

# Mubarak verdict far from a done deal

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CAIRO // Many Egyptians considered the appearance of Hosni Mubarak inside a metal cage a victory for the rule of law, but the real challenge will play out as the trial gets underway, lawyers and analysts say.

Yet to be revealed is the quality of the evidence against Mr Mubarak, the fairness of the judges overseeing the case and just how open the secretive military is to a far-ranging investigation that could see high-ranking officials called to testify in a courtroom where the proceedings are broadcast live on television every day.

What's more, the panel of three judges will have the extraordinary task of having to weigh evidence in a case that the majority of the population believes is open-and-shut.

"This is the first time in the history of Egypt for 5,000 years that a Pharaoh is being brought to court to be judged on his rule," said Chibli Mallat, a visiting professor at Harvard University School of Law. "There is a historic dimension about it. It is very unusual for the region, for the rule of law and for the whole world."

Gamal Eid, the head of the Arabic Network for Human Rights Information, an Egyptian non-profit organisation, said the trial is a challenge for a changing Egypt. "We know he is guilty, but at the same time you have to give him a fair trial and make a judgment based on the evidence."

Still, the idea of Mr Mubarak being found innocent is "difficult to imagine", Mr Eid said.

The trial made a good start on Wednesday, but it was not clear just how thorough the prosecutor general had been in investigating Mr Mubarak, he said.

The former president is charged with having a direct role in the killing of more than 850 civilians who died during protests in late January and early February, as well as illegally using his power to gain wealth.

Speaking from a hospital trolley at the first hearing - and for the first time since March 10, the night before he resigned - he denied all charges. His sons, Alaa and Gamal, are also accused of corruption. They deny the charges too.

Ultimately, the allegations against Mr Mubarak are much narrower than the issues that sent tens of thousands of Egyptians onto the streets this year. He is not being tried for the jailing of dissidents over 30 years, foreign policy decisions or the widespread system of corruption that many say he created.

"You are trying a man, but the question is are you trying a system at the same time," Mr Mallat said. "This element complicates the trial" because the public expectations do not tie up with the aims of the trial.

While Mr Mallat said the opening of Mr Mubarak's trial had every

appearance of being fair and orderly, the test of the justice system will come in the details: how long will the case take, with more than 1,000 witnesses being requested, the perception of fairness and the breadth of the investigation.

The pressure on the judges and the attorneys will be unprecedented.

The first day of the trial was important for its symbolic value, but there is an expectation that when the substantive portion gets underway on August 15, some of the "mysteries" of the revolution will begin to be answered.

"This is what many people are hoping for," said Anwaar Abdalla, a professor of history and archaeology at Helwan University in Cairo. "There are so many unanswered questions about what happened during the revolution. Who gave the orders? How did these decisions take place?"

One surprise from the first day of the trial was a request from Farid El Deeb, Mr Mubarak's lawyer, for Field Marshal Mohamed Hussein Tantawi, the head of Egypt's ruling military council that is in control of the country, to take the stand and answer questions.

So far, the military has not been subjected to any detailed scrutiny for its role in the revolution or during Mr Mubarak's regime, while dozens of ministers, businessmen and politicians have been arrested and investigated for corruption.

"I cannot put all the blame on the military council," said Dr Abdalla. "Thanks to them we are not in a situation like Syria or Libya. But there are things that are not answered, questions about choices the military made. I'm optimistic we will begin to get answers now."

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