as the Constitutional Amendments Committee emphasized holding legislative elections first, while the opposition movement saw that logic required the necessity of agreeing on drafting a permanent constitution for the country before holding it. Any parliamentary or presidential elections, including: Because the constitution defines the powers of elected institutions, which naturally clarifies the relationship between them (Al-Adala Newspaper, 2011).

For his part, Counselor Tariq Al-Bishri, a member of the Constitutional Amendments Committee, confirmed in a statement to the newspaper “Al-Sabah Al-Jadeed. Al-Bishri stressed the right of civil society and the Egyptian media to follow and monitor the referendum process after obtaining permits in order to achieve greater transparency. One of the important points in the constitutional amendments was the restoration of judicial supervision of the electoral process to prevent the occurrence of widespread fraud that characterized the elections in During the Mubarak era, (Al-Sabah Al-Jadeed Newspaper, 2011) Therefore, a temporary constitution should be drawn up to cover the tasks of the transitional phase, while there is ample time to carefully draw up a permanent constitution, in order to benefit from the lessons of the past, to meet the ambitions of the youth of the revolution who sacrificed and died for its sake, and were patient until its victory (Al-Sabah Al-Jadeed Newspaper, 2011).

Despite these differences between both groups, the referendum on the constitutional amendments was held on March 19, 2011, and about 18 million voters participated, or 41% of the 45 million registered voters who cast their votes in the referendum, where more than 14 million voters were in favor of the amendments, i.e. 77% of the voters, compared to 4 million voters, i.e. 23%, who voted against the amendments. Accordingly, the referendum on these constitutional amendments was considered the first step to the optimal arrangement for the transitional period (Sadat, 2014), and the following is a table showing the results. Referendum on constitutional amendments:

Table showing the results of the referendum to amend the Egyptian constitution in March 2011: (Badr Newspaper, 2011):

	Vote "yes"	Vote "no"	Correct votes	Invalid votes	Total votes
Number of votes	14,192,577	4,174,187	18,366,764	171,190	18,537,954
Percentage	77.27%	22.73%	99.08%	0.92%	100%

An official source indicated that it is possible for the transitional period to be extended to allow for the establishment of a new constitution for the country in light of the presence of elected legitimate institutions and not councils composed above the will of the people. After the result of the referendum on those amendments was issued with the approval of the Egyptian people, the Military Council issued a constitutional declaration on March 30, 2011. The 1971

Constitution (Issa, 2008) was completely suspended, in addition to the crucial provisions it contained that enhance the integrity of the electoral process, the most important of which are:

- 1- Placing a limit on presidential terms to a maximum of two terms for a period of four years.
- 2- Complete judicial supervision of the elections.
- 3- The requirement to appoint at least one Vice President of the Republic.
- 4- The Court of Cassation is the one who decides on the validity of membership, not the Council as it was previously.
- 5- Half of the members of Parliament must be workers and farmers.
- 6- The law, not the constitution, determines the method of elections.
- 7- Prevent the formation of parties on a religious basis or based on gender or origin.
- 8- Forming a drafting committee to draft a new constitution for the country after the parliamentary elections (Badr Newspaper, 2011).

The announcement stressed that the elections for the People's Assembly and the Shura Council will be held and the referendum will be under the supervision of the Supreme Elections Committee, which is responsible for organizing the entire electoral process, starting with the formation of the general election committees and the polling and winning committees until the announcement of the final result of the elections. As for limiting presidential powers, it has been postponed until After the elections as part of the process of drafting the new constitution, these amendments also included approving the holding of parliamentary elections within six months from the date of approval of those amendments, during which the working groups would establish new political parties, conduct campaigns for candidates and encourage the attendance of their supporters (Qasim and Al-Dannan, 2016), and in the context of the Council's work The Supreme Council of the Armed Forces spokesman stated on March 28, 2011, that Egypt will lift the state of emergency before the parliamentary elections (which will take place next September). Major General Mamdouh Shaheen, a member of the Council, said in a press conference that the date for the presidential elections has not yet been determined, in an attempt to reassure the Egyptian street that the Council is continuing to implement the legitimate demands of the people (Al-Dawa Newspaper, 2011).

Anyone who observes the content of the constitutional amendments will realize that they represent the beginning of democratic construction, especially since they allow the formation of democratic institutions that will organize parliamentary life in Egypt, and that electing a parliament and a president within six months will contribute to ending security chaos on the one hand and restoring the economy to health on the other hand. Other, and most importantly, ending military rule and returning the military to their barracks is in the public interest. We can also say that this referendum is what moved Egypt from the revolutionary state it had experienced since January 25, 2011, until the time of making constitutional amendments, to a state of political, security, and economic stability. If the transitional government continues to fulfill its promises to the people, and this matter seems very important in light of the deteriorating economic

conditions of the country, and the state of chaos and insecurity, and from this perspective, this referendum appears to be the first of the fruits reaped by the Egyptian people after the victory of the revolution, to reform the bad legacy left by the previous regime. Certainly, the Constitution was at the forefront of reforms, as it was the first reference for any future government or regime that would rule the country.

The transitional phase resulted in a process of acceleration in the implementation of the procedures and treatments that the Transitional Council promised the Egyptian people. Sources reported that Egypt would lift the restrictions that were imposed on the formation of political parties during the rule of former President Mohamed Hosni Mubarak (Badr Newspaper, 2011), but the parties are under Mubarak's rule needed to obtain the approval of a committee headed by the head of the upper chamber of parliament, a leading figure who had always been from the ruling National Party, as it was headed by Safwat Al-Sharif, the former president of the Shura Council, who was a senior leader in the ruling National Party (Al-Muraqib Al-Iraqi Newspaper, 2011).

For its part, the Egyptian Military Council announced in April 2011 the issuance of the Political Parties Law pursuant to Decree No. (12) of 2011. The Political Parties Law of 1977 was amended with a new party formation law, which opened the way for freedom to form parties after the revolution, and the most important thing it stated was: It is to submit notification of the establishment of the party in writing to the Political Parties Committee headed by the President of the Court of Cassation and the membership of two Vice-Presidents of the Court of Cassation, two Presidents of the Courts of Appeal chosen by the Supreme Judicial Council, and two Vice-Presidents of the State Council chosen by the Special Council (Badr Newspaper, 2011); It stipulated a minimum number of members in the party, and rejected the establishment of gatherings on religious, geographical, or sectarian grounds. In this context, Major General Mamdouh Shaheen, a member of the Council, confirmed that one of the most prominent features of the new law is the establishment of parties with notification, provided that this is presented to the committee, which must respond to the matter. This must be done within 30 days. The law requires that the names of the parties not be similar and that the party obtain five thousand members from ten governorates, with the presence of 300 members from each governorate as a condition for seriousness, provided that it be under judicial supervision (Tarqis Al-Shaab Newspaper, 2011). It was decided to cancel the financial support provided to the parties, as The establishment of parties during the Mubarak regime took place through the Party Affairs Committee, which rejected more than 70 requests to establish parties, especially the liberal opposition, since the issuance of the law in 1977. The Party Affairs Committee was responsible for monitoring the existing parties (Al-Muraqib Al-Iraqi Newspaper, 2011).

The text states: "Notification of the establishment of the party shall be submitted in writing to the Political Parties Committee headed by the President of the Court of Cassation, the Presidents of the Courts of Appeal who are chosen by the Supreme Judicial Council, and two Vice-Presidents of the State Council chosen by the Special Council. The party shall carry out its activity as of the day following the lapse of 30 days from Notifying the Party Affairs Committee without its objection" (Al-Sabah Al-Jadeed Newspaper, 2011). The New Parties Affairs

Committee also enjoyed oversight of the existing parties through its right to freeze any party indefinitely, suspend its activity, and cancel it in some cases if necessary, while the Council denied reports circulated by various media outlets about the postponement of the 2012 presidential elections (Al-Ahed Newspaper, 2011).

In light of the issuance of the party formation law, the political and youth forces began working to prepare themselves, in preparation for running in the parliamentary and presidential elections scheduled to be held six months after the Supreme Military Council assumed power in the country in the transitional period that followed the resignation of ousted President Mohamed Hosni Mubarak (Al-Muraqib Al-Iraqi Newspaper, 2011).

We have previously discussed the most important positions of the Iraqi newspapers regarding the follow-up of the interim Egyptian government that followed the removal of former President Mohamed Hosni Mubarak, as well as the follow-up of those newspapers on the developments of political events, which witnessed the crystallization and clarity of the picture of the general political scene in Egypt after the revolution, especially the holding of the referendum on constitutional amendments in March 19, 2011, which was one of the most important demands of the Egyptian revolution that overthrew the Mubarak regime.

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