



THE SEMI-ANNUAL

October 2019 - March 2020

REPORT

EGYPT

TUNISIA

LIBYA



Throes of democratic transition,
Military rule and the struggle
of conference's corridors'

The policies and legislation observatory related to
human rights and democratic transition

التقرير النصفي سنوي لمركز دعم بتقنية الواقع المعزز

Augmented Reality

1



حمل تطبيق Zappar



2



امسح رموز zappar
الموجودة باستعمال
هاتفك الجوال اينما
وجدت في تقرير دعم



3



استم

THE SEMI-ANNUAL REPORT

October 2019 - March 2020

The policies and legislation
observatory related to
human rights and
democratic transition

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◀◀ Introduction



The report of the democratic transition and human rights support center extends to the period from October 01, 2019 to March 30, 2020. And it is considered as part of the center's strategy which aims to accumulate reference documents concerning the democratic transition and human rights in Egypt, Tunisia, and Libya. Besides establishing an observatory of policies and legislations related to the transition path in following events from its official sources and websites which have the credibility under an objective and systematic obligation which respects the conditions of the modern democratic state and the principles of human rights. Also generally monitoring work concern is inseparable from the issues of society and individual in order to contribute to the popular transformation momentum towards the goals of liberation, development, and democracy.

Monitoring work is accompanied by research production which follows all transitions. According to that the center issued data, articles and studies regarding the most important legislations and amendments which affect legal and institutional frameworks of the state besides affecting the political life in every country. Also, the center didn't forget to support and sustain activists who face repression or any form of violations.

Under the obligation of people's choices, democratic principles, and human rights, we have worked on a transitional research methodology. Unlike previous reports which focused for a full year coverage, this report covers half year in order to concise efforts and focus the results. And the report is evaluated by the evaluation of the monitoring process and its necessities. In addition to adapting to the privacies of the context in every country. That presents further development in terms of form and content in the future to dedicate a discreet monitoring work.

Here we review some methodology approval features with a promise of a development that responds to the conditions of research work addressed to everyone.

The monitoring method:

Initially, the monitoring methodology required identifying monitoring areas which are followed up periodically. And that requires a field definition of the monitoring process as follows:

The objective field: it is represented mainly in democratic transitional policies, legislations, and the field of human rights.

Geographical field: The monitoring is related to three countries which are Egypt, Tunisia and Libya.

Time zone: from October 2019 to March 2020

Democratic transition: It is the path which leads to stability and all the processes which pave the way for change from a non- democratic to a democratic regime. According to its relevance to a turbulent context, it is not only related to what is static as legal texts and institutions but also to what is dynamic in other words most of the elements of political life and governance in its major elements, such as elections and the party life.

Human rights: The concept of the support center according to human rights is based on the comprehensive universal vision which is indivisible. And this vision is always based on the international human rights system and all related texts. Therefore, we should define two terms;

Policies: related to the general policies of the state which influence the democratic transition and human rights in addition to the elements of the political life interacting with them.

Legislations: they are related to the overall legal texts in this level which are issued in addition to the legislative process within the parliamentary work.

Introducing concepts:

The aim of the indicator is to answer a question: do the policies and legislations fulfill its purpose? According to that it is focused in the monitoring process on relevant legal texts and legislative process, institutions and authorities in all levels, elections, and the features of the political conflict.

In Tunisia: it can be noticed the sequence of the democratic transition path, but it has its special difficulties which start from the institutional and legal frameworks difficulties, and its interaction with economic, social, and political environment. And it becomes clear that the problems of the transition path are multiplied because of the influence of the political and party life in addition to the economic and social crisis. It is considered that election's element and government's formation are an important indicator of the transition process and its nature. Besides the ability of the authority itself to practice its role in building transitional policies in all fields guaranteeing achieving the new regime. Concerning the Tunisian case, all what's previous is considered among the difficulties of the second transition, which was included as an independent component of the monitoring.

Monitoring indicators:

The paths of the institutional and legal paths turned to be a way of excluding a possible democratic transition in Egypt. Also, the regime is 'institutionalizing' repression through multiple means which can't all be contained to the limit in the report so that it chose a specific subject which is media in Egypt. This axis represents the opposite image of the second transition into repression and dictatorship. So that it is needed from the above to analyze the monitored material within the existing frameworks legally (constitutions/laws) and institutionally (authorities, bodies, and institutions). On the other hand, the Libyan situation challenged the monitoring method in terms of breaking with its frameworks. That's why the monitoring focused on the shifts of the Libyan conflict, the course of the dialogue and its difficulties to determine the transitional situation in Libya., which ended to an ongoing civil war till now.



Developments of the policies and legislations related to human rights and the democratic transition

In Egypt

Egypt faces a critical and exceptional period in terms of repression and domination that enters the lives of Egyptians in all ways. The report focuses on the democratic transitional bar in Egypt which the Egyptian people aspired in their revolution, and the same bar written in the Egyptian constitution provided for the democratic state. But it faced a turning into a dictatorship interferes within the citizen's details of his daily life and the institutions of the authority if all its forms. Therefore, it is required to review the legal and constitutional framework related to democratic transition, and then the situation of human rights in Egypt will be reviewed secondly

Policies and legislations related to the democratic transition depend on the legal and constitutional frameworks structuring the transformation process. But the democratic transition is beaten through several ways which the report focused on one way of them under the control of the institutionalizing the military rule especially through controlling media in Egypt

It can be discussed in this level, the legal way of the regime's control over the state and the president's power over all authorities. Transition in Egypt is a transition towards clear dictatorship through several tools, starting with the massive law machine and its institutions then reaching to the regime's speech and promoting dominance.

The Egyptian constitutions passed with various amendments and revisions after the revolution in 2011 to 2019. This is the framework which was withing the monitoring, as the constitution remained the state's favorite tool for restructuring the poli-



The popular referendum on the constitutional amendments



Egyptian state because of the complexity of its matter. But this report matters by ignoring the military state and militarize the regime of Egypt which is clear and obvious and passed peacefully. President Abdel Fattah Al-Sisi – the former military man- stated in his speech dated to the 25th of December 2019 that the military forces became responsible of safeguarding the constitution and democracy and preserving the civil nature of the state. And according to him, he aims to protecting the Egyptian state from facing a “second fall”. Previously in 2015, president Al-Sisi stressed that the Egyptian constitution was written by good intentions while countries as he stated are not build by good intentions but by the political will. But later it became clear that this will is the regime's will through its tools of security and army.

The coalition of support Egypt which is a pro-government dominant coalition in parliament submitted proposed amendments on the constitution. And the report of the constitutional and legislative committee in the house of the representatives revealed that 155 MPs signed the amendments' request. And finally, the amendments were approved by 531 MPs from 596 in the house of representatives which the overwhelming majority of its members support Al-Sisi while on the other hand 22 MPs voted against the amendments. And a transitional article allowed the extension of Al-Sisi's current presidency which he was elected in 2018 for four years extended to 6 years. And, allowed him to run for a third presidential period in 2024 on terms of the increase of the presidential period. And the amendments included creating A new upper house of parliament (senate) from 180 members as voters will choose two thirds of the members and the other one third will be directly chosen by the president. Besides the expansion in the article concer-

ning the power of the military forces, which included in addition to its functions in protecting the country, preserving its security and its territorial integrity other functions which are Safeguarding the constitution, democracy ,preserving the basic statehood, the civil nature of the state, the gains of the people, freedoms and rights of individuals.

Also, the amendments included Appointing a vice president or more, if needed. And according to the amendments empower the president to appoint the heads of judicial bodies, and the attorney-general from the candidates proposed these bodies. The constitutional amendments would create a quota for women, requiring that 25 % of all seats of the House be reserved for women.

The referendum on constitutional amendments was held in Egypt from 20th to 22nd of April 2019, and in 23rd of April the National Electoral Commission (NEC) announced the approval of the amendments with 88.83% and the refusal of 11.17% with the participation of more than 27 million of citizens according to the commission.

In that direction, the regime starts to reframe the electoral process which forms the house of the representatives and the legislature.

Legislature:

It consists of the house of representatives and the Senate which isn't starting its functions yet.

According to Article number 102 of the Egyptian Constitution:

The number of the members of the house of representatives

tical life in Egypt and controlling the possibilities of change and transitions. The constitution represents “ the logical identity “ of the state, and it reflects the logic of its work , process, relationship with its environment and institutional regularity. It is noticed that the constitution in its final version after the amendment in 2019 identified the meaning of the civil state through a negative definition, or what's stated as the three noes by the speaker of the house of representatives dr Ali Abdel Aal which where “ no to secular state”, “ no to religious state” and “ no to police state?”. And, away from the analysis of this definition and its context which was widely debated especially from the Islamic parties, it presents a different image of the Egyptian state's reality by the increase of police's repression and the religious and moral speech of the state especially for what's related to individual's freedoms and human rights. So that, in this analysis we can't talk about the significance of secularization in the

The legal and constitutional framework related to the democratic transition

The overall powers of the president of the republic

Some of this power are classic and common in presidential regimes but some of them were expanded, and because of the repressive nature of the regime, the scenarios are going to be worse.

Legislature:

- The president of the republic may appoint a number of the members of the house of representatives not more than 5% and the one third of the Senate which hadn't started its work yet.
- The president of the republic calls the house of representatives to be held and also adjourns the session.
- The president of the republic has the right to issue laws or to object them.
- The right of dissolution of the house of representatives except when necessary, and with a reasoned decision and after a referendum.

The executive authorities:

- The president is the head of the state and the Executive Branch who appoints the prime minister and he may exempt him from his office after the agreement of the people's assembly in both cases.
- The president of the republic may delegate some of his powers to the prime minister, deputies, the ministers and or governors.
- The President of the Republic may call the government to meeting to discuss important matters, and presides over the meetings that he attends.
- The President of the Republic, jointly with the Cabinet, sets the general policy of the state and oversees its implementation.
- The President may now appoint one or more deputies who may be delegated to perform some of his duties, may be relieved from their duties by the President at any time and accepts their resignations.
- The President of the Republic represents the state in foreign relations and concludes treaties and ratifies them after the approval of the House of Representatives.
- The President of the Republic is the Supreme Commander of the Armed Forces.
- The President of the Republic appoints civil and military personnel and diplomatic representatives and dismisses them, and confirms political representatives to

foreign countries and organizations.

- The President of the Republic declares, after consultation with the Cabinet, a state of emergency.
- The President of the Republic may issue a pardon or mitigate a sentence after consulting with the Cabinet. And In absence of the House of Representatives, the President of the Republic may issue decrees that have the force of law, provided that these decrees are then presented to the House of Representatives, discussed, and approved within 15 days from the date the new House convenes.
- The President of the Republic may call for a referendum on issues relating to the supreme interests of the country.

Judicial powers

- The President of the Republic selects the heads of judicial bodies and agencies from among their seven most senior members. Their joint affairs are administered by a Supreme Council of Judicial Bodies and Agencies headed by the President of the Republic
- The president of the republic appoints the Prosecutor by the decree of the President of the Republic from among three people nominated by the Supreme Judicial Council from among the deputies to the president of the Court of Cassation, the presidents of the courts of appeals, or the assistants.
- The President of the Republic selects the president of the Supreme Constitutional Court from among the five most senior deputies of the court.
- The President of the Republic appoints each deputy of the court from among two candidates, one of whom is proposed by the court's general assembly and the other by its president. And the president and members of the Commissioners' Authority are appointed by presidential decree based on a nomination by the president of the court and after considering the opinion of the Court's general assembly.
- The National Defense Council shall be established, headed by the President of the Republic.
- A National Security Council is established, headed by the President of the Republic.
- The President of the Republic appoints the heads of independent and Regularity bodies, and they show annual reports to the President of the Republic, the House of Representatives, and the Prime Minister one issuing.
- The President of the Republic may request the amendment of one or more articles of the constitution.



is 450 members who are elected through a direct secret ballot.

■ Not more than 5% of the members are appointed by the president.

The electoral system and the division of districts are prescribed by law, taking into account equitable representation of the populations and governorates.

Also, according to the aforementioned article, it may take the individual or the list electoral system or the combination of any ratio between them.

According to the article of the Egyptian constitution:

■ The number of the members of the Senate is not less than 180 members.

The electoral process of the formation of the house of representatives based on four legal texts which are as follows:

The law of parties, law on the Regulation of the Exercise of Political Rights, the law of the house of representatives and the law on electoral constituencies.

[The law of the house of representatives \(no.64 of 2014\)](#)

The aforementioned law, related to the current house of

representatives since 2015 specifies the combination of the electoral system between the absolute closed list with 120 seats and 448 seats for the individuals with two rounds. Besides, it is allowed for parties and independent individuals have the right to run in each system. In addition to the 5% 28 members appointed by the president which the number of representatives reached 596.

There has been a debate concerning amending this system since December 2019, and this is planned by the intelligence service affiliated with President Sisi. The proposed amendment is about making the parliamentary elections by the combination of the closed list system with 75% and the individual system with 25% only.

Also, this amendment is directed to the following law:

[Law No. 45 of 2014 regulating the exercise of political rights](#)

That means a more control in the aspects of the political life through repress the opposition and its capabilities. Especially that this law regulates the limits of the role, tasks, and rights of all parties: the voter, candidate, and the Supreme Elections Committee.

Electoral district law

These amendments tend to expand the electoral district boundaries hitting the opportunities for the recent MPs,

especially partisans who form their candidature based on a narrowed electoral district. According to sources inside the Egyptian parliament, this amendment will be submitted through a new law.

Judiciary

Despite the importance of the constitutional and legal dimension in dealing with the Judiciary, but the violated cases, its frequencies, and the role of all levels of the courts concerning these violations imposing the discussion of some of its aspects in the relevant section of violating human rights.

Institutionalizing the military rule: Media field

The attempts to control media in Egypt is not new, but it was a common policy among the Arab countries. And that has been noticed since 2008 connected to a document released by the Arab information ministers to control space media. This document was proposed by Ana El-Fekky the former information minister.

It was designed to exploit the ownership of the Nile sat satellite in addition to

the new document that the Egyptian authorities sought to add as an annex

for all previous contracts with satellite TVs, to hit all the voices of the opposition.

Inside Egypt, the policy of control and order became more severe and repressive especially after the 25th of February.

Reporters Without Borders organization (RSF) referred to this situation in its report about the ownership of the mass media during the last 8 years after the revolution. And here the semi-final report of the Support Center highlights the features of the official repressive and controlling machine through the element of controlling media then through samples of the promoted official speech.

Controlling the media:

Egypt experienced a glimpse of freedom of Media after the 25th of January revolution which continued till the downfall of the late and former president Mohamed Morsi and his regime. But the regime of the president Abdul Fattah

The working environment for Media in Egypt is vague and complicated in significant. As statements related to the resources of investments and title deeds or the following-up rates are not available for the public either because of legislative gaps or by the Egyptian bureaucracy the base of corruption

Al-Sisi wouldn't allow such a freedom of expression especially as many of analysis that refer to the less margin of freedom which was allowed by the late president Mubarak was one of the important aspects in mobilizing the revolution against him. Besides, the intention of President Al-Sisi was clear since the first months of his rule after his famous statement in August 2014 saying that "Abdul Nasser was lucky, he was working while media was supporting him"

Then the new regime starts to control over mass media and limit the freedom of expression in general. That achieved by many ways as purchasing the mass media and directing it entirely, banning and restricting independent media. Together with many legislations which participated in that and especially by forming the supreme council for media regulation.

Two ways of controlling Media can be addressed as follows:

1st The nationalization of the mass

The armed forces will remain the protective shield to the Egyptian people on a sacred mission to protect the capabilities of the nation and people

Mouhamed Ahmed Zaki - The minister of defence and military production



media:

A study by the Reporters Without Borders (RSF) organization refers to the transference in the ownership of mass media in Egypt where most of media's platforms became under the control of the ruling regime. As it became directly subjected to the intelligence or under the ownership of wealthy people closed to the government. And in this regard, the Egyptian Media Group which controls the visual, auditory sector and especially the satellite channels bought more than 10 media institutions through mandatory sale operations since 2016. This group is under the control of the intelligence as its head was appointed by the president. And in the same context, Mohamed Abo Eleinen, the wealthy businessman, succeeded in preserving the mass media which is under his ownership and he was supporting the former president Hosny Mubarak and then declared his public support for Al-Sisi while the situation was in contrary for other businessmen who are less close to regime.

It's not known when the decision was made by mandating the sovereign authorities for almost directly acquisition over the majority of the main mass media that are with private ownership. However, the implementation of the decision started in the beginning of 2016, by founding the Egyptian Media Group company which the famous businessman Ahmed Abo Hashima was in the face and the chairman of the board of directors. The Egyptian Media Group company started implementing its mission by achieving its first acquisition when it bought On TV channels' group from Hawa's company owned to Naguib Sawiris in

May of the same year. Then, the aim of the acquisition appeared quickly with the changes happened on the channel, by the absence of some of its known and important faces or who is left, and in front of these faces was the talk-show host Lilian Dawood who as soon as she left the channel, she was deported from Egypt. That shows a previous clear harmony and coordination between the Egyptian Media Group and the authority.

And in July of the same year, the Egyptian Media group possessed Al-Hayah channels' group which its ownership was transferred to falcon company which is connected to sovereign authorities. And, in September of the same year, the Egyptian Media bought 51% of the stock of the Future Media company which is previously owned to Mohamed Al-Amin who kept 49% of the stock, and by controlling that percentage. Besides, by controlling the same percentage, the Egyptian Media group included the ownership of CBC channels' group to its property.

On the side of press institutions and in the same time, the Egyptian Media group dominated Al-Youm Al-Sabe'a newspaper maybe through transferring some of Abo Hashima's ownership of its stock to the ownership of the group.

Also, the Egyptian Media group obtained a deal over controlling the website of Al-Youm Al-Sabe'a, other several websites related to it as Video 7, Infrad, Photo 7, Parliament and Cairo. And in July, the Egyptian Media group-controlled Dot Masr website and bought Sout Alomma and Ein newspapers which were still owned by Esam Ismael

Fahmy. And this was an opportunity to get rid of several journalists in the two newspapers. Also, these deals include a huge number of advertising, media production companies



and other assistant industries including the Egyptian Media academy in addition to a security services company.

After the Egyptian Media group and Abo Hashima as in its head succeeded in carrying out this large mission which would have required a massive financial resource to be achieved. And for an unknown reason, Eagle capital company which is owned to a special fund of the Egyptian Ge-

neral Intelligence dominated the Egyptian Media group. However, the reason of this deal wasn't transforming the ownership as the Egyptian Media was mostly owned by the General Intelligence, but the obvious goal was changing its management. As, on the head of Eagle capital company was Dalia Khorshid, the former investment minister, and the wife of Tareq Amer, the governor of the Central Bank of Egypt and who was renewed to continue in his office for another 4 years recently. Apparently, the goal of this procedure was making the department's share which was dominated by the Egyptian Media group at a close connection to the regime, and throwing out of Ahmed Abo Hashima.

Thus, the nationalization of the TV happened in that way to control these channels to work according to complicated security administrative system. As it if for the first time in the history of television, we found out that the channel is the one which chooses and nominates names who will join and inform them formally. While the situation in past was that workers apply for a job, then the process of screening of applications and contacting who are accepted. But

here the situation is different, as candidates for work in this group pass with a security check in order to exclude all who has a well-known political orientation or previously had an absolute support for January revolution or what followed it. Thus, we will find that all faces who will appear in these channels are non-politicized to ensure their loyalty and to introduce them to the crowds in a different way that doesn't

reflect prior orientations may affect in away or another what it presents to the masses.

Moreover, the area of the restricted fist over the media exceeded all what is above to drama and cinema, especially during the promotional seasons of dramas and cinema in the months of Ramadan, and the two feasts (eid Al-Fitr and Al-Adha). As in a report published in the New York Times newspaper by its reporter Declan Walsh, he said that the Egyptian president Abdel Fattah Al-Sisi is expanding now his iron fist to control a new area inside the Egyptian society which is the tv series. The report addressed that the Media group company associated with the General Intelligence, established a major tv production company which bought numbers of the largest tv networks. While, it was stated from one of the leading directors, that the scenario script writers were ordered to follow some guidelines in their work as glorifying the army, attacking Muslim brotherhood, and encouraging the conservative family values which encourage the Egyptian youth to obey the elderly.

2nd the Supreme Council for the Regulation of Media:

According to article (211) of the Egyptian constitution, and dated to 26th of December 2016 a law no (92) of the year 2016 was launched which is the Law Organizing Press and Media Institutions. And this law provides that the Supreme council for regulating media by the president of the republic from thirteen members, that means the domination of the executive authority in forming the council, and choosing its members. As the executive authority chooses (6) members of the total of (13), while the press syndicate is represented by (2) members, the media syndicate (2) members, the judiciary by (1) member and the Legislature nominates (2) non-members with experience. But, the choice of all of these bodies remains a proforma choice, as their role stands at a limit of nominating individuals, as the head of the executive authority has the right to approve on the candidates or not. And besides, the representation of the press and media syndicate together is not exceeding 30% of the total members. And despite the broad powers that are given by Law No. 92 of 2016 to the Supreme Council for Media Regulation.

However, on August 27,2018, the law Regulating the Press, Media, and the Supreme Council for Media Regulation (SCMR), Law No.180 of 2018, was issued. That law repeals law No.92 of 2016 promulgating the Institutional Organization for Press and Media and also law No. 96 of 1996 regu-

lating the press. This new law aims to extend the competencies of the Supreme Council for Media Regulation, impose more dominance and restrictions on the various media, and to reduce the number of representatives of the press and media syndicates, as according to law no.180 of 2018,the Supreme Council for Media Regulation is formed Of nine members after what was 13 members.

The Supreme Council issued 86 punitive decisions during

The expansion of the imposed iron fist on the media exceeded all what's highlighted to reach drama and cinema, especially during the promotional seasons of drama in the months of Ramadan and the two feasts (Eid Al-Fitr and Al-Adha

its first two years, and the suspension decisions, whether for programs or presenters, were the largest percentage by 29 decisions, approximately 35% of the total decisions. And, in the second place, the referrals for the administrative investigation by 18 decisions approximately 21% of the total decisions. Then, the decisions to draw attention with a total of 14 decisions, and in the fourth place, the financial fines by 10 decisions of a number of mass media which are estimated at 550 thousand pounds. And, in the fifth place, the warning decisions by a number of 7 decision. Then, followed by 4 decisions to prevent appearing on the media, and followed by two decisions obligating newspapers to publish an apology, and in the last place , the decisions to block websites and judicial referral decisions by one decision for each of them, where the The council president, Makram Muhammed ahmed, sends a letter to the Attorney



General to investigate the publication of articles that raise «sectarian strife» in Al-Maqal newspaper in its article appeared in May 27, 2017 issue.

The council also, stopped the activity of Al-Mashhad newspaper for 6 months on 21st of March 2019. And these decisions are issued according to the aggrieved entity or person, in a period of two years from its establishment. Moreover, the Supreme council media regulation also imposes moral guardianship on the mass media such as its decision to prohibit the appearance of homosexuals or the promotion of their slogans. Also, determining the form of clothing in which the presenter shall wear, and the characteristics of the tv shows presenter. And it is worth mentioning that the Supreme Council for Media Regulation is the first official authority to announce its responsibility for blocking a website. On Thursday, March 21, council issued its decision No. 20 of 2019 to block the website of the newspaper al-Mashhad for a period of six months, and to compel the newspaper to pay a fine of 50,000 within two weeks as violating public morals, code of honor, and the written standards and customs.

And, this decision is considered the first implementation of the Regulation of disciplinary penalties which was issued on Monday, the 18th of March, 2019. This decision is also considered as the 1st of its kind in which an official authority claims responsibility for blocking a website.

3rd the law regulating the press:

In complementing the security control q, Law 180 of 2018 was issued for regulating the press and media, and the Supreme Council for Media Regulation. This law, which was approved by the parliament on the 16th of July, by a major-

ity of two-thirds of its members, and this law is considered as one of the most serious legislations threatening freedom of expression in Egypt which was called by journalists as «the law of the execution of the press».

The law allows the council to have the right to issue a decision in terms of Confiscation and seizure of the newspapers' copies or deleting or blocking material that violates the instructions of the syndicate in case it is published in a newspaper, or website, or stop its broadcasting again on the media. This was objected to by a large number of members of the journalist group, because the special exception for war and the conditions of public mobilization are very vague. And it was previously used as a cover to block sites and stopping the activity of others. And despite the condemnation campaign that was within the press group and Syndicate, this did not deter the president from Promulgating it. Moreover, it is questionable that this law is similar in many of its contents to the law regulating the press issued by the late President Gamal Abdel Nasser on 24th of May, 1956 which was then introduced as “Nationalization of the Press” law. Although the president justified issuing the law by the chaos of the newspapers and publishing nude photos, but no one was convinced of that.

The cyberspace had been affected by this massacre too, as on May 2017, Egypt has witnessed a flood of blocking websites that exceeded 500 sites between media and rights in the first time in the world. This has aroused the anger of many defendants of media freedoms, inside and outside Egypt, because of the misty scene and the lack of sufficient information on the reasons for the blocking.

Examples of the official discourse in the media:

This section is based on a number of official entities publications that outline the prevailing official discourse. It is a one-sided and authoritarian discourse that justifies violence in its ultimate. But this discourse is structured on specific perceptions of religious and national identity with a direct connection to the authority of the President and Supreme Commander of the Armed Forces. For example, the war on terror has a justification for repression against all. And, on another level, it is an ethical discourse which interferes into all the details of daily life, using what was previously explained about controlling the media.

In terms of content, however, it raises many questions and other indications about the dictatorship pattern in Egypt. And, it is worth recalling the latest statements of President Abdel Fattah El-Sisi concerning media. The Spokesman of the Presidency stated that the President directed to strengthen the role of the media in terms of the context of the state's efforts to build the Egyptian personality from all sides, especially the formation of awareness, the consolidation of values and constants of the society, the intellectual and cultural construction. Al-Sisi stated that during his meeting with the prime minister Mustafa Madbouly and the state minister of information Osama Haikal, whose appointment raised legal and constitutional problems since the beginning of 2020.

On this basis, two points will be mainly presented, the first is related to the lie of that the state power is the power of society, and the ethical statements of the public prosecution.

The lie of that the state power is the power of society

The official pages of the Ministry of Defense, its YouTube site, and the spokesperson for the armed forces are full of the features of this promoted idea. The minister of defense stated that the armed forces shall remain the protective shield for the Egyptian people in a sacred mission to defend the homeland and the people.

And also, the summoning of the religious identity of the people the discourse of sacrifice and testimony that ascends the soldiers of the army as companions of the prophets and

the righteous. This is promoted in parallel with religious and national holidays, and terrorist incidents, or in the visits of the President Abdel Fattah El-Sisi to the families of soldiers.

Mainly, the promoted religious identity is structured on the basis of the idea of the Islamic religion. And it is accompanied by the images of children so that it is the meaning that is intended to be established and inherited. It comes in a general issue with a strong emotional power that provokes what is religious and patriotic towards all the news of the army in its confrontations against terrorist activities. But the relationship with the army passes through the president who is the supreme commander of the armed forces who



represents all the dimensions of the promoted discourse. This dimension can be noticed in the congratulating leaflets which are sent by the military commanders to the supreme commander on the occasion of religious and national holidays stating “ the soldiers of the armed forces, while congratulating you on this blessed feast, confirming their Fulfillment of the obligation of the tasks and responsibilities that they hold with all sincerity and honesty, affirming to your majesty their absolute loyalty to Egypt and its people, and their standing behind its commanders as faithful guards of the national responsibility which is entrusted to them by the great Egyptian people in defending the homeland, preserving the integrity of its lands, protecting its sacred lands

and ancient history”.

We cannot fail to mention the difference between religious identity and national identity, in that each of them has their own field. However, the relationship between them is strictly controlled, especially through the contradiction with political Islamism, which is criticized in all Egyptian mass media, and is linked to the Turkish- Muslim Brotherhood conspiracy. And, this means that there is a strict policy for expressing a specific religious identity that serves what is patriotic according to the regime. For example, this may be related to the religious discourse of the religious institutions of Al-Azhar. Despite some tensions in the relationship between Al-Azhar and the regime, it does not deviate from the pattern of the religious identity which is formulated in the mentality of the regime and its official circles. This issue goes beyond the aims of the report, but it must be referred to in order to understand the function of the repressive regime. The religious sphere in Egypt is controlled, which the regime has adopted within the framework of what President Sisi has stated about forming the Egyptian personality. The promoted conception of the religious identity does not justify the legitimacy of the conception itself . but rather it uses the power of the army and the security forces as tools of the legitimizing violence that preserve all what is sacred. And in this holy scheme, what is religious goes with the political nationalism.

The conception of linking the power of the state with the society is obvious, but it is a lie, as linking between them is not just authoritarian but a democratic nutitarianism, so the conception becomes authoritarian.

The ethical statements of the Egyptian public prosecution:

Some of the Public Prosecution statements

“The Public Prosecution” orders the transfer of the accused Haneen Hossam and Mawada Eladhm and three others to the criminal trial, while continuing their imprisonment. That happened after the accused Haneen Hossam was re-imprisoned after confronting her with a new evidence that appeared through the examination of her seized electronic devices. This is because the two girls are accused of violating the family principles and values in Egyptian society, creating and managing their private accounts via the information network to commit that crime. Besides the participation of the rest of the accused with them in the

two aforementioned crimes, and one of them accused of illegally owning programs designed without the permission from the «Communications Regulatory Authority (CRA)». For the purpose of using it to facilitate committing of these crimes, and one of the two girls used it to help her escaping from the judiciary despite knowing that she was summoned in front of the public prosecution. Also, hiding evidence of the crime, and publishing matters that would influence the public opinion in the interest of one party of the case. And The “Public Prosecution” continues its investigations of the aforementioned accusations of the accused in crimes of human trafficking.

The Public Prosecution orders the imprisonment of the accused “Sharifa” nicknamed “Sherry Hanem” - and “Nora” nicknamed “Zumurda” under the accusations of:

- violating family principles and values in the Egyptian society
- violating the right to privacy in life, and publishing photos and video clips that violates the public decency, with the intention of sharing and posting them
- Declaring an invitation that includes a temptation of prostituting and drawing attention to it.
- Practicing prostitution for one of them, while the other one was inciting her, assisting and facilitating her deeds
- Establishing, managing, and using private accounts via the information network with the aim of committing these crimes.

These aforementioned statements were related to arrests during monitoring the accused girls, such as Haneen Hossam which is considered the first model of ethical politics relevant to the religious direction. The 1st statement asserted reminding of the family values and principles in the Egyptian society which reminds us of the conception announced by the president Abdel Fattah Al-Sisi concerning the formation of the Egyptian personality and the consolidation of principles and values. These Approaches do not respect the necessary distinction between controlling public order and individual freedoms. Thus, the Public Prosecution has become here a moral prosecution, which plays an essential role in repressing rights and freedoms by pushing freedom fighters and activists in prisons. The arrests continue in this direction for the users of social media, by using a permanent and strict control which characterizes Egypt during the previous period.



The political and legislative development related to human rights

Law in Egypt is considered as a tool of repression, but violence is one of its characteristics. And in principle, Law is considered as a tool of legal violence that guarantees its achievement. However, the Egyptian regime uses the law to justify all forms of inhuman violence. And in an obvious breaching of the Egyptian constitution and the international laws related to human rights, all the institutions of the state, starting with the three authorities, then reaching the law enforcement agents engage in a systematic repression.

And as violating one of the rights, other violations of human rights in Egypt is followed. And while violating of the right to protest and gathering, enforced disappearance, torture, verbal and moral violence start.

The 1st sin is breaching the law in order to violate the rights of the Egyptian people. In the following presentation of a number of human rights violations in Egypt, it becomes clear that the most severe repression that Egypt suffers is under the role of president Abdel Fattah Al-Sisi.

The Egyptian people participated in a large demonstration in 20th of September, 2019 demanding the departure of Al-Sisi and it is noticed as the first time since demanding the departure of the previous presidents which also responded to on the anniversary of the January 25 revolution in which the Egyptian regime

ignored. The Egyptian revolution was only mentioned by the president during the 68th celebrations of the police day at the police academy as he stated that “ Today coincides with the anniversary

of the 25th of January revolution with its noble demands to achieve a decent livelihood for the Egyptian citizen. The Egyptian contractor, Mohamed Ali, renewed his calls to the Egyptians to demonstrate on the ninth anniversary of the revolution, after previous calls for mobilizing March of Millions against the Egyptian President, Abdel Fattah El-Sisi, had failed during the past months, before he retracted and announced his retirement from political work.

On the government side, the anniversary of the revolution was increasingly attacked in the pro-regime media, which are completely controlled by the security bodies. As the revolution was described as a conspiracy from the state's enemies and caused the deterioration of the national economy and the spread of chaos in a number of Arab countries. And it was remarkable that the media focused on celebrating the Police Day, and ignored the anniversary of January revolution. As the private and official pro-regime tv channels put a congratulatory logo on its screen celebrating the 68th anniversary of the police day.

The largest campaign of arrests during Al-Sisi era

From protesters to activists, lawyers, politicians and journalists:

The European Parliament voted on a decision condemning the Egyptian regime. Its statement contained many im-

portant and essential points that reflect the human rights situation in Egypt. The representatives of the parliament condemned the killing of 3,000 people without real trials, including children, from the start of the Egyptian President Abdel Fattah El-Sisi's rule. Also, the representatives criticized the arrests that followed the 20th of September demonstrations that demanded the departure of Al-Sisi which reached to 4300 demonstrators and opponents. The European Parliament condemned the excessive use of violence against demonstrators, and the detention of activists and journalists arbitrarily. Besides, about of 111 children among the detainees aged 11 to 17 years, and many of them have been subjected to forced disappearance for periods ranging for a period of two and ten days.

The UN High Commissioner for Human Rights the Office held Cairo the responsibility of launching a widespread campaign of arrests that blatantly violates the right to protest and express. During this period, the capital, Cairo, witnessed a complete closure of the routes leading to the protest yards, especially Al-Tahrir Square, and an intense security presence in order to disperse the protesters. As many faced violence and severe beating, but then many of them were gradually released during October the Supreme State Security Court released nearly 394 persons in mid-October, and many were transmitted to trial while Thousands are still awaiting 8 trials until mid-October.

Esraa Abdel Fattah who is on of the most prominent de-



taineen, was accused of «collaborating with a terrorist organization», «defamation and the spread of false news» and «misusing social media». It is a package of charges ready for all detainees and opponents in Egypt. she reportedly was beaten for refusing to unlock her mobile phone. She was also allegedly forced to stand facing a wall for seven

hours. The UN mission statement stated that Esraa was tortured physically since her arrest on 29th of September. While opponents and freedom fighters face continuous arrest campaigns, including Gamal Eid, the executive director of the Arabic Network for Human Rights Information (ANHRI). As it is stated that the executive director faced a new assault by officers and security persons who were stalking him near his house, and beating him before dousing him in paint at the end of December.

Eid published, through his own private account on the Facebook site, that cars without numbers and officers with pistols assaulted him and doused him in “paint”, and that happened next to his house. Adding that “Al-Sisi’s ministry of interior has become a gang. Calling for the Downfall of the police state ». And on the 31st of October, the Arabic Network for Human Rights Information stated that a security agency destroyed a lawyer’s car who is a member in the Arab Network at dawn, that happened days after a brutal attack on the Network’s executive director, they robbed his car, and then the arrest of the lawyer Amr Imam. Also, the ANHRI added in a statement at the time, “A security body stole the car that was used by the director of the Arab

Network, Gamal Eid, a few weeks ago, as a threat message. And when the work of the network continued to expose the severe violations committed by the security bodies, they physically assaulted him, causing a break in his ribs.

In October 11, Mr. Eid alleged that he had been attacked by a person, and was subjected to a robbery attempt of his cell phone, and was assaulted followed by an encounter with individuals who claimed to be policemen in Al-Basateen police station in Cairo. Then they tried to lure him into a car to report what happened. Later, after he went to the police station to write a report of the assault, he found that these were not officers, and that the aim of the robbery was not the cell phone, but rather they were trying to steal his briefcase.

It is obvious that the Public Prosecution devoted impunity. as Al-Basateen Prosecution had closed the investigation concerning the first incident despite the gravity of the crime. Then it carried out investigations that were not completely serious, which leads the victim to lose his rights and makes it easier for criminals to escape from punishment despite of their brutal crimes. This same treatment always continues against lawyers, including the incident of arresting Muhammed Al-Baqir who is a human rights lawyer and director of the Adalah Center for Rights and Freedoms and also, he is the lawyer of Alaa Abdel Fattah, the blogger and leftist activist. While in September 2019, the prominent human rights lawyer Al-Baqir was attending investigations at the Supreme State Security Prosecution with the political acti-

Case
930



#Freedom for Ziad El-Elaimy
#Freedom for Hope

Zyad El-Elaimy

A Former Member of Egyptian Parliament



24 June 2019

Zyad was kidnapped by persons attributed to National Security forces who wore civilian outfits. This arrest took place while a new civil alliance for participating in elections was formed and was going to be announced.



Rejection of providing his medical reports



Critical health condition



September 2019

The German Parliament included Zyad in its campaign to Protect Parliamentarians. And MP Tobias Pflüger sent several messages to Zyad but the Egyptian forces rejected to let him know about that decision.



Challenging the President

A new legal case against Zyad in addition to the case known as hope’s legal case: Trying Zyad after receiving a report charging Zyad with challenging the President and postponing the trial to **February 25**.



vist Alaa Abdel Fattah who was arrested at the beginning of the week after he performed surveillance inside the police station. Then, the prosecution ordered that he is detained and that he is under the same case, so he was arrested on the same baseless charges originally directed against his client. These charges include “belonging to a terrorist group, and publishing false news that undermines national security”. The prosecution investigated him about the work of his or-

ganization, and did not provide any evidence against him except a report of an investigation of the National Security Agency, which he and his lawyer were not allowed to see.

The repressive machine continues moving against human rights, especially freedom of expression and political action against the opposition and human rights activist Ziad Al-Alimi, who has been in prison since 2019. As He was sen-

tenced on the 10th of March, 2020 to one year in prison and a fine of 20,000 pounds in the case no.694 of 2020, known as the misdemeanor of challenging the president. The former MPs Al-Alimi suffered from health neglect and health deterioration in prison, as did Mahienour Al-Masry and Es-
raa Abdel Fattah. This situation is a real threat to their lives considering the deaths in prison due to medical negligence. On Monday evening, the 13th of January, Mustafa Qasem who was an Egyptian American died in Tora Liman prison. He was sentenced to 15 years in the media well known case as “Rabaa Dispersal Case”. Qassem was suffering from diabetes and his health deteriorated after he entered a hunger strike to protest his deteriorating conditions.

He was subsequently transferred to El-Manial Hospital two days before his death. And On 8th of January, Alaa El Din Saad (56 years old) died in Burj Al Arab Prison, and on the 4th of January, 2020, Mahmoud Abdel Majid Mahmoud Saleh (46 years) died in his detention in Scorpion Prison (Al-Aqrab) as a result of medical negligence and denial of treatment. This prompted a number of Scorpion detainees on January 7 to announce, in a statement, that they had entered an open hunger strike to protest being deprived from jogging and being in the sun. And the policy of starvation and stripping the cells of their basic needs, especially covers and heavy clothing, demanding the intervention of the international community to protect them from death in prison.

The rotating machine (charging the prisoner in many cases) in the repressive system:

One of the outstanding cases that grabbed the Public Opinion attention is the situation of Alaa Abdel-Fattah, who was arrested again on September 29, 2019, while he was performing surveillance daily from six am to six pm inside Al-Dokki police station, and after leaving the station when he finished his daily surveillance

during the latest crackdown launched by the authorities, from the Dokki Police Department after leaving the section where he is serving the police surveillance Daily from 6 pm to 6 am. He was arrested because of his sentence as a result of the Shura Council demonstrations in 2013, and later the State Security Prosecution imprisoned them for 15 days on remand in case no.1365 of 2019 together with the two lawyers Mahienour Al-Masry and Sahar Ali, who were arrested after attending investigations with a group of detainees from the events of September 20. Later Alaa Ab-

del-Fattah was transferred to Tora High Security Prison 2. It is a notorious prison in Egypt with a bad reputation and

The argument of the security and freedom is the best exploitation favored by the oppressive regime in Egypt.

also is known as “Scorpion prison 2). In that prison, he was blindfolded and stripped of his clothes by the prison officers who beat and kicked him for several times, threatened and insulted him, and a police officer told him that “the prison was made for you” ,and added that he would remain in prison for the rest of his life. Also, one of the officers from the National Security Sector declared that he would be subjected to further torture if he reported the abuse he had suffered.

Among the victims of the rotating machine is the former presidential candidate Abdel Moneim Abul-Fotouh, the head of the Strong Egypt Party (Masr Al-Kawaya), who faced accusation in a new case. As nearly two years after his arrest since mid-February 2018. Abul-Fotouh was listed in case No. 1781 of 2019, on the charges of “taking command in a terrorist group and committing a financial crime” based on investigations of the National Security Service of the Ministry of Interior. The State Security Prosecution Attorney detained Abul-Fotouh for 15 days in custody pending investigations in the new case, in which he is also accused of “committing crimes of joining a group established in contravention of the provisions of the law”.

And publishing false news about the political and economic conditions in the country with the intention of destabilizing public security. Abul-Fotouh, together with a group of prisoners re-accused in other cases under the repressive rotation machine system. Like Mohamed Al-Kas

sas who is his vice president in the party who was listed in the same case after had an issued decision to release on 8th of December 2019, after 2 years of solitary confinement.



The Egyptian Public Prosecution is flouting the law concerning the decision to release of the accused prisoners by fabricating a new case. During the first five months of the accused in custody, the custody renewal is through the State Security Prosecution every 15 days. Then the custody renewal is through the criminal court which sometimes release the accused or replace imprisonment with precautionary measures such as police surveillance.

In the few cases of releasing the prisoner by the prosecution, the prosecution uses the detention methods of the emergency law which was used before the revolution to charge the prisoner in a second case with the same accusations but with changing the case number. Then the cycle of calculating the custody renewal starts again, and the prisoner enters the cycle from the beginning.

And as for the second method in the Egyptian re-imprisoning people who have been arbitrarily detained, instead of complying with court orders to release them, so they wait for the end of the judgment period that the court ruled to prepare other charges for the prisoner to be listed in a second case. It is what happened with the activist Alaa Abdel-Fattah and Abdel-Rahman Tariq, who had served a 5-year prison sentence in the well-known Shura Council case and suddenly they were put in custody during serving their police surveillance and re-imprisoned in a State Security case. The same happened to April 6th movement activist Mohamed Adel, who had been sentenced to 3 years and other 3 years of police surveillance. And after completing serving the police surveillance, he was accused by the State Security Prosecution and he is re-imprisoned again.

And from the examples of the cycle of re-imprisonment, what the human rights defender and activist Mahienour Al-Masry faces:

She was charged with the accusations of participating with a terrorist group to achieve its goals with knowledge of its

September
2019

Mahienour Al-Masry was arrested and appeared a day later at the Supreme State Security Prosecution, and after being investigated in case no.488 of 2019, a decision was issued by the prosecution to imprison her for 15 days pending investigations.

October
2019

The Supreme State Security Prosecution decided to renew her detention, for 15 days, pending investigations.

October
2019

she was brought before the Supreme State Security Prosecution, and the prosecution decided to renew her detention for 15 days, pending investigations.

November
2019

The Supreme State Security Prosecution decided to renew her detention, for 15 days, pending investigations.

November
2019

The Supreme State Security Prosecution decided to renew her detention, for 15 days, pending investigations.

November
2019

She completed the 6th presentation in front of the Supreme State Security Prosecution, and the prosecution decided to renew her detention for 15 days, pending investigations.

January
2020

January 2020: Renewal of detention for another 15 days.

Mahienour Al-Masry is still in prison until today

purposes, publishing and announcing false news for destabilizing the security and stability of the country, and misusing social media. It is a set of prepared charges in the hands of the Public Prosecution against every free voice. And since her arrest, the re-imprisoning machine has started its regular work to ensure that her voice is suppressed in the prisons. The 'legal' Egyptian re-imprisoning machine is inhuman because it punishes the families of the accused in the cycle of following up the cases of their sons and that is accompanied by insults, physical and moral violence which increases the mental crisis of the prisoner himself. And that is related to the custody renewal or the re-imprisonment in cases with groundless charges.

The intensity of death sentences in Egypt since the beginning of 2020

The argument of the security and freedom is the best exploitation favored by the oppressive regime in Egypt.

Totalitarian regimes favor ambiguity and confusion which are considered as its preferred work space to exploit what is necessary to breach law and right. In the name of terrorism, repression is increasing in Egypt, so that activists and jurists are treated as criminals of public rights and aggressors against the security of the Egyptian people and their homeland. On behalf of terrorism, repression is increasing in Egypt, so that activists and jurists are treated as criminals of public rights and aggressors against the security of the Egyptian people and their homeland.

According to the Egyptian Initiative for Rights and Freedoms, within two months of the beginning of this year, 22 prisoners were executed in 12 criminal cases. Some of the cases were of a political nature, including one case that was in front of a military court. The Criminal Court also sentenced 43 prisoners in 22 cases to death - all of these sentences are lower court's sentences (initial verdicts) only during the months of January and February. Besides, the papers of 124 defendants in 48 cases to the were referred to the grand mufti to approve their execution as under Egyptian law the grand mufti must offer his opinion. In other words, within only two months, Egyptian courts issued separate death sentences for nearly 200 people, although most of them are still subject to appeal in the court of cassation, but it is considered as unprecedented escalation compared to the past three years when courts began to use the death penalty in this excessive manner.

Recommendations

The Executive Authority:

a milestone in the transition towards dictatorship

- The executive authority, the security and intelligence bodies shall not interfere in the legislative and judicial authorities. Especially that the first weapon in the hands of the regime has become the Public Prosecution which became the first violator of the rights of detainees and works to renew their imprisonment by previously fabricated charges, such as participation in a terrorist group and publishing false news.
- The need to respect the principles of human rights and release nearly 60,000 political prisoners in Egypt, especially from the revolution's youth, such as Alaa Abdel Fattah, Mahienour Al-Masry, Shady Ismail Harb and other politicians such as Ziad Al-Alimi, Patrick George and Esraa Abdel Fattah.
- The necessity to stop violating the law and the constitution, and to misuse it as a tool to consolidate the power of the regime that is represented by the president.

The president, as a former military commander and the recent Supreme Commander of the Armed Forces, continues to militarize the regime, especially after the amendment of article 200 in the constitution which gave the armed forces for the first time the tasks of "safeguarding the constitution and democracy, maintaining the foundations of the state and its civilian nature, the gains of the people, and the rights and freedoms of the individual." in other words, that article makes the Military above all authorities and gives it the power to determinant player in the political life. The new amendments created a dangerous paradox for the fate of the political system in Egypt under the pretext of preserving the civil state through militarizing the governance.

keeping the regime's hand away from media and press institutions, and websites. And to stop using security and intelligence policy in controlling media content. As now, a single post from any citizen or a newspaper article is enough to make the prison doors wide open.

Legislature:

- The re-amendment of the legal framework for the elections of the house of representatives, starting with the electoral districts and the law for regulating the Exercise of Political Rights.

- Review laws that violate the constitution and international laws, especially the Law Regulating the Press, Media, and the Supreme Council for Media Regulation (SCMR). This law gives the Supreme Council for Media Regulation the upper hand to control websites as it puts a system of prior and difficult licenses and a list of huge financial penalties. Moreover, this is accompanied by an expanded policy of censorship and blocking by the security and intelligence bodies.

- This also applies to the anti-terrorism law, as the United Nations previously stated that the strict new regulations imposed by the comprehensive anti-terrorism law in Egypt lead to a further erosion of the basic human rights, to more arbitrary detentions and allegations of torture. And to a wider repression of freedom of expression, thought, establishing associations and peaceful assembly. The foregoing requires the abolition of Terrorism Circuit Courts, considering them an exceptional judiciary.

- In addition to the above, the following laws shall be revised:

- The Code of Criminal Procedure regarding the power of the prosecution to remand detainees in custody.
- Information Technology Crimes Law (Electronic Crime)
- (Labor Law) especially with regard to legalizing the right to strike action
- The law Regulating the Exercise of Civil Work
- The law of Associations
- Political Parties Law
- The law of counter terrorism (terrorist entities)
- The law of emergency
- The need to legislate a law to counter racism

The Judiciary

- It should be recalled that the judiciary in Egypt was the first line of struggle against dictatorship in the past, but

today it faces a very difficult situation. The regime exerts all kinds of pressures on judges, and the latest attempts of the regime are the one in which the Supreme Judicial Council in Egypt surrounded to the regime's pressures. As after nearly a year of trying to elude and circumvent the agreement to recruit the successful candidates of class graduate 2016 who are graduates of faculties of law, sharia and law, after personal interviews in preparation for work at the Public Prosecution and in the National Training Academy.

- The latter is subject to the supervision of the Presidency of the Republic and the Ministry of Justice. This explains the increasing role of the Public Prosecution in Egypt in violating the rights of detainees, especially activists, oppositions and civil society.

- The demand for the independence of the judiciary is more urgent than ever. And if the matter continues, what was previously honored by the people in general will be rejected as part of the system of repression.

Resources:

The Constitutional and legal framework related to the democratic transition

Al-Sisi: The armed forces became responsible of preserving the constitution path and the civil nature of the state in Egypt. <https://bit.ly/2y7JDn4>

Al-Sisi: The Egyptian Constitution was written with good intentions, but nations cannot be built with good intentions alone. <https://bit.ly/2Zb1jTb>

The representatives of «Support Egypt coalition» and some independents in the parliament announce that tomorrow they will submit a request to amend number of articles of the constitution. <https://bit.ly/2BfTHow>

Representatives of the Parliament announce their approval of amending the constitution by an overwhelming majority ... 485 MPs voted in favor of the amendment... and Abdel-Al specifies 6 tasks for the legislative committee to discuss the amendments:

We are following proper procedures ... The support of the representatives of the Salafist Al-Nour party ... and oppose the article of the civil nature of the state. <https://bit.ly/3e9WKwM>

Egypt ... Highlights of the controversial constitutional amendments

<https://bitly/3htsKyh>

The National Elections Commission: 88.83% approval for the constitutional amendments. <https://bit.ly/3d81UYO>

Law no.45 of 2014 was issued to regulate the exercise of political rights.

<https://bit.ly/3fPthf>

The Institutionalization of Military Governance: The Media pillar

Al-Sisi: «Abdel Nasser was lucky» <https://bit.ly/37GmGh9>

Egypt: Mass media is almost under a complete control

Reporters Without Borders (RSF), January 25

<https://bit.ly/2UU0TgK>. 2019

The deportation of Lilian Daoud from Egypt outraged many people.

<https://bbc.in/2UVqOoy>

Dismantling the Egyptian media during the reign of Al-Sisi

The Egyptian Institute for Studies, January 22

<https://bit.ly/2N3SjrK> .2020

Details of the General Intelligence's acquisition of Egyptian Media Group, Mada Masr, December 20 <https://bit.ly/3hvzE5X> .2017

How did the Egyptian media fall under the control of the Sisi regime?

Noon Post, April 8 <https://bit.ly/3fs1Cha> .2019

The Supreme Council for Media Regulation

“On the anniversary of founding of the Supreme Council for Media Regulation ... two years of imposing control,” – The Egyptian observatory for Press and Media. <https://bit.ly/2N3STWs>

The lie of that the state power is the power of society

The song named Salam-Salam from the official page of the military spokesman of the armed forces <https://bit.ly/2zDK-sOf>

How did the Egyptian media fall under the control of the Sisi regime?

Noon Post, April 8 <https://bit.ly/3fs1Cha> .2019

The Armed Forces congratulates the President on the occasion of the feast al-Fitr

1441 AH

<https://bit.ly/2YIjBJ>

The largest campaign of arrests during Al-Sisi era

Al-Sisi: The demands of the January 25th of January revolution are noble.

<https://bit.ly/2XQw9PG>

The anniversary of the 25th of January revolution ... between calls for demonstrations and Police Day celebrations.

<https://bbc.in/2AsQtO9>

For the first time ... the Egyptian 25th of January Revolution without events. <https://bit.ly/2zlo9wC>

Egypt: The largest wave of mass arrests since president Abdel Fattah Al-Sisi came to power

<https://bit.ly/3cQXt4D>

Egypt ... arrests to curb the demonstrations and Cairo is closed.

<https://bit.ly/3cZa5Hb>

Figures on arrests.

<https://bit.ly/2zkUPq2>

The official page of Gamal Eid. <https://bit.ly/3cU1cy>

A new assault on the Egyptian human rights defender Gamal Eid with beating and painting.

<https://bit.ly/2MP6NLL>

Egypt: 35 violations against human rights defenders in three months.

<https://bit.ly/2Uz2yrW>

Video link –

<https://www.facebook.com/645566339/videos/10157937788116340>

Egypt: Alaa Abdel Fattah's family celebrates his 38th anniversary in front of the prison. <https://bit.ly/2zrRcyO>

«I complain to God» ... Abul-Fotouh is the latest victim of re-imprisoning detainees in Egypt.

<https://bit.ly/3dSwDu9>

For more information about the role of the State Security Prosecution. See the report of the Support Center: “The Ten Sins of the State Security Prosecution”. <https://bit.ly/37jCYfG>

The Egyptian Initiative for Rights and Freedoms.

<https://bit.ly/30u9Lx>

Policies and legislations related to the democratic transition and human rights

in Tunisia



The constitutional and legal framework represents one of the most important signs of the democratic transition in Tunisia. Especially by establishing rules, procedures and institutions in order to achieve the transition and its goals. Thus, the report focused on further operationalization of the aforementioned framework while seeking to monitor the events related to, its development and its impact on the transition's path. Besides, monitoring the difficulties of the second transition, which is related to the political conflict over the formation of the government and what's behind the scenes of the official institutions.

Activating the constitutional and legal framework for the democratic transition

The constitution of 2015 is considered as the de facto framework for the democratic transition. And all its developments in the midst of the political life, whether in texts or institutions, are an important indicator of the process of transition itself.

The three authorities and the balance among them

The political players focus on “moralizing” a “code of honor” regarding the idea of working inside the institutions and adjusting the paths of political activity according to clear criteria. And it is an approach which is based on the party work not the institutional one. Besides, the discourse and the programs of the political players lack a clear vision of the structural, logistical and financial problems that the house of representatives suffer from. Perhaps some representatives referred to that problems, but that’s not followed by serious proposals regarding that.

The House of Representatives:

The party tourism and the parliamentary work:

Once the Assembly of the Representatives of the People (ARP), in Tunisia starts working, the fear returns regarding the quota of the political blocs and the need to ensure the balances within it. There is a great focus on the ethical work inside the parliament, the ways to adjust it to ensure the functioning of the legislative authority and to avoid suspending it due to political conflicts and the changing of Party loyalties according to the map of the political arena or what’s called “ the Party Tourism” . Especially since the parties failed to adopt the “Representative’s Code of Honor” earlier in the aforementioned committee during 2017. This was the discourse’s subject of the speaker of the Assembly of the Representatives of the People (ARP), during the opening session on November 13, 2019 after announcing the intention to amend the internal system of the assembly aiming to prevent “the party tourism”, as that will enhance the ethics of the political action.

And in the 8th of January 2020, the Committee on Rules of Procedure, Immunity, Parliamentary Laws and Electoral Laws in the Assembly of the Representatives of the People (ARP) started listening to the representatives of the Supreme Judicial Council about the procedures dedicated for the parliamentary immunity. and therefore, all blocs, parties and independents were contacted in order

to submit their proposals until the end of January. Then, the committee will start its action from the beginning of February until the end of April 2020, when it submits its outcome to the assembly’s bureau.

It is reportedly that the balances within the council have not changed numerically, as it doesn’t witness many cases of changing the party and coalition loyalties “Tourism” except the resignation of the deputy Sahbi Samara from the Future bloc and the joining of deputy Ahmed Bin Ayyad to the Dignity Coalition bloc in the Parliament. On February 13, 2020, the head of the Reform Bloc in the Assembly of the Representatives of the People, Hassouna al-Nasfi, announced on his Facebook page that the independent deputy

outside the major parties to be in the forefront of the political scene.

The structural and financial difficulties of the Assembly

People’s representatives

The budget of the Assembly of Representatives is still insufficient. As Chapter Four of the Parliament’s byelaw clarifies that it is attached to the state’s general budget. In the 2020



Khair Al-Din Al-Zahi from the governorate of Siliana had joined the bloc.

Also, during the month of March, 11 deputies from the (Heart of Tunisia (bloc resigned, and it is reported that by mid-March two deputies had withdrawn their resignation, so that the Heart of Tunisia bloc became 29, according to the Parliament website.

However, the balances remain close because of understandings which led the names of representatives who are from

budget, it was estimated at 43903 compared to 140,953 for the Presidency of the Republic and 148,295 - for 1000 D - for the Presidency of the government, without comparing it with the total of all branches of the executive authority. This reflects an imbalance in the financial resources of the legislative and executive authorities. Parliament employees previously reported that the Workload cannot be compared to other public administrations.

However, in addition to not providing the sufficient financial resources to ensure the representatives’ proper perfor-

The Constitutional Court was supposed to be formed in one year from the date of the 2014 elections as a deadline . But the partisan divisions prevented that .



mance of their duties, human resources are also unavailable, especially with the suspension of mandates and the executive authority's refusal to exceptionally authorize the Assembly of the Representatives of the People to do so, especially with the severe shortage that it has become suffering from, which will negatively affect parliamentary work.

Moreover, the presidency of the Assembly and its institutions are not far from the political conflict and the conflict with other authorities. As on November 13, 2019, Rashid Al-Ghannouchi, the leader of the Ennahda Movement, was elected as the Speaker of the Assembly of the Representatives of the People (ARP). Besides, the Ennahda bloc has the largest numbers of representatives, in addition to a large number of representatives in other Islamic coalitions. While, in contrast, the "non-Islamic" bloc is dispersed and weak in terms of the quantity of their seat numbers in the Assembly and in terms of quality regarding their ideological presentation.

Meanwhile, it is obvious that in the level of the political discourse, the conflict between what's revolutionary and what's counter-revolutionary continues. On January 16, 2020, violent incidents were happened inside the Assembly of Representatives. As numbers of families' martyrs and wounded of the revolution raised the slogan "Dégage" against the president of the Free Constitutional Party and the head of its bloc in the Assembly, after his refusal to read Al-Fatiha on the souls of the revolution's martyrs.

Executive Authority

Presidency

The Presidency of the Republic is the second pillar of the executive authority in a system that ensures the multiplicity of sources of popular legitimacy through direct elections. In addition to the political conflict with the legislative authority, serious questions were raised about the ability of the Presidency's institutions implementing their role to support and build a decision-making process. As for example of these questions, the question concerning the role of the Tunisian Institute for Strategic Studies, the absence of research and scientific production regarding making foreign policy and national strategies, and the nature and quality of appointments.

The Presidency's institutions:

- The National Security Council: It was created in 2017
- The administrative department
- Tunisian Institute for Strategic Studies
- The Supreme Authority for Administrative and Financial Supervision
- The National and Residential Services Company

These institutions witnessed new appointments once president Qais Saeed took his office. The National Security Council is represented as the first tool in forming state policies under the powers of the President of the Republic. But it witnessed resignations that reflected the disagreement

and the conflict inside it, especially since the beginning of the epidemic crisis in Tunisia, including the resignation of the National Security Adviser at the Presidency of the Republic, Muhammad Saleh Al-Hamidi which was after the resignation of Abdel Raouf the minister counselor, Tariq Al-Hanashi the doctor and advisor who was the chief of protocol, and Tariq Bel-Taib who was the chief the president of the republic office.

The Tunisian Institute for Strategic Studies is severely criticized concerning its structure, and its outputs as it is an official institution which was founded for establishing strategies and policies of the state. These institutions are still functioned according to who runs them rather than following public policies and major visions of the state.

The judicial authority

The Supreme Judicial Council

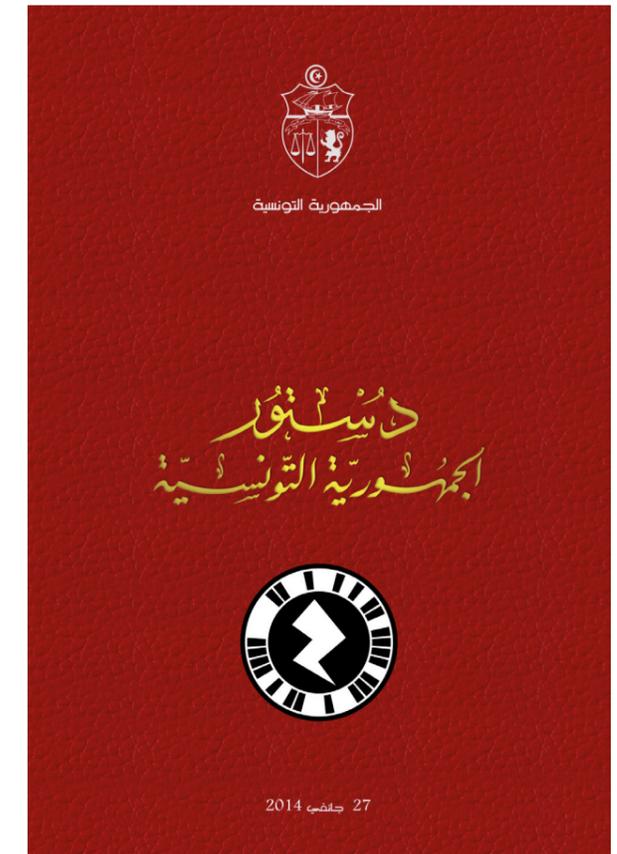
Articles from 112 to 117 of the Tunisian Constitution

Basic Law no.34 of 2016 dated to the 28th of April, 2016 regarding the Supreme Judicial Council.

Forming the Supreme Judicial Council is part of the embodiment of title five of the Constitution related to "the judicial authority", which established the judiciary on the structural and functional levels. This constitutional framework is considered the basic reference in drafting the provisions of the Basic Law of the Supreme Judicial Council, while considering the international standards for the independence of

the judiciary and comparative approaches in this field. Besides, its role is still suspended because of the interference of the political institutions, especially the interference of the Ministry of Justice in its power, and to favor some names who support this approach.

Later, that will affect the constitutional court, as what happened previously. And it is essential to point out that there are pressures on the judiciary and a clear interference by the Ministry of Justice in the judicial affairs. Although the



Constitution affirms that the Council is the delegated authority to organize the judicial facility.

As for example, the Ministry of Justice issued a memorandum, the judicial sessions and to direct that through instructions to the officials of the courts in order to implement them. As a result of that interference, the Association of Judges considered that a seizure of the council's powers.

Constitutional Court

Articles 118 to 124 of the Tunisian constitution

Basic Law no.50 of 2015 dated to 3rd of December 2015 relating to the Constitutional Court

Its members have not been elected to the date of monitoring. And part of the problem is the Supreme Judicial Council because it appoints four members while facing a crisis by the interference of the political institutions to control it. Also, the politicization of the other four appointed members by the Assembly of the Representatives of the People affects the court.

The Constitutional Court was supposed to be formed in one year from the date of the 2014 elections as a deadline, but the partisan divisions prevented that, as the previous parliament was not able to elect except only one member out of four in March 2018.

The crisis of the Constitutional Court continues to affect the whole political system. As a result, by its absence, the crisis continues in terms of interpreting and implementing the constitution. Tunisia witnessed a clear conflict between the two heads of the executive authority concerning powers, and the interpretation of some titles of the constitution regarding the role of religion and public freedoms.

Centralizing the constitutional bodies

Arguably the political class's implicit silence on centralizing the constitutional bodies is due to its preoccupation with the details of the political conflict. And besides, the existence of the current disputes among the heads of the three authorities lead to a sustainable conflict. Also, disrupting forming the bodies because each of them has its legal quota in appointing its members. And under the desire of all political parties in imposing their own conceptions, the path of forming the bodies will be difficult (loaded).

Human Rights Commission

Article 128 of the Tunisian constitution

Basic Law No. 51 of 2018 dated to October 29, 2018, relating to the Human Rights Commission.

It hasn't started its function yet

The Commission for Sustainable Development

The President of the Electoral Commission of the Assembly issued a decision dated to the 15th of February 2019, for opening candidatures for the membership of the Commission for Sustainable Development. And during the monitoring, 8 members from nine have been elected. In other words, the absence of this Commission reflects the absence



of a clear vision about the development path as it is supposed to play a fundamental role in it. Also, it is obligatory consulted as an independent body in all laws related to economic, social and environmental affairs.

It hasn't started its function yet

The Good Governance and Anti-Corruption Commission

Article 129 of the Tunisian constitution

Basic Law No. 60 of 2019 dated to the 9th of July 2019, regarding The Commission for Sustainable Development and the Rights of Future Generations It hasn't started its function yet

Audio-Visual Communication Commission

Article 125 of the Constitution

Decree No. 116 of November the 2nd of 2011, and Decree No. 115 of November the 2nd of 2011.

A draft Basic Law No. 97/2017 related to the Audio-visual Communication Commission has been deposited since the date of the aforementioned law. although, it has not been voted on until today, it carries out its duties today according to the aforementioned decrees. And that contradicts with Article 125 of the constitution, which states that it is regulated by law. As a result of not forming the commission, a chaos hits the media that the current body is unable to manage the media scene efficiently.

The transitional justice process

The function of The Truth and Dignity Commission

It is clear that politicizing the function of the Truth and Dignity Commission has an echo throughout its function. Thus, its outputs were affected after issuing its report. Mounir Wahada who is one of the victims of tyranny, stated that "the process of the transitional justice at this moment has a lot of uncertainty and shall be in progress by all parties, politicians, civil society and organizations. It is a priority for future state programs, and it is the first priority to restore the dignity of the victims, even if it is symbolic". He added that the transitional justice is absent from the party's programs, and that is what's expected.

And within the electoral process, especially within the campaigns for the legislative elections, the «No Return» campaign was launched, which was supervised by three civil society organizations which are «Lawyers Without Borders», «Forum for Economic and Social Rights» and «The Compass/ Al-Bousla» organization. As according to the supervisors, the campaign aims to restore the Transitional Justice to the table of the political dialogue as a constitutional and legal benefit which is in parallel with the electoral campaign, monitoring and following-up on the institutional framework of the transitional justice process beyond ending the Truth and Dignity Commission's action. As well as raising the awareness of the Tunisian citizen on the importance of demanding the adoption of guarantees that

past violations will not be repeated.

In other words, as according to the official body which is in charge with the transitional justice process and Civil Society that defends it, these two situations reflect that the process itself is not important except its proper end. As its outputs govern the whole process, which has been marred by several obstacles.

The work of the body continued despite the slow and shortcomings it had.

On the official page of the Truth and Dignity Commission on social media, on the 2nd of November 2019, it was stated that thousands of victims may have received reparation and rehabilitation decisions from the commission, but until today they are still waiting for these decisions to be operationalized. And the Truth and Dignity Commission has continued to issue reparation decisions for victims until the end of 2019. It also stated in a communiqué issued on the 12th of November 2019, that decisions will be under their responsibility only until the end of the month, and the remaining decisions will be referred to the prime minister.

During 2019 and up to November, the Monitoring Unit noticed some criticisms of the commission's work and its slow action, especially that the number of individual reparation decisions are more than 40,000 decisions. And they were issued according to a timescale to list the victims according to their seniority to be subjected to abuse. Thus, it was considered objective in terms of its introduction to the older victims. But the action was generally slow.

The inaction of the provisions of Article 70 of the Basic Law on Establishing Transitional Justice

It is also noticed the absence of other important merits of the transitional justice process, especially the implementation of institutional reforms, the failure of the punishment's process of torturers, and the weak official interaction with the outcomes of the commission's comprehensive final report.

It is also noteworthy, that Article 70 of Basic Law No. 53 of 2013 dated to December 24, 2013 concerning establishing and organizing the Transitional Justice provides for the following:

It is also noteworthy, that Article 70 of Basic Law No. 53 of 2013 dated to December 24, 2013 concerning establishing and organizing the Transitional Justice provides for the following:

The government shall, within a year from issuing the comprehensive report by the Commission, prepare a plan and work programs for implementing the recommendations and proposals presented by the Commission, and submit these to the legislative council for discussion. The legislative council shall monitor the extent to which the commission is implementing the plan and the work program. This task should be assigned to a special committee in the parliament with help from relevant organizations, so as to exert pressure to implement the recommendations and suggestions of the commission".

It is noteworthy that the Commission issued its report on Tuesday, March 26, 2019, after it finished the action in the end of 2018, when it concentrates in reviewing its action and drafting the final report. And until the date of monitoring in November 2019, it can be noticed the absence of any initiative by the government to present a plan and program to implement the recommendations and suggestions.

In this direction, the following are observed:

On the 7th of December, 2019: the governmental decision was issued regarding the creation of a 'medical committee charged with reviewing the files of the medical recovery expenses, following up critical cases of the injured of the revolution, and organizing its structure and methods of action in the official newspaper of the Tunisian Republic No. 97. The medical committee follows up critical cases of the

injured of the «Freedom and Dignity Revolution: December 17, 2010 to the 14th of January 2011.

In the 11th of January 2020: The Truth and Dignity Commission announced on its own page on social media that its archive had been transferred to The National Archives of Tunisia under the supervision of the Prime Minister, according to the provisions of Article 68 of the Transitional Justice Law.

Since May 2019, the commission has begun to transfer all the archives, which are estimated at 796.3 linear meters and 724 gigabytes, and the implementation to compile them with judicial permission.

In the 16th of January, 2020: The Truth and Dignity Commission completed the transfer of its private archive to the National Archives during these days, nearly a year after completing its work in late 2018. It is noteworthy that Article 68 of the Basic Law No. 53 of 2013 dated to December 24, 2013 concerning establishing and organizing the Transitional Justice, which states that "The Commission's works shall be concluded at the end of its term stipulated by law and the Commission shall submit all the documents and files in its possession to the National Archive or shall place them at an institution entrusted with the preservation of national memory".

The choice of the commission was to establish a special institution for preserving memory, but the lack of political will to establish forced the commission to legally submit its archives to the National Archives.

The publication of the commission's report in the official newspaper, in addition to sending the follow-up committee is necessary to confirm the whole process. As it passed with obstacles and disagreements that started within the commission itself (6 resignations out of a total of 15 members), and the political polarization that affected its work. The same report is also criticized, including omitting parts of it and the historical mistakes that some people criticized, which raises many questions about the investigation methodology used by the authority and its efficiency

Local authority

Texts: Title seven of the Tunisian Constitution. From chapter 131 to. 142

Local Communities Magazine: Basic Law No. 29 of 2018 dated to the 9th of May 2018, relating to the Local Com-

munities Code.

The slow empowering path of the local authority and practical difficulties

The slow legal procedure

The Local Authorities Magazine lists 38 government orders. Only 10 governmental orders were issued from these texts until the monitoring period, as what is indicated by the official website of the local groups. This is confirmed by Al Bosla organization in its annual report on the decentralization process.

It is noteworthy, that the Ministry of Local Affairs and Environment has previously confirmed that completing drafting 75% of the implementing regulations for the Local Communities Magazine.

This is addressed on the 2nd of January 2018, months before the publication of the Local Communities Magazine. As according to Article 385 of the Local Authorities Magazine the deadline of 9 months from the date of the magazine's publication for issuing the implementing orders. This means exceeding the deadlines of the 25th of February 2019 for more than a year without completing publishing the magazine, in the process of building the whole decentralization.

The politicization of the Local work

It is noticed that local work has become penetrated by party programs and loyalties of candidates to play a role at the local level. And that practically led to dissolve the local councils and to organize partial elections in several regions.

Also, the vision of the local work still has an inferior interest compared to other positions. As it is noticed that some individuals give up Local work and run for legislative elections. It is noteworthy that the former mayor of Al-Kasserine city, Muhammad Kamal al-Hamzawi, had given up his position in February, as a result of being elected as a member of the Assembly of the Representatives of the People. Therefore, a new mayor was elected to the local authority in Kasserine.

Here is a list of the partial elections that were held:

Partial elections in 2019

- The municipality Souk Jadid of Sidi Bou Zid Governorate

- Bardo municipality of Tunis Governorate

- Tebar municipality of Beja governorate

- El-Ayoun municipality of the 2nd Al- Kasserine Governorate after the first partial elections of July 2018.

- As Sars municipality of Al-Kef governorate

Partial elections in 2020

Voting day: from 25th to 26th of January 2020

- Partial elections in Al-Battan municipality of Manouba governorate.

- Partial elections in Al-Dandan municipality of Manouba governorate.

- Partial elections in Qasiba Al-Thuriyat municipality of Sousse governorate

- Partial elections in Nafza municipality of Beja governorate

- Partial elections in Raqqada municipality of Al-Kairouan governorate

While there were no partial elections in the municipality of Shabika after the members withdrew their resignations.

Voting day: March 28 to 29, 2020.

- Partial elections in Al Fawwar municipality of Kebili governorate

- Partial elections in Jebiniana municipality of Sfax Governorate

- Partial elections in Hassi El ferid of Kasserine governorate:

- The partial elections in Hassi Alfred municipality came after a mass resignation on the 23rd of December 2019 due to what was considered by 10 of the members as a tyrannical opinion by the speaker of the council and his deputy. In addition to the deteriorating situation in the municipality. Resignations have continued since the municipal elections in 2018 due to disagreements among members of the elected councils for similar reasons. Disagreements among councilors lead to interruption of work and the pos-

sibility of the cooperated and democratic functioning process, as partisan conflict and domination by one side against the other are present in several cases.

This is due to:

Transferring partisan political conflict to the municipal level. As most of the municipal councils witnessed severe disputes that prevented the normal functioning of municipal work. And members resort to mass resignation, so that the council shall be dissolved due to the absence of a quorum.

(Municipal party tourism) - the case of Skhira municipality - Mayor Khaled Vetirish from an independent to a member of the Democratic Current Party.

Governors intervene in the work of the Municipal Council - a municipal case -

The 2nd transitional crisis

This crisis represents a proof of the democratic transition difficulties and confirms that it is not only carried out by legal texts and institutions, and despite of their importance, the period of transition needs an ability for implementing decisions to end it.

Features of the electoral path

At the beginning of October 2019, the debate on equal opportunities for presidential candidates, Kais Saied and Nabil Karoui, continued with regard to the second round scheduled for the 13th of October. The presence of an academic and a businessman as the main candidates for the presidential elections reflected the crisis of partisan political work which the Tunisian voter distrust the proposed political names. They are two opposites, where Kais Saied moved with an unusual campaign and without much funding, while his rival moved with a media machine and huge financial resources invested in his image throughout the years preceding the elections.

Regarding the electoral process, while the candidate Kais Saied continued a special "interpretative campaign", his rival, Nabil Karoui, was in prison on charges of money laundering and suspicions of corruption (he was jailed on August 23, 2019).

It is noteworthy that Karoui has a bad reputation with the Tunisian civil society, as he had recordings threatening activists of the organization (I WATCH) which is a Tunisian

non-governmental organization that was established to ensure transparency and fight corruption following the Tunisian revolution. And This remained without serious investigation to punish who is responsible. The Karoui candidate has been arrested in a case against him by the «I Watch» organization regarding suspicion of money laundering by using companies owned by him and his brother Ghazi Karoui, in Morocco, Algeria and Luxembourg.

On September 5, the Summer Indictment Chamber of the Tunis Court of Appeal rejected a request for the release of Karoui and maintained the precautionary measures that had been taken in a while against the Karoui brothers related to the travel ban and freezing of dealing with the properties of Nabil Karoui, who is currently the head of «Heart of Tunisia» party.

On September 18, 2019, the investigating judge of the economic and financial judicial pole rejected the request for provisional release of the candidate for the early presidential election Nabil Karoui as he is incompetent to examine the request.

The decision to suspend a candidate for the premature presidential elections by the Summer Indictment Chamber of the Court of Appeal resulted in mixed reactions, as members of the Karoui Defense Committee considered many legal breaches in the issuance of his arrest and the arrest process itself.

On October 1, A High Committee of Human Rights and Fundamental Freedoms (French: CSDHLF) delegation led by President Taoufik Bouderbala and member Mondher Cherni visited presidential candidate Nabil Karoui who is currently held in custody in Mornaguia civil prison.

Many political figures and human rights bodies at home and abroad called for candidate Nabil Karoui to enjoy full freedom in carrying out his election campaign, based on the principle of equal opportunities for candidates. The Independent High Electoral Commission also expressed its fear that the results of the presidential elections would not be accepted due to Karoui's continued imprisonment. The commission's spokesperson relied on what he considered the commission's role in protecting the democratic process itself, as he considered that the commission's role goes beyond the technical dimension.

The European Union Election Observation Mission in Tunisia adopted the same situation in its statement issued on



Who is Kais Saied?

- Date and place of birth: February 22, 1958, in Tunisia

Academic certificates:

- Certificate of in-depth studies in public international law from the Faculty of Law and Political Science, Tunisia, 1985
- Diploma in Constitutional Law from the International Academy, Tunisia 1986
- Diploma in Humanitarian Law from the International, San Remo, Italy 2001

Professional experience

- Lecturer at the Faculty of Law, Economic and Political Sciences, Sousse 1986 /1999
- Lecturer at the Faculty of Social, Political and Legal Sciences in Tunisia since 1999
- Head of the Public Law Department at the Faculty of Political, Economic and Law Sciences in Sousse 1994/ 1999
- Kais Saied is mainly an academic, and he always introduce himself as he is not involved in politics. His character raised an urgent question about the reasons for the tendency of public opinion to him, and not to other names who has a known political and struggle history.

Who is Nabil Karoui?

- Date and place of birth: August 1, 1963 (age 57 years), Bizerte, Tunisia

businessman

- Nabil Al-Karoui One of the key figures in the Tunisian media landscape when he and his brother Ghazi founded the «Karoui and Karoui» media company in 2002.

- With the outbreak of the Tunisian revolution in 2011, his television channel, which was presenting entertainment programs, began covering political news in a colloquial dialect, and it became widely publicized in Tunisia.

- He also founded a charitable association that was active for two years before the elections in social work in favor of the poor inside Tunisia. It is noticed that an important part of the voters for him in the first round in September are the social activity space of his association.

the 3rd of October 2019. It confirmed that since the first round when it sought to meet the Karoui candidate without

a response. As the Mission stated that a meeting held with the candidate Kais Saied, the second candidate, in the pre

sidential race, “to talk about the electoral path, and that it submitted a request to the judicial authorities, in order to visit Nabil Karoui”.

On the 9th of October 2019, Nabil Karoui was released days before the election debate with the second candidate, and days before the election day.

Also, the Administrative Court did not receive any appeals against its results until the legal deadline for submitting appeals (16th of October), according to what the court’s spokesperson, Imad El-Gabri, told Tunis Afrique Presse (TAP). Kais won in the second round of the pre-term presidential elections with 72.71% of the vote, over his rival who gets 27.29%.

Government formation path

The process of forming the government reflects the difficulty of the democratic transition in Tunisia, as it has the legal and institutional conditions in principle for success. However, it is not sufficient to achieve all success to reach the guaranteed combination for democracy.

And the crisis in forming the government lasted for 109 days, and was characterized by severe political disputes that caused the domination of the concept of partisan quota and the narrow political interests. It also reflected features which can be summarized as follows:

The impotence of the political class and the crisis of the political parties led to the appearance of names of bureaucrats, experts, technocrats or politicians who does not have much political and electoral weight or previous experience in government.

The political parties take advantage of who rules through a political front.

The crisis of forming the government proved the public opinion’s lack of confidence in the parties and the whole political class.

The crisis of the government formation has turned into a continuous crisis of governance, and state institutions have become a scene of political conflict or temporary consents.

Turning to the political contractual documents that were ultimately found to be limited generally and its inaccuracy, in addition to being the last thing signed after the distribution of political positions.

Figures about the 2019 presidential elections in the second round :

The number of observers



18,000
local observers

700
from abroad

The number of polling stations



13,000
inside Tunisia

384
abroad

The number of those registered in the presidential elections



7,074,566

%51 Men
%49 Women

The government of Habib Jemli

The depth of the partisan disagreements and its implications

On the 15th of November, Tunisian President Kais Saeid assigned Ennahda’s candidate, Habib Jemli with forming a new government. Al-Jemli a minister in two previous governments, and he is 60 years old. The Ennahda movement decided to choose a person from outside it, especially as most of the parties in the House of Representatives required to enter into consultations to form a government coalition only if the appointment of a prime minister from outside the movement.

The 2 months of November / December 2019 witnessed negotiations marathon concerning forming a government, with a major disagreement over the nature of possible coalitions. It is clear that Ennahda cannot rule alone, but the ruling cannot be without it. As a result of the balances imposed by the elections. Ennahda also affected the whole process because of the differences within it, in addition to the severe disagreements with the People’s Movement and the Democratic Current and Long Live Tunisia. And the methodology of the work of the designated prime minister received very severe criticism, as it was linked previously with the movement that suggested his name. Then he later expressed his desire to form a non-partisan government. As a consequence, for that, he didn’t gain confidence from the Assembly of People’s Representatives on the 10th of January 2020.

The proposed government by Habib Jemli consisted of 42 members, 28 as Ministers and 14 as State Secretaries. And the formation is not different than its extended previous government. Also, the female presence was limited and less than the percentage announced by the prime minister himself. Besides, many of the appointed names have served in governments led by Ennahda.

Government of Elyes Fakhfakh

Elyes Fakhfakh was commissioned to form the government according to the requirements of Article 89 of the Tunisian constitution, in a duration of one month, which cannot be extended. And that is from 21st of January to the 19th of February.

This assignment comes as a result of the end of a series of written consultations among the President of the Republic with parties, blocs and coalitions in the Assembly of the Representatives of the People, and after meetings with officials of the largest national organizations and with a number of personalities that have been nominated. And as according to Article 89 of the Constitution, the President is authorized to determine the personality that he considers the most capable of forming a government, thus allowing the Assembly that has the agreement power to choose who is capable for. Respecting the will of the electorate’s will in the legislative elections, and the proposals made by the parties, coalitions, and parliamentary blocs in the correspondences they directed.

the government that will be formed will not be the government of the President of the Republic, but it will be what the Assembly of the Representatives of the People will give confidence to. And quite a few members of Parliament are the one who proposed the name of the prime minister, and it is only the Assembly that has the final word during the presentation of the government with its whole members in the plenary session according to the text of the presidency.

Besides the various political promises, after the meeting of Elyes Fakhfakh with the President of the Republic, Kais Saeid, on Monday, the 20th of January 2020, he affirmed that he shall form a government from a “small, cohesive and serious team that combines efficiency with strong political will, and the fulfillment of national constants and the goals of the glorious revolution”. He indicated that he would open the way for the widest possible political belt in forming the government, far from any partisan exclusion or quota system while fulfilling the majority orientation, according to him.

As according to him, he indicated that he would open the door for the widest possible political presentation in forming the government, far from any exclusion or partisan quota system with the fulfillment of the major concept.

The designated prime minister has chosen a specific list of parties with which he will enter negotiations to form the government. As according to his opinion, he excluded from his list the Heart of Tunisia Party and the Constitutional Free Party, in consistent with the «revolutionary» political line of the President of the Republic, with the Presidency's denial that this government is the «government of the President».

Besides, the political discourse of Kais Saied is always focusing on the idea of the state and the constitution, and the keenness to present his interpretation of the constitution within the political struggle. Despite the above, it cannot be ignored that there are conflicting priorities between parliament and the presidency.

The following parties participated in the negotiations, which was the parties that voted for the president in the second round. These parties are: the Ennahda Movement, the Democratic Current, the Dignity Coalition, the People's Movement, the Long Live Tunisia Movement, (Machrouu Tounes), the Republican People's Union, (Nidaa Tounes), the Tunisian Alternative, and (Afek Tounes).

These parties can be classified as:

- Conservative Right: Ennahda / Dignity Coalition, with the absence of Errahma Party
- Right: Mashrouu Tounes / Nidaa Tounes / Long Live Tunisia / Tunisian Alternative/ Afeq Tounes with the absence of the Heart of Tunisia Party at the beginning and the Constitutional Free Party
- Arab Nationalism: The Democratic Current

The above-mentioned classification is according to in view of the weakness of the ideological approach, with the exception of the Islamic Ennahda Movement and some old parties that exist through their elite discourse rather than their ideology such as the People's Movement or the Democratic Current.

This fact is affected by the emotional and revolutionary momentum, which identified with a rising populist feature whether in the legislative or presidential election campaigns.

It is a development imposed by the reality of the fragmented partisan life with full of distrust among its actors.



Negotiations to form the government of Habib Al-Jemili

- **November 11, 2019:** Ennahda announces the contractual document to form the government
- **November 14, 2019:** Ennahda's Shura Council chooses Habib Al-Jemili from four personalities
- **November 15, 2019:** Habib Al-Jemili was appointed by the Presidency of the Republic
- **November 19, 2019:** The start of negotiations to form the government with the various political parties and national organizations
- **December 05, 2019:** The People's Movement and the Democratic Current withdraw from negotiations to form a government
- **December 15, 2019:** The formation period of the government was extended due to the failure of negotiations with the parties
- **December 23, 2019:** Habib Al-Jemili announces his desire to form an independent competencies government (cabinet members will be chosen on «their competence and integrity, regardless of their political affiliation»)
- **January 01, 2020:** Habib Al-Jemili presents the formation of his cabinet
- **January 05, 2020:** Ennahda's Shura Council announces its intention to grant confidence to the Al-Jemili government



Negotiations to form the government of Elyes Fakhfakh

- **January 20, 2020:** Elyes Fakhfakh was appointed to form the government
- **January 23, 2020:** Elyes Fakhfakh announces three-week stages of forming the government: Defining the political belt (or what means as the extended participation of Parties) / Defining the program / Determining the structure of the government formation
- **January 24, 2020:** Elyes Fakhfakh announces that he has excluded the Heart of Tunisia and the Free Constitutional Party.
- **January 28, 2020:** Consultative meetings start with the political parties concerning the contractual document
- **January 31, 2020:** After meetings during the previous week, the designated Prime Minister announces amendments to the contractual document and the 1st of February shall be the date for ratification.
- **February 01, 2020:** The non-ratification of the contractual memorandum, and Ennahda's postponement request. The postponement request was issued a quarter-hour before the parties' meeting.
- **February 03, 2020:** The contractual memorandum was not ratified due to the request of the Ennahda Negotiation Committee. The movement calls to the participation of the Heart of Tunisia party under the title «National Unity Government». Youssef Chahed (Former Prime Minister of Tunisia) participates in the pressure process.
- **February 06, 2020:** A meeting between the prime minister-designate and the head of the Ennahda movement
- **February 07, 2020:** Elyes Fakhfakh presents the 3rd edition of the contractual document
- **February 08, 2020:** The prime minister's meeting with representatives of the parties as the Tunisian Alternative, Afek Tounes, Nidaa Tounes and Mashrouu Tounes
- **February 11, 2020:** The meeting of the Prime Minister-designate with the head of Ennahda Movement
- **February 12, 2020:** Announcing the date of the 14th of February as the date for submitting the final formation of the government to the President of the Republic.
- **February 14, 2020:** The announcement postponed to the next day
- **February 15, 2020:** The meeting of the Prime Minister-designate with the parties concerned with forming the government and the withdrawal of Ennahda Movement an hour before the announcement of the government's formation and its decision not to grant confidence due to the absence of the Heart of Tunisia party.
- **February 20, 2020:** The Prime Minister-designate presents the formation of the government to the Presidency of the Republic.
- **February 24, 2020:** Signing of the contractual document in the presence of Noureddine Bhiri, head of Ennahda Movement, Mohamed Abbou, Secretary-General of the Democratic Movement, Zouhaier maghzaoui, Secretary-General of the People's Movement, Youssef Chahed, head of the Tahya Tounes movement, and Hassouna Al-Nassifi, head of the National Reform Bloc.
- **February 26, 2020:** A vote of granting confidence to government of Elyes Fakhfakh, with the approval 129 votes in favor, 1 abstained and 77 against

The political and legislative development related to human rights

Tunisia witnesses a remarkable progress at the legislative level regarding human rights, but approaches to it are still incomplete due to the lack of a clear ability to establish a clear equation between human rights and security or between the necessities of the governmental action in the exceptional cases and freedom.

During March 2020, a draft law (bill) against attacks on security forces was appeared. The delegation representing the Tunisian General Labor Union (UGTT) criticized the returning of a draft law under the title of « “Repression of Attacks against Armed Forces”, during a parliamentary hearing session at the General Legislation Committee. As it considered the bill to include many serious violations that threaten society and contradict with the rights and freedoms guaranteed by the constitution. Also, the delegation called for the need to reformulate the bill regarding individual and public freedoms.

The Defense Minister Imad Al-Hazqi stressed that the draft law which criminalize attacks against Armed Forces in its presented version, is not suitable to the recent events by including many deficiencies and several points related to the basic concepts and definitions that shall be reviewed especially relating to the articles of the draft law with the rest of the rights and freedoms.

The Ministry of Interior and Security Unions, through the recent legislative initiative, insisted on the need to protect their members while carrying out their work. But this draft law faced a widespread opposition about its repressive content and its punitive nature. In addition to its contradiction with international conventions and the constitution regarding freedoms. And the majority of human rights organizations and association, and national organizations issued statements and declared condemning situations against this law besides alerting its seriousness. Also, many political actors expressed their outrage with the draft law, and both the Tunisian Journalists Syndicate and the Tunisian General Labor Union demanded that to withdraw the bill from the General Legislation Committee.

And also, DAAM Center participated with the Tunisian Civil Society Organizations in calling to people’s representatives to withdraw the bill “Repression of Attacks against Armed Forces”

The death penalty in Tunisia:

21 crimes and offenders punishable by death in the Tunisian law, but that haven’t practically enforced since 1991. This is considered as a voluntary cessation of the implementation of the death penalty which made Tunisia as one of 29 countries that have chosen to voluntarily cease carrying out the death penalty.

On Wednesday, the 8th of January 2020, the General Legislation Committee and the Committee on Rights, Freedoms and Foreign Relations held a joint session on a draft of an indicative code issued by the Arab Parliament regarding the death penalty and guarantees for its implementation in Arab countries. Experts and civil society representatives during the hearing session confirmed the contradiction of the indicative draft law with the provisions of the constitution, conventions and treaties ratified by the Tunisian state. The deputies also rejected this bill for the same reasons. This is

from entering the Assembly of the Representatives of the People, despite the office’s activity. In addition, the tense atmosphere due to the dispute between Jamila Al-Kasiksi a member of the Ennahda Movement and Abeer Mousa a member of the Free Constitutional Party. And a number of the Free Constitutional Party representatives held a sit in the parliament. the National Syndicate of Tunisian Journalists (SNJT) threatened to raise the red badge within the Assembly of the Representatives of the People or to strike in case of the continuation of attacks on the journalistic work.



considered positive on the road to total penalty abolition.

Freedom of expression / press / media

Violations and difficulties in journalistic work

Attacks on journalists continue under difficult circumstances during work, especially during the electoral period and until October 2019. This can be noticed in the relationship with official institutions and bodies.

Several journalists were attacked by the employees and managers of the polling stations.

On the 7th of December 2019: Journalists are denied

That resulted from the chaos of some of the Dignity Coalition deputies in Parliament and preventing the national television cameramen from broadcasting, and using television to pass fake slogans that don’t express what happens inside the Assembly.

December 2019: The Tunisian National Syndicate criticized what it expressed as a republic’s policy of blackout. The situation of the Syndicate is resulted from what happened to prevent Journalists during their coverage to the visit of the Turkish president Recep Tayyip Erdoğan to Tunisia. And this policy included local journalists in addition to foreign journalists, especially journalists of the Al-Araby tv. As, the Presidential Security Forces took the cards of the press team of Al-Araby although it is approved channel in Tun-

sia which consisted of the journalist Wissam Da'si and the photojournalist Ayman Ben Mansour. Also, they were accompanied to file a report for filming without authorization under the pretext that filming in front of the presidential palace is subject to a prior authorization so that it violates the law. In addition, 13 Tunisian journalists who works as correspondents for a number of foreign mass media were prevented from entering the Carthage Palace.

February 17, 2020: The documentary «black rooms» team was investigated in front of the 3rd Central Division of Research and Investigation of the Aouina National Guard in a complaint filed by the security agent, who wrote the report of seizing documents and equipment in Mustafa Khadhar's house, the suspect's case known as the "Secret Apparatus of Ennahda movement."

Work difficulties for foreign journalists, especially concerning to the license agreement to work in polling stations. The National Syndicate of Tunisian Journalists indicated that it had several deficiencies.

The political activists' lack of respect to journalistic work of, especially the candidates for the legislative and presidential elections, including the working teams in the electoral campaigns of several candidates. As for example, the security teams accompanying the candidates prevent opportunity a journalist to obtain a statement or information.

The issue of respecting the professional ethics and to be not biased in channeling information is considerable especially concerning the work during election periods.

Structural difficulties in the media sector

The weakness of the official media and the absence of professionalism

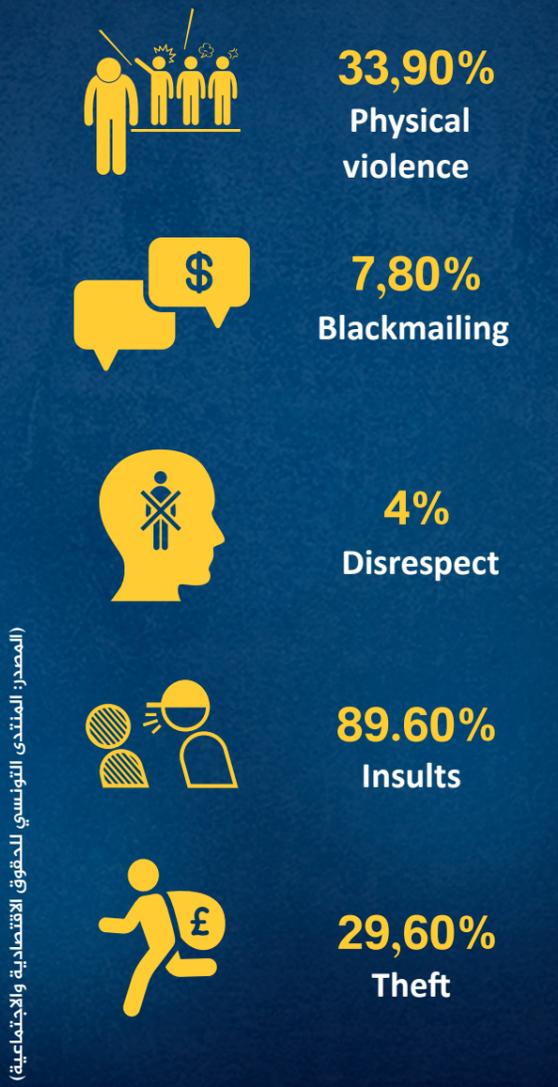
The fear of disappearance of several media institutions among which include the newspaper journalism, and small, association and regional radio stations that haven't receive a support from the State. While in contrast, there is control over the remaining institutions to direct it. This raises the question of the state's support for the media sector in light of the effect of political money and the abusing of the mass media for a biased partisan purpose.

The absence of a reform project of the media sector

The limited public policies in Media in terms of ensuring pluralism, diversity and ensuring the quality and professional standards of Media.

The regulating role of the High Independent Authority if

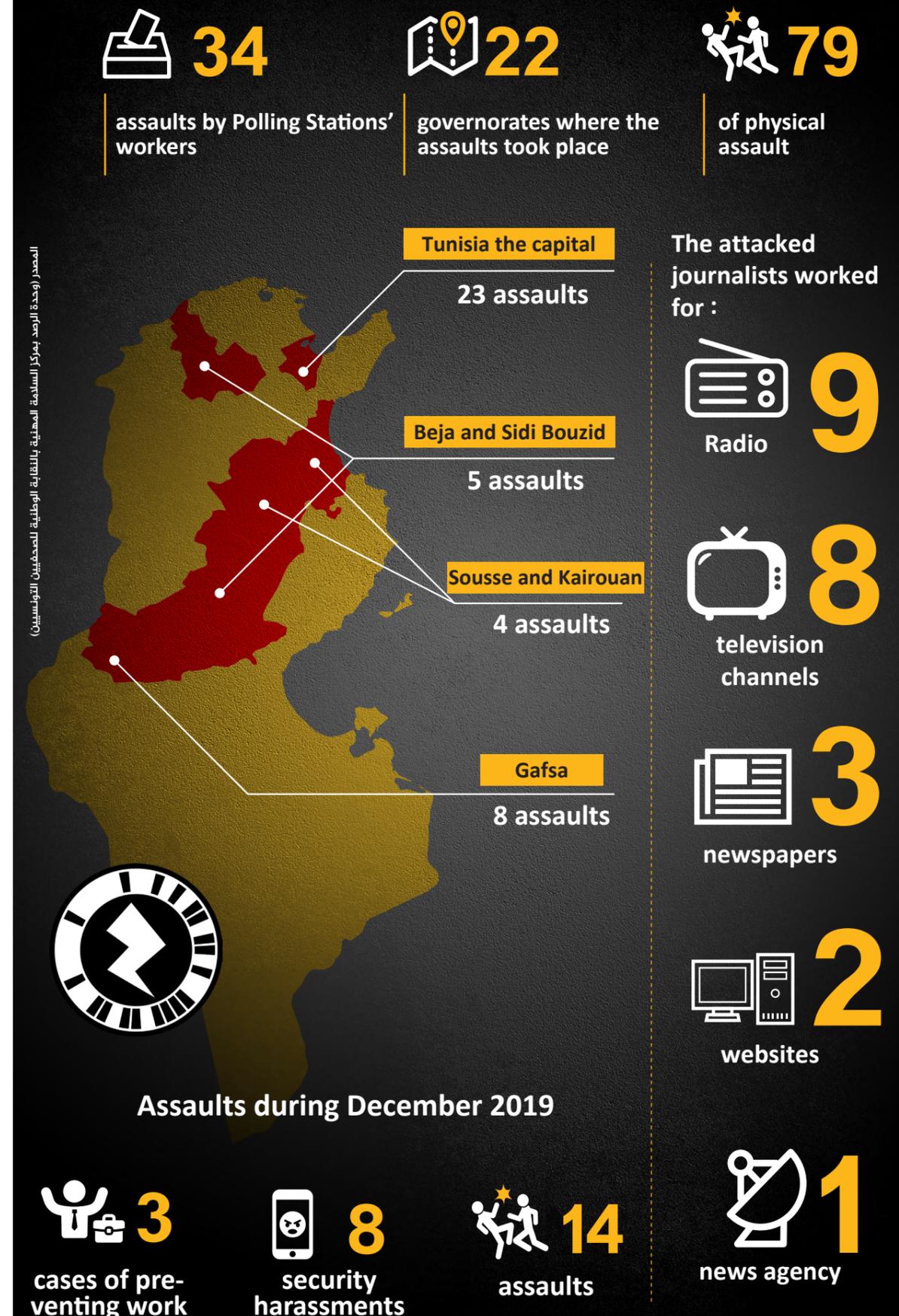
The percentage of immigrants from sub-Saharan Africa who are exposed to various types of attacks



the Audiovisual Commission in Tunisia

The Commission tend to amend the media sector through decisions that fall within its powers. For example, the Commission's Board decided, in its session held on the 25th of December 2019, to suspend the "La Class" program presented in "Tunisna" channel for two months, due to its violations in the episode dated to the 14th of December 2019 "concerning the employment of children without Taking into consideration their age, maturity and lack of aware-

Figures on press work from the 22nd of July to the 20th of October 2019



ness, in a way that affects their interest which necessitates keeping them away from political and other disputes". The Commission decided not to re-broadcast the mentioned episode subjected to violation and to delete it from the official website of the channel and from all its pages on social network. The commission continued to draw the attention of the media personnel concerning their violation of the law and the rules of the professional ethics.

Figures about the activities of the Access to Information Commission



The total number of files presented to the Commission since starting its work

1912 Files

Number of the responded files

From January to March 2020

from late 2018 to late 2019

357 Files

1000 Files

On the 7th of January 07 2020, the Tunisian Forum for Economic and Social Rights stressed the need to respect the rights of the most vulnerable groups like women, children and asylum seekers. Information is scarce regarding the prepared emergency plan to face the possible fallout developments of the security situation in Libya, especially the camp concentration plan in the Bir al-Fatnasyah area, 15 km south of the city of Remada in the governorate of Tataouine. It is noteworthy that the Euro-Mediterranean Rights Network called Tunisia for the need to establish a complete and coherent system to guarantee the right of asylum. Actually, this is often absent because of the dominance of the security approach, which raises critical problems, especially concerning the humanitarian situation experienced by foreigners in Tunisia, especially sub-Saharan Africans.

Foreign immigrants in Tunisia

Foreign immigrants are subjected to discrimination and racism in Tunisia, especially those who come from sub-Saharan Africa. This is proved by several numbers and statistics.

Racist attacks occur either as a result of individual acts, which are carried out by citizens, taxi drivers, and shop owners, or institutional work where security centers re-

present the highest percentage. And the work of foreign immigrants in Tunisia is subject to an unauthorized legal framework (dating back to the sixties). It is an unstructured and fragile act that violates the minimum terms for professional ethical treatment. The wages of foreign workers are the lowest under inadequate conditions for work. In addition, a large number of them are forced to leave their work searching for another due to inhuman and immoral treatment, while many are subjected to harassment.

The above requires a review of the legal framework for migrants in Tunisia with the law enforcement against racial discrimination that still exists in practice.

Anti-human trafficking

Basic Law No. 61 of 2016 dated to the 3rd of August 2016, concerning criminalizing human trafficking

The national anti-trafficking commission according to Chapter Three of the aforementioned law.

Concerning the duty of the Commission, the observatory noticed the difficulties in the work of the Commission and the lack of the necessary capabilities. Besides, the insufficient cooperation among departments and institutions, especially in providing information and data. It is noteworthy that the activity of the Commission depends on the influence of the personal reputation of its president Rawda Al-Obaidi and the efforts of its members on the effectiveness of its role while the Commission work under difficult financial and logistical conditions.

Regarding the annual report of the Commission, Professor Al-Obeidi stated that the process of collecting data and statistics was stopped as some Ministries did not provide the Commission with data until the 10th and 11th of January.

The aforementioned report was issued later on the 23rd of January in conjunction with the National Day for the Abolition of Slavery. One of the cases represented by the commission that was published on the official page of the National Anti-Trafficking Commission, is that the Public Prosecution of Sfax authorized an investigation concerning the streaming video on "Facebook" about a suspicion of a woman's violent assault on a number of girls.

And the Commission following up the case in coordination with the relevant security bodies and judicial authorities.



Children's Rights

On the 15th of October 2019: Tunisia acceded to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote), which was announced on the 12th of July 2007. The agreement aims to combat sexual abuse of children, prevent their exploitation, and protect the rights of child who are victims of sexual abuse and assault by criminalizing luring them into sexual assault or physically exploiting them through modern technologies.

This requires the adequate national legislation in order to combat crimes against children in the virtual space network, especially at the level of laws related to sexual assault crimes. Organizing awareness and awareness campaigns in order to increase the awareness of citizens, especially children and their parents, in this field.

Organizing awareness-raising campaigns in order to increase the awareness of citizens, especially children and their parents in this case.

Minorities' Rights

Despite the existence of a legislative and constitutional legal framework, real obstacles appear in practice in terms of the dominance of traditional perceptions and misusing power

by some in order to impose certain perceptions while excluding others. Thus, the legal framework remains defective because of the following reasons:

- Laws that contradicts with the constitution
- The absence of the Constitutional Court as a guarantee of rights and freedoms

Sexual Minorities

Regarding the sexual minorities, the following may be noted:

- The openness of the democratic space, which enhanced the representation of minorities, allowed, in parallel, to monitor homophobia and calls for violence, discrimination and hatred. This shows the need to review laws that contradict the constitution, especially those that contradict the individual rights and freedoms.
- The lack of concentration of the Constitutional Court is a major reason for disrupting achieving the individual rights and freedoms, as there is no possible way to challenge these laws due its absence. This makes the democratic transition inadequate and incomplete because it loses the characteristic of transformation from its legal and human rights com-

prehensiveness and preserves the defects of previous systems.

- As a result of the absence of criminalization and punishment, all forms of violence and discrimination increase.
- The exploitation of security forces and their complicity in violating the rights of sexual minorities to protect the aggressors.

As for example, among the observed violations, three transsexual Tunisian women were violently assaulted on the night of the 13th January 2020, in the center of the capital and near the headquarters of the Ministry of the Interior.

A video documenting this assault was shared on social media. Later, it was discovered that the accused of the attack was a security agent of the Bab Bahr police station who was protected by the head of the station. As the victims were prevented from receiving medical treatment in Al-Rabbetah Hospital under the pretext that they did not have medical document authorized by the Security Center. And as a result of cruel, inhuman and degrading treatment based on gender identity and sexual orientation against the victims, one of the victims suffer from internal bleeding and a fractured skull. And the aggressors remain unpunished until today!

Migrants and refugees

The head of the Tunisian Forum for Economic and Social Rights, Abd al-Rahman al-Hadhili, confirmed during a press conference on the 9th of February 2020 that Tunisia takes the action of immediate deportation of refugees at the borders with Libya, with official recognition, through the reports of the Ministry of National Defense, despite Tunisia's signature of the 1951 Refugee Status Convention. And he adds that Tunisia close the borders in front of the fugitives from the war in Libya. Also, he said that whoever succeeds in reaching Tunisia faces the dire reality of the misconception regarding obtaining asylum in the absence of a legal system for asylum. As according to him, talking about the death of migrants at sea does not conceal talking about many violations that happen on land which are practiced against immigrants and refugees in Tunisia.

“The sub-directorate for the accommodation and orientation for refugees raises a wondering question regarding the absence of a legal text explaining the structure of this issue,

the nature of its work and the length of stay”.

The sub-directorate for the accommodation and orientation for refugees, or what is known as the shelter center, raises a major wondering question due to the absence of a legal text explaining the structure of this issue, the nature of its work and the duration of stay. As for the irregular migrants who reside in the shelter center, the authorities consider them as an issue of serious concern and annoyance to the Tunisian state and they shall be deported. And among the residents we find people who could not regularize their situation, especially students, due to the compulsory residency in the center and the impossibility of leaving it except returning to the country of origin.

He also confirmed that the Forum observed the situation of the return of refugees to Libya especially the migrants who were rescued from the ship «Mardiff» in May 2019, who were 64 immigrants. And then, they were transferred to Tunisia facing all kinds of pressure and psychological violations under the slogan of the so-called voluntary return to their countries. As a result, 53 of them acquiesced without giving them any opportunity to apply for asylum.

Thus, the question arises as to the domestic and international Tunisian policy in dealing with this file, which is dominated by the security approach over the human rights approach.

The path of constructive engagement can be noticed in enhancing the right to access to information in the level of managing that right. However, the reality proved the existence of many violations, with the powers and the traditional activity of the administrative bureaucracy that are not in consistent with the requirements of transparency and making information available to the citizen.

The aforementioned commission emphasized the absence of the access to information concept as the isolation of administration, withholding information and the non-recognition of the citizen's right to access administrative documents.

Also, inside these administrations, accessing information is not available to the department in charge of accessing the information.

The 10th of December 2019: Signing a partnership agreement between the Access to Information Authority and the Ministry of Education:

This agreement aims to establish a bilateral cooperative framework between the two parties based on joint programs, annual work plans to consolidate the right to access information and enhance the ministry's openness to its surroundings. Besides, enhancing the principles of transparency and accountability in its structures, and developing the capabilities of its theorists (Perspectives) in the field of access to information.

The Commission continued its activities by issuing 19 new decisions starting with March, including two decisions that obligate the Gafsa Phosphates Company and the Stock Exchange in Tunisia to hand over hard copies of the required documents. The Board of the Commission issued a decision requiring the President and General Manager of the Gafsa Phosphates Company to enable the “I Watch” organization to obtain a hard copy of the required documents, with a permission to withhold the personal data included in these documents. While the 2nd decision was obligating the Director General of the Stock Exchange in Tunisia to hand over a hard copy of the requested document to the claimant.

The Commission considered that these decisions are within the framework of enriching the right to access information related to public affairs, enhancing the principles of transparency and accountability, and supporting confidence in public institutions.

The right to access information is still far from being developed because of facing practical difficulties as there is no cooperation among administrations and those who seek access.

The commission continues its work despite the lack of cooperation among departments that show a significant improvement in its performance especially with the lawsuits that are filed by the concerned parties to follow up their demands. In other words, this requires more follow-up of the implementation of decisions.

Recommendations

Legislature:

The necessity of ensuring the functioning of the Council away from narrow political calculations, and going behind the logic of the honor documents and the ethics of work to the logic of an independent institution at all levels. This requires reviewing the internal system of the Assembly of the Representatives of the People concerning enriching a text

that takes into consideration the experience of parliamentary work during the post-revolution period. Any amendments shall set out consistent general principles without going into a narrow detail. Among the basic principles that the amendments should focus on is the principle of transparency in parliamentary work, such as announcing votes, amendments proposed by MPs, and the method of voting in a single system, electronically, for example.

Accelerating the vote on the Constitutional Court and selecting independent members who experienced and competent, to ensure the role of respecting the constitution in the best way, and to avoid politicizing its work and all attempts to control it.

Focusing on the role of the constitutional bodies that are supposed to play a fundamental role in making the constitution, its values and principles based on the Tunisian people's revolution.

For reference, constitutional institutions play a pivotal role in political development, which is supposed to be a complementary and primary locomotive with the rest of the development aspects. However, its absence led to the absence of a clear vision and improvisation according to context and circumstance in light of a weak political will. Democracy in Tunisia is still flawed unless it is placed as a moral, procedural and institutional ceiling above the narrow calculations of parties and the interests of social and economic influence.

In that context, constitutional institutions play a central role in political development which is supposed to be a complementary and primary tool with the rest of the development aspects. However, its absence led to the absence of a clear vision and improvisation according to context and circumstance in light of a weak political will. Democracy in Tunisia is still defective unless it is considered as a moral, procedural and institutional concept above the narrow calculations of parties and the interests of social and economic influence that are still present in the details of the administrations and the state.

Developing a legislative framework and a mechanism for following up the aggressor against journalists.

Establishing a legislative framework for the reformation of the media sector which includes the relevant constitutional body and the various entities which are concerned in the Tunisian civil society and sector.

Establishing a legislative framework on the issue of immigration in consistent with the rules of international law. This means strengthening the human rights approach in this field and monitoring the recent dominant security policy.

Executive Authority:

Presidency:

It is necessary to review the role of institutions affiliated with the presidency, such as the Institute for Strategic Studies which should interact with the civil and academic society and need to strengthen its administration and cadres as it is considered as an organization that has the power of suggestion and direction. Law No. 103 of 1993 establishing the center referred to the mission entrusted to the institute, which is the task of analyzing, researching, studying, exploring, and preparing confidential reports to be submitted to the Presidency of the Republic. This actually requires capabilities that go beyond the current situation of the center headed by a person with a management experience. This is considered one of the important reasons for the stability of the country's vision and policy in all fields.

The need to ensure respect for the powers of the head of the second executive authority and the Assembly of the Representatives of the People according to the constitution.

Cabinet Office

- The need to ensure that the balance between among authorities is respected, especially with the second head of the executive authority and the Assembly of the Representatives of the People, as provided in the Constitution.
- Respecting the transitional justice process and completing it based on an objective evaluation that corrects the multiple and recurring mistakes and shortcomings of the Truth and Dignity Commission, together with dedication to the implementation of the rest of the procedures related to the process according to Basic Law No. 53 of 2013 dated to the 24th of December 2013 concerning establishing and organizing the transitional justice.
- Publishing the report of the Truth and Dignity Commission and working to revise it from the obvious mistakes to ensure respect for work's progress on the outputs of the process with emphasizing the previous point.

- To stop dealing with the immigration issue according to a mere security approach to clearly identify the Tunisian state's policy within a complete legislative system in accordance with the rules of international law.

- Supporting the right to access information by dedicating it within the public administration in the administrative reform program, which remains far from being achieved at present.

- Respecting the right of journalism to monitor the government's action and ending attacks on women journalists, especially by security forces

Judiciary:

The Supreme Judicial Council: The Supreme Judicial Council was affected by political inducements, and recently it has a conflict with the Ministry of Justice over the powers of each of them, especially in light of the presence of a politicized Minister of Justice. This was indicated by the President of the Council when he emphasized the continuous actions of the executive authority to control over the judiciary. Based on that, it is necessary to respect the provisions of the Constitution to ensure the independence of the justice facility in general. The council should also ensure a proper relationship with justice assistants, especially lawyers, to avoid sectoral disputes that ultimately weaken the justice facility to the detriment of all at the end

Local Authority

Avoid politicizing the local authority and accelerating its legal implementation. But what is mentioned above is not only sufficient as the idea of local authority does not mean creating a separated center, but it should interact with the local community. And in order to codify the effectiveness of the local community, steps should be recognized such as supporting the entity of local associations, youth initiatives, and promoting a participatory approach in decision-making away from the monopoly of power in favor of one party.

The 2nd transition in Tunisia

- The importance of regulating the role of political money and the influential entities using it to purify political and party life as it is a condition to achieve real democracy in Tunisia



- Enhancing the positive role of parties towards adopting clear programs and visions capable of forming a new political generation. Thus, systematic work should be occurred through the academies of parties, not only at the central level, but also at the local level which means a partisan action that is not limited to elections.
- Providing a sober political discourse that does not depend on intimidation from the other, and the accountability for those who involved in it, especially the intention of rumor-mongering
- Thinking about the democratic development in Tunisia from its various aspects, especially the political one, in which parties and civil society implement its primary role in confronting Populist Currents, defending the values of democracy, the principles of transparency and participation and the respect for difference.

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Developments of the policies and legislations related to human rights and the democratic transition

in Libya

The Libyan issue is considered exceptional due to the outbreak of the civil war since April 2019. As the war is intensified gradually during the last three years (conflict among Egyptian, Turkish and Libyan army of Khalifa Hiftar) with the evolution in the role of the international actors and supporters for the warring parties. The Turkish and Russian role has developed in influencing the Libyan situation over the European role, which searched for gaining a foothold in the Libyan political track. As a result of the failure that dominated all the negotiations stages, which was distinguished as the first triumvirate of 2020, the military conflict internally led to the division of state institutions and fissures of the Libyan society which parties and tribes were aligned according to the conflicting parties. This led to the decline of mediations which are built from the start. And the failure of the UN envoy, Ghassan Salama, was proof of that critical situation, as he was trying to bring all parties together out of the communication with tribes and all parties. However, his efforts ended in failure, especially after foreign intervention that created a real obstacle in the political solution. Therefore, an atmosphere of distrust and hate speech prevailed among Libyans, especially in the mass media and social media. Also, the statements of the tribal councils were limited. And meanwhile, human rights violations continued with complete impunity.

The legal and constitutional framework related to the democratic transition

The demand for peace and armistice in Libya is considered as the main discourse but it is absent due to the military role and in the corridors of a series of international conferences concerning Libya. Thus, it is necessary to introduce the highlights of the Libyan political and military division, and the features of foreign intervention in the Libyan affairs.

The demand for peace and truce is highly requested in the political discourse but is violated by military conflict and in the corridors of successive conferences on Libya and among continents. Thus, it is necessary to expose the most outstanding features of the Libyan political and military division, and the features of foreign intervention in Libyan affairs.

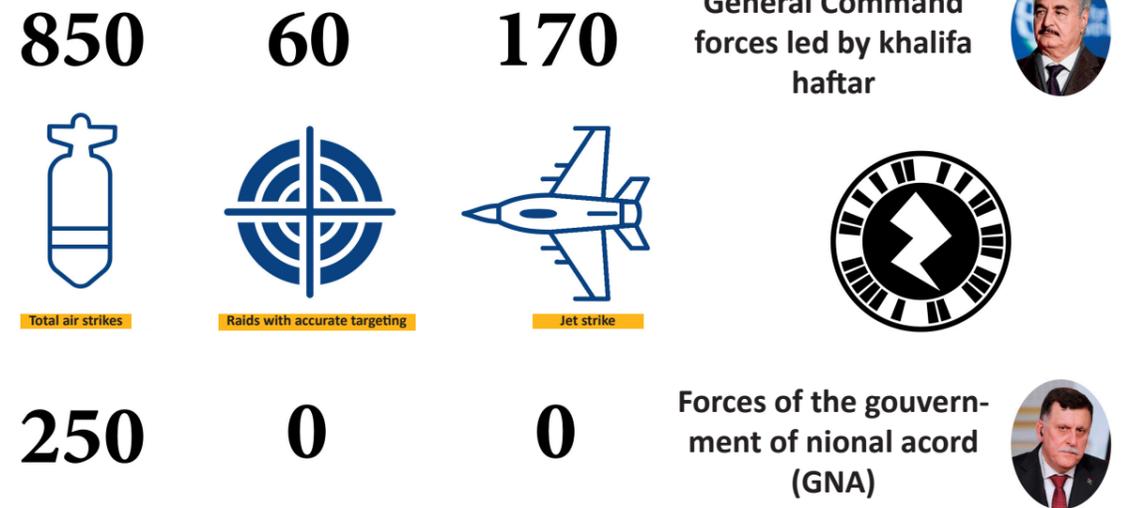
The results of using drones and jets by the two parties of the conflict in the capital Tripoli



The most outstanding features of the Libyan political and military division:

The capital, Tripoli, represents the center of the Libyan war, but attempts to control other cities, especially due to the strategic importance of some of them, are always ongoing. This confirms the priority of military strategies over others. The front lines of the conflict are moving in Tripoli, but the continuation of bombing tactic that is adopted by the General Command forces led by Haftar has been continuing regularly since the beginning of the attempt to control Tripoli. The confrontations between the two sides lead to target residential neighborhoods and civilians. The bombing attacks coincided with the celebrations of the Libyan Revolution Day which reflects the depth of the Libyan division. While

The number of air strikes that were carried out by the two parties in the conflict



celebrations were held in the western region, they remained limited in a small scale in the eastern region, especially in Benghazi. All calls for a truce failed until March, especially the humane calls due to the appearance of the spread of the first cases of the Coronavirus.

For example, on Monday the 6th of January, the General Command forces led by Major General Khalifa Haftar were able to achieve a military progress by controlling Sirte that has a strategic importance which is about 450 km far from the capital, Tripoli. The fight escalated in late January 2020 on separate sites on the suburbs of the capital, Tripoli

At the end of January, it is reported that four children were killed in the “Al-Hadba area, Taksim Al-Badri,” according to the Ministry of Health of the Government of National Accord which its counter attacked the fight of the forces of the General Command by targeting points belonging to the latter on Al-Matbat Street, on the suburbs of Tripoli. The forces of GNA destroyed four vehicles and killed a number of “multinational elements and mercenaries” as what is described by the spokesman for the information office of the «Government of National Accord» forces.

Regarding the confrontation axes in Sirte, which the General Command forces have controlled, the source said that it is in the Western outskirts and suburbs, between a battalion fights under the Government of National Accord called the «Battalion 604” and another called «The River Brigade» affiliated with the General Command led by Haftar. These are a continuous confrontation to control Libya’s Oil Cres-

cent which is the lifeblood in Libya. Meanwhile, the spokesperson of the General Command, Major General Ahmed Al-Mesmari, announced on the 22nd of January 2020 that an air ban was imposed over Tripoli completely, especially over Mitiga International Airport. And the spokesperson for the General Command which had recently agreed to a ceasefire in response to the Russian-Turkish initiative, warned against using the Maitiga Airbase and Mitiga Airport as part of the military operations areas, stressed that any civilian or military aircraft, regardless of their affiliation, entering the restricted area “will be destroyed directly”.

The UN Security Council called the conflict parties in Libya to reach an immediate agreement to stop fighting.

The balance of the military conflict had shifted due to Turkey’s intervention in Libya had turned the tide in Libya’s ongoing civil war in favor of the qualitative superiority of the Government of National Accord (GNA). As the drones of the Government of National Accord began to change the map of the conflict by allowing its forces to advance on the ground in several axes, despite the fact that the General Command forces have succeeded controlling some of them constantly.

The military operations continued to regularize in Libya since the celebrations the Libya revolution reaching the spread of virus Corona. All calls for a humanitarian failed, as the fighting forces took advantage of the critical health situation to achieve field advances.



Libyan institutions are victimized by conflict and its tools:

Educational institutions and schools:

During 2019, Fighting caused the closure of 13 health institutions and 220 schools. And as a result, several institutions suffered from its inability to offer services due to armed groups' attacks on health institutions by the intention of stealing medicines as for example. Also, the Libyan Ministry of Health of the internationally recognized (GNA) faces many problems due to the rampant corruption within it. On the other hand, several schools were turned into buildings which means that more than 115,000 children are deprived of education due to the clashes.

The United Nations referred to some attacks, including what happened on the 5th of January, "the recent attacks on educational facilities and the general insecurity in and around Tripoli made children's lives in danger by going to school every day and schools transformed into places of fear.

On the 23rd of January, the operations of five oil ports and the Sharara and El Feel oil fields which are the two largest oil fields in the country were suspended due to the issuance of a statement signed by the «Libyan Tribes and Cities Forum» intending to «stop exporting oil from all Libyan ports, starting with the Zueitina oil port». Although, the statement didn't mention the name any tribe or city, it demanded the relevant authorities and the international community to

«open an account to deposit oil revenues until the formation of a government representing all the Libyan people». As soon as the statement was issued, the protesters entered the port and they declared its closure. And the statement described the action of the Libyan tribes behind this act as attributed to the authorities in eastern Libya.

In response to this serious development Libya's National Oil Corporation declares force majeure on its largest oil field after shutdown by militia explaining that this comes after «the General Command and the Petroleum Facilities Guard in the central and eastern regions have stopped oil exports from the ports of Brega, Ras Lanuf, Hariga, Zueitina and Sidra». And also declared «Force Majeure» in the El Sharara and El Feel fields.

The oil is sold and the money is transferred to the external bank of Libya, then it is transferred within 48 hours to the Central Bank of Tripoli, and then these funds are transferred according the financial plan by the internationally recognized government (GNA). This explains the reason of positioning oil at the center of the military and political conflict in Libya.

«Force majeure» which is imposed by the Petroleum Corporation is one of the terms of the contract that binds the Corporation to its clients, which exempts it from its legal obligations to supply them with oil and gas due to facing circumstances beyond its control, including war, political unrest and bad weather. Stopping exporting crude oil from ports leads to losses in crude oil production of 800,000 barrels

per day, in addition to daily financial losses estimated at about \$ 55 million per day, according to estimates by the National Petroleum Corporation.

It should be mentioned that attempts to illegally export crude oil and the refined petroleum products have continued in Libya, which made the Security Council condemn on the 12th of February 2020, as these illegal operations aren't under the responsibility of the internationally recognized institutions. This is confirmed as a result of a resolution adopted by the UN Council, according to Chapter VII of the United Nations Charter with the approval of 14 countries from 15 and Russia's abstention from voting. And after the Council extended in its resolution No. 2509 concerning arms embargo to Libya until the 30th of April 2021.

It is noteworthy that Libyan oil production has decreased to its lowest level since August 2011 after stopping the production from the Sharara field, the largest oil field in the country, which produces 300 thousand barrels per day, and the declaration of force majeure at the ports of Harika, Brega, Zueitina, Sidra and Ras Lanuf.

It is also noted that during the monitoring period, the airport and the port in Tripoli are constantly being bombed as part of the siege strategy which belongs to the General Command forces. This also happened after launching the truce on the 12th of January 2020, and it continued after Berlin Conference and during the negotiation tracks. Also, this happened during the celebrations of the 17th of February revolution as in the next day of the celebrations, the two sites faced direct bombardment which prevented the supply of biofuels for civilian use. It is also mentioned that the closure of petroleum installations in the east of the country had cast a shadow over the living situation in the country in general, as the director of the Central Bank in Tripoli stated that the continuous closure had affected the budget. As a result, they delayed the salaries of January and February for all employees in the public sector.

The ongoing crisis of closing oil facilities is aggravated by continuing smuggling of Libyan crude oil, which the National Oil Corporation (NOC) described as «an almost daily practice». The last episode of the Libyan oil smuggling series was what was revealed by A report by the non-governmental organizations, Trail International and Public Eye, revealed the involvement of a Swiss company in smuggling Libyan oil to Europe, in cooperation with Libyan smugglers during the years 2014 and 2015. The Maltese newspaper

stated that «the company was reselling oil in the European market and the oil was accepted despite fraudulent certificates of origin, and numerous protests from Libyan leaders about the smuggling of oil to Malta» To tanks leased from Enemed, Malta's state petroleum company through the Kol-

Chapter VII of the United Nations Charter sets out the UN Security Council's powers to maintain peace. It allows the Council to determine the existence of any threat to the peace, breach of the peace, or act of aggression and to take military and nonmilitary action to restore international peace and security.

mar company.

What is essential is that the oil income is distributed according to the following mechanism,

The revenues of selling oil are transferred to the external bank of Libya, then it is transferred within 48 hours to the Central Bank of Tripoli, and then these funds are transferred according the financial budget plan by the internationally recognized government (GNA). This explains the reason of positioning oil at the center of the military and political conflict in Libya. So far, the National Oil Corporation is still consistent while headed by a chairman, it enjoys international support and is headquartered in Tripoli, and it is the only one that has the right to sell oil.

At the community level

Some rare tribal initiatives were issued to reconcile the division, but remain limited as the Libyan cohesive community has become controlled due to the escalating military and political conflict from April 2019.

On Tuesday the 28th of January 2020, the city of Bani Walid initiated the activities of the Consultative Forum for Tribes. It is a meeting of the social components organized by the

Al-Sarraj and Haftar will meet separately with Russian officials and with representatives of the Turkish delegation that is cooperating with Russia on this file, in addition to officials from Egypt and the UAE who will also be present as observers in the talks



Lev Dengov
Head of the Russian Contact
Group on the Libyan settlement

Social Council of the tribes of Warfalla in the presence of representatives of the tribes and cities from almost all regions of the country, in order to discuss the developments and conditions in Libya. And the agenda of the forum was determined from all attendees and was handed over to the presidency of the forum, and then the speech was given to sheikhs who represent their tribes to start the discussion with the raised points. The agenda of the forum included the situation regarding the foreign intervention, the unity of the military, political dialogues to unify civilian insti-

tutions, and the consolidation of the principle of peaceful coexistence. Thus, the forum ended with the formation of a committee to communicate with the Libyan tribes and the social components to coordinate organizing another forum after 21 days with the participation of all Libyans inside one of the Libyan cities.

It is noticed that these initiatives were only a reflection of the recent alignment in Libya, and its penetration into the Libyan cohesive community. It has also become a hidden tool for military strategies by regions. On the 22nd of February, the city of Tarhuna witnessed the activities of the General Forum of the Sheikhs, Notables and Elite of Libya, under the slogan “Come to Jihad” for homeland. As, the forum confirmed in its final statement that Libya is democratic state with sovereignty that is not allowed to be tampered with or its capabilities. Also, the statement stressed that all the laws issued by the House of Representatives are enforceable. And the forum considered, in its closing statement, that comprehensive national reconciliation is the basis for resolving the Libyan crisis, reiterating its rejection of all extremist organizations and formations that pose a threat to the unity of the civil state, and calling for the United Nations and the international community to withdraw their recognition of the Government of National Accord.

And during the monitored period it was observed that the tribal element was involved or was exploited in an unrevealed way in the confrontation between the two parties (the conflict between the Government of National Accord led by Fayez Al-Sarraj and the House of Representatives led by Aquila Saleh) as what was mentioned. It is also reported that such movements often lead to disabling the electricity and water supply to several cities in the Western Region.

The suspension of the oil fields ended with the announcement of the National Oil Corporation on the 13th of March 2020, that austerity measures will be activated as a result of the continued closure, indicating that it has not received the 2020 budget despite a duration of more than 70 days since the new year has passed. Also, the Corporation said in its statement that will result in compelling it and its subsidiaries to «reduce unnecessary expenditures due to the decline in oil revenues». It Points out that the austerity measures include «freezing or postponing some contracts, stopping the payment of overtime wages, and reducing some services in addition to some measures».

Foreign intervention and conflict in conferences



The Turkish role is moving on different levels at the same time. This role gradually developed to reach the point in turning the balance of the military equation, especially in terms of armament. The aforementioned development steps began with a Maritime Boundary Treaty «Memorandum of Understanding between the Government of the Republic of Turkey and the Government of National Accord – State of Libya on delimitation of the maritime jurisdiction areas in the Mediterranean». This was supported by the meetings between Moscow and Ankara, which made the European role limited at a certain stage, until the latter sought to return through the Berlin Conference. However, this did not change much in the situation, especially with all parties preserving supplying Libya with weapons. As due to the Turkish qualitative edge and superiority, this resulted in the initial stability of confrontations and its results, until the impression prevailed that all are losers in the Libyan war and without possible results.

On the 27th of November, Turkey and the Government of National Accord have signed 2 Memorandum of Understanding, the 1st one is a Maritime Boundary Treaty in the Mediterranean, while the 2nd one is dealing with military and security cooperation between the two parties. By taking all possible opportunities to impose the government’s effectiveness, its existence, and thus its legitimacy. The Turkish role is gradually progressing towards a gradual increase in

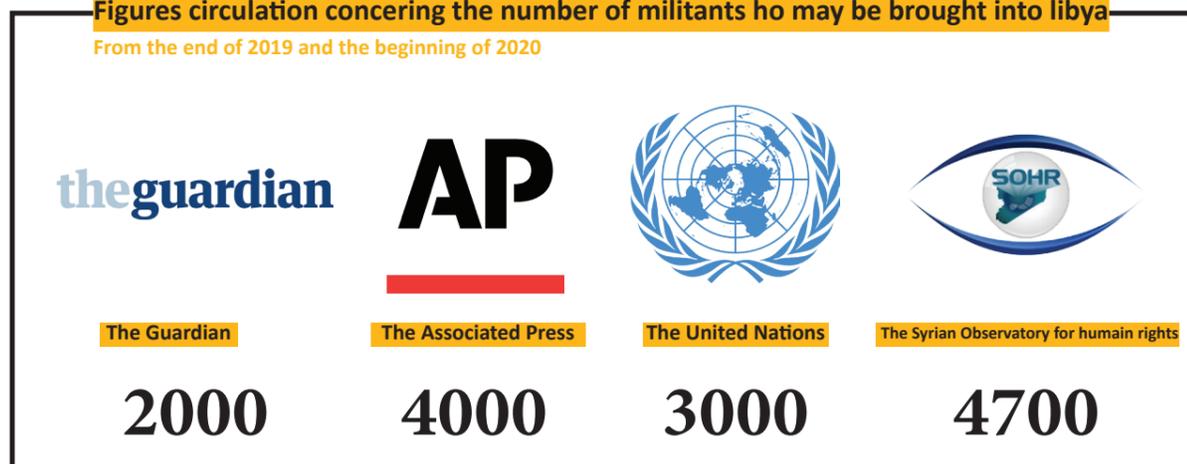
military support. Under the “legitimacy of the government” which represents an important input and is permissible for strengthening at all levels, while the opposite party (Haftar) maintains denial of this legitimacy despite its direct involvement in the field. Parallel to all of this, Turkey is working within a strategy of enhancing multi-level strategic influence, whether militarily, economically or legally.

Foreign military intervention and the development of the Turkish role

On the 2nd of January 2020, the Turkish parliament approved a presidential memorandum which authorized the government to send troops to Libya to support the UN-backed government in Tripoli. That raised the Arab and international condemnation as the Turkish representatives authorized Erdogan to send soldiers to Libya in support of the Government of National Accord. The Turkish parliament’s decision raised the concern of the European Union and prompted US President Donald Trump to warn against any “foreign intervention” in Libya. And Erdogan emphasized that Turkey’s goal is not “to fight” but “to support the legitimate government and avoid a humanitarian tragedy (crisis)”. On the 5th of January 2020, the Turkish President Recep Tayyip Erdogan has announced that Turkish soldiers had begun deploying to Libya after the green light after receiving approval from parliament.

Figures circulation concerning the number of militants ho may be brought into libya

From the end of 2019 and the beginning of 2020



Within the context of continued consultations and coordination, the Foreign Ministers of Egypt, France, Cyprus and Greece met in Cairo on January 8, 2020 affirmed their opposition to Turkey's decision to send troops to Libya. In an indication of the international division regarding Libya, it is noted that despite the presence of the Italian Foreign Minister at the Cairo meeting, he didn't attend the press conference, and Italy did not sign a final statement of the meeting, according to what was announced in the press conference. The European situation regarding Libya is uncertain, especially among the countries of the Mediterranean Bank facing Libya, Italy and France. This is due to the immigrant crisis that Turkey uses from time to time as a pressure card.

Turkey continued its communication with all those who involved in the Libyan as President Erdogan met with the Russian President Putin on the margins for TurkStream inauguration gas pipeline in Istanbul, Turkey. After their meeting, the two parties called for a ceasefire in Libya. And on Wednesday the 8th of January 2020, in a statement by the Turkish Presidency, "we call all parties in the Libyan conflict to cease hostilities at 00:00 on the 12th of January and to declare a permanent ceasefire".

Ceasefire Initiative and Moscow Conference

Naturally, the ceasefire initiative was internationally welcomed, but a UN mission to monitor the ceasefire wasn't sent like the one in Yemen, even after the end of the Moscow conference and the Truce enters into force.

In this regard, on Wednesday the 8th of January, Turkey and Russia called the conflicting parties in Libya for a ceasefire, starting at midnight on Sunday the 12th of January,

to give an opportunity for a peaceful solution in an effort to find a political settlement to the Libyan conflict.

The spokeswoman for the Russian Foreign Ministry, Maria Zakharova, announced the start of Russian-Turkish negotiations among the foreign and defense ministers of the two countries in Moscow, and they will be joined later by representatives of the Libyan parties, who arrived at a Reception House Of The Russian Foreign Ministry, according to the Russian news agency «Sputnik». The head of the Russian contact group on intra-Libyan settlement, Lev Dengov, said that Sarraj and Haftar shall meet «separately with Russian officials and with representatives of the Turkish delegation that is cooperating with Russia on this file», noting that officials from Egypt and the UAE will also present as observers in the talks.

According to the received information about the circumstances of signing the ceasefire agreement, the commander of the General Command, Major General Khalifa Haftar, left the Russian capital, Moscow, without signing the ceasefire agreement with the Libya's internationally recognized Government of National Accord (GNA). Also, it was stated the media advisor to the Speaker of the Tobruk Assembly of Representatives, Abdul Hamid Al-Safi, in press statements, that the Speaker of the Assembly Aquila Saleh and his accompanying delegation left the Russian capital, on the same day, without signing the agreement. The Foreign Russian Minister Sergey Lavrov stated in a press statement earlier, that both the head of the Government of National Accord (GNA), Faye al-Sarraj, and the head of the Libyan Supreme Council of State, Khaled al-Mishri, signed a draft text to ceasefire, while the delegation of the General Command requested one day's notice.

A truce enters into force between the two sides at the midnight on Sunday the 12th of January, but each side accused the other of violating it. The truce is announced without signing any agreement. The declaration of the ceasefire isn't followed by sending a committee to monitor the implementation and respect to ceasefire. And a month later, on the 12th of February 2020, the UN Security Council adopted a resolution for a permanent ceasefire in Libya with the approval of 14 out of 15 members but with the Russian abstaining from voting this time. Moreover, Britain had requested the vote after preparing the text after holding consultations over a period of more than three weeks. The resolution affirms "the necessity of a permanent ceasefire in Libya, at the first opportunity and without preconditions".

Berlin conference

The paths of negotiations, differences in the description and the absence of mechanisms, are the outcomes of the Berlin Conference in the ongoing crisis

On the 8th of February 2020, the first round of the Joint Military Committee 5 + 5 talks, which had started its work on Monday, February the 3rd of February 2020, ended at the headquarters of the United Nations in Geneva with the presence and participation of the Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya (UNSMIL), Dr. Ghassan Salameh. The work of this committee is one of the three tracks that the mission is working on, in addition to the economic and political tracks.

The Libyan parties indicated the importance of continuing the truce that enters into force on the 12th of January 2020, respecting it and avoiding its breach. Also, it is noticed that there is a broad consensus between the two parties on the urgent need for Libya to preserve Libya's sovereignty, territorial integrity, protect its borders, and the need to refrain from subjugating the national decision and the country's capabilities to any external force. Besides, stopping the flow of non-Libyan fighters and expelling them from Libyan territories. Also, it is stressed the continuation of the fight against terrorist groups which were classified by the United Nations as Al-Qaeda, ISIS, and Ansar al-Sharia which its activities are declined at the end of 2019 and the beginning of 2020. The two parties also supported the recent ongoing process of a Prisoner exchange, returning the bodies and appreciated the participation of the UN mission whenever the need arises. The two parties emphasized that the cur-

rent committee which is in charge of this issue represents a support to the meetings of the 5 + 5 Committee in Geneva. While the two parties agreed on the necessity to return displaced persons to their homes, especially in the areas of clashes, but they did not reach a complete understanding about the best ways to restore normal life in these areas. And the two parties have agreed on the need to continue negotiations and reach a comprehensive ceasefire agreement.

An atmosphere of extreme discretion and confidentiality surrounded the work of the meeting which was held for a period of 2 days in Cairo on the 10th of February 2020 concerning the economic process for the Libyan dialogue - emanating from the outcomes of the Berlin conference - so that the participants agreed at the conclusion of the meetings on the mechanisms of the Economic Experts Committee, the basis of its work, and holding a meeting at the beginning of March.

There is a lack of adequate coordination between the three countries in North Africa. This was confirmed by the Berlin Conference in terms of the absence of Tunisia and Morocco and the joining of Algeria

Concerning the mechanisms of the expert committee and the basis for its work, the UN mission's statement affirmed "the establishment of three working groups improve the administrations of revenue and distribution, particularly how to enhance transparency and decentralization. As well as addressing the urgent banking crisis, and the challenges and opportunities available for reconstruction and development". It is noteworthy that the Cairo meeting was one of the three tracks set by the United Nations to solve the Libyan crisis, in addition to the military and political tracks. The meeting had the participation of economic experts



from international monetary and financial institutions. On the 30th of January, the UN envoy, Ghassan Salameh, announced during his briefing to the Security Council on the 9th of February the date of a second economic meeting on Libya to be held in Cairo.

The economic path was not far from the military one, as the Cairo meeting took place two days after the end of the first round of the meetings of the Joint Military Committee 5 + 5 which is the military track of the Berlin outcomes indicating a lack of understanding about ways to restore normal life to the areas of clashes. The committee noted that there is agreement between the two parties on the importance of continuing the truce that began on the 12th of January, respecting it and avoiding breaching it. And the UN Mission proposed the 18th of February as a new date for resuming the committee's meetings. However, the internationally recognized Government of National Accord announced the suspension of its participation in the talks in Geneva, after the General Command forces attacked Tripoli during the previous two days in conjunction with the celebrations of the Libyan revolution. On Saturday, the 22nd of February 2020, the Supreme Council of State unanimously decided to suspend the participation of its representatives in Geneva concerning the political dialogue until three factors (conditions) are fulfilled and the decision took place during a session attended by 86 members, to discuss the observations of the State Council to participate in the dialogue.

Despite the above mentioned, the 3rd round of negotiations began in Geneva with the presence of 35 Libyan personalities according to what is announced by the UN envoy, Ghassan Salama. The negotiations began relying on the communication with the main parties who did not attend

the 26th of February sessions. The UN Envoy took this step to impose a *fait accompli* due to his inability to bring the Libyans together on one table, especially in the meantime, military operations continued on the outskirts of Tripoli. This explains the request of the UN Envoy at the beginning of March to be relieved of his duties. Salameh said on his official page on Twitter that “after the Berlin summit and the launch of the three tracks after the issuance of Resolution 2510, it is the time to resign as his health is no longer able for stress.

And in a German attempt to push the Libyan dialogue again, Angela Merkel received General Khalifa Haftar, and before him she made a call with Al-Sarraj in Tripoli, in a move to support the efforts to dialogue after the resignation of the UN Envoy. However, it is noteworthy that similar meetings did not lead to tangible results, such as the meetings held in Geneva in supporting the ceasefire, but violations continued after that.

The Weak regional and African role

The African Union attended the Berlin conference and was part of supporting the negotiation process among the Libyans. But this role somewhat remains a minor and dependent role. The countries of the region, especially neighboring Libya and in Maghreb States, have witnessed a decline in their role in terms of the dominance of the policy of pillars and the aligned countries which control the requirements of the political track and the negotiation process. In this direction, for example, the closing statement of the African Union summit, which was issued on the 10th of February 2020, expressed a clear rejection of foreign intervention in Libya. And the African Union called all parties

in the conflict to abide by banning supplying Libya with weapons and to reach a political settlement. The initiatives supported by the African Union are welcomed by Libya, especially due to the acceptance it receives in Libyan circles, unlike the European Union, which is considered a front for companies and economic institutions which are looking for collecting gains in Libya. However, it is noticeable that the aforementioned statement itself has indicated an important part for oil, oil institutions, and everything related to it, beyond the concern for peace in Libya and the safety of the Libyan people, which was just limited in calling the support for the political track.

According to the outcomes of the Berlin conference, the Libyan Neighboring Countries Conference was held in Algeria at the end of January. It is stressed in the conference the rejection of foreign intervention as one of the five principles that include respecting the sovereignty and unity of Libya, the involvement of neighboring countries, the involvement of the African Union and the rejection of the flow of weapons. The aforementioned conference is considered a positive sign in terms of the presence of the German Foreign Minister in a conference of neighboring countries, which implies the convergence of the tracks of the two shores of the Mediterranean and foreign countries. Also, the Algerian Prime Minister Abdelaziz Jarad announced, on the 12th of March that his country is ready to host the Libyan national reconciliation conference that shall be held in the next July in Ethiopia, which aims to gather representatives of all tribes, sects, and actors in Libya in order to prepare the formation of a national accord government. The difference in political situations among neighboring countries, especially with Egypt's alignment with one of the parties which represents an important obstacle in developing the role of neighboring countries. And that was a reason to cast a shadow over all negotiation processes and rounds. And it is noticed that many of the Libyan participants don't trust the Egyptian role, and the Tunisian role witnessed turmoil and instability due to internal political transformations. It can be stated that the Libyan issue has become a critical security issue to all countries due to political failure.

Signs of foreign military support

On the 4th of February 2020, the Secretary-General of the United Nations, António Guterres described the situation in Libya as a «scandal», criticizing the countries that participated in the Berlin conference in January. And he added that “They pledged not to intervene in the Libyan process

or send weapons or participate in the fighting in any way” and that “The fact is that the arms embargo that is imposed by the Security Council is still being violated.

From January to February, Turkey was able to safely deliver its ships carrying the most valuable military equipment to Tripoli by using its frigates. The General Command forces at sea do not have anything comparable to Turkish combat capabilities. As well a part of the Turkish equipment has been transported by air, but the most valuable and large deliveries, such as armored vehicles were through the sea. The internationally recognized Government of National Accord receives a support from Turkey and to a lesser degree from Qatar and Italy. While on the other side, Haftar's General Command forces receive support from the United Arab Emirates and Egypt as well as France and Russia. And the Turkish sends Syrian mercenaries to Libya, and also to the Russians who allow the presence of Wagner mercenaries. And regarding the American role in Libya, it is away from direct intervention despite the presence of 3000 soldiers in Libya. Thus, the option of direct intervention is far, but it can be possible whatever balances didn't change The Europeans remain the most involved in the Libyan conflict compared to the United States, specifically the French, as for the Italians and the Germans, who have a similar concept that tends to adopt a political solution because they have direct interests with Libya related to oil, the issue of asylum, and human smuggling through Libya. Also, Italy, for example, had an earlier situation in dealing with armed groups on the ground by using security and military confrontation, especially in coastal cities, in order to confront irregular migration at its point of departure.

The leaders of the participated countries in the Berlin conference concerning the Libyan crisis agreed on the 19th of January to respect the arms embargo imposed by the United Nations in 2011, and to stop any foreign intervention in Libya in order to achieve a peaceful political solution with the disbandment of illegal armed groups and extremist groups with a permanent ceasefire. As these are the elements which bet the political process and control its inputs by controlling its progress on the transformations of the military field.

But what was happening on the ground contradicts with the international political discourse. The British newspaper, The Guardian, published a report stating that 2,000 Syrian fighters had arrived in Libya from Turkey during January 2020, to fight on the side of the internationally recognized

Government of National Accord headed by Fayeز al-Sarraj. And the transfer is usually carried out by the Libyan «African» and «wings» airlines as it starts from the Turkish-Syrian border to the Turkish city of Gaziantep.

The circulating figures for the number of militants who shall be transferred reach 6000.

The Guardian quoted from Syrian sources in the three countries, Syria, Libya and Turkey, confirming that 300 members of the Second Armored Division or what is known as the «Syrian National Army» which is a group of fighters supported by Ankara, entered Turkey through the Hawar Kilis military crossing on the 24th of December 2019. Another group of 350 fighters entered on the 29th of December of the same year. The Guardian also says that the fighters were transported by air to Tripoli, where they were sent to the confrontation sites, mainly east of the capital. According to the newspaper, on the 5th of January about 1,350 fighters entered Turkey from Syria, and some of them were sent to Libya, while others received training in camps in southern Turkey. These numbers exceeded previous estimates of the actual number of Syrian fighters who entered Libya. Moreover, the Guardian stated that sources in the «Syrian National Army» reported that the fighters (mercenaries) signed contracts for six months directly with the Government of National Accord and not with the Turkish army. And they receive salaries of 2000 dollars for each fighter monthly which is a large amount compared to 90 dollars per month receiving from Turkey to fight in Syria, and also, they have promises to obtain Turkish citizenship.

During December, Social Media published a video footage by a cell phone of men with a Syrian accent claiming that they belong to the «Free Syrian Army» and that they are in Libya «to defend Islam». Both Ankara and Tripoli, as well as the Syrian National Army, repeatedly denied the existence of Syrian fighters in Libya.

Various reports have been circulated concerning the Turkish Support and bringing fights from Syria. As the Chief Command of an Armed group in Tripoli confirmed in his statement to the Associated Press that Turkey transferred 4000 fighters to Tripoli since the beginning of 2020 and that 'dozens of them belong to extremist groups.

It is noted that on Thursday the 6th of February 2020, Cargo ship arrested by the Italian authorities for suspected arms trafficking between Turkey & Libya. Italian sources

confirmed that an investigation was carried out with the captain. The Lebanese-flagged cargo ship, which stopped in the Italian port of Genoa due to a breakdown for the purpose of maintenance, until the third officer aged 25 years old left the ship and sought asylum in Italy and protection, revealing that he had information and a video about the trafficking of weapons, tanks and machinery on board the ship from Turkey to Libya.

It is noteworthy that the mechanism of bringing mercenaries and militants is increasing in parallel with the truce that was announced for ceasing fire during January as it started with an international initiative in the corridors of the Moscow conference, between Russia and Turkey. But as days passed, it became obvious that all parties in the conflict had their military options on the ground. The ceasefire entered into force on the 12th of January at midnight but the breach started in the next day. While the talks concerning the truce and the ceasefire in Libya continued, the two sides continued to raise the allegations of accusing each other of violating it.

In a report by the Inspector General at the Pentagon on Tuesday, the 11th of February 2020, concerning counterterrorism activities in eastern, northern and western Africa between the 31st of October and the 31st of December 2019, an increase in the number of Russian mercenaries associated with the Russian security company, Wagner, was noted. In the last quarter of last year in Libya significantly. The report added that the Russians have worked to support the so-called «Libyan National Army», which is under the control of retired General Khalifa Haftar.

There is a challenge between the role of the Russian and American military presence in the region. The report explained that an US drone was shot down by the Russian air defense systems, and «Russian mercenaries» who were fighting alongside Haftar's General Command forces, on the 21st of November 2019, that emphasize the impact of Russians over the US presence in the region.

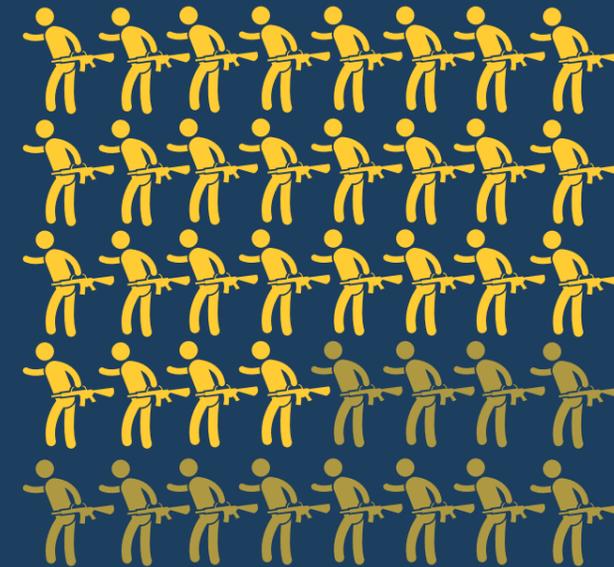
Pentagon report concerning the number of Russian mercenaries in Africa

September 2019



200 mercenaries

December 2019



**Between
800 And 1400**
mercenaries

Human rights violations continue in Libya, but the details of many of these violations are missing, except what is filtered from media sources or monitored by local and international civil society. In this regard, the monitoring mentioned examples of violations that occupied Libyan public opinion which was an evidence of the violations and its enormity against the Libyan society.

Freedom of expression in Libya

During the first two weeks of January, the Monitoring Team observed the arrest of the two activists from Benghazi city Fahd Al-Bakoush and Bin Zablal who had participated in the initiative recently launched by a group of youths aimed to stop the fighting and return to dialogue. Some sources reported that Military Intelligence had arrested them on Monday, the 13th of January 2020 in Benghazi, while others who support General Khalifa Haftar, they confirmed that Al-Bakoush and Bin Zablal were the ones who went to the General Intelligence Service because they were threatened by unknown persons in the first half of January. There is no accurate information about the truth of the two stories, but it is proven that Al-Bakoush and Bin Zablal are under arrest and there is no accurate information about their fate during the first half of January. One of the reasons for the above is the absence of an accurate information about the work of the security services in Libya, especially under the institutional division.

Regarding continuing violations concerning freedom of expression, ethnic and religious diversity in Libya which represent the basis of the formation of people, the shrine Zawyet bin Isa devoted to Sufi in the city of Sirte was destroyed on the 5th of February 2020, in addition to the arrest of a number of Sufis in Sirte.

Freedom of expression is being violated continuously in Libya under the spread of hate speech, physical and verbal violence. As traditional and social media sites played a part in that, which have become an outlet for all. Freedom of expression and its situation in Libya reflect the deep division within the state and society, as every violation of any party is justified as there is no role of law concerning that. And regarding that we can take the city of Benghazi as a model for that example.

Freedom of expression in the city of Benghazi:

Under that situation, there is an absence of the opportunity of opposition and diversity in Benghazi due to the controlling power using military and weapons which forms a religious, tribal, regional belonging. The Benghazi's situation is considered very exceptional as in the enforced disappearance of the lawyer Siham Sergewa (which will be detailed in the section on enforced disappearance) as her fate is a chilling reminder of the consequences of peaceful criti-

cism in today's Libya,. This case was one of the indications concerning the situation of freedom of expression as her arrest was due to her criticism of the military operations led by the General Command forces in Tripoli. After her arrest, the gunmen who arrested her wrote Phrases threatening everyone who criticizes the army.

In Benghazi, there is just one point of view, as one satellite channel promotes the General Command and General Khalifa Haftar, whose pictures are everywhere. Also recently, the Madkhali Salafists control mosques, they demolished the shrines of the Sufis, and also prevented celebrations on the occasion of Earth Day. A general close to the Madkhali Salafist movement also tried to prevent women from traveling without a regent. And as a result, protests against the decision took place in the city, forcing him to retreat from his decision. Also, unknown bombings spread in the city that didn't witness military operations from a while. That happens due to the control of the Salafist, tribal and military groups which created a status of fear and insecurity in the city. For example, the tribal death squad called Awliya al-Dam ('avengers of blood' an armed group linked to Khalifa Haftar's forces and involved in many crimes in Libya) which is blamed for a long series of enforced disappearances and killings of politicians in the city.

The entry of foreign journalists or human rights groups to Benghazi is severely restricted, and residents must also obtain an official permission to travel abroad which sometimes requires questioning by security men, some are forced to provide reports about those they met outside Libya and sometimes information. Concerning friends and neighbors

Enforced disappearance in Libya

This crime is considered a widespread crime against Libyans and it is associated with several other violations, such as violence, assault and 'PHYSICAL LIQUIDATION'. Its presence is also strengthened by the lack of respect for the law and procedures under the control of armed group forces, and the lack of unified and strong law enforcement institutions. There are many cases that have occupied Libyan public opinion, especially what happened against two activists. As every time an accident occurs to a specific person, it is noted that news concerning his situation is almost non-existent to follow as we don't find records the case in courts or in prisons and many of persons remains missing to this day.

Enforced Disappearance of lawmaker Siham Sergewa

The enforced disappearance of Siham Sergewa, a prominent Libyan women's rights defender and member of the Tobruk-based House of Representatives (HoR). On 17 July 2019, she was taken from her home in Benghazi by two armed men. Her whereabouts remain unknown. This crime represents an attempt to silence the voice of one of the most prominent Libyan women and discourage others from participating in the political life of the country. Ms. Sergewa's enforced disappearance constitutes an attempt to silence one of Libya's prominent female voices and to intimidate others seeking to participate in the country's political life. Violence against women in politics also threatens gender equality and the building of robust and resilient democratic institutions. The UNITED NATIONS SUPPORT MISSION IN LIBYA issued a statement regarding Mrs. Sergewa's enforced disappearance in Benghazi. Six months ago, Siham Sergewa, an elected member of the House of Representatives, was seized at night from her home in the heavily fortified Buhedima District of Benghazi. Since her violent abduction, Ms. Sergewa's fate remains unknown. UNSMIL continues to follow up on the enforced disappearance of Ms. Sergewa and reiterates that the authorities in eastern Libya are responsible for respecting international human rights law and are legally obliged to establish the fate and whereabouts of Ms. Sergewa. The United Nations condemns the abduction and the disappearance of Ms. Sergewa. We demand the immediate release for her and for all victims of forced disappearance and that those responsible be held accountable.

The case of the kidnapping of Ali Milad Daou:

On the evening of Sunday, the 1st of March 2020, the Director General of Al-Afriqiya Airways company in Tripoli was kidnapped by an armed group at 10.55 p.m. in front of his house on Omar Mukhtar Street, in the center of the capital, Tripoli, while he was returning home, adding that until this moment there is no connection with Daou as his whereabouts have not yet been determined according to what was announced by the General Administration of African Airlines. And the National Committee for Human Rights in Libya called, in a statement to the Ministry of Interior of the Government of National Accord and the security bodies and the Directorate of National Security in Tripoli, to move quickly to establish the fate and whereabouts of Ali Milad



- Daou, and to Release him, and uncover the perpetrators and bring them to justice.
- The fate of Daou remains unknown, it is not reported that he is still detained
- Serious violations of human rights in Libya since the beginning of the attack on Tripoli
- Air strikes targeting schools, airports and residential neighborhoods
- Assassinating the civil activist Ahmed Al-Kawafy and the attempt to hide his body in the sea
- The abduction of of Siham Sergewa, who is member of the Tobruk-based House of Representatives (HoR) due to her call to stop the fights between Haftar's forces and the Agreement of National Accord

Enforced Disappearance and the Journalists:

Mohamed Abdel Nasser Abouras is an example

Journalist Mohamed Abdel Nasser Abu Ras who works as a tv program presenter in Libya National Channel, was kidnapped after he was taken from his workplace in the chan-

nel to an unknown location by four armed men belonging to the Special Deterrence Force of the Interior of the Government of National Accord, on Wednesday the 15th of January 2020. Today, Sunday, the Libyan Crime Monitoring Organization condemned the kidnapping of Libyan journalist and media presenter Abu Ras by masked men in the Libyan capital, Tripoli. The aforementioned organization also noted the repeated crimes of the Government of National Accord forces, including kidnapping, enforced disappearance, unlawful arrest, arbitrary detention and threats against journalists, media workers, human rights activists and politicians in Tripoli.

In the absence of information, the fate of the journalist Abu Ras Majho is still unknown, and it is noted, according to some reports, that he is still in detention.

The humanitarian situation of irregular migrants

During October: According to the United Nations data, since the beginning of 2019

- 8,400 people crossed into Italy
- 7400 were intercepted.

Until February, there is in Libya:

- 650,000 immigrants from sub-Saharan Africa and the Middle East
- 43,000 of them are asylum seekers, fleeing from conflict and the rest are immigrants who look for improving their conditions and standard of living. And there are less than 5% of the total number of asylum



seekers in the shelters under the administration of the internationally recognized Government of National Accord. Also, there is a presence of internal migrants and displaced people who are the forced Libyans to leave their homes due to the conflict. Most of them are from the suburbs of the capital, Tripoli where it has become the scene of the border conflict between Haftar's General Command forces and the internationally recognized Government of National Accord forces. By mid-February, the number of displaced people, most of them from the suburbs of the capital reached 177.000 and nearly 6000 families.

The United Nations Support Mission in Libya (UNSMIL) published a new report focuses on two airstrikes that targeted the Daman building complex in Tajoura, on 2 July 2019. and the report indicated that a "air-delivered bomb"

struck a vehicle repair workshop there operated by the Daman Brigade, used by the security forces of the Government of National Accord, which is 105 meters away from the migrant shelter which was a second raid ten minutes after the first. It is also stated that: "The center was hit by a bomb thrown from the air, and a large part of it was found in the hole it created. And the military experts on the mission team evaluated that the net explosive content of the bomb ranges between 50 and 100 kilograms, and that the total weight of the bomb is much higher which means at least 250 kilograms. It is unclear whether this air strikes were commanded by the General Command forces or by a foreign country.

According to several witnesses interviewed, the Head of the detention centre entered the hangar between the first and the second airstrike and shot dead three male migrants and refugees who were trying to open the doors and escape from the building. Interviewees did not provide the names of the victims or any other details, noting their fear of reprisals by Tajoura DCIM personnel. But the head of the agency denied the allegations. Migrants and refugees also stated that a number of them were forced to work in the vehicle repair workshop, especially those with experience in vehicle maintenance. UNSMIL was not able to ascertain the exact number of persons who may have been forced to work there, blaming the security battalion led by Adel Dredder, which controls the building complex, because it did not do sufficient efforts to protect the migrants, and it also failed to release them despite the compound suffered a previous strike in May.

The UNSMIL recommended to close all Migration Detention Centres, ensuring that released migrants and refugees promptly receive protection and assistance, giving urgent priority to closing detention centres located on or next to compounds controlled by parties to the conflict.

Among the repercussions of targeting shelters, the United Nations High Commissioner for Refugees announced the suspension of its operational work at the Gathering and Departure Facility in Tripoli, fearing for the safety and protection of people in the facility, its employees and partners with the exacerbation of the conflict in the capital, Tripoli.

UNCHR has identified dozens of refugees who encounter danger to be resettlement or relocated to third countries. Then they have been relocated by UNHCR from the facility to safer locations. The UNHCR indicated that it will

also facilitate the evacuation of hundreds of other people to urban areas. This includes, according to UNHCR, about 400 asylum-seekers who left the Tajoura detention center, which was previously bombed, in addition to

About 300 asylum seekers from the Abu Salim detention center who entered the Gathering and Departure facility, in November 2019, after they were released by the Libyan authorities, and the UNHCR said it would provide everyone with cash assistance, relief materials and medical assistance at the UNHCR Community Day Center in Tripoli.

Since December 2018, UNHCR has revealed the evacuation of about 1,700 people, who were previously detained, to safety place outside Libya, through the Gathering and Departure Facility, and with nearly 900 people entering the facility spontaneously since July, the facility has become severely overcrowded. It became no longer serving as a transit center, UNHCR continues to urge all parties to the conflict in Libya to protect civilians and civilian infrastructure.

The features of the journey of death begins on the road from the desert to the Libyan coast

It is noted that five immigrants, mostly from Nigeria, and one of their smugglers died in the crash accident of their truck with another truck in the Libyan Sabha on the night of the 5th of February 2020 while crossing to the capital. 26 immigrants in a smuggling truck came from Africa of different nationalities, most of them from Nigeria, Niger and two from Ghana, including two minors' girls aged sixteen and seventeen, who traveled more than 800 kilometers with the aim of reaching Tripoli. Among the dead was a woman and the smuggler's assistant, while others were taken to the hospital in a critical condition, while the smuggler and the bus driver escaped with a few other migrants, according to the Immigration Organization.

One of the injured migrants in the hospital tried to «smuggle» others who were with him before the arrival of a team from the International Organization for Migration and the head of the Nigerian community to visit the injured, but the employee there prevented them from doing so.

The road through the desert is dangerous because it is under the control of criminal groups with branches in Libya and in other countries such as Nigeria, Niger and Chad. The Daily Telegraph newspaper published a report written by Roland Oliphant from Tripoli telling the stories of African migrants falling into the trap of smugglers in Libya. The re-



port deals with the story of Osas Akahumen, a 28-year-old Nigerian immigrant who left his country in 2016 or finding a suitable job in Europe. Akahumen said, “What he saw during his trip was unimaginable” as they left us in the desert claiming they would get water, but they did not return. We spent 8 days in the desert, and circumstances forced us to drink our urine to stay alive. Eleven people died from thirst. I watched my cousin, 19 years old, die in front of me, and Akahumen adds that when he arrived in the Libyan city of Sabha, which became the gateway to the migration route, he was kidnapped and detained for 4 months, until his family in Nigeria paid a ransom of 612 pounds, according to the report. He said that when he reached the coastal city of Zawiya, west of Tripoli, he was kidnapped again. He was imprisoned in a cell for 6 months. After more than a year of work, he collected a sum of £ 500 to book a place on a boat to cross the Mediterranean. However, his journey stopped after a few hours of sailing, as the coast guard spotted the boat. The author describes the Tripoli Detention Center as a fenced compound with warehouses housing 160 detainees. The center has a women's wing with 73 women. 53 people were killed last year when a migrant detention center in Tajoura, east of Tripoli, was targeted by raids that seemed to target nearby military facilities.

It is noted that the shelters in Tripoli gather immigrants who are being arrested, whether on land or at sea. In Libyan territorial waters by the Libyan Coast Guard forces which are supported by Italy in particular. And the cooperation continued since the ratification of an agreement between Rome and Tripoli, which was extended during the begin-

ning 2020 despite the Council of Europe's request to the Italian government to stop supporting the activities of the Coast Guard, and to introduce guarantees on the memorandum of understanding signed between the two parties regarding the respect for human rights.

Recommendations:

- Restoring the Libyan-Libyan political path
- The Libyan parties should take the control and stop relying on foreign power which aims to protect its interests while pushing the Libyan people into the international coalitions conflict.
- The Libyan political path starts with the support of the Libyan parties and a transitional constitutional document, then free and fair elections under the supervision of the United Nations in order to rebuild the path of legitimacy in Libya
- Consolidating state institutions, rebuilding the Libyan army, and disarming armed groups

The Libyan civil society:

- Framing the work of the Libyan civil society and consolidating the institutional work in order to build an integrated political approach with a proper and fair life. This requires strengthening civil society while ensuring the participation of vulnerable and fragile groups.
- Protecting activists and reviewing laws related to asso-

ciation's work

Human Rights in Libya:

- Working quickly to improve the situation of migrants and refugees and dismantle the smuggling networks that benefit from the spread of weapons, especially as some of them work in favor of the state departments in Libya
- Improving the situation of shelters in Libya, respecting the principles of international law regarding them, and stopping the strengthening of the security approach regarding that.
- Framing the conditions of foreign workers legally and materially to avoid scenarios of exploiting them in economic, especially for workers from sub-Saharan Africa
- Protecting Libyan women and enhancing their participation in political life and civil society, and guaranteeing their equal participation in political and administrative positions
- Protecting the rights of the Libyan child which has collapsed due to the destruction of schools and educational institutions and the deterioration of the economic situation of the whole country
- Punishing the perpetrators of crimes, especially who engaged in enforced disappearances, torture and extrajudicial killings especially what the international civil society has documented
- Ensuring the conditions for freedom of expression, press



and media, and freedom to create websites

Stopping internet censorship and tracking activists, whoever committed these violations.

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