



The semi- annual report

April - September 2020

Tunisia Libya Egypt

**the Democratic Transition
which is among
the institutions and
the militarization of
the state and society**





Semi-Annual Report

April-September 2020

Democratic transition:
the transition between the
rigidity of institutions and the
militarization of the state and
society has faltered

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Introduction

The semi-annual report is from the 1st of April to the 30th of September of 2020. During this period, the health epidemic spread in the three countries at the same time. The health crisis is added to other crises in Tunisia, Egypt and Libya to raise the difficulties of the democratic transition and its outcomes which are linked to human rights; thus, it has become necessary to enhance the approach of policies and legislations which are related to the democratic transition and human rights. Within the method of overcoming the mere political and legal approach which has been launched since the first semi-annual report of the Democratic Transition and Human Rights Support Center (DAAM), specific indicators without being separated from their multiple contexts have been adopted. As the legislative and political indicator is a methodological framework to enter a complicated reality in order to understand it and open the way towards ideas that could be studied. And it is not just a report to count the incidents and simplify it in a report form.

Although Tunisia is the only country from the countries of (the Arab Spring) that witnesses a development towards democracy, this development faces clear failures and obstacles which result from the narrow partisan domination over the legislative scene and this is accompanied by a weak political will in order to start the structural reformation of the Tunisian state. In addition to the incomplete formation of the independent and constitutional institutions in a scene that could be described as the domination of what is called the domination of the deep state over the scene.

This of course affected the status of human rights which just appears when violations took place and it deals with these violations at an individual level which is far from the scene as a whole. Besides without adopting a full approach concerning the principles that should be in the relation between the individual and state in the context of respect and the implementation of the complete global system of human rights. But the human rights organizations have been invoking legal texts in order to appear in the scene.

New elements presented themselves during the monitoring period such as the relation of the President of the Republic with the Assembly of the Representatives of the People, the Prime Ministry and the National Security Council. Also, the relation of the powers of these institutions and their role in affecting the process of the democratic transition. It also has become clear for all people that the legislature depends on the political movement as the political post of the representatives dominates his legislative role which makes him not abided by the legislative priorities which the state needs to complete forming its independent and constitutional institutions or the legislations which are considered necessary by the Tunisian society in order to enjoys its social and economic rights.

Tunisia faces a duality in the executive authority due to the current political regime, and because of this duality, each party has become continually searching for its political position depending on its powers and institutions. In addition to the coordination and cooperation with the rest of the elements from parties and national organizations in order to create a reality which is based on the pressure over the public opinion not on the legal and constitutional frameworks, and the principles of human rights.

In Egypt, the Egyptian regime works to militarize the values of the Egyptian society in order to consolidate the military education as a supreme value which penetrates the system of the secondary and university education through the powers of the military counselor in the governorates. And that is not separated from what was monitored in the first semi annual report of DAAM center concerning the order of the President Al Sisi to the Minister of Information to defend "the Egyptian Character" and its constant religious and national values and that would be detailed in the report in its own sections. All that passes through the structural, constitutional and legal frameworks; however, it is achieved through a complex network that allows human rights to be undermined and abused.

Egypt has lived during the monitoring period like the rest of the countries that lives on the impact of stifling epidemic crises that have social and economic repercussions, the current Egyptian regime exploits the epidemic in tightening the repressive mechanisms against activists and politicians. And it also became clear that the policies of the state are completely biased to the desires of businessmen and investors over the souls and lives of Egyptians.

The control hand in Egypt remained in the hands of the president of the republic while the authorities remained subordinate to him in a poor play that was directed for a lost legitimacy. The parliament during its first term, unleashed the hand of the president of the republic through legislations that work to complete the domination and autocracy with legal tools and institutional protection. Thus, the existence of an opposing current or an independent person with a different opinion have become impossible, as long as this difference is outside the cultural, social, economic and political frameworks or even the ethical and religious ones that the current regime wants and supports through the military institution first and the president of the republic (presidency of the republic) secondly. The opposition avoids participating in any elections under the current legislative system as a contestation in the legitimacy of the regime as a whole.

Regarding the situation of human rights during the monitoring period, it is in crisis as all authorities participates in practicing systematic violations while exploiting Coronavirus as a tool against all at home and abroad, in order to close any dialogue or initiatives or questions on the file of democracy and human rights, continuing its policies and practices that violate the constitution and the principles of human rights.

The Egyptian regime also uses the policy of blackout concerning the situation of coronavirus in prisons through controlling information by the policies of monopoly, confiscation, sending messages of defamation and traitorousness through its media platforms, banning and criminalizing through the judicial, legislative and security authorities against any organization, foundation or an individual sending reports or numbers or information that violate the official story. it is noteworthy that the Egyptian authorities cancelled the license of the Guardian reporter as she published her report concerning coronavirus and the number of the infected persons.

As for Libya, the chaos of the spread of weapons in Libya remained one of the important factors in impeding the political paths in order to save their existence and interests that would disappear once reaching a clear political solution. The Libyan-Libyan military conflict by a regional support and an international intervention, has led to the differences of the interests and points of views concerning solving the Libyan file which always don't the paths of multiple dialogue, which were all similar in coming out with specific agreements and provisions in order to resume the political process and democratic transition, but it soon ended with Renewed political skirmishes and armed conflicts.

The state of failure continues in the file of human rights during the monitoring period as the right of protest appears after the demonstrations that took place in Tripoli and many Libyan cities, protesting against the economic and political situations in Libya. Some armed groups faced these protests with bullets and excessive violence together with the abduction, enforced disappearance and torture. Also, after the end of the battle in Tripoli, many mass graves were discovered in several regions that are under the control of the armed groups and that resulted in the intervention of the International Criminal Court and declaring starting the investigation in these incidents.

The report monitored during the health crisis, sides of the social contract crisis in Egypt and Tunisia, while Libya lives in a very different context. This matter made the outline of the report, proposes a special axis in the two sections of the two countries concerning social politics and its weak points in combating the crisis of Covid+19 and what follows it. The axis of the social policies is considered an important indicator on the democratic transition and its capabilities in Egypt and Tunisia because it saved some important measuring elements that they could be negotiated which resulted from the popular revolutions. It also has connections with the weakness of the state's institutions and its inability in presenting the values of law, transparency, integrity and accountability as values that support the confidence of the citizen, enhancing the values of human solidarity. Corruption in Tunisia has led to raise serious questions concerning the negative role of the state which lives a transition towards democracy, in blowing "the value deepness of the society" which is the set of values and feelings of the citizens that links individuals with the directions of the country and its policies. The public sector in Tunisia presented a bad model concerning corruption under the health crisis in a time that the Tunisian citizen lives depending on grants and aids, or in other words he faces difficult living conditions due to the deterioration in the economy.

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Tunisia

The policies and legislations related to the democratic transition and human rights

Despite the positive changes in Tunisia, the path of democratic transition faces obstacles under the structural difficulties by not forming its constitutional institutions and reforming the existing ones. In addition to the domination of the narrow policies of the parties over the legal and political scene which leads the reformation projects to be unreal promises without specifying a certain date.

Meanwhile, the situation of human rights lives its crisis that affected it to just appear in occasions of assaults or as a response on individual practices, without raising serious questions concerning the individual, citizenship, personal freedom and the effect of the religious values in the public space. Under the severe generalisation of the issues, the Populist and loose speeches and narrow minded identity speeches rule the human rights scene and also uses the legal texts and institutions to impose themselves

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POLICE?





The policies and legislations related to the democratic transition in Tunisia

Despite the existing constitutional framework for the political regime, new elements presented themselves in the face of previous institutions such as the National Security Council, the extent of the powers and independence of the Presidency of the Assembly of the Representatives, and their role in influencing political life and the democratic transition as a whole.

The legislative and structural framework

The same questions during the monitoring period continue regarding the process of forming the constitutional institutions. But the question concerning the independence of the Assembly, is raised strongly due to the increase in controlling it in terms of its procedures and structures from the powers of partisan influence and conflict based on interests, without forgetting the populist discourses that consume the values of democracy and produce their opposite.

The three powers and the balance among them

The legislative authority :

The financial and administrative independence of the Assembly of the representatives of the people continues to pose a serious problem in terms of the conflict among the three authori-

ties and their heads. In parallel to this data, the Parliamentary scene has witnessed indecent scenes and the legislative institution has become a platform for the ideological speeches without having programs and a stage to settle the political scores without a policy of governance and a management of the public affairs. The social networking sites reflected this matter by publishing and broadcasting what happens inside the corridors of the Assembly and its sessions as it starts with verbal altercation, insult and swearing which also continues in the virtual space. As a result, the parliamentary agenda of the Assembly moves and stops according to the balances of the partisan interest and the relationships based on clashes among the three authorities.

The political conflict casts a shadow over the amendment of the rules of procedure

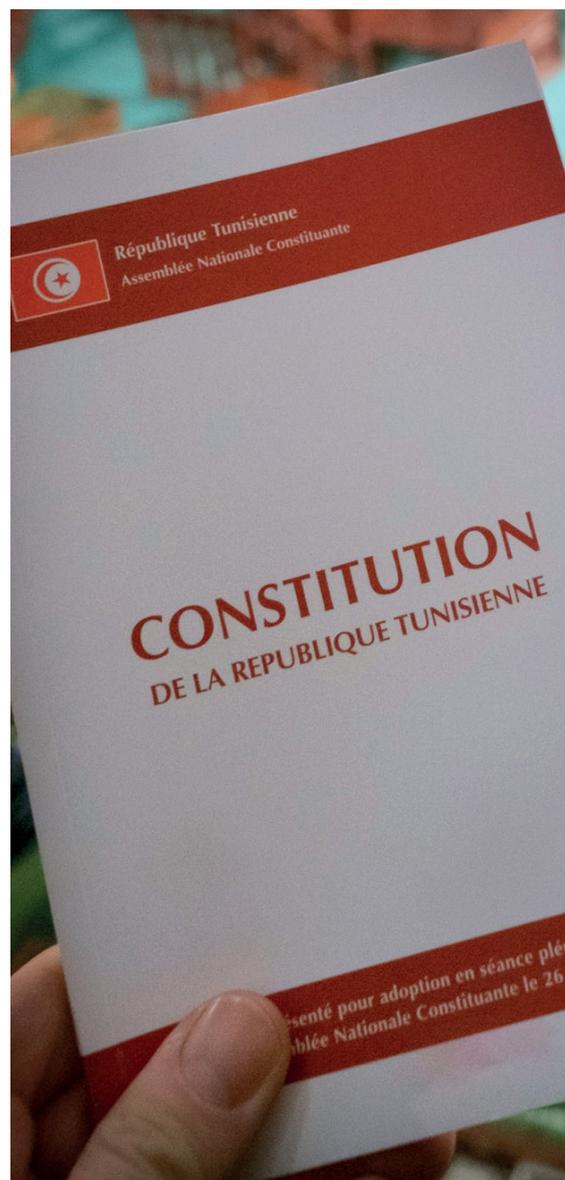
It is indicated that a proposed Basic Law No. 025/2020 related to the administrative and financial independence of the Assembly of the Representatives of the People and the control of the rules for its function. However, it did not go beyond its early stages in the legislative process, to stop at the filing level until the end of the monitoring period, contrary to the discussion and work on amending the rules of the procedure. Due to the severe tension during the first parliamentary period, the Committee on the bylaws, Immunity and Parliamentary and electoral Laws, worked to amend the system before the end of July, the last month before the parliamentary recess.

On the 20th of July of 2020, the head of the bylaws' committee, Haitham Ebrahim, stated that the main effort is towards amending all the articles of the system.

This is considered to be a haste in terms of the lack of time, especially that working to amend it came after the crisis of the health pandemic which occupied the public opinion, civil society and the state in Tunisia. It could be said that the reformation projects especially the independence bill of the legislative authority starts incorrectly under the political conflict and its necessities. Which may affect the Assembly later.

The restructuring of the Assembly of the Representatives of the People is considered a task that goes beyond the idea of reforming the institution due to the disruption under the political disputes. And it is a task which is related to the proof of rooting an independent legislative authority which is capable of implementing the will of the voter and people, and developing a vision of the will and public interest in legal texts.

The restructuring of the Assembly of the Representatives of the People is a task that goes beyond the idea of reforming the institution due to the disruption it is witnessing in light of political differences. Rather, it is a task related to the proof of devoting an independent legislative authority capable of translating the will of the voter and the people and crystallizing a conception of the will and the public interest in legal texts.



The structure of the Assembly of the Representatives of the People in accordance with the rules of procedure currently in force



The Assembly of the Representatives of the People

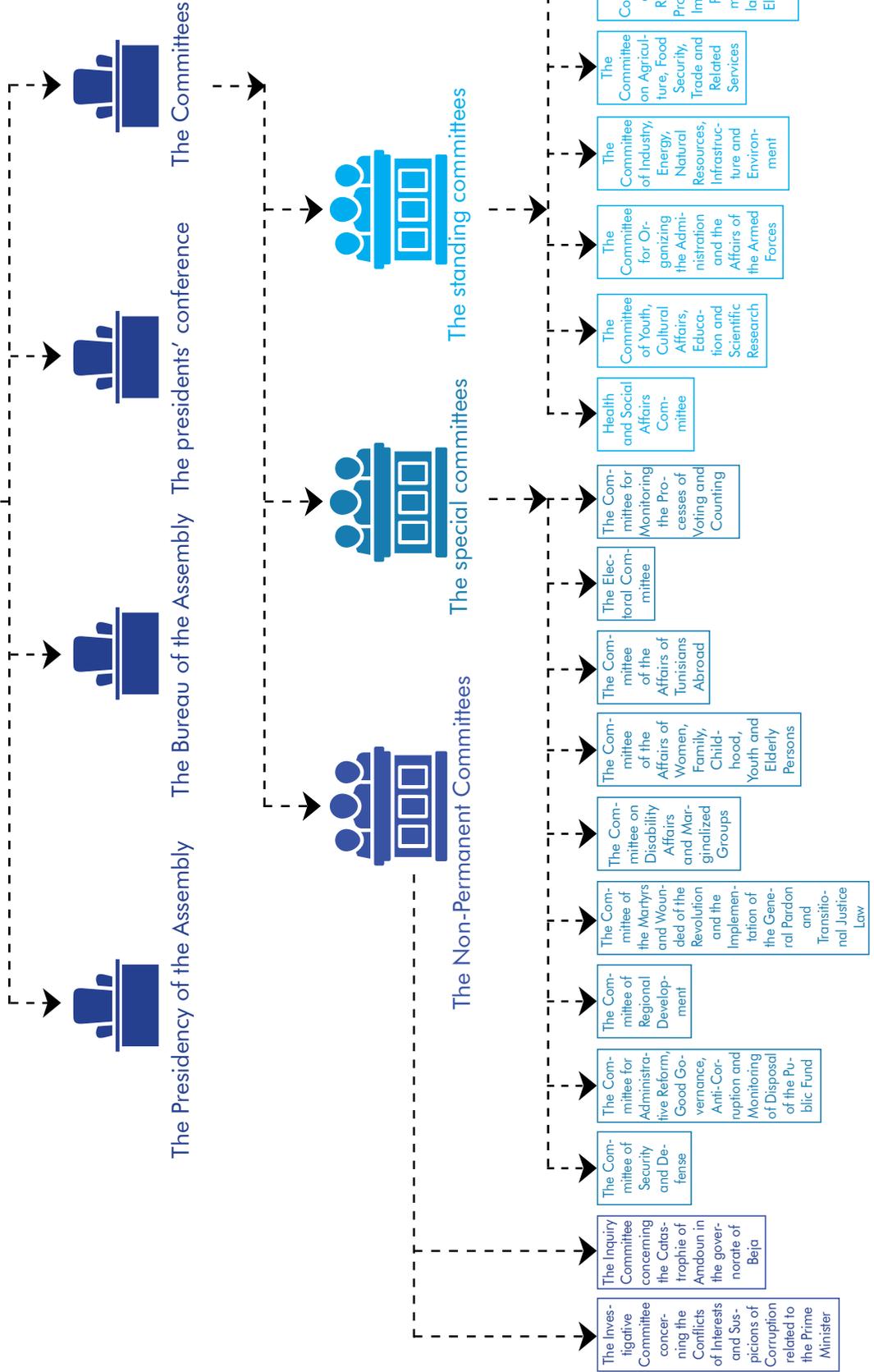


Chart: The structure of the Assembly of the Representatives of the People according to the current bylaws in force:

Here is a set of amendments before the Parliamentary recess:

At the end of July, the Committee finished a set of revisions on several articles:

- Article 47: The original text: “ The Committees’ bureaus and the Assembly’s bureau, with the exception of the speaker and his two deputies, shall be reconfigured at the opening of each parliamentary session in accordance with the requirements stipulated in this bylaw.”

the Committee on the Rules of Procedure, Immunity, Parliamentary laws and Electoral Laws approved, in a session on Wednesday, the 8th of July of 2020, Article No.47 of the bylaw, which provides for the restructuring of the committees’ bureaus and the Parliament’s bureau, with the exception of the Speaker of the Assembly and his two deputies, at the beginning of each parliamentary session. Article No.13 of the rules of procedure was also re-voted on to be in conformity with the amendments which were defined in Article No.47.

It is noteworthy that the amendments of the aforementioned article was canceled regarding the election of the Speaker of the Assembly and his two deputies in each parliamentary session, despite the earlier revision of the bylaws committee. The political balances affected this direction due to the permanent disputes inside the Assembly, as that is known during the previous parliamentary term and the opening of the parliamentary session.

- Article 64: The original text: “ the Committees consist of 22 members.

The committees are formed according to the rule of proportional representation among the blocs. Each bloc has one seat in the committee for every 10 members in the bloc. The remaining seats are distributed on the basis of the largest remains.

The Assembly’s bureau has exceptionally the right to decide to decrease the number of the members to be less than 22 members and this decision should be approved by the 2/3 of its members concerning each committee in which it decides to decrease its members. The Committee for Monitoring the Processes of Voting and Counting is excluded from this article which is the subject of article 9 of the bylaws

The aforementioned article is related to the committees of the Assembly of the Representatives and its members. The current intention is to reduce the number of the members from 22 to 15 members and the increase in the number of committees through distributing its competencies among different committees

- Article 66: The original text: “ after the deadline for submitting candidature, the council’s bureau holds a meeting by inviting all the heads of the blocs and during the meeting the list of the candidates for the membership of the committees are organized in terms of the quota for each bloc and with consideration of the nominations of members who does not belong to any bloc.

The amendment of this article aims at setting deadlines to the parliamentary blocs to appoint their representatives in the committees. If the deadlines are exceeded, the blocs are obliged to appoint their representatives.

- Article 70: The original text: “the council’s bureau determines the quota of each parliamentary bloc concerning the responsibilities in the committees’ offices from the same class, while taking into consideration the rule of proportional representation. The responsibilities are distributed among the committees with consultation with the heads of the blocs. In case there is a disagreement, the council’s bureau assigns the priority of choosing based on the bloc which includes the largest number of members.

The presidency of the committees from the same category are assigned according to the proportional representation of the blocs.”

The amendment before the committee aims at approving the system of alternating chairs among the blocs in choosing the presidency and the members of the committees in which they want to

work with. Previously, the biggest bloc used to choose for one time and from the start, the committees then the others

- Article 78: The original text: “The head of the committee supervises the tasks of the committee and regulates its agenda with the consultation with its bureau and to head its sessions and call for meeting with any means that should be written after informing the speaker of the Assembly. In the absence of the head of the committee, his deputy shall replace him and in the absence of the head and his deputy, the secretary of the committee shall replace them. When the rapporteur is absent or takes over the presidency of the committee, he shall be replaced by the oldest assistant rapporteur.”

The new amendment aims at making the relevant committee have the power to set its agenda instead of the head of the committee, as what takes place now.

- Article 131: The original text: “ the head of the session reminds every deputy who obstructs or breaches the order or speaks without the permission from the head of the session.

The head of the session warns every representative who was reminded twice to respect the system in the same session or who insults or threatens one or more members of the council. Then his speech is withdrawn besides being deprived from participating till the end of the session while the warning is recorded in the minutes of the meeting

The added sentence: “Or inflammatory speech calling for violence and hatred “of the second paragraph of the chapter, to state in accordance with the amendment the following: The head of the session warns every representative who was reminded twice to respect the system in the same session or who insults or threatens one or more members of the council. Then his speech is withdrawn besides being deprived from participating till the end of the session while the warning is recorded in the minutes of the meeting

The Parliamentary scene: The Legislative and political function

Perhaps the restructuring of the Assembly of the Representatives of the People through amending the bylaws is important to somehow. But modifying structures and procedures is not important in and of itself, because the legislative function is related to an inherent political function. The latter affects the first, and vice versa. This link is only valid with the success of each of them on clear grounds and conditions.

It has become clear from the parliamentary work that the legislative work depends on the political movement, as the political position of the MP dominates over his legislative role. It is evident that the legislative authority has a political function. One of its most important features is granting confidence and withdrawing it from representatives of the executive authority and monitoring their work in addition to the financial position by approving the state budget.

The oversight work of the Security and Defense Committee, the Administration Organization Committee and the Affairs of the Armed Forces (Special Committees) provides an important model of the expected oversight role of the Assembly of the Representatives of the People. The Oversight functions relate to a sensitive and delicate area of direct relevance to national security. However, it is noticed that members of the committees are often far from this field and do not possess sufficient knowledge of it. Rather, membership in these committees sought to politically influence the security and military leaderships.

For example, members of the Security and Defense Committee receive training for a week in the military field and the army in Tunisia, but it remains insufficient to deal with an important institution in the country, in the absence of a complete scientific and historical perception of it. The oversight role has thus turned into an appropriate task according to events, which ends with reports submitted to the Presidency of Parliament without actual results that can be translated legally and administratively.

At the legislative level, it has become clear that the tasks of the permanent Committees are large and dispersed between several areas. Which created busy work schedules.

This led to thinking about distributing competencies among more committees. This remains a lim-

ited option in the end, in terms of the fact that parliamentary work is limited to the representative himself without the presence of assistants who are able to provide complete data on various fields that require cognitive specialization that exceeds the capabilities of the representative.

In addition to the above, the legislative position of the Deputies was exhausted in favor of the political one. The political function was limited to exporting a charged, emotional and populist discourse, with actions and reactions that amounted to insults, insults and mutual insults. The dominant discourses contained common elements between a self-definition pattern, naming and classification processes, as well as a simultaneous political dimension.

However, what is dangerous in it, in the first parliamentary session, is the extent of damage to institutions and procedures and their disruption due to political differences. This is justified within these speeches by the direct link between these parties and the people, and it is a justification that allows them to bypass institutions or work within them without actually believing in them.

Abeer Mousa, the Secretary of the Tunisian Free Constitutional Party, is on the front of the scene by suspecting the revolution and all its results. The Dignity Coalition remains far from understanding the values of the constitution and participatory democracy in its comprehensive meaning and for citizens, under the pretext of defending the identity of “the people”.

The parliamentary scene on its political side has led to a worsening of dealing with public affairs, despite the fact that the Parliament itself in terms of its blocs did not witness major transformations in the first parliamentary session.

This explains the aforementioned confirmation that the structural reform and amendment of the bylaws are neither a goal in itself nor sufficient to reform the status of the legislature.

Distributing the blocs and the resignations during the first parliamentary term:

	The 3rd of April of 2020	14 April 2020	24 April 2020	May 19, 2020	June 02, 2020	June 25, 2020	July 28, 2020	August 30, 2020
The Ennahda Movement bloc	54	54	54	54	54	54	54	54
The Democratic bloc	40	40	39 The Resignation of the Representative, Faisal Al Tebini	39	39	38	38	38
The Heart of Tunisia bloc	29	29	29	28 The resignation of the Representative, Mohamed Murad Al Hamzawi	27 The Resignation of The Representative Zohair Makhlof	27	27	26 The resignation of Lilia Bel Leil
The Dignity Coalition bloc	19	19	19	19	19	19	19	19
The Free Constitutional Party bloc	16	16	16	16	16	16	16	16
The Reform bloc	16	16	16	16	16	16	16	16
The Long Live Tunisia (Tahya Tounes) bloc	14	14	14	14	14	11 The resignation of the Representatives Al MAbrouk Korshid, Kamal Al Awadi and Al Ayashi Zammal	10 The resignation of the representative, Al Mekki Zaghdod	10
The National bloc	Doesn't exist	09 The announcement of the bloc	09	09	09	11	11	11
The Future bloc	08	08	08	09 The joining of the Representative Leila Gaeidan announcement of the bloc	09	09	09	9
The unaffiliated Representatives (individuals)	21	12	13	13	14	16	17	18
Total	217	217	217	217	217	217	217	217

Despite the proportional stability in distributing the blocs during the monitoring period, as a data, it doesn't reflect the tensions of the Assembly as it was before. The Parliamentary scene transformed into a severe conflict among specific directions which are led by the Islamic Ennahda Movement and the Tunisian Free Constitutional Party.

Before the start of the second parliamentary term with the start of October and during the parliamentary recess on the 1st of August to the 30th of September of 2020, the news was confirmed concerning the dissolution of the Future bloc. It is a technical bloc which gathers partisans and independants which witnessed a number of resignations that decreased the minimum stipulated in Article No.34 of the bylaws of the Assembly of the Representatives of the People. 7 members or more and according to that the blocs and the numbers of its members changed in the 2nd parliamentary term.²

The Executive Authority:

Under the current political regime and the duality of the executive authority, the political balances according to the attempts of each party to ensure its political position in the Tunisian scene by using its powers and institutions. Each party also seeks to link among the rest of the component of the political arena including parties and national organizations, relying on a political discourse that attracts a part of the national public opinion.

The Presidency of the Republic: “ the power of the week “

The political scene permits the president to use the maximum of his powers in a confrontation that is closer to a conflict and clash than to balance with the rest of the authorities and with the second head of the executive authority. The speech which was issued by it, also opened doors for a debate and a discussion concerning the management of the public affairs. The institution of the National Security Council was one of the platforms of the Tunisian President in order to practice his powers. Many persons see that a part of the president's work and his speech are considered an interference in the work of the other authorities.

The National Security Council:

The legal framework: The governmental order No.70 of 2017, dated back to the 19th of January of 2017. The decision of the President of the Republic and the Head of the National Security Council which is dated back to the 30th of October of 2017 regarding the formation of permanent committees in the National Security Council.

The powers of the council are related to ensuring the protection of the vital interests of the State within the framework of strategic vision in order to maintain the sovereignty of the State and its independence, and ensure its territorial integrity, the safety of its people and protect its natural resources. And based on the aforementioned republican decision, the council consists of a number of committees headed by the ministries who are in charge of the responsibilities that are under the powers of the council. In addition to security, defense and diplomacy, there are the fields of health, education, social affairs, vocational training, employment and etc... Perhaps it is possible to rely on the broad cover of Chapter One of the Council's law that defines its powers, and also on the concept of multi-faceted and differently defined national security, to justify the expanded composition of the council. This actually happens as all the ministries attend in addition to the Prime Minister.

The council had met twice during the monitoring period:

2020 **28**
September

2020 **17**
April

The 17th of April of 2020 ².

The 28th of September of 2020

The meetings of the council were frequent during the period of the complete quarantine, but it

came fewer during the monitoring period. The meetings of the council was an occasion for the speeches of the President of the Republic which carry political messages addressed to all parties. And it also doesn't give exceptions to the other presidents. The absence of the speaker of the Assembly of the Representatives of the People from the meeting on the 17th of April of 2020, was an opportunity for a political interpretation, especially that the political dispute at that time was intense.

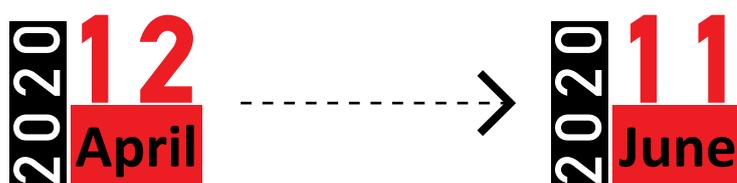
In the absence of the Constitutional Court, and based on the broad structure and general legal framework and its concepts, especially the concept of national security, what remains is how to define the areas of the parliament's intervention and the mechanisms for that. Estimating that remains within the powers of the President of the Republic himself This issue had arisen in the era of the former president, Beji Caid Essebsi as he was accused of forming a second government through the institution of the National Security Council.

The prime ministry:

During this period, the problem of mandating the prime ministry through the Assembly of the Representatives of the people has arisen. It is a hypothesis which is provided by the constitution as a means of dealing with exceptional circumstances that disrupt the normal functioning of institutions.

With the start of the second months of the work of the government of Elias Al Fakhfakh, the latter faced the crisis of the spread of the virus Covid+19 The issue for being mandated through the Assembly of the Representatives of the People was seriously raised to enable it t practice its work more effectively. Despite the critical health situation in the State and its implications on the social and economic situation, the prime minister's request for authorization sparked controversy regarding the parties' fear of expanding the powers of the prime ministry. Although the constitution stipulates that the authorization is restricted in the term and the powers of the authorized person, the parties of the ruling system were anxious that Fakhfakh would exploit the decrees to tighten the work of the Assembly and rebuild a new political scene, especially he raised controversy since he became the Prime Ministry. Both of them worked to decrease the powers and the duration of the authorization. Which led the Prime Minister, Elias Fakhfakh to think in withdrawing the bill. Focusing on the committee of the bylaws The political crisis affected the relation between the Prime Ministry and the presidency of the Assembly, and behind it the Ennahda Movement:, the Coalition Dignity and the Heart of Tunisia party, concerning the authorization which was considered by many persons that it was actually delayed as a response to the necessity of the health emergency.³

The duration of the authorization:



The legal framework of the mandate:

■ Article No.70 from the Tunisian Constitution:

Law No.19 of 2020 which is dated to the 12th of April of 2020 regarding mandating the Prime Minister in issuing decrees in order to face the repercussions of the spread of Coronavirus (Covid 19)

The authorization bill was ratified on the 4th of April of 2020 and it was stamped and published in the tunisian official gazette on the 12th of April.⁵

3 Tunisia The authorization of Fakhfakh in issuing decrees to combat the epidemic ,caused a greta division inside the ruling coalition .Look at the following link :<https://bit.ly/2/ImVr2B>

4 The link for the authorization law Look at the following link :<https://bit.ly/2/H4h7jX>

The voting:



The number of the decrees that were issued:



The local authority

The process of forming the local authority in Tunisia is late. As it witnesses many obstacles that appear at the practical level. The Prime ministry provided some numbers and statistics that proportionally explains the situation of the Local Authority.

The numbers confirm that the local authority could participate on a large scale in linking the public institutions with citizens. The reality confirms the continuation of several obstacles that there isn't enough and serious efforts to overcome, despite the issuance of some governmental orders that could contribute positively. As a governmental order No.315, which was issued in the last publication of the official gazette on the 19th of May of 2020, related to the movement in the positions of the civil servants for the interest of the local groups. This issue regulates how to assign high administrative employees for the benefit of municipalities that suffer from a severe shortage in the formation of its management. And that happens through the assignment or recruitment with presenting privileges and financial incentives for the employees and the high administrative employees that desire to join working in municipalities especially the new ones or what is located in the inner regions.⁶

The crisis of the relation between the central authority and the other parties during the health crisis

During the health epidemic, it has become clear that there is insufficient coordination and clarity between the local and central authority. This has become clear after a governmental leaflet, calling the heads of municipalities to cooperate with the government and informing the central authority in advance with any procedures in this direction. Also the President of the Republic called on the respect of the decisions of the central authority. Perhaps, there are reasons for his observation regarding the political life, but it is far from the legal framework of the relation between the two levels. This calls for the necessity of working on it and completing it to avoid problems of this kind, which open doors for interpretation that are not desirable and harmful to the process.

Perhaps there are necessities for the health pandemic, but the level of cooperation between the return in municipalities the of benefit the for servants and employees administrative high of employment-re the Towards

<https://www.hrw.org/...> link following the at Look .incentives and grants financil rewarding for

10%

Percentage of employees working in the field of local authority out of total state employees, according to Elias Fakhfakh's statement

06%

Percentage of employees working in the field of local authority out of the total number of state employees according to the budget law of 2019

28%

International rates of the percentage of employees working in the field of local authority out of the total number of state employees

11%

Tire ratio in municipalities

75%

The proportion of currency wire in the municipalities

6.2

The proportion of public employees per 100,000 residents

5%

The ratio of the municipal budget to the state budget

central authority and the local authority doesn't reflect legal and constitutional size and position (importance)

The continuation of instability in the municipal councils affects the local authority

Independent High Authority for Elections declared on the 20th of June of 2020, that the schedule of the municipal election of 2020 had been ratified and candidiasis were accepted in the municipalities of Kesra, Al-Marji, Qurba, Fossana, the Sahel Mu'tamir, and Zawiya Kantasho Al-Shabika.⁷ This is the same situation that is repeated from the previous period, as the municipal councils are still disrupted because of the political and partisan disagreements which lead to their dissolution and re-elections.

On a level related to political life at the local level, the Ennahda Movement: remains the party with the most presence at the local level in competition with independent lists.

And it was the only one which presented its electoral lists. This poses a challenge to the other parties to ensure pluralism at the local level.

The formation of the independent constitutional bodies and institutions.

The formation of the constitutional bodies remain disrupted due to the political tensions in Tunisia. The Assembly of the Representatives was unable to elect any of the five constitutional bodies stipulated in the constitution, despite the completion of the ratification of their regulatory laws since the last parliamentary round.

Independent High Authority for Elections

■ Basic Law No.32 of 2012, dated back to the th of December of 2012

On July 18, 2020, nominations were opened for renewal of one-third of the composition of the Independent High Authority for elections to a judge, investigative judge, ruling judge and a university professor (assistant, assistant professor, lecturer or professor of higher education), provided that nominations are submitted before the 31st day. August 2020.

Choosing Hasnaa Ben Suleiman, the member of the Independent High Authority for Elections, within the formation of the government of El Mechichi as a minister of the Public Service, raised a question concerning the involvement of the members of the independent authorities in the governmental and political work from the political and legal side.⁸

The Human Rights Committee

■ Basic Law No.51 of 2018, dated back to the 29th of October of 2018, related to the Human rights Committee.

The nomination of the members of the Human Rights Commission has not been completed

The Commission for Sustainable Development and Future Generations

- Basic Law No. 60 of 2019 dated 9 July 2019 relating to the Commission for Sustainable Development and the Rights of Future Generations..9

During June 2020, consideration of candidacy files for the Authority was completed.

The Good Governance and Anti-Corruption Commission

- Basic Law No.51 of 2017, dated back to the 29th of October of 2017, related to the Human rights Committee.

Despite the completion of the nominations , the Assembly failed to set a date for the plenary session to elect members

The High Independent Authority of the Audiovisual Commission

The agenda of the Assembly continues reviewing the bill of creating HAICA It is the same as a postponed battle among the political parties, which part of them sought to revise the order organizing the current independent body.

The situation of other independent bodies isn't different from other constitutional bodies, such as the Information Access Authority and the Torture Prevention Agency (Instance nationale pour la prévention de la torture). It, in turn, is waiting to renew its formula.

The constitutional court remains under a long debate which led to the failure in choosing the members of the court. The parties of the ruling system and the ones which are loyal to them chose to accelerate reviewing the amendments of the law of the constitutional court. The justification was to restore the initiative from the hand of the presidency. The battle was postponed to the second parliamentary term.

The Anti-corruption Commission

Previously, the commission referred a file related to suspicions of conflict of interests which are linked to Prime Minister Elias Fakhfakh, to the financial and justice court. It increased political pressure on the prime minister in the context of the dispute over his dismissal, which Ennahda sought to accelerate, after it deposited a list of withdrawing confidence from him.

Meanwhile, the prime minister resigned to avoid the list and to keep the initiative to name the prime minister in the hands of the president.

However, he was keen on a "political revenge" of those whom he considered as his opponents, starting with the ministers of the Ennahda movement and ending with the head of the commission, Shawqi Al Tabib.

On the 24th of August of 2020, the Prime Minister Elias Fakhfakh decided to dismiss the head of the Anti-Corruption Commission. The impact of the resignation takes a negative side to the independent public authorities¹⁰ and the civil society organizations¹¹. And far from the legal basis of the dismissal of the head of an independent authority from the prime minister, the dismissal raised a debate due its relation to a political conflict among the prime minister and the political parties.

Shawky AlTabib refused to accept the dismissal and went to the administrative judiciary and sent two reporters to the Presidency of the Republic and the Presidency of Parliament, as the first is the guarantee of state institutions and the second has the oversight role over the government and

9 The Tunisian official Gazzette Look at the following link: <https://bit.ly/2Tm2F9t>

10 A unified statement from the independent public bodies condemns and rejects the decision to dismiss the head of the National Anti-Corruption Commission ,Brigadier General Shawky Al Tabib <https://www.facebook.com/INPDP.TN/posts3240425316027067/>

11 A statement from 25 international, regional and local human rights organizations condemn and refuse the decision of the dismissal of the head of the National Anti-Corruption Authority, the brigadier, Shawki Al Tabib <https://bit.ly/3nm25VX>



independent public bodies. The President of the Republic, Kais Saeied named Emad Boukhreiss as the head of the National Anti-Corruption Commission on the 2nd of September of 2020¹² the same day in which Elias Al Fakhfakh implemented his resignation decision. All these data led Al Tabib to announce the withdrawal of his refusal to implement the decision, and he published that to the public opinion¹³. This issue ended with the refusal of the Administrative Court on his petition on the 9th of September of 2020.

The path of the transitional justice:

The slow process of transitional justice in Tunisia ended with the publication of the final report of the Truth and Dignity Commission in the official flagship of the Republic of Tunisia on June 25, 2020.

Since its publication, it has raised many reservations from many parties, but its official publication in the official gazette is considered a positive step.

The overlapping of the political track and the transitional justice process led to the stalling of the latter, but the report was published in the official flagship in accordance with Article 70 of Law No. 53 of 2013 related to establishing and organizing the transitional justice system; It becomes obligatory for the government to implement the recommendations contained in it, and to prepare plans and action programs to implement the recommendations and proposals presented therein.

waiting the publication of the lists of martyrs and wounded of the revolution in the official leader in turn and the opening of the compensation fund and the start of reparation for the victims' damages, the accountability process remains stalled, given that the work of the specialized departments is slow in turn, and has even sparked controversy due to the suspicion of emptying its departments of judges after the judicial movement of 2020.

The No Return movement indicated that there had been a delay in the hearings due to the judicial movement. Including the delay of all transitional justice sessions scheduled for September 24, 2020 in the Court of First Instance in Sfax until December 03, 2020 due to the change in the judicial body. It is the third delay in transitional justice cases since the end of the judicial recess after the delay of the sessions of the competent criminal circuit in Tunisia on Monday 21 September and Thursday 24 September 2020.

It is reported that there are 13 circuits in each of the courts of first instance in Tunis, Sousse, Sfax, Gabes and Kasserine, Sidi Bouzid, Bizerte, El Kef, Gafsa, Kairouan, Medenine, Monastir and Nabeul.

During the monitoring period, the judicial department specialized in transitional justice at the Court of First Instance in Tunis, Thursday July 8, 2020, examined a number of cases of the martyrs

¹² Emad Boukhreiss, the head of the National Anti-Corruption Commission, took the oath today, Wednesday the 2nd of September of 2020, before the President of the Republic, Kais Saeied, during a convoy that was held at Carthage Palace. The official page of the Tunisian Presidency of the Republic on Facebook <https://bit.ly/2K89z0E>

¹³ A public opinion report issued by Brigadier General Shawky Al-Tabib on his personal Facebook page

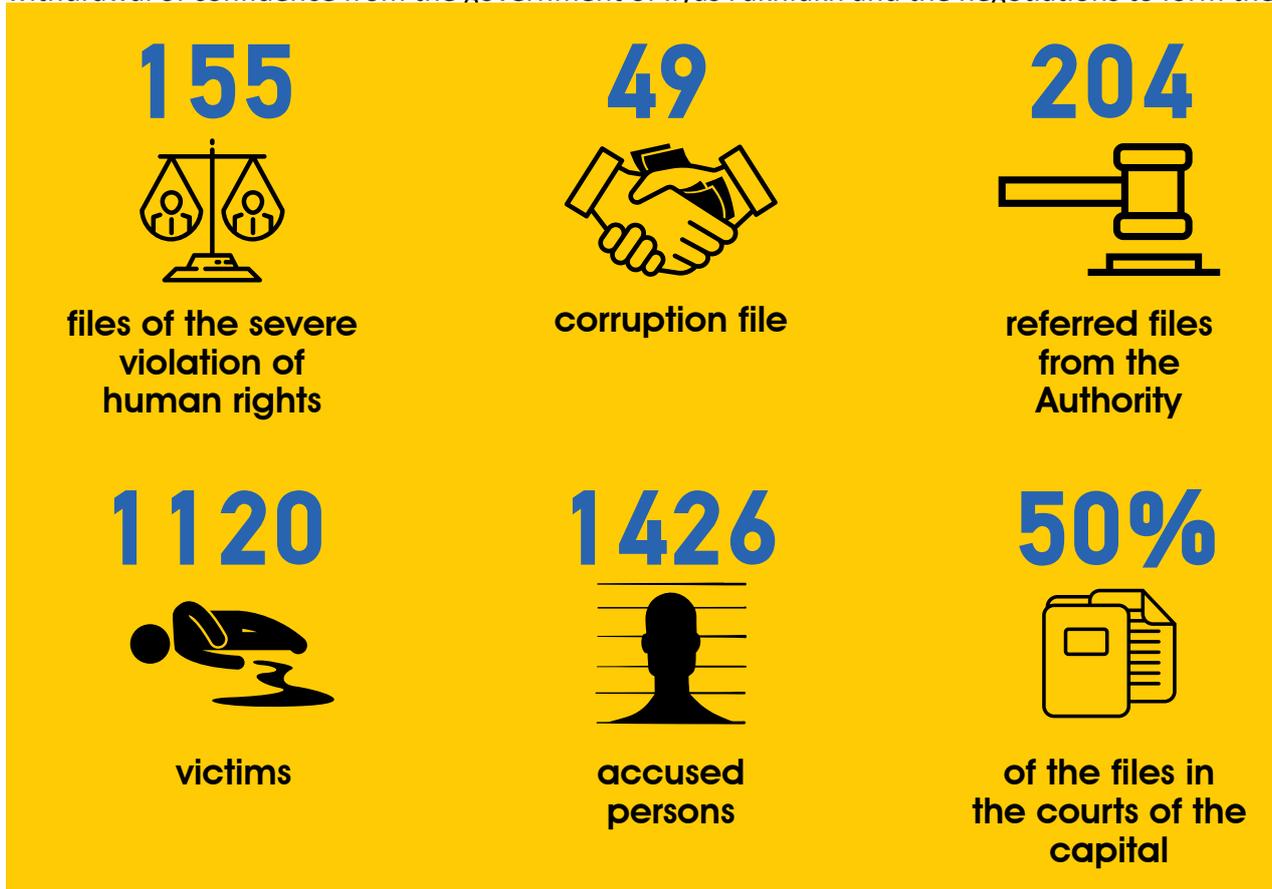
of the revolution in the capital, namely the martyr Anis Al-Farhani in the events of the revolution in Palavat, and the martyrs Abdel Baset Al-Khadrawi, Ayman Al-Aqili and Mohamed Al-Hanashi in the events of the revolution in the Kasbah.

It is among a limited number of cases published before the judiciary.

Numbers could be displayed about the work in these circles:

The crisis of the second transition

The symptoms of the second transition crisis continued to emerge with the controversy over the withdrawal of confidence from the government of Ilyas Fakhfakh and the negotiations to form the



government of former Minister of Interior Hisham El Mechichi. Here we dealt with the work of the government and negotiations to form governments, considering that the political system gives the most important powers to head the government.

The second part of the second transition crisis concerns a special axis on social policy between the covid crisis and its aftermath.

Withdrawing confidence from the prime minister and Elias Fakhfakh presents his resignation:

This crisis has demonstrated the exploitation of the three heads of authorities, the constitution and the law in the political process by subjugating and interpreting them to serve their political initiatives in the absence of the Constitutional Court, which always appears the need for its existence, especially when the second republic faces unexpected surprises such as the death of the former president of the republic Beji Caid Essebsi or The intensification of political crises affecting independent bodies, as happened with the National Anti-Corruption Commission, Elias Fakhfakh, the Truth and Dignity Commission and Youssef Al-Shahed.

Elias Fakhfakh, after five months of work, submitted his resignation to the President of the Republic on July 15, 2020. Meanwhile, and in what was considered a political maneuver by the Ennahda

Movement, the latter submitted a list of withdrawing confidence from the aforementioned prime minister. This is considered an attempt to benefit politically from the options provided by the constitution in the absence of the constitutional court.

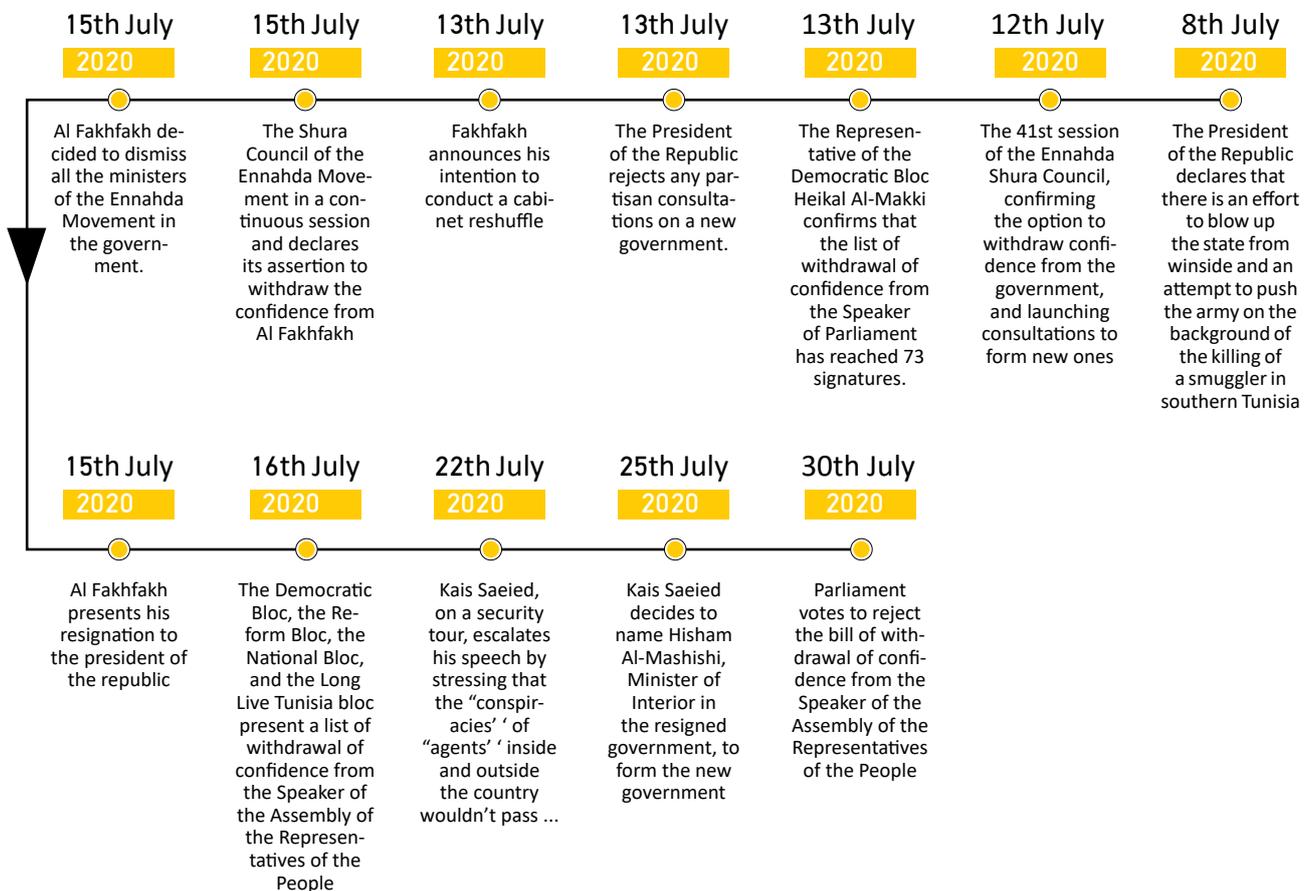
Based on the reading of the President of the Republic, Qais Saeed, the list presented by the Ennahda Movement is null and void once the government submits its resignation, as it is not possible to withdraw confidence from a government that does not exist.

Such as accelerating the resignation of Al Fakhfakh which is an opportunity to return the initiative in the hands of the President of the Republic, so that he proposes a new name.

While other blocs that were within the ruling coalition worked to continue its efforts to withdraw confidence from the Speaker of the Assembly of the Representatives of the People.

A timeline for some of the details of the political conflict

It is clear that there is a struggle between the wings of power in Tunisia, but its details are not publicly disclosed, especially with regard to the statements of the Presidency of the Republic about the local attempts of some "parties" to bomb the state and put it in regional alliances while seeking to draw the army into the political conflict. The President of the Republic named Hisham El-Mech-



ishi, the Minister of the Interior, whom Ennahda protested to name in terms of the origin in the government of Fakhfakh, with what this means in terms of the continuation of the struggle of the wings in the state.

Negotiations to form the government of Hisham El-Mechichi

the Ennahda Movement Ennahda demanded the formation of a political government based on the existing balance according to the parliamentary blocs, with the need to provide a broad political belt. Her demand faced public opinion and a decisive direction from the national organizations and several parties towards a government of national competencies.

Naming Hisham El Mechichi to form the government

2020 02
September

The approval for the government

2020 25
July

Is it really the presidency of the republic is the reason behind the marginalization of the parties?

In the meantime, all parties were stressing the need not to ignore political parties and return to parliament, under the heading of rejecting the “second government of the president”. This was issued by the Ennahda movement, the Dignity Coalition, and the Heart of Tunisia party.

While Mohamed Abbou, Minister in the resigned government and Secretary of the Democratic Current Party, confirmed a similar finding, indicating the existence of political blackmail exploiting corruption files.

However, he said he did not provide details in respect of the duty of reservation.

At the conclusion of the first and second round of negotiations to form the government, Al-Mishi-shi ended up confirming his desire to form a government of independent competencies. This was widely rejected by the parties, the Ennahda Movement, the Heart of Tunisia, the People’s Movement, the Democratic Current, and the Dignity Coalition.

However, rejectionist situations began to change with the launch of the third round on the 17th of August of 2020.

As the Ennahda Movement, the largest party in the Assembly of the Representatives, expressed that there is a possibility to support the new government and accept a government of competencies that does not include names from political affiliations opposing or hostile to the movement, before the end of the constitutional deadlines on August the 25th of 2020.

In order to avoid the worst-case scenario, which is the Elias Fakhfakh government continuing its work or resorting to early legislative elections.

Other parties also favored an independent government which doesn’t have opponents and far from early elections. This is the situation of the People’s Movement and the Democratic Current Party, for example.

This could be considered the problem of the political parties, and it is actually a reality from the nature of the partisan scene itself, the absence of the constitutional bodies especially the constitutional court, and the keenness of the presidency to play its role within a special vision of the president of the republic.

A special subject: The social policy between the covid crisis and its aftermath

This section on social policy on the occasion of the health crisis in Tunisia raises questions related to the problematic of democratic transition and human rights.

Its analysis starts with the experimental / practical aspect that appeared in the set of measures, mechanisms and decisions taken by the state to confront the repercussions of the health crisis, with regard to the second aspect of the constraints and resistances faced by the state’s endeavor to confront the epidemic.

Which provides a picture of the transition and its circumstance.

These elements present themselves due to their social impact that confirmed the impotence of social policies in Tunisia, which needs a definite, comprehensive and multi-level review that reconsiders social and economic rights, and the public sector’s contribution to the promotion and preservation of them.

The Actions which are taken to confront the epidemic:

The Tunisian government has taken a number of measures to confront the health crisis and its repercussions.

Practically, not all procedures have been implemented or applied proportionally, while it is only possible to evaluate them in a dimensional manner after the results and effects are counted after the end of the crisis.

The health procedures:

The Tunisian state has taken a set of measures of a health nature and necessity, which confirmed the intertwining of the human rights system and its need for an integrated official policy capable of absorbing the deficiencies.

Perhaps a health emergency is not a suitable circumstance for reform, but it is certainly a reflection of the deficiencies and shortcomings that must be overcome.

According to Article 80 of the Constitution regulating the state of exception, the following texts were issued that restricted the right to movement and assembly, and stipulated penalties and reprimand for those who violate them:

- Presidential Decree No. 24 which is dated to the 18th of March or 2020, relating to the complete curfew in the republic
- Presidential Decree No. 28 which is dated to the 22nd of March 2020 relating to determination of the walking and gathering
- Presidential Decree No. 38 of 2020 which is dated to 28th of April of 2020 declaring a state of emergency
- Presidential decree No.54 of 2020 which is dated to the 29th of May of 2020 extending the state of emergency
- Presidential decree No.58 of 2020 which is dated back to the 8th of June of 2020 terminating the two presidential orders related to the curfew and regulating the gatherings
- Governmental decree No. 9 of 2020 which is dated back to April 17, 2020, pertaining to reprimanding the violation of preventing the Golan Heights and specifying the comprehensive quarantine and measures for persons infected or suspected of being infected with Coronavirus.
- Governmental decree No.208 of 2020 which is dated back to May 2, 2020, regarding directing and regulating the measures of the health quarantine.

However, the question is about the practical application of these texts, as many problems were raised that were exposed to it, especially the Tunisian civil society, which has encountered difficulties in exercising its duty under similar circumstances. This matter required a field work which is based on the network of the activists' relationships themselves, while the authorities had to be approached to find solutions to the obstacles. The major administration was mainly the security



as the security centers and the Ministry of Interior became the biggest power. This needs to be reviewed in order to unify the management of the crisis and avoid the security approach in this

regard.

These measures affected most of the citizens, while workers in the health sector remained under the burden of confronting the epidemic in the front line.

What actually affected the performance of their duty is the absence of a health infrastructure capable of facing similar crises.

After seven months, the Young Doctors Association confirmed that all promises about the preparation to confront Corona have not been fulfilled on the ground. The spread of the epidemic exposed the features of other deep and chronic crises.

It also emphasized that the right to health is not isolated from other social, economic and cultural conditions.

The Social Procedures:

- A decree from the Prime Minister, No.5 of 2020 which is dated back to the 14th of April of 2020, regarding the deduction of a working day of April 2020 for the benefit of the State's budget. Under the terms, Tunisian charter owners were subjected to contributing a working day from their wages to the budget. An exception is made for those persons whose salaries do not exceed 5000 dinars per year.

- A Decree from the Prime Minister No. 7 of 2020 which is dated back to the 17th of April of 2020, related to regulating the exceptional provisions which are related to the civil servants, the management of public institutions and facilities, and administrative departments.

As for the grants assigned to needy families, they were seized by two joint decisions between the Ministers of Social Affairs and Finance.

- Firstly, the decision of May 19, 2020, related to controlling the method of calculating the amount of direct financial transfers for the benefit of the poor groups benefiting from the social safety program.

This decision specified the method for calculating the amount of transfers for beneficiaries. The legal framework for this possibility is the basic law relating to the social safety program.

The grant is divided into a basic amount, to be paid on a monthly basis, and it is estimated at 180 dinars.

Chapter 2 of the aforementioned decision may be blamed for the combination of attribution of this grant between an individual and a single family.

The aforementioned chapter also regulates a supplementary amount, i.e. 10 dinars for each family that has a son under the sponsorship whose age is under 18 years to the limit of 25, provided that the latter has been ordained in education, training or training.

It is an unrealistic amount and has nothing to do with the financial needs of the individual in Tunisia 2020, especially in a period of epidemic in which all sectors and thus the sources of livelihood cease.

The supplementary or additional grant, as the decision called it, is doubled once, i.e. the amount of 10 d, to become 20 d, and added to the basic amount, so that the total becomes 200 d for the family that has a son who holds a disability card.

- Secondly: A joint decision of the Minister of Social Affairs and the Minister of Finance dated May 19, 2020, fixing the cases of attribution and the amounts of circumstantial material support for the benefit of the poor and low-income groups.

According to this decision, additional subsidies were paid to needy families.

According to the text of the decision, the aim is to help it with the expenses of the month of Ramadan, Eid al-Fitr and Eid al-Adha, and on the occasion of school and university return, ranging



between 50 and 120 dinars for the family.

It is a circumstantial grant, and it shares with the first one in that it is far from responding to the living needs of the relevant ones.

A Decree from the Prime Minister No.30 of 2020 which is dated back to the 10th of June 10 of 2020, related to the measures which support the foundations of national solidarity and support for persons and institutions according to the implications of the spread of the Coronavirus "Covid-19".

It is mainly for CNSS / CNRPS recipients, provided that they do not exceed 180 dinars Without mentioning the value.

A special program has also been created to support the vulnerable groups, with a total value of 30 m.d. To support social work institutions and programs for developing the groups with special needs and the creation of livelihoods for the benefit of vulnerable groups.

However, practically, the same number is considered limited, as there is no information about the method of its disbursement, its size, timing, and the number of beneficiaries in order to evaluate it and determine its feasibility.

■ The 6th of August of 2020: The Cabinet approved a draft law dealing with the situations of excessive indebtedness of natural persons:

This bill aims to develop an integrated framework that includes a set of mechanisms and procedures to address the situations of excessive indebtedness of natural persons, based on the comparative experiences in the field. The project was also based on the statistics and data which were published by the Central Bank of Tunisia on loans which are directed to families, and on the achievements of the National Institute of Consumption regarding the families' debt.

By reviewing the aforementioned texts, the state's policy was based on the pre-existing system. It is the social protection system.

Among its sources is the deduction of workers' salaries, in addition to citizen donations to the Special Fund for Confronting the Covid Epidemic, the Fund No. 1818.

Based on dealing with the health emergency, the social protection system is deficient in accommodating social and economic inequality.

In addition to the structural and administrative difficulties, it became clear that its database was empty of thousands of needy families.

The value of aids are very limited. This issue proves that it is not the solution to confront the existing social crisis, nor is it a circumstantial solution.

One of the basic and helpful elements in facing similar crises, the health, educational and service public sector in general, has proved its inability in the face of the rise of the private sector.

As for the latter, it works in favour of its basic interest, in light of the complete absence of the social, solidarity, and citizen role.

Constraints and resistances and their dimensions:

The economic and social situation represented one of the obstacles to implementing the measures, as the quarantine increased the financial and living difficulties of a large segment of Tunisians.

It even led, at a certain stage, to cause violations of the health procedures.

In addition, the poor organization and administration caused chaos and overcrowding of the recipients of social aid and grants in front of post offices.

One of the main obstacles is the deficiencies of health and social measures that have been previously shown. However, an important level that appeared during the monitoring period of the report is the overlap of corruption in the state with the weak level of values and citizen awareness, which resulted in the increase and complexity of the crisis.

Based on the numbers and reports of the Anti-Corruption Commission, the following numbers can be provided only for the public sector. Which is what we care about at this level. The Suspected corruption cases during the health epidemic have led to a focal point in the concerns of Tunisian public opinion.

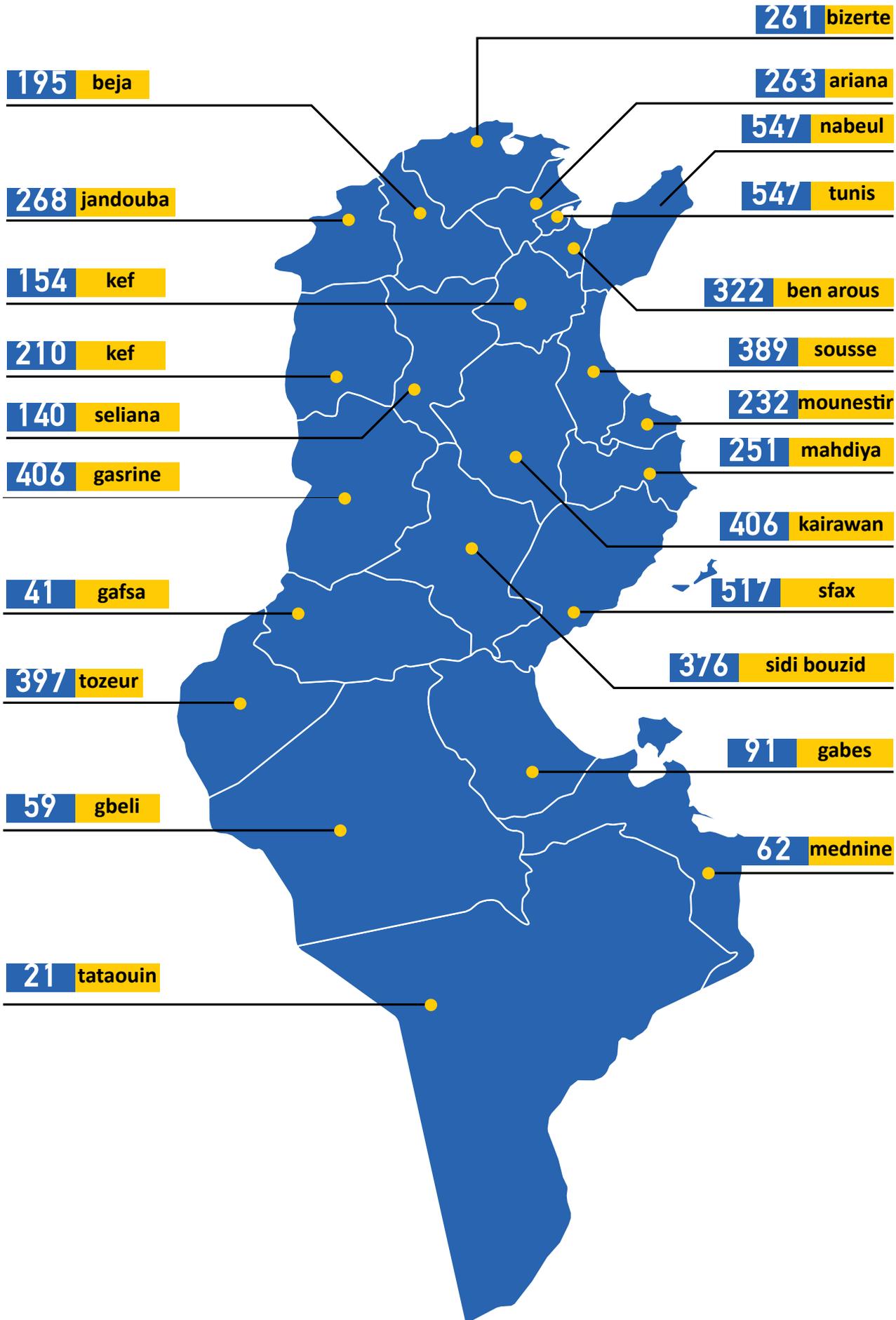
A direct link has been observed with the state's profound failure to provide the socio-economic conditions that guarantee equality and social justice.

The suspicions are related to:

■ 871 employees in the public sector at the central and local levels

It was linked especially to two suspicious, and the following is the details after it was counted according to the official communique

The following map, it is a review of the numbers of suspected corruption cases by state:





The policies of Human rights in Tunisia remain isolated from the institutional and social reality that sustains them.

Just as political parties and institutions continue to promote piecemeal approaches to human rights, the human rights movement continues in the usual and permanent claims about individual rights and freedoms, in light of the 2014 constitution.

The freedom of expression in Tunisia

The case of Amna al-Sharqi raised Tunisian public opinion in what is known as the Surat Corona case.

She was charged with “advocating hatred between races, religions or the population by inciting discrimination and the use of hostile means”.

- On Wednesday the 6th of May of 2020, the Public Prosecutor of the Court of First Instance in Tunis listened to the blog after she was accused of sacrilege.
- It was decided to refer her to the 3 prenatal circuit of the Court of First Instance in Tunis on May 28, while keeping her in a state of release.
- The case of the blogger, Amna Al-Sharqi, has been postponed until July 2, 2020
- The 14th of July of 2020: Amna Al-Sharqi was sentenced for 6 months in prison¹

The development of policies and legislations related to human rights

Arbitrary practices against journalists and bloggers also continued during the quarantine. Police forces

in Nabeul state arrested the journalist Montaser Sassi, the correspondent of Radio Shams FM in the state, and detained him for two hours and demanded that he remove the photos and videos he had filmed under the pretext that he did not show a license to film in that area.

And while he was accompanying the security process, in order to film the process of returning a businessman and his wife who had left the mandatory quarantine illegally.

In the area of La Goulette, the police arrested the young blogger and student Muhammad Amin Sa'dou, on charges of inciting confusion and incitement, after he filmed a video clip he posted on Facebook in which he talks about sterilization materials used by the municipality of La Goulette.

Where he remained for two days in the detention center in Bouchoucha, before being released as the case continued.²

In a follow-up to the case of the young man who was arrested following the Ras Jdir crossing incident on charges of committing an indecent act against the President of the Republic:

- The 21st of April of 2020: The Public Prosecution Office of Medenine authorized the detention of a person from a group of Tunisians stranded in Libya who arrived at the crossing after he appeared in a video clip insulting the President of the Republic.³
- The 28th of April of 2020: The Court of First Instance rejected his lawyer's request to release Manouba until he appears before the courts in May 2020⁴.
- The 20th of May: After imprisoning him in the prison in Gabes for nearly a month, the Court of First Instance in Medanine issued an imprisonment ruling for 3 months with postponing the implementation and releasing him.

On the 29th of May of 2020, about 60 Facebook accounts owned by users residing in Tunisia were disabled. Some of the affected accounts belong to activists, bloggers, influencers, and journalists, but most of them are "regular" private accounts that do not have many followers.

Some accounts used pseudonyms, but most of them were real names.

2 The dark face of quarantine: Arbitrary measures and police abuse, Nawaat, Muhammad Yassin Al-Jalasi, April 15, 2020. <https://bit.ly/3kHC02d>

3 He was charged with committing a lonely matter against the head of state .. Seizing the person who insulted Kais Saeied, Al Sabah news on the 21st of April of 2020, Mamoun Al Tounsi wrote <https://bit.ly/35yzHKb>

4 A young man was charged with committing an indecent act against the president of the republic in the incident of Ras Jdir.. and the news that Kais Saeied's demand for his release is not true, Tunisia Vision Net Arabic version, Moez Harizi wrote, April 28, 2020. <https://bit.ly/3lBiFRx>



Minister of Domestic Affairs
Lotfi zitoun

From the point of view of Tunisian law, whether by referring to the Personal Status Code or Law No. 3 of 1957 referred to, the marriage contract is concluded between a "husband" and a "wife," that is, between two persons of different sexes. Accordingly, the marriage contract concluded between two persons of the same sex, one of whom is of Tunisian origin and holds the French nationality and the other is French, has no legal presence within the Tunisian system that criminalized the sexual relationship between two persons of the same sex regardless of whether or not there is a marriage contract.

Some users reported that their Instagram accounts have also been disabled.

This was done without any prior notice from the platform.

The users have been informed that they are “ineligible” to use Facebook and that the decision is final. Facebook’s trusted partners “Axenaw” and “I’m Vigilant” were able to recover some accounts and 20 accounts appeared again, and when the Guardian contacted about the deactivated accounts, the company said: “Due to a technical error, we recently removed a small number of personal files, which are now restored. We were not trying to restrict anyone’s ability to post or express themselves, and we apologize for any inconvenience this caused”.⁵

Also, the deterrent rulings against the freedom of expression were frequent during the monitoring period:

- The 23rd of July of 2020: The Tunisian writer and journalist, Tawfiq Ali was arrested on the background of a default judgement which was issued to imprison him for one year urgently under the accusation of insulting judges.⁶
- The 27th of July of 2020: The Civil society interacted strongly and solidarity with Ben Brik, with the effective participation and coordination of the National Union of Tunisian Journalists.⁷
- The 4th of August of 2020: The summer misdemeanor circuit of the Tunis Court of Appeal decided to release him, after it confirmed his conviction while assisting him with mitigating circumstances in accordance with the text of Article No.53 of the penal code.⁸

In a dangerous precedent, Maher Hammami, the Tunisian Syndicate of Musical Professions, responded to the request of the Egyptian Musicians Syndicate Hani Shaker and issued a decision on the 27th of August of 2020⁹ to prevent artists Hassan Shakoush and Omar Kamal from holding their concerts scheduled for August and September 2020, Although they previously obtained licenses. It is noteworthy that it is not the first time that Hani Shaker has made such requests.

However, it is the first time that such demands have been responded to by any Tunisian party¹⁰.

5 Facebook deactivates accounts of Tunisian political bloggers and activists, The guardian, Simon Speakman Cordall, 4 June 2020. <https://bit.ly/2IFtoMb>

6 The arrest of the journalist, Tawfiq Ben Berik.... Activists condemn Ultra Tounis- the editorial team, the 24th of July of 2020. <https://bit.ly/3kAxNNF>

7 A Statement signed by the National Syndicate of Tunisian Journalists and 35 Tunisian, regional and international organizations, No to the use of freedom-depriving sanctions to attack freedom of expression, Support Center, 27 July 2020 .<https://bit.ly/3/IDX5M1>

8 Tunisia :The judiciary releases opposition journalist Tawfiq Ben Brek France /24 A F B ,the 5 th of August of 2020 <https://bit.ly/2/ID1KiK>

9 A statement from the Tunisian Syndicate of Musical Professions ,the official Facebook page of the Tunisian Syndicate of Musical Professions ,August.2020 ,27 <https://www.facebook.com/STPMTUNISIE/posts170578991244356/>

10 The head of the actors syndicate, Maher Al Hammami: “Over our bodies, this group was singing in Tunis, Radio interview, Shams FM, August 27, 2020. <https://>

Rank
72
Globally
1
Arabic

In the Press Freedom Index

The freedom of press and media:

The legislative initiative which was presented by the Dignity Coalition bloc in the House of Representatives sparked a widespread opposition in the press sector.

The HAICA, in turn, rejected the proposed amendment since the 12th of May of 2020.

It is noteworthy that the relationship of journalists with the head of the coalition is not good after the journalists boycotted a press conference in the Assembly of the Representatives of the People, of the two blocs of the Heart of Tunisia and the Dignity Coalition regarding the creation of a parliamentary commission of inquiry into suspicions of conflict of interests related to the prime minister, due to what they considered as an incitement from the head of the Dignity Coalition Bloc Saifuddin Makhoulf against the reporters of Arab channels in Tunisia. 11 It is a data that reflects the relation of the political arena to journalists, between exploitation and attacks according to the positions and differences, in the absence of a structured and professional media sector.

On a related level, the journalist, Shaker El-Jahmi, was arrested by security forces in Grombalia, because of a complaint which was filed by the mayor of the new hotel, Yusri Noywa.

Ayoub Al-Ghadamesi, the lawyer for the Syndicate of Journalists, confirmed that his client was accused of publishing insulting blogs to the mayor, while he exercised his right as a citizen criticizing the negligence of the municipal council and published a caricature in order to reach his voice. Later, the Public Prosecutor at the First Instance Court in Grombalia decided to release the student Shaker El-Jahmi and invite him to appear before the investigating judge in case of being referred to.¹²

On September 16, 2020, it was announced that an independent press council was established¹³ to prepare a “code of ethics for the profession” and ensure that it is respected by media institutions. The Press Council, which has been awaiting its establishment since 2012, consists of nine members¹⁴ and they are appointed by the Press Syndicate and the Tunisian League for Human Rights and civil society organizations.¹⁵

The Independent High Authority of Audiovisual (HAICA) Monitors the media scene in Tunisia, but it faces difficulties in implementing its decisions due to the weak political support.

Also, many active politicians in the country run media organizations. There is no other institution that could regulate and monitor the media sector, in addition to not forming the relevant constitutional body the HAICA decided to stop permanently the program ‘we are all Tunisians’ that is broadcasted in channel 9 with 50,000 dinars as a fine Also, Also, the program’s episode that was broadcast on Friday 27 March 2020 should be removed from its official website and all its social media pages, and not to republish it or to exploit a part of it, due to the disrespect of human dignity, private life and violation of the ethics and rules of the journalistic profession.¹⁶

On May 15, 2020, the National Syndicate of Tunisian Journalists demanded confronting hate speech and political violence against the freedom of the media, on the background of the attack of the head of the Dignity Coalition bloc in the Assembly of the Representatives of the People, Saifuddin

bit.ly/3kxCKXz

11 Because of Makhoulf The journalists boycotted a press conference of the Heart of Tunisia and the Dignity Coalition parties .Look at the following link :<https://bit.ly/3fcn3E8>

12 Grombalia :Investigating a press student ..The charge is” a caricature “Look at the following link :<https://bit.ly/2IDmN-BM>

13 The establishment of an independent council for press in Tunisia a text : Monte Carlo International/ A F B, the 16th of September of 2020. <https://bit.ly/3kxgInz>

14 Tunisia establishes the first independent council for press, Salwa Al Tarhouni, published in Tunisia is a Culture and Information, the 16th of September of 2020. . <https://bit.ly/3f38mD8>

15 The Media in Tunisia: Which role of the new press council? France 24, editor Abd Allah Al Aaly, the 25th of September of 2020. <https://bit.ly/3kBdQGy>

16 A fine of 50 thousand dinars against channel 9 and the final suspension of the «Kulna Tunisia» program, Shams FM, March 30, 2020. <https://bit.ly/3f1HgMU>

Makhlouf against the journalist and political commentator Haitham al-Makki, during his presence in the program “ Medi Show” and described him with inappropriate descriptions¹⁷

On Sunday, June 14, 2020, correspondents of some Arab media outlets, while covering the political movement that was organized in front of the headquarters of the Assembly of the Representatives of the People, were exposed to various types of threats, insults and insults, and attempts to prevent them from working accompanied by accusations of employment and anti-revolution. The National Syndicate of Tunisian Journalists¹⁸ had warned Since the recent legislative and presidential elections to the formation of groups working to target a number of the reporters of foreign media on the background of the editorial lines of their institutions. They could lead to serious crimes against the freedom of the press and journalists, such as attacks with violence, forced detention and threats of assassination.

The individual and personal freedoms and rights

Due to the arrest of the Tunisian rapper Alaa AL-Naccache, the issue of “Indian cannabis” (zatla) and the penalties imposed on its consumers have returned to the front. The lawyer for the arrested rapper, Ghazi Murabit, said that “the retention of his client has been extended pending his presentation to the court. 19 Later, the first instance court in Tunisia issued a decision to release him”²⁰.



It is noteworthy that, in 2017, the Tunisian Assembly eased penalties against consumers of the indian cannabis, allowing judges to sufficiently rule with a fine against the consumers instead of issuing prison sentences depriving them of freedom.

In a strange decision, the municipality of Bizerte issued a list bearing the names of newborns who are prohibited from registering, such as Rostom, Majdoline, Ilan and other names, and the mayor of the municipality, Kamal Ben Amara, explained that the matter is regulated by a legal text prohibiting the registration of non-Arab names for newborns in the municipalities.

This news is not the first of its kind, and the news has raised and poses several serious questions about the freedom of citizens, the feasibility of similar laws and the appropriate perceptions about it, between the central and the local.²¹

The religious minorities:

It is noted that the religious side in the contrary, has an impact during the past period such as (the Kram municipality):

- A fund for Al Zakat was established²².

²³ The obligation of presenting a certificate that proves the belief with Islamic religion from the non

²² A public information concerning the first fund of Al Zakat since the independence, the official page of the municipality of Le Kram on facebook, the 15th of May of 2020. <https://www.facebook.com/communedukram/posts/3010472529011155>

²³ An official application of the required documents for the conclusion of a marriage contract, the official page of the municipi-

muslim man in order to marry a Tunisian woman, according the leaflets of 1973.

This issue raised several questions such as the civil state, the respect of the local authorities concerning its powers and their relation with the Ministry of the Local Affairs as a central body. At the same time, the public opinion was sparked severely between an opposing opinion and a supporting one, without the existence of serious and peaceful spaces for free and interactive discussion, including the official institutions such as the Assembly of the Representatives of the People.

The sexual minorities

- Law No.3 of 1957 related to regulating the civilian status
- The personal status magazine
- The security dealing with the homosexual minorities.

The Shams Association confirmed in a tweet that was published on its official page on facebook, that a marriage contract was conducted between a french and tunisian citizens according to the french laws and this marriage is recognized in Tunisia and included within the Tunisian birth²⁴.



In the contrary, the Minister of Local Affairs Lotfi Zaitoun explained, regarding the registration of the marriage of two persons of the same sex, one is French and the other is Tunisian from the point of view of the French law, that there is no doubt that the conclusion of this contract contradicts the formulas and conditions stipulated in the chapters of the Civil Code, and it is therefore considered null and void by law, and it is subjected to absolute nullity through the Judiciary”.

He also indicated that a legal loophole would be kept away which is related to the validity of confirming the marriage contract in the Tunisian institutions²⁵. Which means that this direction would be against these contracts concerning the sexual minorities in Tunisia.

Meanwhile, the persecution against homosexuals continued on the grounds of legal rules that contradict the constitution.

On the 6th of June of 2020, the court sentenced two men to two years in prison for homosexuality in Kef. However, what is noticeable is that the authorities deliberately lured the two men after one of them directed the security to complain about a financial loan, by threatening an anal examination to disclose their homosexual affiliation, based on Article 230 of the penal code.

pality of le Kram on Facebook, the 8th of July of 2020. . <https://www.facebook.com/communedukram/posts/3135495356508871>

24 The “Shams” Association: The first recognition of a homosexual marriage in Tunisia and include it within the Tunisian birth system, Al Belad News, on the 25th of April of 2020 <https://bit.ly/2UvY1WL>

25 Registering a marriage contract between two persons from the same sex: Lotfi Zaitoun, Shams fm, the 28th of April of 2020 <https://bit.ly/38W2rPt>

The rights of sexual minorities are still far from being legally comprehended despite the availability of the constitutionally necessary frameworks to guarantee a decent life for their members, and they are socially facing a depth that is not reconcilable with them, to find it silent in the face of the insulting security treatment of human dignity.

Violent attacks, whether by citizens or security forces, continued against homosexuals, with the absence of judicial follow-up for the assailants.

Immigrants, refugees and asylum seekers

The rights of migrants, refugees, and asylum seekers are still being violated, both in Tunisia for foreigners and for Tunisians abroad.

As during the monitoring period, it was clear the cooperation of the diplomatic commission with the authorities to deport Tunisians collectively and forcibly together with the policy of blackout concerning what happens against Tunisian in the centers of Ceuta and Melilla from the violations, harassments and inhumane conditions. The Spanish Minister of Interior also stated that his country is ready to forcibly deport 600 Tunisian migrants towards Tunisia and with a complete cooperation with the Tunisian Embassy in Madrid²⁶.

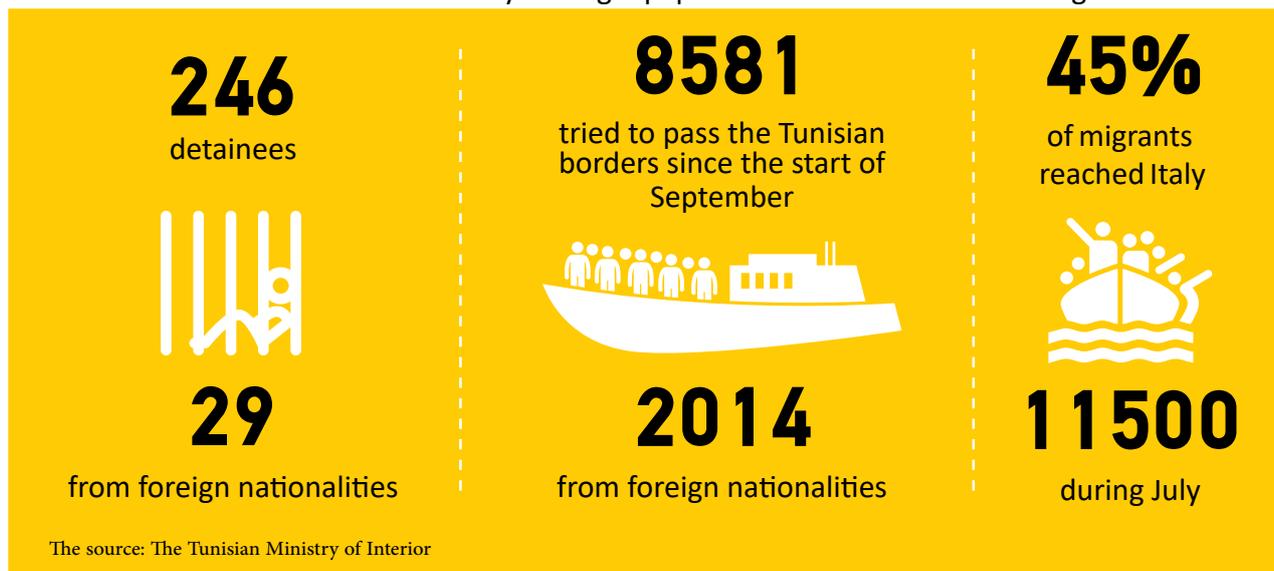
In addition, the Tunisian official dealings with foreigners did not rise to the level of the constitutional legal rules and human rights principles, as the suffering of foreigners from sub-Saharan Africa, who reached 12,000 people, continued according to the Director General of the National Migration Observatory.²⁷ The procedures of residence and the guarantees of the right to work, health and education are limited under the current law for foreigners in Tunisia. Which requires real revisions.

Meanwhile, the bleeding of migration continues during the health pandemic.²⁸ The Tunisians represent:

On the other hand, the Italian diplomacy moved through the visit of the Italian Minister of Foreign Affairs and her meeting with the President of the Tunisian Republic.

Although the latter was keen on the necessity of devoting a human rights-based approach, the latest developments continued in the direction of controlling the borders and forcibly returning migrants to Tunisia.

This led Tunisia to control its borders by adding equipment to the maritime border guards after the



26 The Forum of Economic and Social Rights demands the Tunisian government to open up the national public opinion about the cooperation of the diplomatic Embassy in Madrid with the Spanish authorities for the forcible "deportation of Tunisians", Shams fm, the 28th of April of .2020 Look at the following link :<https://bit.ly38/QjEJU>

27 The number of foreigners in the sub-Saharan Africa Look at the following link :<https://bit.ly320/Srjm>

28 A strong return for the waves of illegal migration Look at the following link :<https://bit.ly37/YWZul>

Tunisian president visited the National Guard barracks in Sfax.

The rights of women:

■ On the occasion of the day of women on the 13th of August of 2020, the President of the republic made a speech showing the equality in heritage between woman and man. Kais Saeied chose to focus on the equality in its social and economic side to isolate the equality in heritage by being considered as a settled case by a religious text²⁹. And that was rejected by the civil society organizations. In this regard, the Association of the Tunisian Democratic Women considered that “Kais Saeied chose hostility against equality and endearment to the bases of the dark Currents with a conservative reading of the constitution³⁰”.

The feminist movement in Tunisia considered that the speech of the President is not accepted and it is a try to terminate the equality project. It is noteworthy that the former President, Beji Caid Essebsi had presented a bill on the equality in heritage and gave the permission to form a committee for personal freedoms and rights that ended by presenting a report of 233 pages after a whole year of working. However this bill faces obstacles in the Legislative Authority especially by the refusal of the Ennahda Movement and its confirmation of the priority to the religious text.

The law on the repression of the attacks against the security forces: A threat against rights and freedoms

■ **The 19th of June of 2020:** The bill of the repression of the attacks against the armed forces returned to the corridors of the Assembly of Representatives of the people for the 4th time since 2011. The committee of general legislation started voting on the bill, chapter by chapter after it was amended by the Ministry of Interior in cooperation with the Ministries of Justice and Defense.³¹ The head of the committee, Samia Abbou indicated in this context that the legal texts which are in force, are not sufficient to protect the security forces. And that is considered wrong, especially at the level of the penal law and the frequency of using the crime of assaulting a civil servant, which prevails while dealing with the assaults against security forces. Also, this crime was characterized by its great exploitation in its implementation against the criticism directed at the security authorities.

■ **The 2nd of July of 2020:** The committee of general legislation has ratified the report and the final version of the bill “the basic law related to the protection of the police and the customers”, and it called the government to accelerate considering it.³² The head of the committee stated that the first name of the bill was cancelled in 2015 which was “repression of attacks against the armed forces”, to become “a basic bill related to the protection of the police and customers”. It was agreed among the members of the committee’s discussion that the law should be categorized as a basic law “superior to ordinary laws”. She indicated that during the discussion of the committee, cancelling the armed forces from the sentence because it has an exceptional situation and a number of articles violating rights and freedoms were also removed.

Despite changing the form of the bill in several areas, the civil society reaction remained unified and rejecting the bill. The social media site has known a large campaign under the title “the law for protecting citizens”. The campaign has its real justifications as the bill breaks down the vision of reforming the system and the foundation of the republican security forces according to the constitution and its soul. The proposed bill reduces the relation between the security authority and citizens in a relation of suspension and mutual threat in which the Tunisian citizen is the victim.

The bill enjoys the support of the various security syndicates whose role remains very negative. These syndicates showed a negative sectoral direction as they focus on the troubled relation between the security forces and citizens. While their communication policy, especially on social me-

29 Kais Saeied “:The equality in heritage is a settled issue ...And the Qur’anic text is clear .“Look at the following link :<https://bit.ly2/UeHMgW>

30 The official page of the Association of the Democratic Women Look at the following link :<https://bit.ly3/pf454b>

31 The bill on the repression of attacks against the armed forces is before the committee of the general legislation again. Look at the following link :<https://bit.ly3/pdPaaz>

32 The ratification of the final form of the bill of” repression of attacks against the security forces .“Look at the following link :<https://bit.ly3/Il8rEs>



dia, violated the citizens' rights especially the privacy and the personal information of the stopped persons.

Recommendations

The three authorities:

- It is necessary to accelerate the legal framework related to the Assembly of the Representatives of the People to ensure its financial and administrative independence vis-à-vis other authorities, to review its bylaws, especially by providing parliamentary assistants as part of the parliament's structure to help parliamentarians in performing their assigned role, and to avoid the narrow political disagreements that marginalized the parliament and pushed the citizens to lose confidence in the political and parliamentary scene.
- The necessity of a clear distinction within the amendments of the bylaws between the permanent and special committees and between the supervisory and legislative mission
- The necessity of launching reform projects at the social level, especially the social safety system, whose deficiencies appeared during the period of the comprehensive quarantine, by updating the data of the Ministry of Social Affairs, overcoming the social policy which is based on grants and aids, and replacing it with the positive role of the institutions of the public sector in the relevant fields
- Accelerating the election of the members of the Constitutional Court and the rest of the constitutional bodies to complete the structural democratic transition
- Accelerating the digitization of the administration earnestly within a broad administrative reform program and following up on suspicions of corruption related to civil servants, who benefited from their positions during the period of the comprehensive quarantine
- Creating clear legal and structural frameworks for the functions of the institutions of the Presidency of the Republic to avoid contradiction and interference with the head of the second executive authority (the prime minister)

The path of the transitional justice:

- Publishing the final and official list of the martyrs and the wounded persons of the revolution in the official gazette.
- Ensuring the independence of the Supreme Judiciary Council and the specialized judicial circuits in the transitional justice, and accelerating the accountability with ensuring the positive dealing from the security forces with the files of the victims.

The local authority

- Consolidating the municipal work as an independent authority, especially at the financial level in terms of budgets, and to ensure their equitable distribution among municipalities according to the real and deserving needs of the authorities
- Starting to assign the transferred and joint powers to overcome traditional municipal work
- Strengthening the management by increasing the number of the high administrative employees in municipalities, understanding the categories of the employees and settling their positions while enhancing the infrastructure of municipalities, especially on the digital level
- Overcoming the politicization of municipal work, which is a matter for the parties that are still in the stages of consolidating their partisan position in the authorities and interests

The Human Rights:

- Human rights policy goes beyond establishing law to consolidating practicing rights, whether concerning the state or society:
- Developing the legal framework for foreigners, reviewing the agreements with the European side regarding irregular migration in order to enhance an open regular migration and ending the security direction that kills thousands in the Mediterranean.
- Strengthening the local civil society to be a partner in local decision-making, in addition to playing a positive and effective monitoring role
- Stopping to impose the security deal with sexual minorities and foreigners
- Supporting press freedom by reforming the sector and establishing an independent constitutional body, while ending the attempts to dominate the media sector and employing it for narrow political interests
- Restoring the role of the public sector as a central part and essential guarantee in promoting and protecting the cultural, social and economic human rights,



Egypt

The policies and legislations related to the democratic transition and human rights

Egypt has witnessed during the monitoring period from the 1st of April to the 30th of September of 2020, under the impacts of a severe epidemic crisis that has social and economic repercussions.

The regime's policy in combating the epidemic represents another occasion to confirm the failure of the state's policies in Egypt at various levels which is far from enhancing democracy and human rights.

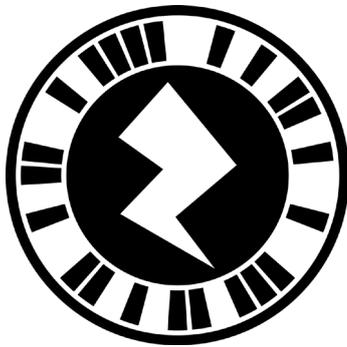
Rather, the epidemic has become one of the repressive tools of the regime. The state's economic and social policies have also revealed the cooperation among the institutions of political oppression against the citizens like workers, the poor and the marginalized persons.

The greedy behaviour of the owners of institutions, companies and private hospitals have passed without accountability and over the shoulder and lives of the citizens. Meanwhile, the regime continues consolidating its tyranny in the three authorities and militarizing the state and the society. The regime tries to educate a new generation by the military education through the powers of the military counselor in every governorate who has the power by the law to interfere in the secondary and university education.

مجمع علماء مصر الطبية

1901 — 1971





The policies and legislations related to the democratic transition in Egypt

Policies and legislations are presented here within the two components of the structural and legislative framework and within a special axis for the social policy on the occasion of the spread of the covid epidemic.

The two sections cooperate to confirm the institutionalization of military rule and the spread of oppression, which exploits every opportunity to root its presence in the lives of citizens at all levels.

The legislative and structural framework

The upper hand in Egypt is for the president of the republic while the authorities remain subordinate to him in a poorly directed play for a lost legitimacy.

This would be clear by introducing the three authorities and the balances among them.

The legislative authority

The Egyptian regime has focused during the past period on increasing its control over the legislative authority by reviewing the legislative framework since 2019.

During the summer of 2020, the regime worked on the implementation of the domination project with legal and institutional tools.

On the 10th of June of 2020, the Legislative and Constitutional Affairs Committee of the Parliament completed the draft law which was submitted by Dr.

Abdel Hadi Al-Qasabi, the head of the Egypt Support Coalition (which is loyal to the regime) and more than 60 representatives, regarding amending some provisions of the Law No.45 of 2014 regarding Regulating the Exercise of Political Rights, Parliament Law No. 46 of 2014, and Law No. 198 of 2017 regarding the National Elections Authority.¹

The following is a review of the most important amendments:

- The National Elections Authority issues its decision on the justified appeals in 24 hours as a deadline from the date of submitting the appeals.
- Changing the number of elected members of the Parliament to be 568 instead of 540 according to the existing law with the stipulation that the allocated seats for women should be at least 25% of the seats
- The President of the Republic may appoint a number of members in the parliament not exceeding 5%.
- The parliament would be elected by 284 seats in the individual system, and 284 seats in the closed-list absolute system
- The division of the republic into a number of districts that are allocated for election by the individual system, and 4 districts are allocated to the election by the list system. 42 seats are allocated to each one of two districts, and 100 seats are allocated to each one of the last two districts.
- An electoral list must include a number of candidates equal to the number to be elected in the district and a number of reservists equal to it
- Each list assigned to 42 seats must include the following numbers and attributes at least, three candidates from Christians, two candidates from workers and farmers, a candidate for persons with disabilities, a candidate from Egyptians living abroad, provided that he is among those who possess these characteristics or others (21) A woman at least
- Each list with 100 seats must include the following numbers and attributes: Nine candidates are Christians, six candidates are workers and farmers, six candidates are young men, three are candidates for persons with disabilities, three candidates are Egyptians residing abroad, provided that at least 50 are women with these qualities or others.
- It is permitted to form the list of independent candidates who are not affiliated with parties, or to combine them, and in all cases the name of the party must be shown or the candidate is independent within the one list in the nomination papers
- The Conditions for candidacy included “that his membership has not been dropped by a decision of the Parliament or the Senate due to loss of confidence and prestige or because of breach of membership duties, unless the effect that prevents candidacy has been removed legally
- The candidacy application shall be accompanied by documents, including the CV of the candidate and in particular his scientific and practical experience ... a statement of whether he is independent or affiliated with a party, and the name of this party ... a receipt for the deposit of ten thousand pounds, and other documents specified by the National Election Commission
- The representative of the electoral list shall take steps for their candidacy with an application submitted on the form prepared by the National Elections Commission, accompanied by the documents specified by the commission
- And upon receipt of the deposit of forty-two thousand pounds as insurance for the list allocated for it 42 seats, and one hundred thousand pounds for the list allocated for it 100 seats
- Reducing the period during which the court adjudicates appeals against the decisions of the Committee for Examining Candidacy Applications and deciding on the candidate’s position, to a maximum of 3 days instead of 5 days in the existing law
- Increase the fee decided for the candidate to obtain a merged loan, including a list of the names of the voters in the candidate district, to be 500 pounds instead of 200 pounds according to the existing law
- Disciplinary measures may not be taken against him without the approval of the Council, in accordance with the procedures established by its internal regulations
- The prohibition of combining membership of the Parliament with others, in addition to the Senate
- The President of the Senate during the term of the dissolution of the Parliament, assumes all the administrative and financial powers which are granted to the Parliament’s Office and its Speaker
- During the term of the dissolution of the two chambers, the Prime Minister shall assume all financial and administrative powers which are granted to the Parliament’s Offices and its Speakers.

- The Parliament announces alone the final results of the referendums and elections in the Republic, by a decision issued within the five days following the date on which the Election Authority delivered all the papers of the general committees, and one day is added to this period if complaints are submitted to the commission.

The aforementioned amendments are highly sensitive as they come together during the scheduled election year, starting in September 2020.

This direction towards amending the legal framework for parliamentary and presidential elections started from the beginning of the fifth and final periodic session of the Egyptian Parliament, and this is considered a clear direction towards framing and controlling political life, especially as it witnesses the regime's control over all its pillars.

All these laws were approved on the 7th and 17th of June of 2020.²

By reviewing the election results for the Senate, the results of these amendments could be examined:

The chancellor Lasheen Ibrahim, the deputy head of the Court of Cassation and the head of the National Elections Authority, declared the call for the voters to vote inside and outside Egypt in the



elections of the Senate, and the schedule of the electoral process which includes the opening of receiving applications for candidacy from the 11th of July to the 18th of July of 2020.

The applications for candidacy for the elections of the Senate were received for a period of 8 days in 27 courts all over the republic, including submitting the results of the medical checkups.

In preparation for these elections, 16 political parties headed by the pro-regime "the Nation's Future" party, which has a parliamentary majority in the Parliament, agreed initially to run in the Senate elections, with a unified national electoral list throughout the Republic. And it agreed to coordinate in the governorates at the level of individual seats. His list of accord included 3 new parties, namely the Freedom Party, the Free Egyptians party and the Conference party. As the list currently includes, in addition to the Nation's Future Party, the Wafd Party, the Republican people, Al-Ghad, the Tagamoa, Justice, Reform and Development, the Egyptian Democratic, the Will of a Generation, Protectors of the Homeland, Modern Egypt, the National Movement In addition to the Youth Party Coordination.

The political arena in Egypt is formed according to the desires of the regime and its supporters, making it impossible for the voices of the opposition to make balance in the institution that

² Concerning the ratification of all of these laws .Look at the following links:

<https://bit.ly2/TdMOJY>

<https://bit.ly35/f26Um>

<https://bit.ly34/hNjiY>

<https://bit.ly2/Tdh6wj>

represents the Egyptian people (the Parliament).

Moreover, the opposition avoids entering into formal elections that sought to legitimize the regime.

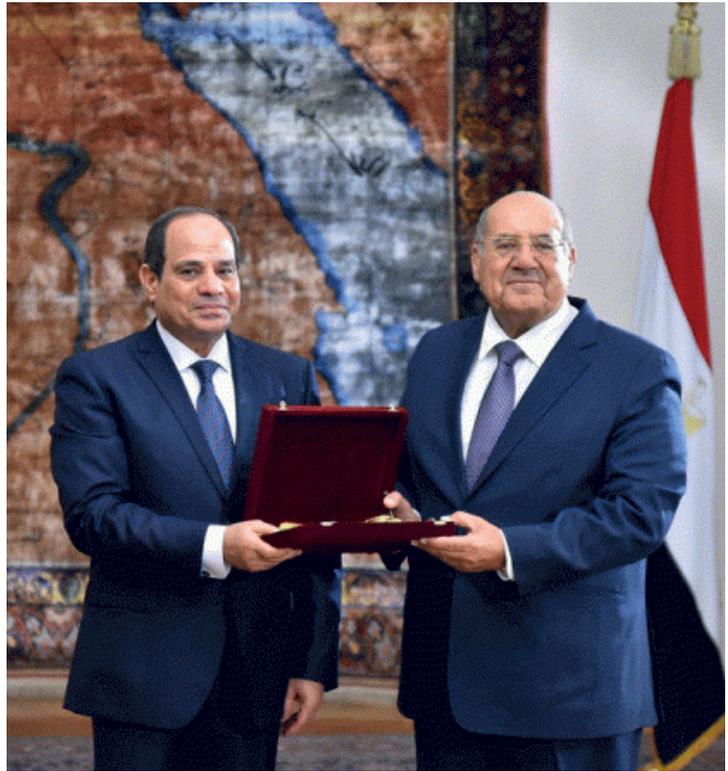
One of the elements of confirmation of the formation of the political arena according to the desires of the regime could be seen in the reactions of the parties, even those who are loyal to the regime as some of them decided by agreement to withdraw from the unified list. And the opposition parties and independents decided to boycott the Senate elections as a great part of them oppose the formation of a Second chamber in the legislative branch. It is reported that the head of the Nation's Future Party is the former President of the Supreme Constitutional Court, Counselor Abdel-Wahab Abdel-Razek.

He is known for his supporting decisions for the Egyptian regime. So he may be appointed later as the Speaker of one of the two chambers of the Legislative authority

The elections of the second chamber of the legislature



The head of the Future Watan Party is the former president of the Supreme Constitutional Court, Counselor Abdel-Wahab Abdel-Razek. He was known for his decisions in support of the regime in Egypt. Which is likely to be appointed later as the head of one of the two chambers of the legislative authority



title of the domination of the Executive Authority

It is noted that it is a chamber with very limited powers compared to the previous Shura Councils.

It is reported that in the aforementioned party alliance, it submitted a list alone to compete for the elected seats with the absolute closed list system. According to the law, a 5% vote is sufficient for it. As for the other third in which the candidates compete in the single-election system, all the candidates belong to pro-regime parties or are independent.

Regarding the remaining third which is appointed by the President of the Republic, Abdel Fattah Al-Poli, the direction is to reproduce the experience of the Shura Council during the era of President Hosni Mubarak. Members are chosen on the basis of political loyalty to the regime.

Names and personalities are chosen from among the heads of media institutions, syndicates, universities, institutes and public institutions as a reward for the services they provide to the system. In Egypt, amendments to the electoral law are a direct cause of controlling the results.

In July 2020, the Parliament, by a two-thirds majority of the members, approved the amendments which were submitted by the Egypt Support Coalition, which included that the Parliament consists of 568 members in a general election by a secret ballot. And the seats for women are allocated

The pro-regime electoral coalition led by the Nation Future Party



for no less than 25% of the total seats. And A number of seats are allocated for each of the Christian citizens, workers and farmers, and a representation for youth, people with disabilities and Egyptians who live abroad

According to the amendments, the President of the Republic may appoint a number of members in the Parliament, not more than 5%, and the Parliament has become 284 seats by the individual system, and 284 seats in the absolute closed lists, and parties and independents are entitled to run in each of them.³

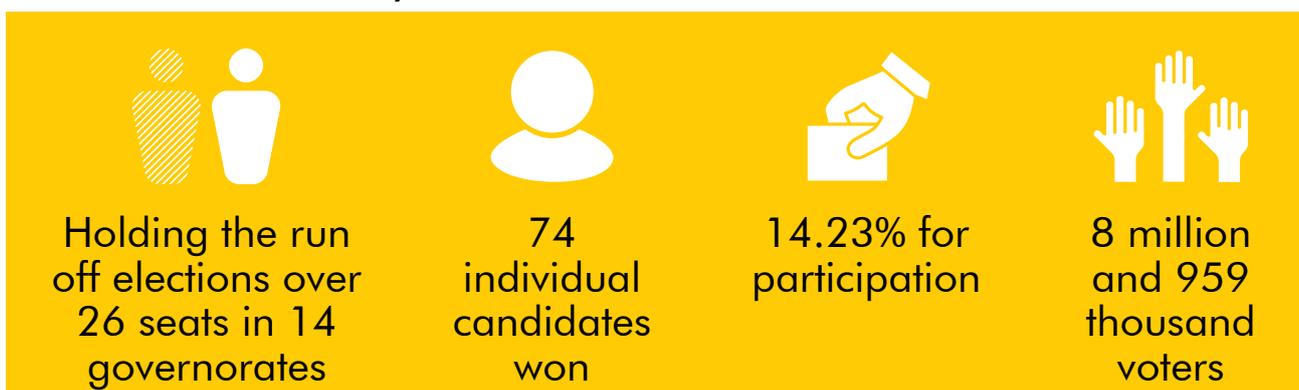
The closed list system faces huge objections from legal jurists because it includes the dedication of the votes of the electorate and imposes the will of political parties on the citizens as they vote on the entire list, which is considered the same as the appointment rather than election. Usually, the democratic countries resort to the open list system in which each list gets a number of seats which are equal to the number of votes it gets.

The electoral laws and the distribution of electoral districts are coming together to make parliamentary seats in the hands of the loyal parties to the executive authority. It is not enough that the closed list (the pro-regime Egypt Support Coalition List) obtains 50% of the parliament, which guarantees that it will pass most of the laws that are required to be passed. Winning individual seats is almost exclusive to the same trend.

Despite the efforts made, the elections witnessed a weak turnout of voters to cast their votes in the various governorates. Candidates intrigued the voters by providing means of transportation to transport them to the committees, and urged them to go through loudspeakers in various regions, while the attempts to mobilize the elderly, women and Copts were clearly evident in Confronting the low turnout, especially in popular and densely populated areas in the governorates of Greater Cairo, with the rebroadcast of satellite channels loyal to the regime footage that shows the presence of some citizens at the doors of the committees. Activists have reported cases of voting by receiving money. The election results came as expected, as the regime's lists and loyalists controlled the Senate seats.

The National Elections Authority declared the results of the elections of the Senate officially:⁴

The Executive Authority:



3 . Look at the following link :<https://bit.ly2/UmKDo7>

4 Concerning the results of the elections Look at the following link :<https://bit.ly3/ofsflB>

The regime in Egypt continues to extend its domination over the pillars of the state, as it seeks to ensure and confirm its legal and institutional presence through the military establishment, and behind it the President of the Republic. In this regard, the Parliament approved, in its plenary session, amendments to 6 laws on the armed forces. And the most important of them are:

- Law No. 232 of 1959 regarding the conditions of service and promotion for officers of the armed forces
- Law No. 4 of 1968 regarding the command and control over the affairs of defense of the state and the armed forces
- Law No. 20 of 2014 regarding establishing the Supreme Council of the Armed Forces
- Law No. 46 of 1973 regarding the Military Education in the secondary and higher education stages

At the top of the list of amendments are those ones which are related to draft Law No. 55 of 1968 regarding the popular defense organizations by adding two new articles, the first of them is No. 5 bis, which stipulates that each governorate should have a military advisor and a sufficient number of assistants whose appointment and conditions for their employment are determined by a decision from the Minister of Defense. The second, number 5 bis (A), stipulates specifying the terms of reference for the governorate's military counselor.

Regarding the militarization of the regime, the military counselor would actually be the governor, within a country in which the division between civilian and military jobs has become a reality and clear, in favor of the latter.

These laws are a confirmation of the military regime's tendency to further restrict society, activists and opponents, by extending the hand of the executive authority headed by President Abdel Fattah El-Sisi, through various mechanisms and institutions.

The regime was not satisfied with subjugating the judiciary, but it was reviewing all institutions affiliated with the executive authority, under the leadership of Sisi, to give it more opportunities to strike at its opponents.

It was stated in Law No. 165 of 2020 amending the aforementioned law, and in Article Two thereof, there are a set of powers of the military advisor in the governorate. And it is the following:

- The representation of the Ministry of Defense in the governorate.
- The contribution in the periodic follow up of the field for the services provided to citizens, ongoing projects, and implementation rates.
- Communicating with citizens to find out their problems and take necessary action regarding them.
- Coordination with the concerned authorities in the governorate to take the necessary measures to achieve the state's development goals in the economic, social and cultural fields, or to prevent the occurrence of a grave danger that harms the state's security and safety.
- Coordination with educational authorities at the governorate level to implement the military education curriculum according to the rules specified by the Ministry of Defense.

The second article also stipulated that the military advisor, in order to carry out his duties, do the following:

- Participation in the meetings of the People's Defense Council and the Executive Council of the Governorate.
- Holding meetings with the leaders of the governorate in cases that he deems necessary in connection with his duties.
- Submit reports to the Ministry of Defense or any of the concerned authorities regarding any of the matters pertaining to it.

Delegating any of his assistants in the specializations assigned to him, and the decision to appoint the military advisor to the governorate determines the specializations assigned to him.

The rest of the amendments are no less dangerous than the aforementioned. Under which the law relating to the National Security Council was amended.⁵ That later is held by a call from the president of the republic in cases in which the state, its civilization, the preservation of its constitution, the country's security and territorial integrity, the republican system, the basic foundations of society and its national unity are at imminent risk.

In order to take urgent measures and mechanisms to confront this, according to Article Four. The assessment remains in the hands of the President of the Republic, and he enjoys the full powers at this level.

The decisions issued by the Council are self-enforceable and binding on all and all state authorities. The above is related to the amendment of the law establishing the Supreme Council of the Armed Forces, whereby the law allows according to the new amendment of the President of the Republic and the Supreme Commander of the Armed Forces to include members of the Council "as needed."

The Executive Authority: Between the Military and its culture towards the more militarization of the state and individuals

The aforementioned law relating to the powers of the military advisor in the governorates allowed the advisor to coordinate with educational authorities at the governorate level to implement the military education curriculum in accordance with the rules specified by the Ministry of Defense.

The latter thus becomes a reference for values and materials to be included in educational programs. The previous semi-annual report of the Center for Supporting Democratic Transition and Human Rights referred to Sisi's speech and his directing to the Ministry of Information to "form the Egyptian personality and defend values." This has been strengthened by the Ministry of Defense recently. This represents a clear program for the further militarization of the state and society. It is the reason behind the amendment of the Military Education Law.

Institutionalizing the military rule A special subject: The social policy between the covid crisis and its aftermath The health crisis has called urgent questions about social policy in Egypt and its



Institutionalizing military rule:

A special focus: social policy between the covid crisis and its aftermath

⁵ Parliament finally approves the amendment to the National Security Council law. Look at the following link: <https://bit.ly/3m5pdaP>

political, economic and human rights dimensions.

Such as the failure of social policy in Egypt on the occasion of the health emergency is evidence of the absence of any alternative conception of the social contract based on the rooting of democracy and human rights in the state and society, so that the systems of political hegemony and other systems intertwined with them economically, socially, culturally and in the media ... As a result, the absence of transparency, corruption and profit interest The suppression of workers in all sectors and the separation of the law from the reality of the people.

The Corona crisis was the dominant and main controller in the state's policies, whether on the side of the direct medical confrontation with the epidemic, or at the level of economic and social policies and legislative development, or even at the security level.⁶

At the level of the economic policies

President Abdel Fattah El-Sisi announced that the Ministry of Finance has allocated 100 billion pounds to finance the comprehensive plan to confront the epidemic, while reducing the price of natural gas for the industry at 4.5 dollars, electricity by 10 piasters, and providing one billion pounds to support exports and 10%. The measures also included raising administrative reservations on troubled companies. And reducing interest rates by 3%, postponing credit entitlements for medium, small and micro companies by 6 months, and reducing profit taxes by 50% to become 5%. Also, the initiatives of the Central Bank included, including real estate financing for average income by 50 billion pounds for a period of 20 years with a decreasing return of 8%. And the initiative of defaulting legal persons working in the tourism sector, with postponing the dues of companies in the sector. It also included the initiative of 100 billion pounds to finance the industrial sector, with instructions to set the percentage of personal consumer loans at 50% instead of 35% of total income, and the initiative of non-obligated customers from Individuals.

Despite the permanent government statements that the Egyptian economy is achieving growth in 2020 despite the repercussions of the Corona pandemic, the question of "Where did the 100 billion people go" is dominant in all economic discussions.

Some numbers and data reveal the lack of transparency in the Egyptian economic decision and its implementation policies regarding grants and loans received by Egypt.

President Abdel Fattah El-Sisi's decision to disburse the "presidential grant":

- And its value is 500 pounds for "irregular workers" from June 2020

And all grants after 3 months:

- Two billion pounds, 400 million and 314 thousand pounds,
- The grants were disbursed in 3 stages, each stage valued at 500 pounds for each eligible worker, with a total of 1500 pounds, who benefited from them:
- About one million and 600 thousand and 216 irregular workers,

In contrast to the above, no real measures have been taken to support the economically affected groups by the epidemic.

Especially since many doctors' complaints to the Doctors Syndicate and hospital administrations are not available in sufficient numbers of protective equipment, especially high protection masks or medical tools to treat patients.⁷

Also, after two months of announcing the allocation of the 100 billion to face the crisis, Egypt obtained the approval of the International Monetary Fund to lend \$ 2.8 billion to reaffirm the reality of the great economic crisis afflicting the country. This comes after a responsible source revealed to the "Economy Plus" website , That Egypt is currently seeking to obtain external financing of

6 Al Watan newspaper .Look at the following link :<https://bit.ly3/moJ70D>

7 Al Masry Al Youm Look at the following link :<https://bit.ly2/G2Z114>

more than \$ 9 billion from the International Monetary Fund and other institutions, in addition to the \$ 2.⁸ billion it received recently, and the official said that Egypt is seeking more than \$ 5 billion from the International Monetary Fund, according to Additional support and support agreement, and \$ 4 billion from other institutions.

The Official Fallacy About Pandemic Finances: The direct escape from the responsibility



The expert and financial analyst, Mohamed Kharaga considered that the main reason behind this loan is the decline in foreign exchange reserves in the Central Bank of Egypt, explaining that the Corona pandemic in Egypt does not require allocating this loan to confront it, so the Egyptian government, for example, did not spend more to buy new beds for patients, or import Protective masks or medical supplies, and it did not even compensate the unemployed that is worthy of the high cost of living that Egypt suffers from, even before Corona.

The Undersecretary of the Ministry of Finance confirmed that 60 billion pounds of the 100 allocated by the President of the Republic have been spent to confront the Corona pandemic. 8. The Minister of Health also stated previously that 5.1 billion pounds have been spent on additional allocations for health, 5 billion pounds for the Ministry of Supply to provide goods and strategic needs, 10 billion pounds for contractors and suppliers, and 10 billion pounds for tourism and aviation.⁹”.

The economic expert “Mamdouh Al-Wali” has a different vision, as he sees that what has been disbursed from it so far is almost limited to the Ministry of Health only, and that the numbers that were disbursed from this amount are related to supplies. Exports. These are amounts owed years ago, “he said. And that what we have seen recently is merely granting subsidies from the emergency fund at the Ministry of Manpower that are less than 100 million pounds, previously deducted from the wages of the beneficiaries for the benefit of the fund, which means, in total, little of this amount allocated to Corona. In its report, the Trade Union Services House monitored the economic and social implications of the outbreak of the Coronavirus on Egyptian workers.

That businessmen have taken a number of arbitrary decisions and measures that have killed workers and stormed their jobs, including collective dismissal and layoffs of workers in some companies, or refraining from paying or reducing salaries while forcing workers to work for the same specified number of hours, ignoring any precautionary measures or measures. It was declared by the World Health Organization since the pandemic began, and the Egyptian government has confirmed it in accordance with international labor standards and Egyptian labor law.

Doctors are considered more vulnerable to infection, and despite this, the suffering of the medical

8 Youm 7 Look at the following link :<https://bit.ly3/mtEkuN>

9 The economy Look at the following link :<https://bit.ly3/kDGesg>

professions sector has doubled in light of the weak capabilities, the lack of allocations that the sector receives, and the lack of adequate protection for the transmission and spread of infection.

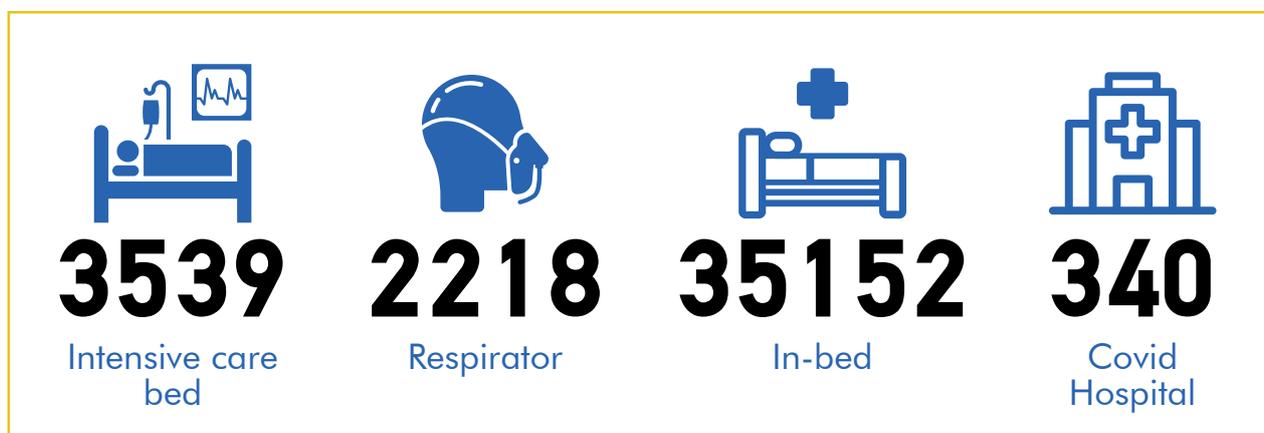
The report dealt with the conditions of workers in the informal sector, which comes according to the estimates of the Egyptian Central Agency for Public Mobilization and Statistics, with about 5.6 million workers in Egypt, of whom about 277 thousand work daily, and 233 thousand are seasonal workers inside government facilities, in addition to these numbers 609 thousand seasonal workers. And 3.7 million intermittent workers in the private sector.

According to the report, workers in the informal sector faced many challenges as a result of the decisions issued to close entertainment, tourism and markets to street vendors, as well as the eternal problem of domestic workers that escalated with the onset of the pandemic as most Egyptian families gave up their work for fear of transmission, that of course. Free of charge, confirming for the millionth time, the precariousness of their legal and social conditions.

As the health and social security systems cover with their services the groups working in the formal sector alone, disregarding the protection of this sector, not only during crises and epidemics, but in general even before the crisis, at the same time Ministerial Resolution No. 776 of 2020 was issued within a number of decisions announced by the state To form a committee to collect data on workers affected by the economic repercussions left by the virus, but the effects of a state of turmoil, in light of the inability to record their data, and the lack of clarity of who is addressed and not addressed by this decision.

At the level of medical equipments

The total number of hospitals dealing with the Coronavirus crisis has reached 340 hospitals nationwide, after adding 320 triage and isolation hospitals nationwide, including 35,152 internal beds, 2,218 ventilators, and 3,539 intensive care beds, as well as raising the prices of medical services provided in Private hospitals have many criticisms because of their high, especially after a number of hospitals refused to apply the prices set by the Ministry of Health and Population



for these services, and the Ministry of Health had announced the costs of treating Coronavirus in internal rooms and intensive care in private hospitals, in early June, June 2020, as it determined the cost of a patient. In an internal isolation room 1500-3000 pounds per day between 95 to 190 dollars, and the cost of the patient in intensive care is between 7500 - 10,000 pounds, with a ventilator between 480 to 640 dollars, and without a respirator, it ranges between 5-7 thousand pounds per day between 320 to 445 dollars, and on June 3, Dr. Khaled Samir, a member of the board of directors of the Healthcare Providers Chamber of the Federation of Industries, said that private sector hospitals reject these prices, stressing that most of these hospitals see that providing care service Coronavirus patients are expensive.

The crisis challenges medical ethics especially its duty and responsibility regarding the life of citizens. It has been evident that the regime escapes from its responsibility by criticizing doctors on many occasions, despite the fact that it is directly responsible for the unavailability of medical tools and equipment to perform the task of saving lives.

At the level of enacting laws

The Egyptian Parliament has amended some provisions of the Emergency Law, which was issued by President Abdel Fattah El-Sisi after it was approved by the House of Representatives on April 22, 2020, and the amendment included two articles on 18 points facing the repercussions of the Coronavirus pandemic, including disbursing financial support for those affected, and establishing hospitals Field, and the initial military investigation only into violations of the law, and for the first time the cause of health conditions has been added to the Emergency Law.

The amendments include the security forces or the army to implement the orders of the President of the country or his representative, and have the capacity of a judicial seizure, provided that the Military Prosecution has the right to preliminary investigation only into any violations, provided that the Public Prosecution has jurisdiction over the final disposal of the investigation.

It also includes suspension of studies or work, partial or full postponement of the payment of electricity, gas and water service fees, or installments of dues to the state, restricting public meetings and permissible to restrict private meetings, and obligating those coming from abroad to submit to quarantine procedures.¹⁰

The laws are just a continuation of the repressive policy of the regime as the health quarantine joined the system of the emergency law. To consolidate a security approach which is separated from any social and economic approach that has the right dimension. These amendments released the security and military hand without supervision or accountants, which explains the increase and continued repression during the monitoring period.

At the level of the security control

With the beginnings of the spread of the epidemic in Egypt, human rights campaigns came out calling for a reduction in the overcrowding in prisons, because of the danger that this posed to the detainees there, especially in light of the presence of tens of thousands of pretrial detainees for political issues, but these demands were faced by the Egyptian authorities with more arrest campaigns against the participants.

While Egyptian and international human rights organizations, political parties, and international bodies are calling for a reduction in the overcrowding in prisons and the release of some categories of prisoners, security authorities in Egypt arrested dozens of people from their homes during campaigns in separate governorates, and most of them were hidden for varying periods before they appeared before the State Security Prosecution on charges of joining a terrorist group, misusing social media, and spreading false news.

They are the same charges that have also been brought against a number of activists, journalists and lawyers recently, due to posts on their personal accounts about the Coronavirus.

These intense prosecutions also coincided with violent campaigns on foreign media outlets to prevent any news about the new Corona epidemic and its spread in Egypt other than official accounts from circulating.

On March 17, the Egyptian authorities decided to close the British Guardian newspaper's office in Egypt and withdraw its accreditation, after the newspaper published a report questioning the official numbers of people infected with the Coronavirus, and the Egyptian authorities insisted on deporting the newspaper's correspondent in Egypt.

This is in addition to another warning directed at the correspondent of the American New York Times in Egypt, stressing the need to refer to "the official sources in the news that are broadcast on Egypt and adhere to professional rules"¹¹.

On the other hand, the Medical Syndicate addressed the Attorney General, Counselor Hamada Al-Sawy. Concerning the doctors who were arrested after publishing their opinions related to the Corona pandemic, as complaints related to this matter were received by the Syndicate and the Syndicate demanded that they be released quickly until the investigations with them are

10 Shourq newspaper Look at the following link :<https://bit.ly35/FzHqQ>
Anadolu Look at the following link :<https://bit.ly2/Jftsm9>

11 The Egyptian Front Look at the following link :<https://bit.ly2/HEjA4O>

President El-Sisi's government is using the epidemic as a justification to expand, not reform, the offensive Egyptian Emergency Law. The Egyptian authorities must address real public health problems without imposing tools of repression

Joe Stork

Deputy director for the Middle East and North Africa division at Human Rights Watch



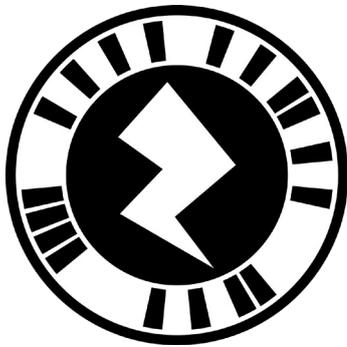
completed. And the presence of a representative of the union during the investigations as it is its inherent right.¹²

¹³Those ones who were targeted by the authorities have protested against unsafe working conditions, lack of personal protective equipment, insufficient infection control training, limited screening of health care workers, and lack of access to essential health care.



12 The Egyptian Medical Syndicate .Look at the following link :<https://bit.ly2/G3lr13>

13 The Amnesty International Look at the following link :<https://bit.ly3/e3rdxC>



The development
of policies and
legislations related to
human rights

The situation of human rights in Egypt is a crisis by all accounts. All authorities are involved in violating it, as part of a systematic policy that exploited the spread of the virus as a stick in the hand of the regime to postpone public debate about the crisis of democracy and the crisis of the economy and society.

The regime also deliberately placed activists in the Egyptian civil society at risk of health by pushing them into overcrowded prisons and forbidding the entry of medicines and sterilizers.

Many international and local organizations called for an end to the regime's slow and deliberate death policy.

However, the latter continued its practices that are in conflict with the constitution and human rights principles.

The virus is a weapon in the hands of the regime:

The quarantine and three years of emergency in Egypt.

With the start of the spread of the epidemic in Egypt, the authorities put a set of procedures under the title of the health

need. The first measure was the option of a comprehensive quarantine.

Among its consequences is the prevention of visits to prisons, which has created a general ambiguity about the status of prisoners and the danger they face in light of severely overcrowded prisons.

The quarantine also coincided with the declaration of a state of emergency for the 12th time since 2017, so that Egypt would bypass the three-year period of emergency.

The emergency is originally an exceptional situation, but the principle is that it was added to the stone as a means and justification for violating human rights. We cannot fail to recall that the security character is dominant in the Egyptian state's policy, which means more repression

Repressing the political freedoms and rights while acquitting the criminals

One of the first results of this blatant security approach was the inclusion of leaders from the civilian movement known for their legitimate political activities on terrorist lists, namely Ziad Al-Alimi and Rami Shaath. Which is considered a blow to the political process and intimidation of the opposition.

Among the implications of the listing of the accused persons in the terrorist lists in accordance with the provisions of Law No. 8 of 2015 regarding the regulation of terrorist entities:

- The listing on travel ban lists and anticipation of arrival, or preventing a foreigner from entering the country.
- Withdrawing or canceling the passport, or preventing the issuance of a new one.
- Losing the condition of good reputation and conduct necessary to assume public, representative or local jobs and positions, stopping service in public jobs and stopping contracting with public sector companies and public business sector companies, as the case may be, and not appointing or contracting any of them.
- Freezing funds or other assets owned by the terrorist, whether in full or in the form of a share in a joint ownership, the revenues generated from it, or that he directly or indirectly controls, and the funds or other assets of the persons and entities operating through him.
- The Prohibition of practicing all civil or advocacy activities under any name.
- The Prohibition of financing or collecting money or things for a terrorist, either directly or indirectly.
- Stopping membership in professional unions, boards of directors of companies, societies, institutions, any entity in which the state or citizens contribute a certain share, the boards of directors of clubs, sports federations, and any entity designated for the public benefit.

Among the political activists whose imprisonment has been renewed is Dr. Abdel Moneim Abul-Fotouh, head of the Strong Egypt Party, for a period of 45 days pending investigations in Case No. 440 of 2018, the restriction of Supreme State Security.

The repressive authorities revealed their true face more after the Court of Cassation ruled in a final final ruling, to reduce the felony ruling issued to punish the officer accused of killing the political activist Shaima Al-Sabbagh from 10 years imprisonment to 7 years imprisonment, in the event that dates back to January 24, 2015 in celebrations The fourth anniversary of the January 25 revolution.¹ The same court also ruled a final ruling and now upholds the innocence of the former Minister of Interior, Major General Habib Al-Adly, and a fine of 500 pounds, in the case known in the media as "corruption of the Ministry of Interior."

By September and the first anniversary of the demonstrations of the same month of 2019, the regime had returned to launch a massive campaign of arrests, and despite the security blockade and the continuous crackdown, demonstrators took to the streets in several governorates, and the security forces confronted them severely and with a special force in Suez, Alexandria and Cairo And after that, security campaigns to arrest young people and demonstrators in the hundreds, in parallel with the popular movement in the streets of Egypt, the virtual space moved to support it.

for his transfer to treatment of the virus. The Journalists Syndicate intervened in this direction to confirm his infection with the virus, and he would later die in stone.

By August 2020, there were more and more reports of 14 deaths in prisons due to the Coronavirus. Activists and local organizations reported, in addition to letters leaked from inside prisons, the deterioration of the conditions in the prisons, which are already overcrowded.

Although dozens of prisoners and detainees - at least - showed mild to severe symptoms of "Covid-19" disease caused by the virus, medical care in prisons was insufficient, with an almost complete absence of laboratory testing for the virus and medical scans to detect symptoms.

The policy of blackout regarding Coronavirus, stopping the communication with prisoners under the pretext of the comprehensive quarantine

The blackout policy on the health situation in prisons was one of the regime's tools to create a black room of death threatening public right prisoners, but especially Egyptian civil movement activists. This explains the Egyptian regime's endeavor to control information about the spread of the epidemic in Egypt, by preventing press investigations and pursuing what contradicts the numbers it publishes.

The Egyptian authorities cancelled the accreditation of the British-German journalist Ruth Michaelson after publishing a report on the number of coronavirus infections.

Regarding the reason for its "deportation," Michaelson says that the "Egyptian regime" is politicizing the problem because it is "afraid of undermining the stability of its rule."

It should be noted that the approach adopted by the Egyptian authorities, although it has the legal basis in the authority of the Ministry of Interior to deport unwanted foreigners, is part of the

Although dozens of prisoners and detainees - at least - showed mild to severe symptoms of «Covid-19», medical care in prisons was insufficient, with almost complete absence of laboratory testing for the virus and medical scans to detect symptoms.



media suppression policy pursued by the Egyptian regime, and an emphasis on its image that it maintains as a one-vote system.

Prisoners suffer from the same blackout policy inside prisons as well, especially since every blackout is a serious and dangerous threat to his life in overcrowded and inhuman prisons.

Dr Leila Soueif has been in a sit-in in front of Tora prison, in the third week of June / June 2020, awaiting a letter from her son, 3 months after the visit was banned and 3 weeks after his last speech. During the sit-in, Dr. Layla was harassed to keep her away from the prison perimeter before her two sons, Mona and Sanaa Seif, joined her, under one slogan (we want an answer from Alaa). To severe beating and wounds.

While the family was in the Public Prosecutor's office, to report the assault incident while the family was in the process of demanding details about Alaa Abdel Fattah inside the prison.

Sanaa was kidnapped in front of the Public Prosecutor's office after her identity was verified and placed on a microbus by plainclothes officers. Then she appeared before the State Security Prosecution, which ordered her imprisonment for 15 days pending investigation on charges of spreading false news and joining a terrorist organization.

The dedication of prisoners for the opposition Breaching the law and singing about defending "the values of Egyptian society"

One of the paradoxes of the system is its keenness to fill the prisons with dissidents, while releasing common-law prisoners in the thousands. The revolving doors policy plays a pivotal role in this systematic policy of repression, as it extends the imprisonment of activists even after exceeding



Alaa Abdel-Fattah's family during their sit-in in front of Tora prison

the two-year period stipulated by law as a maximum preventive detention.

Originally, it was a very long period that became a basic punishment by the system to imprison anyone who violates it. Meanwhile, the regime continued to support moral judiciary decisions that do not contain any interpretations capable of distinguishing between individual and public freedoms and rights and between order, morals and public morals.

The system of repression is considered a hybrid and combined between moral discourse and legal deterrence that violates procedures and laws, with a simple security hand without accountability or deterrence.

This requires, at the same time, a policy of blackout and control over information channels that express a necessary basis for freedom of expression, criticism and entry into the public space.

It is reported that the Egyptian Ministry of Interior decided, on the occasion of the Sinai Liberation Day, to release 4,011 prisoners with a presidential pardon and conditional release.

According to the ministry's statement, the decision came in an implementation of the President's decision regarding the release of pardon for the remainder of the sentence for some of the convicts, who had fulfilled the conditions of pardon on the occasion of the celebration of Sinai Liberation Day 2020, but it is noticeable that there are no convicts in cases of a political nature in the There has been an ongoing campaign to release prisoners and remand prisoners from prisons in light of the Corona crisis and the danger it poses to detainees.

The President of the Republic also issued a presidential decree pardoning 3,157 convicted prisoners, including Presidential Decree No. (232 of 2020) pardoning the original punishment and what remains of it, the name of the former officer Mohsen Munir al-Sukkari, convicted in the case of the killing of the Lebanese artist Suzan Tamim.

In 2012, the Court of Cassation had ruled that businessman Hisham Talaat Mustafa was sentenced to 15 years imprisonment for complicity in murder and incitement, and Mohsen al-Sukkari, a former state security officer, was sentenced to life imprisonment, on charges of premeditated murder, and 3 years imprisonment for possession of a weapon without a license. And in the case

that took place in 2008.² For the second time in a row, the pardon decision did not include any of those convicted in cases of political background.

The regime also proceeded to arrest and renew the imprisonment of activists.

Perhaps the most prominent of them are:

The Ninth Circuit of Mansoura Criminal Court, renews the detention of activist Muhammad Adel for a period of 45 days, in violation of the article No.

143 criminal procedures for missing the maximum two-year pre-trial detention period.

■ On 20 July 2020, the Cairo Terrorism Criminal Court decided that the human rights lawyer would continue to be imprisoned Amr Imam, journalist Sulafa Magdy and her husband, photojournalist Hossam Al-Sayyad, journalist and activist Israa Abdel Fattah, accountant Mohamed Salah and activist Razavi Mohamed, for a period of 45 days pending investigations in Case No. 488 of 2019. It is noteworthy that it was the first session in four months in which he attended without excuses due to the Corona pandemic crisis.³

■ The Second Circuit of the Alexandria Criminal Court decided, on July 15, 2020, to release 19 of the accused persons pending Case No. 1413 of 2019 are State Security, which is copied from Case 1338 of 2019, known as the "September 20 Events Case," with a bail of 10 thousand pounds.⁴

■ The State Security Prosecution office recycled Muhammad al-Qassas, vice president of the "Strong Egypt" party, for a third case. Two days after his release, this is the third case of accusing Muhammad Al-Qassas with the same previous charges, and the second decision to turn him on a new case after his release, for more than 30 months in pretrial detention.

■ The Criminal Court had decided to release Qisas in connection with Case No. 1781 of 2019 restricting the security of a supreme state, and the prosecution did not appeal the decision, but everyone was surprised that Muhammad al-Qassas went to the State Security Prosecution and presented him pending Case No. 786 of 2020 on the same charges that were Accused of it.

■ On August 10, 2020, the defense of political activist Sana Seif was surprised that the Supreme State Security Prosecution Added two new charges in the case in which she is pending investigation, and they are: "Insulting the police lieutenant colonel, Muhammad Al-Nashar, by saying while performing his job, and insulting the same person by posting words that include an insult to honor and esteem."

■ During the month of August / August 2020, the State Security Prosecution renewed the pending detention of Abdul Rahman Moka Case No. 558 of 2020, the journalist and researcher Shaima Sami pending Case No. 535 of 2020, and the journalist Haitham Mahjoub pending Case No. 586 of 2020, 15 days. The detention was renewed without the presence of the defendants from their detention or the presence of their lawyers.

■ While the prosecution renewed the detention of doctors Alaa Shaban Hamida, Muhammad Moataz al-Fawal, Hani Bakr Hamida, and Ahmed Sabra, for 15 days pending investigation in Case No. 558 of 2020, against the background of their publishing news and criticism related to the outbreak of the Coronavirus, and a decision was issued by Alaa, Al-Fawal, and Sabra, without their presence from their detention. Lawyer Amr Imam, who has been arrested since mid-October 2019, was also re-imprisoned and interrogated. And he is put in custody pending Case No. 488 of 2019 limited the investigation of the Supreme State Security Prosecution after he played a prominent role in defending those arrested among the citizens in what was known as the "events of September 20, 2019" last year, and as a punishment for his human rights work as a lawyer in the Arabic Network for Human Rights Information.⁵ The Lawyer Imam was reaccused in another case by fabricating a new case against him and investigating him on charges based on the usual fabricated National Security Investigations report against prisoners of conscience. Amr Imam was not the only human rights defender who was recycled. In the days following the investigation with him, the State Secu-

2 Document - Pardon of Mohsen Al-Sukkari ,convicted of murdering Suzan Tamim .Look at the following link :<https://bit.ly/37WEy9Z>

3 The Arabic Network for Human Rights .Look at the following link :<https://bit.ly/2/G77yjl>

4 The Egyptian Commission for Rights and Freedoms Look at the following link :<https://bit.ly/2/HvJJTv>

5 The Arabic Network for Human Rights .Look at the following link :<https://bit.ly/3/ktVurA>

rity Prosecution summoned both the human rights lawyer Mahienour El-Masry, the human rights lawyer Mohamed Al-Baqer, and the two journalists Sulafa Majdi and Israa Abdel Fattah to investigate the same case and ordered them imprisoned for 15 days after being interrogated in Case No. 855. For the year 2020, State Security was limited to that period being counted after the end of their imprisonment in the cases they are currently imprisoned for. Later, on September 13, the detention of human rights lawyer Mahienour El-Masry was renewed for 45 days pending the same case No. 488 of 2019⁶.

Meanwhile, the repressive regime established itself as the guardian of the values of Egyptian society, the Egyptian personality, and the formation and upbringing of the Egyptian family.

This was referred to by the previous semi-annual report of the Center for Supporting Democratic Transition, noting that it is a policy in the process of being consecrated, and will increase further under the framework of institutionalizing military rule in the conscience and individual and collective awareness and in institutions and structures.

Whenever repression increases, he seeks legitimacy in religion and morals.

However, the most dangerous aspect is its adherence to a military educational policy that is gradually becoming entrenched in the educational system.

This is what was mentioned above in the amendments to the Military Education Law and the powers of the military advisor in the provinces.

Among the most important rulings that were issued during the monitoring period, we could explain the following:

- The opposition judge decided to renew the imprisonment of the defendant Sherifa Rifaat, famous for “Sherry Hanim”, and her daughter Noura for 15 days pending the investigations being conducted by the prosecution, into their accusations of assaulting family principles and values in Egyptian society, and violating the sanctity of private life.⁷
- The First Circuit of the Cairo Economic Misdemeanor Court ruled that Sama Al-Masry was sentenced to 3 years in prison And a fine of 300 thousand pounds, for accusing her of inciting immorality. According to the referral order, the defendant published, with the intention of showing, images offensive to public shame by broadcasting through her personal accounts on the social networking sites “Facebook - Instagram - YouTube”, video clips of her highlighting her charms, accompanied by sexual phrases, insinuations and overtones, in a way that violates public decency and as indicated by the investigations.⁸
- The Dokki Prosecution decided to imprison the accused, Renad Imad, 4 days pending investigations, on charges of providing content And the shameless videos, which fall under the broadcasting of pornographic materials on the social networking site “TikTok”.⁹
- The Benha’s full court ordered the imprisonment of Manar Sami, known as “The Tik Tok Girl” and her friend, known as “Zika” for 4 Days pending investigation into the incident of “announcing itself on social media by submitting videos offensive to public shame, with the intention of practicing prostitution and inciting immorality and immorality”, taking into account the renewal of both within the specified legal dates¹⁰.
- The opposition judge at the North Giza Court decided to renew the imprisonment of the accused, Mennat Allah Emad, who was famously named Renad Imad, 45 days pending investigations, accused of advertising herself on social media, “TikTok”, and providing indecent content and videos

6 The Arabic Network for Human Rights .Look at the following link :<https://bit.ly3/oym0Te>

7 Renewing the imprisonment against» Sherry Hanim «and her daughter ,Nora for 15 days :they declared prostitution and they dragged the attention to them ” Look at the following link :<https://bit.ly35/GbpNv>

8 Three years imprisonment for» Sama Al-Masry «on charges of inciting immorality and immorality .Look at the following link :<https://bit.ly3/mrhsMo>

9 Renad Emad was imprisoned for 4 days for” posting sexual offence videos “on Tik Tok .Look at the following link: <https://bit.ly35/Adzy1>

10 A decision from the Public Prosecution office on the» Tik Tok girl ,«Manar Sami ,and her friend» ,Zika .«Look at the following link :<https://bit.ly3/owHfog>

that include pornographic materials with the aim of practicing prostitution¹¹

■ The Public Prosecution decided to refer Hadeer Al-Hadi to criminal trial on the charges against her for assault On the values of society and violating public morals by publishing videos that violate public decency and contain pornographic materials, after the investigations that took place with them.¹²



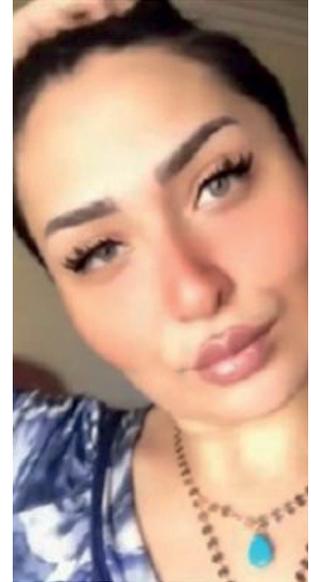
Renad Emad



hdyr hadi



Manar Sami



Zumurudah, daughter of Sheri Hanim

Repression has leaked to social media to perpetuate an ethical discourse in which the regime justifies and legitimizes its authoritarian presence, although it does not delay the violation of the values of democracy, freedom and equality.

The foregoing proves the strict censorship it imposes on all spaces, especially the hypothetical ones, which would become clearer by its suppression of the freedom of the press and its prosecution of journalists.

The regime claims that it fights prostitution, immorality and immorality. While in fact the regime moves them away from it and attaches it to others.

Freedom of the press

It is not strange to continue striking freedom of the press during the period of the epidemic, as is the case in the past. However, the nature of the suppression of press freedom during this period had a double authoritarian dimension as it exploits the fear of the epidemic through a “epidemic policy”. Official sources are considered the most accurate and not subject to criticism. In everything related to the state’s plan to confront the health emergency. It is also a double cover for hitting human rights under the pretext of confronting terrorism.

The Supreme Media Council: Praising the repression against press

Press websites and electronic press came at the forefront of repression during the monitoring period, within numbers confirming that the number of blocked sites in Egypt exceeded 600 sites. The blocking is considered unconstitutional, but the system devoted some legal tools to it through the issuance of a law to combat cyber-technology crimes in 2018.

Khaled balshi
Journalist

البداية
الجيل يستحق الحياة
Al-Bidaya website was blocked in June 2017

كاتب
Kateb website was blocked in June 2018, 9 hours after its launch

درب
The Darb site blocked in 2020

11 Renad Emad ,a Tik Tok girl ,was renewed for 45 days .Look at the following link :<https://:bit.ly31/Pf61Y>

12 Al Masry Al Youm Look at the following link :<https://:bit.ly3/pq0ale>

The Supreme Council for Media Regulation headed by Makram Muhammad Ahmed had decided to block the website of Al-Shura newspaper for 6 months, for publishing statements that were not made by the Minister of Health and offensive to pharmacists and for arousing concern among readers by doubting the medical system in general and facing the Corona crisis in particular and for its use of inappropriate words and phrases According to the merits of the decision.

It also continued to target the Darb website, which is considered one of the outlets for information about the situation in Egypt, far from the mouths of the regime.

And “Darb” is the third website blocked for journalist Khaled Al-Balshi, as two websites headed by



his editor were previously blocked; The “Al Bedaya” website in June 2017, and the “Kateb” website, which was blocked only 9 hours after its launch in June / June 2018, is one of the initiatives of the Arabic Network for Human Rights Information, whose website was blocked in August 2017.

Its decision No. 16 of 2020 regarding what was published in Al-Masry Al-Youm newspaper and its website about Sinai under the pseudonym “Newton.” The council decided to oblige the newspaper and its website to publish and broadcast a clear and explicit apology to the public for the violations it committed, within three days. And obligating it to remove the violating content from the website, and the council obligated the newspaper to pay a fine of two hundred and fifty thousand pounds, and block the section in which the violating material was published and broadcast in the newspaper and the website for a period of three months. As is the case with the Al-Naba newspaper website, which was fined 50 thousand pounds on May 21, 2020.

During the last week of July 2020, a group of Egyptian police officers stormed the headquarters of the website “Al-Minassa” and searched the computers of the journalists working on the site, and they arrested the website’s editor-in-chief (Nora Younes). When the site’s lawyer went to the Maadi Department The incident was initially denied by the department, then it was acknowledged several hours later and informed them that Noura will be brought to the Public Prosecution early in the morning.

Later, on Thursday evening, June 26, 2020, the Maadi Prosecution decided to release the journalist, Noura Younis, on a bail of 10 thousand pounds pending investigations in Case No. 9455 of 2020.

To counter publishing under pseudonyms that was the choice for journalists to face harassment and repression, the Supreme Council for Media issued a decision that press institutions, newspapers and websites must not publish or broadcast any press materials under pseudonyms except after submitting a request to the Supreme Council for Media Regulation that includes the period of use of the pseudonym and the purpose of its use. And the data of his user, and in all cases, the materials referred to may not be published or broadcast except after obtaining written approval from the Supreme Council for Media Regulation to use the pseudonym. It is a ridiculous decision

because it confirms the regime's fear and at the same time its desire to ensure its dominance and its suppression of journalism.

In the same direction, the Council has proven that it monitors journalistic content and seeks to



control and direct it within the framework of the regime's policies, as it decided to stop broadcasting the Pulse of Life program shown on Al-Mehwar satellite channel, in any media, electronic or digital, on a permanent basis, while obliging the channel to pay an amount One hundred thousand Egyptian pounds.

The council stated, in a statement, that the program committed violations by presenting unqualified personalities, and used expressions that stir public opinion, exacerbate problems in some villages, and cause panic and disturb public peace, and it was broadcast without obtaining a permit from the council in accordance with the law.

The Blogger and translator Marwa Arafa and translator Kholoud Saeed were subjected to enforced disappearance due to their journalistic work. This was done through arrests without permission from the prosecution office and the deliberate blackout around their destination for various periods.

The same is the case with the journalist Haitham Hassan, who appeared in the State Security Prosecution and was interrogated in connection with Case No. 586 of 2020, which decided to imprison him for 15 days.

Journalist Shaima Sami joined the list of attacks on journalists after her arrest from her home in Alexandria on May 21, 2020.

The Maadi Prosecution decided to release Lina Atallah, editor-in-chief of "Mada Masr", on a bail of two thousand pounds pending the investigation of case No. 8009 of 2020 misdemeanor of Maadi after she was charged with "photographing a military facility", to return again to the Maadi Police Station to complete the evacuation procedures Al-Sabeel, hours after her arrest, at noon on May 17, 2020, outside the walls of the Tora Prisons Complex, where she was interviewing Laila Soueif, the mother of imprisoned activist Alaa Abdel-Fattah.

The recycling policy during the first half of May included journalists Mustafa Al-Aasar, Moataz and Danan.

After the Public Prosecution decided to release them with the guarantee of their place of residence, pending investigations into the accusations against them in Case No. 441 High State Security Enforcement, it "rounded" them by filing the same accusations pending a new case No. 1898 of 2019

It is necessary to raise the hand of the regime represented by the President of the Republic from the rest of the authorities. This requires that it not exploit the institutions of the executive authority, such as the Ministry of Defense and Interior, the National Security Council, the army and intelligence.



restricting State Security and ordering their imprisonment for 15 days on Pending investigations. All journalists face these practices with flimsy pretexts related to the participation of a terrorist group in achieving its goals, misusing social media, and publishing false news and statements including:

- The Coptic journalist “Sameh Honein,” director of the film “The Pope’s Life,” who is imprisoned for 15 days on May 16, 2020
- Islam Al Kahli who is a journalist in the “Darb” website, was arrested during his coverage of the death of a young man on September 9, 2020 and taken to an unknown destination until he appeared inside the State Security Prosecution on September 10, 2020, and he was investigated in Case No. 855 of 2020 State Security and decided to imprison him 10 days pending the case.¹³

All of the above is happening in light of the Syndicate of Journalists turning into a trumpet for the regime to impose moral guardianship under the pretext of defending the values of Egyptian society while its statements about past violations are absent.

The right to strike and work: A capitalist priority and security tools

During the quarantine period, Egypt witnessed several workers’ strikes due to the deterioration of the economic situation and the resort of employers to dismiss workers. The security authorities cooperated with them in order to strike the labor movement.

Several workers have been arrested under the same flimsy and ready-made arguments that are directed at Egyptian civil society activists.

The authorities stop striking workers who were protesting against their dismissal or cuts to their wages.

Businessmen have deliberately reduced the salaries in order to push workers to leave work and agree to go out to early retirement to liquidate the company, lay off workers, and evade the payment of the end of service reward as stipulated by law.

The same is the case with the 300 employees of the Setcore spinning company in Borg El Arab city in Alexandria, a number of whom resorted to hunger strikes.



One of them was taken to the hospital, according to the Center for Trade Union Services.

The situation of workers in the medical sector is no different from others, as the authorities have arrested many doctors for publishing their opinions related to the Corona pandemic.

Whether it is related to revealing the health status or related to working conditions and the danger faced by workers in the health sector, the Doctors Syndicate addressed the Public Prosecutor, Counselor, Hamada El-Sawy, regarding the doctors who were arrested, and the Syndicate demanded that they be released quickly until the investigation ends with them and the presence of a representative of the union during the investigations as it is a genuine right. to her.

In a review of the security violence, the security forces imposed tight security measures around the headquarters of the Doctors Syndicate, and prevented doctors from entering it, to prevent a press conference on June 27, 2020, which was scheduled to respond to the statements of the Prime Minister in which he attacked the doctors¹⁴.

On the other hand, the medical professional unions in Egypt decided to limit the number of their victims during the fight against the Corona virus under the slogan “magnify your martyr”, in the wake of the statements of the Egyptian Prime Minister Mostafa Madbouly, in which he accused some doctors of “failing” to perform their work, which led to an increase Coronavirus infections, and the high death rate.

It is an irresponsible speech in which the state places responsibility on the shoulders of medical personnel.

The Medical Syndicate officially protested the statements of the Egyptian Prime Minister, who said that “the irregularity of some doctors was a reason for the increase in the number of deaths, and the Syndicate demanded that the Prime Minister apologize and retract these statements in order to prevent sedition.

On a related side, the General Syndicate of Physicians addressed, on June 30, 2020, Counselor Hamada Al-Sawy, the Public Prosecutor, regarding the arrest of Dr. Muhammad Moataz Mandour al-Fawal - a member of the Eastern Medical Syndicate Council.

14 After it was besieged and doctors prevented from entering it..

The Doctors Syndicate postpones a conference to respond to the Egyptian government's accusations.

Look at the following link :<https://bit.ly/3/kKJlyR>

Who was arrested in connection with Case No. 558 of 2020, against the background of responding to the statements of the Prime Minister that aroused groups of doctors, noting that the executive regulations of Law No. 45 of 1969 issued by Resolution No. 235 of 1974 were stipulated in Article No. 62 Paragraph (B) However, a member may not be held accountable because of his union activity.

The Syndicate continued its claims later in July regarding doctors Ahmed Safwat Ibrahim Ali, a member of the Cairo Medical Syndicate Board, Alaa Shaaban Hamida, Ahmed Sabra, and Hani Bakr Ali Kahil.

Recommendations

The Executive Authority:

- It is necessary to raise the hand of the regime represented by the President of the Republic from the rest of the authorities. This requires that it not exploit the institutions of the executive authority such as the Ministry of Defense and Interior, the National Security Council, the army and intelligence, and the exploitation of appointments in official institutions and bodies such as the Supreme Council for the Media and the Human Rights Council as a form of bargaining and privileges for the loyalists of the regime.
- To stop issuing the state of emergency that has become a principle, which was originally an exception.
- Abandoning the military advisor's plan in the provinces that threatens to further militarize the regime, while returning to the path of strengthening the elected local authority to reinforce decentralization that brings power closer to the citizen.
- To stop targeting the opposition through a systematic policy supervised by the ministries of interior, defense and armed forces
- The regime must return to consolidate the civilian rule instead of mobilizing central and decentralized institutions and bodies with military leadership
- The prison system should be reformed as it has become a black room of slow death

The legislative authority

- The legislative authority should work to restore its independence instead of the MPs and parties joining a loyalty system that exploits the voice and will of the Egyptian people.
- This requires a review of laws that have become a tool of exploitation and control over the legislative authority:
- Provisions of Law No. 45 of 2014 Regulating the Exercise of Political Rights, and Parliament Law No. 46 of 2014
- Law No. 198 of 2017 regarding the National Elections Commission.
- Law No. 232 of 1959 regarding conditions of service and promotion for officers of the armed forces
- Law No. 4 of 1968 on command and control over the affairs of defense of the state and the armed forces
- Law No. 20 of 2014 establishing the Supreme Council of the Armed Forces
- Law No. 46 of 1973 on Military Education in the secondary and higher education stages
- Law No. 55 of 1968 regarding popular defense organizations
- It has become obligatory to review the civil work law, which has become a tool of condemnation of political and associative work, rather than a tool of organization

Rights, freedoms and civil work

- It is necessary to release the Egyptian civil society activists, who suffer from a constant rotation policy that has left most of them imprisoned
- The Egyptian regime should promote freedom of the press within the framework of establishing freedom of expression rather than pursuing a policy of blackout that threatens citizens or citizens subject to freedom-depriving rulings.
- Practically, the printed and digital journalism face a serious threat
- It is necessary to reconsolidate the Syndicate work, enhance the social and economic rights and the right to strike
- Consolidating the right to access to information in terms of the ability to evaluate the public policies in the ordinary time and in the time of crisis.



Libya

The policies and legislations related to the democratic transition and human rights

The spread of weapons is the main reason in blocking the paths of the Libyan dialogue as it is considered a power that penetrates the institutions and puts pressure in certain directions, while there is no progress in launching social and national reconciliations that go beyond the recent bloody past. It has also the direct responsibility under the political patronage of the existing parties to do the most violations.

The thinking in the political process dominates the Libyan reality. Despite its importance, it shouldn't cancel the direct responsibility of the authorities in Eastern and Western Libya concerning the human rights, social and economic situation. And that would be under the system of the international law, while respecting the law in force.





The Libyan-Libyan conflict which has an international support and a direct international intervention, always has led to block the paths of the dialogue. It is an obstacle that always remains on the table of the Libyan file as the fear from returning backwards prevails permanently. This issue requires learning the lessons of the recent past in order to guarantee the continuation of the new political path since the start of 2020

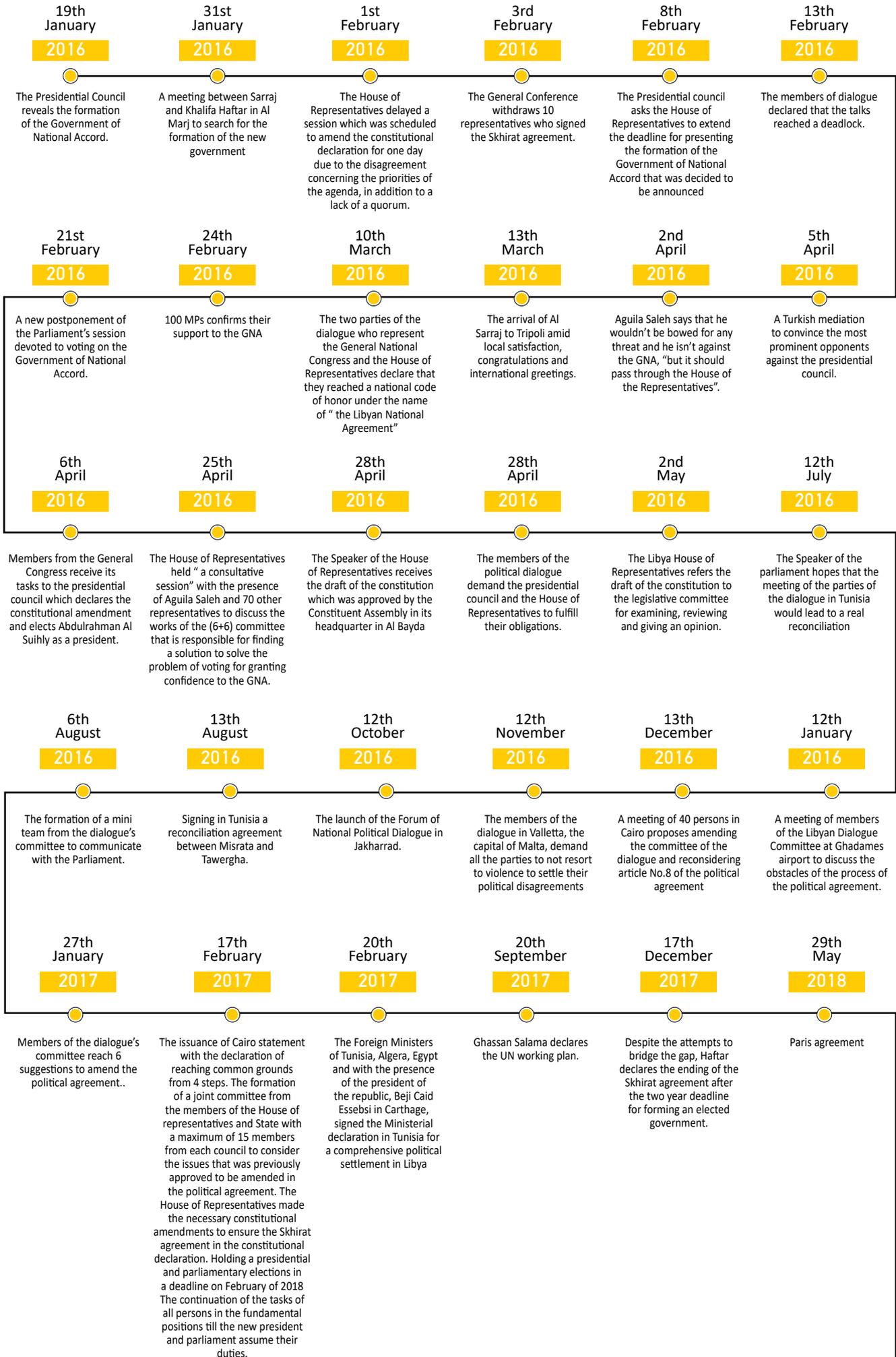
The Libyan file: A dialogue is between political setbacks and armed confrontations

Libya has witnessed several paths of dialogues and they are all similar in terms of the closeness in reaching agreements which are capable of ending the conflict and resuming the democratic

The policies and legislations related to the democratic transition in Libya

transition, but they end quickly in renewing the armed and political conflicts. Hence, it is necessary to mention the levels of the Libyan dialogue until today, and the most important agreements and failures would be highlighted:







Within this complicated and long path, the international, regional and local factors participated in blocking the paths of the Libya/Libyan dialogue. Whenever the control of one party in Libya increases or decreases, the international party moves to support it. While the role of the neighboring countries remains relatively limited, despite the joint diplomatic endeavours to unify the efforts.

The war continued in Libya till 2020. The forces of the General Command Forces led by General Haftar, couldn't enter to the capital and under an international pressure, they started to withdraw from their positions, especially after the balances changed after the control of the forces of GNA in Tripoli on the 6th of June of 2020, as Sirte has become due to the change in the military map, the turning point between two forces. This issue has given the chance to restore the political path, despite the sensitivity and impacts of the armed conflict which caused divisions inside the Libyan community.

The Berlin Conference has become the reference for the Libyan political path according to a plan which was prepared in the German capital, where the UN Mission was able to obtain a decision from the Security Council to adopt the Berlin outcomes as a basic framework for dialogue paths in Libya on the three levels (military - economic - and political).

After the ceasefire was established through the Berlin Conference, the neighboring regional countries to Libya moved to move the wheel of initiatives through which they try to restore the movement of the political dialogue from these initiatives, the most important of which is (the Cairo Declaration), which states the following:

- Emphasizing the unity, integrity and independence of the Libyan territories, and respecting all international efforts and initiatives and Security Council resolutions, in addition to the commitment of all parties to a ceasefire as of the 8th of June of 2020.
- The initiative is based on the outcomes of the Berlin conference, which resulted in a comprehensive political solution that includes clear implementation steps (political, security and economic paths), the respect for human rights, and benefiting from the conference's outcomes concerning the agreements of the leaders of the relevant countries with the Libyan crisis.
- The completion of the work of the path of the joint military committee (5 + 5) in Geneva, under the auspices of the United Nations. The United Nations and the international community has to oblige all foreign parties to withdraw all the foreign mercenaries from all Libyan lands, dismantle militias and hand over their weapons. So that the armed forces, in cooperation with the security bodies, could carry out their responsibilities, and the Military and security tasks in the country.

This declaration has come to support the initiative of Aguila Saleh, the Speaker of the Libyan House of Representative in Tobruk, when he launched an initiative to solve the Libyan crisis on May 21, 2020, after the withdrawal of the General Command forces led by General Khalifa Haftar from Tripoli towards Sirte. Aguila Saleh presented his vision to overcome the crisis in the country which is based on the political solution and the search for a military solution, which will end with parliamentary and presidential elections.

In the same context, after Aguila Saleh announced the complete military ceasefire operations, the Presidential Council of the Libyan Government of National Accord announced on Friday, the 21th of August of 2020, instructions to all its military forces, in which it ordered an immediate ceasefire in all Libyan lands. Aguila Saleh, the Speaker of the Tobruk Parliament, in turn, said that the ceasefire makes Sirte a temporary headquarter for the new presidential council, and a police force from various regions would secure it.

This announcement came in support of the initiative of Aguila Saleh, the speaker of the Libyan Parliament in Tobruk, when he launched an initiative to solve the Libyan crisis on May 21, 2020, after the withdrawal of the General Command forces led by General Khalifa Haftar from Tripoli towards Sirte



This declaration is considered as the first step for the two parties in the conflict in Libya to return to the political path. This is what practically happened after that in the meeting of Aguila Saleh, the Speaker of Parliament in Tobruk and Khaled al-Mishri, President of the Supreme Council of State in Abu Zenika in Morocco on August 8, 2020. As there were understandings between the two Libyan delegations in the Moroccan city of Bouznika, regarding the thorny issues in the crisis.

The Libyan parties have agreed on the post of the governor of the Central Bank and the distribution of the seven sovereign positions equally, which opens the door to restructuring the Presidency Council.

This is a very big step to be added to the course of the Libyan dialogue since it was suspended last year due to the war that broke out in April / April 2020.

In the midst of the vigorous efforts led by several local and international parties to end the crisis of closing the Libyan ports and oil fields in the center and east of the country. The Vice President of the Presidency Council, Ahmed Maiteeq, blew a surprise by announcing that an agreement had been reached with the retired Major General Khalifa Haftar to restore production.

The agreement was announced by Maiteeq in a statement on September 18, 2020, and included several items, most notably the formation of a committee to manage oil revenues which was rejected by the National Oil Corporation. And the Central Bank distanced itself from the Maiteeq agreement, denying its link to any understanding about the distribution of oil revenues.

In a related context, the Commander of the Western Military Region, Major General Osama Jouili, expressed his rejection of the agreement, calling on the Presidential Council and the Representatives to take a clear situation towards it. On the contrary, Ahmed Al Mesmary, the spokesman of Haftar, congratulates the agreement. And that confirms the continuation of the pressure of the armed balances, the chaos of weapons in Libya which could be able to disrupt the political path in Libya.

The chaos of weapons in Libya

Before the important military transformation with the Al-Wefaq forces taking control of the capital, Tripoli, the UN mission had expressed its grave concern about the continued flow of weapons to the two parties to the conflict in Libya.

Despite the changing balances, weapons still exist in light of the division of the military establishment and the spread of armed groups.

The estimates of the UN indicated that the number of weapons in Libya reached:

29 million items of all kinds.

Weapons in Libya vary among light, medium and heavy, and the above-mentioned number has

not been recorded in any other country during the past forty years.

In this regard, the United States of America has sought, through direct dialogues with the parties since June and July of 2020, to find appropriate ways to integrate armed groups, reduce the chaos of weapons in Libya and disarm others.

This is aimed at ensuring that there is no rejection by armed groups of any possible future political solution.

A report which was issued by the United Nations, held the General Command forces led by General Khalifa Haftar the responsibility for 81% of the civilian war victims in Libya that they documented during the first quarter of 2020.

The report indicated that the General Command forces had caused:

- 49 civilians were killed out of 64 which were documented by the UN mission to Libya.
- It also injured 57 out of 67 civilians from January 1 to March 31, 2020.

The report carried the United Nations military forces of the Government of National Accord the responsibility of 5% of the victims. And added that the party who targeted 14% of the victims wasn't revealed, pointing out that the entire death toll represents an overall increase of 45% of the losses among civilians that were documented, compared to the previous period In the last quarter of 2019.

However, the change in Tripoli contributed to pushing the ceasefire, despite some irregular violations.

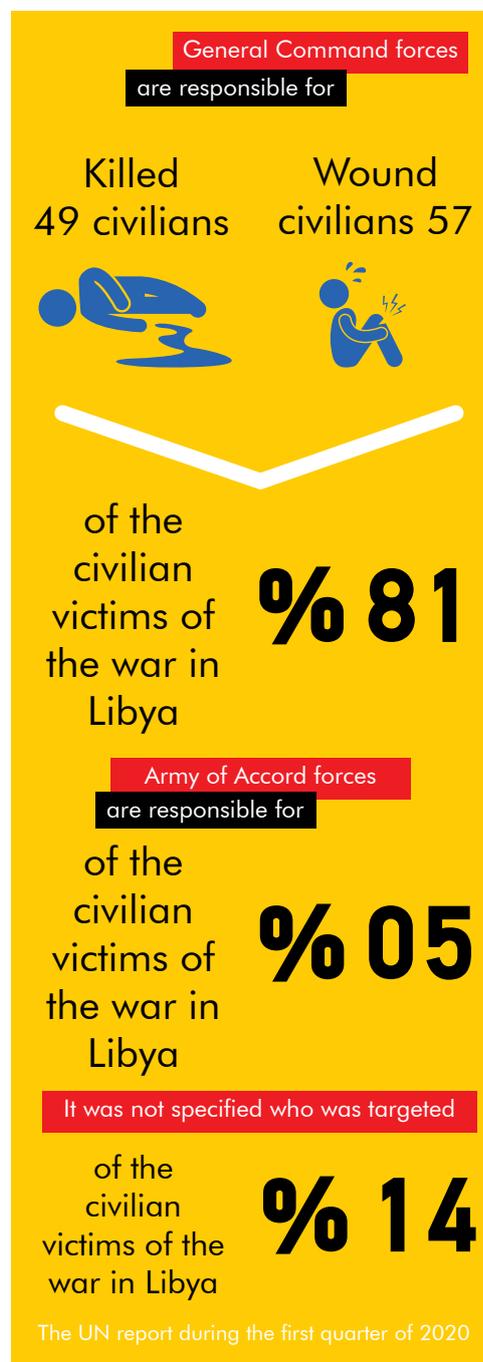
This was done by two separate and simultaneous statements of the Presidential Council of the Government of National Accord (internationally recognized) and the House of Representatives (Tobruk) which is loyal to Field Marshal Khalifa Haftar. These statements were broadcasted by the Libyan News Agency (Wall).¹

However, at the same level, the division of institutions and the lack of clarity of their structure, especially at the level of the ministries of defense and the interior, and the weakness of the judiciary and its continuous targeting, pose serious problems for strengthening the unity of the state and restoring its prestige, due to the continued presence of armed and paramilitary groups.

The epidemiological, social and economic crisis in Libya New influencing element

Hundreds of Libyans gathered in the capital, Tripoli, on the evening of Sunday, August 24, 2020, where they demonstrated to protest against the deterioration of living conditions, the spread of corruption, the interruption of services such as electricity and water, and the long waiting in front of gas

1 Concerning the statements of ceasing fire Look at the following link: <https://bit.ly3/oOhYpK>



stations in the country that has been witnessing armed conflicts for years.

The protesters also gathered in front of the headquarters of the unity government before turning to Martyrs' Square in central Tripoli and chanting poems such as "Libya! Libya!" And "no for corruption".

Large demonstrations also took place in Misrata and Al-Zawiya on August 23, 2020, and a new popular movement was organized, namely the "People's Movement 23/8" or "the Movement of the Youth's Spirit 8/23", on August 23, 2020, protests to criticize the authorities in the east And the West because of the living conditions.

Demonstrators complained of power cuts that could last for up to three days, and demanded social justice and elections.

The demonstrations also began on August 24, 2020, in the cities of Zliten and Al-Khums, east of Tripoli, and in "Sebha and Ubari" in the south.



It is reported that the slogans of the demonstrators showed anger at the money and wages of the members of the armed groups in light of the living conditions of the Libyans.

This reflects a deep crisis in which weapons have become an economic and social solution for many.

At this level, the economic and social crisis has become an element of a solution after it confirmed the slow political and military track's separation from the concerns of the Libyans, and its indulgence in the private interests of the conflicting parties locally and internationally.

Among the political dimensions of the demonstrations was a statement by the Moroccan tribe of young people, which emphasized its rejection of political figures in the East.

The statement was issued on September 20, 2020, and the statement affirmed their support for the path of the UN mission to resolve the Libyan crisis, "which was launched in Geneva to reach a political settlement that achieves stability and peace in Libya."

This tribe is considered one of the balanced tribes in the east regarding its size and the role of some of its members in the first stage of the transformations in Libya until the year 2013².

The social movement with an economic and living background represented an outlet for pressure and transformation in the Libyan scene.

It is noteworthy that other tribes, such as the Almoravid tribe, announced their support for Aguila Saleh as a political representative, which troubled Field Marshal Khalifa Haftar.

As for the epidemiological situation, and with the increase in the number of new cases of the Coronavirus in Libya, medics and health system officials in the country warned that the pandemic poses a serious risk.



Ahmed Al-Hassi, spokesman for the government medical committee which is responsible for combating the virus in eastern Libya, said during August of 2020, that the public needs to take the necessary precautions, otherwise the medical personnel which suffer from a lack of resources would be “unable to cover” the needs.

For his part, Rick Brennan, the Director of Emergency of the World Health Organization in the Middle East, said that the agency faced serious logistical obstacles in Libya, including “major challenges in bringing in supplies for personal protection and checks.”

With the sharp decline in living standards, many people face difficulty in bearing even a few expenses, including what is needed to buy masks.

The health system in Libya is experiencing a retreat and a decline in the level of services due to the lack of security and the struggle of the parties over power. Hospitals and medical facilities are no longer able to provide the necessary health care to citizens due to the lack of equipment, equipment, as well as medical supplies.

The Libyans complain about the weakness of the medical service provided in light of the severe shortage of medical and paramedical staff, in addition to the continuous breakdown of devices due to the absence of maintenance and renewal of spare parts, which prompted them to travel to neighboring countries, especially Tunisia, Egypt, Jordan and Turkey to receive the necessary treatment and care despite their expensive costs.

In addition to the above, Libyans complains from the rooted corruption in the health sector, especially that the funds that were allocated to combat the crisis of Corona have been manipulated. This includes the incident related to members of the Military Medicine Authority, where officials proceeded to pass financial transactions in violation of the applicable laws and regulations, as well as approving and disbursing funds without the corresponding work on the ground in projects of health isolation centers within the municipalities of Nalut, Zintan and Zwara.

This was confirmed by the Accounting Office in the Government of National Accord.

Travel bans were issued against Muhammad al-Haytham and 6 other members of the agency, namely Liwa Omar Huwaidi, Director General of the Military Medicine Authority, Muhammad Hussein Salem, the Director of Projects Department in the Agency, Ammar Mansour al-Taeb, the Financial Supervisor, and engineers in the Projects Department, Abdul Hakim Salem Attiyah and Adnan Al-Bashti.

“There is a new millionaire every day in Libya, the middle class is shrinking day after day, and the political class in Libya has a great deal of corruption, and there are those who reap huge fortunes from positions that are invested outside Libya, and what we see in Libya is unfortunate. They steal the public money and then invest it abroad, 3the resigned UN envoy to Libya, Ghassan Salam, Despite the many difficulties, it seems that the Libyan scene is heading towards strengthening the political track.

Acting Head of the United Nations Support Mission in Libya Stephanie Williams announced that Tunisia would host the broadened and comprehensive Libyan Political Dialogue Forum, in early November of 2020.

 **The protest movements which considered that the corrupt put the Libyans in front of the danger of death from the virus and the risk of poverty and shortage of living. This is justified, as corruption rates in Libya continue to rise.**

And that the forum aims to achieve a unified vision about the governance arrangements that would lead to elections in the shortest time frame, adding that the participants in the Libyan Political Dialogue Forum would be chosen from the various main components of the people on the condition that they do not assume any executive positions later. She pointed out that the forum will be held according to a mixed format due to the pandemic of Corona so that there are sessions via video call and others directly, The Libyan scenario remains open due to the open crises on all levels.

This actually requires a united Libyan will in this direction to prevent penetration of the Libyan interest, even temporarily, from breaching international balances.

It is noticeable that the openness of other files between European countries and Turkey, and the changes in the American role in an attempt to influence important presidential elections, have moved the Libyan military and political files.

Also, the health status is a sword over the necks of the Libyans, added to the always open rifles.



The Universal Periodic Review (UPR) reported an explicit assertion of the total failure to implement recommendations regarding the human rights situation in Libya since 2015.

Violations of the right to demonstrate were the most prominent element during the monitoring period, especially after the peaceful social protests that took place in several Libyan cities throughout August and September.

Outlawed or undisciplined armed groups were the source of these violations.

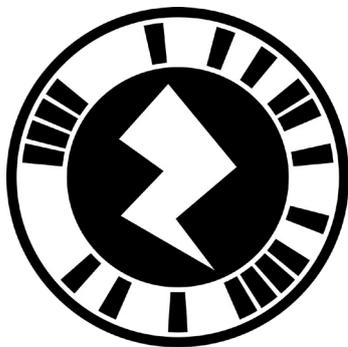
The degree of division within the authorities in western Libya caused mismanagement of the demonstrations and the demands of the Libyan people.

In eastern Libya, the file is without effective follow-up by the existing authorities.

Assaults against protesters

Security practices could be examined, and armed groups' exploitation of the weakness of civilian authority, and most of them could be located according to the balance between the political leaders who support them.

It also became clear that the authorities' interaction was ineffective for the peaceful demonstrators.



The development
of policies and
legislations related
human rights

Large demonstrations began in Tripoli, Misrata, and Al-Zawiya on August 23, 2020, and a new popular movement was organized, the “People’s Movement 23/8” or “the Movement of Youth’s Spirit 8/23” on August 23 to protest against the authorities in the East and West because of the living conditions that “Unbearable”.

Demonstrations also began on August 24 in the cities of Zliten and Al-Khums, east of Tripoli, and in Sebha and Ubari in the south.

Human Rights Watch interviewed 19 people about the demonstrations and the violent response to them, including protesters, relatives, and friends of protesters, journalists, lawyers, and activists.

It documented 24 cases of arbitrary detention between 23 and 29 August 2020, and many of them were released, and pictures and videos of the security forces using excessive force were spread on top of social media platforms.

Witnesses who took part in a demonstration said that the demonstrations in Tripoli and elsewhere were largely peaceful.

Armed groups in Tripoli and associated with the Government of National Accord responded, by forcibly gathering protesters and detaining them in initially undisclosed locations, and since August 24, 2020, armed groups have quietly released detainees, and the current number of protesters who were detained in Tripoli is still unknown.

Relatives and friends of two of the released protesters, who were held for at least four days in a prison at the Maitika military base in Tripoli, also stated that the two men reported being repeatedly beaten and forcing them to sign pledges not to participate in future demonstrations.

The prison is managed by the Special Deterrence Force led by Khaled al-Bunni.

Three witnesses indicated that Liwa al-Nawasi, which controls the Martyrs Square, was primarily responsible for using machine guns and heavy weapons to disperse the demonstrators and arbitrarily arrest the demonstrators on August 23, 2020, and the following days.

Two demonstrators confirmed that the police officers present in Martyrs Square did not intervene to protect them.

A video posted on Facebook on August 23, 2020, shows armed groups using heavy weapons and machine guns to disperse the demonstrators in the presence of police cars parked in the square and none of their accompanying members moved to protect the protesters in any way.

Institutional instability: The power of armed groups in the field

On August 26, 2020, the “Presidential Council” of the Government of National Accord imposed a four-day curfew, citing the outbreak of the “Coronavirus.”

He extended the curfew for 10 days on August 30, 2020, and banned the curfew outside from 9 pm to 6 am, which the demonstrators interpreted as an attempt to prevent them from demonstrating and they often ignored it.

Despite the above, popular demonstrations continued in Benghazi, following which the activist “Rabi` al-Arabi”, whose friends confirmed that they had lost contact with him, was arrested since his participation in the “Friday of Saving Libya from Corruption and Corrupt” demonstration called by young Benghazi activists.

One of the witnesses to the arrest said that people got out of a black car with dark windows and without license plates, and went towards the activist Rabi` al-Arabi, and spoke with him, before they drove him to the car, and then to an unknown destination

The activists added that the Ministry of Interior in the Interim Government granted the organizers of the demonstration a permit allowing them to demonstrate, but they were surprised when they arrived at the demonstration square in military cars and others without plates and military and security elements deployed in the place, and that some people sheltering in these elements tried

to provoke the demonstrators, calling the life of the commander in chief Field Marshal Khalifa Haftar.¹

Security bodies which are affiliated to the General Command forces in the East are considered, among them the anti-phenomenon Body and the anti-terrorism Body, which are made up of armed intervention persons, responsible for launching a widespread campaign of arrests in more than one city, chiefly Benghazi, during the period of demonstrations.

While the Nawasi Brigade and the Deterrence Forces in western Libya are primarily responsible for suppressing demonstrators.

Eyewitnesses reported that the Nawasi Brigade sent armed cars to the Shatt Road in Tripoli and followed the demonstrators.²

Although the President of the Presidency Council, Fayeze Al-Sarraj, announced his coordination with the Office of the Attorney General for the immediate release of all those not involved in acts of sabotage of public and private property.

In a statement, the president also announced that he would take the necessary legal measures to investigate any violations that occurred against the demonstrators and any injuries that resulted from that.

Although the Public Prosecutor announced the arrest of those who were accused of assaulting the demonstrators, their identities, or the course of the investigation, were not announced.

This requires the judicial authorities to take care to avoid politicization and to submit to the pressure of armed groups to impose law enforcement.³

Immigrants, refugees and asylum seekers

The United Nations High Commissioner for Human Rights said that the Libyan Coast Guard (affiliated with Fayeze Al-Sarraj) continued to violate the rights of illegal immigrants in the Mediterranean.

The Commission stated that the “Coast Guard” continues to return boats to the shores from where they originated, and arrest migrants who are intercepted in arbitrary detention facilities where they face horrific conditions, including torture, ill-treatment, sexual violence, lack of health care and other human rights violations.

The UNHCR indicated that these overcrowded facilities are undoubtedly at risk of spreading Covid-19 on the largest possible scale, calling for the stop of all operations to seize boats and return them to Libya, reaffirming the need for states to always comply with their obligations under international human rights law and refugee law.

In a briefing from Geneva, UNHCR spokesperson Robert Colville expressed grave concern over reports that the Maltese authorities have asked merchant ships to push boats carrying distressed migrants to the deep sea.

The UNHCR also expressed concern that humanitarian search and rescue vessels, which usually patrol the central Mediterranean region, have been prevented from supporting the afflicted migrants, at a time when the number of people trying to make this perilous voyage from Libya to Europe has increased.

On April 15, 2020, UNHCR said that the United Nations Support Mission in Libya had verified the return of a ship carrying 51 migrants and asylum seekers, including 8 women and 3 children, to Libya on a private Maltese boat after it had pulled them out of Maltese waters

The Libyan authorities sent migrants to Sikka prison, and during the six days they spent at sea, five people died and seven others were missing, presumably drowned.

1 Concerning the arrest of Rabai Al Araby Look at the following link :<https://bit.ly2/HUsU4D>

2 Some details of shooting of protesters .Look at the following link :<https://bit.ly3/jKWVR9>

3 Concerning the statement of the Attorney General Look at the following link :<https://bit.ly3/kMsL1i>

The April 15 ship accident



The Libyan authorities sent them to Sikka prison

8 women and 3 children

between them

51

Migrants and asylum seekers returned on a Maltese boat after being pulled out of the water

Report of the United Nations High Commissioner for Human Rights

The agency also referred to allegations that the relevant maritime rescue coordination centers did not respond to the distress calls they received or that they ignored them.⁴

Despite the proportional decline in migration operations due to the Corona pandemic, smuggling gangs have resumed their activities from the Libyan coast.

The Bloomberg Agency report stated that nearly 900 illegal immigrants set off from the Libyan shores from 14 to 28 May 2020, heading to the coasts of Europe and 679 of them were intercepted and returned to Libya, while the rest managed to escape and reach the other bank of the Mediterranean.

Since the outbreak of the Corona crisis, most humanitarian rescue ships, such as the “Ocean Viking” and “Sea Watch”, have suspended rescue activities for migrants in the Mediterranean.

The measures to combat the pandemic have also led to the closure of borders and airports in various countries of the world, which prompted UNHCR and the International Organization for Migration to suspend all resettlement flights.

But months later, during June 2020, these organizations resumed their humanitarian activities.

The period of relative decline to the borders of April came after a significant increase compared to the same period last year.

- 298% The percentage of the Increase in attempts to migrate
- 6629: The number of attempts to migrate from the Libyan coast

The source: The organization of Sea Watch. ⁵

In the largest toll of migrants who drowned on the Libyan coast, 45 people, including children, were missing while trying to flee from Libya. About 82 migrants on a boat towards European coasts, the boat’s engine exploded and the boat capsized, leaving behind 45 drowned people, including 5 children.

Before the disaster, the “alarm phone” group had received a warning that a boat was sailing on Sunday, August 15, 2020, from the Libyan coast, and confirmed in a tweet on Twitter that it had informed “all the authorities” concerned that there were migrants in need of help, after the engine of their boat exploded.

However, it appears that the appeals of the NGOs were not heard.

“Italy, Malta and Europe, the responsibility for the drowning of people lies with you,” the organization added, sternly.⁶

During May and August of 2020:

- 3500 persons tried to cross the Mediterranean

On September 15, 2020, the Greek coast guard announced that three immigrants, a woman and two children, died on Monday evening, when their boat sank off the eastern coast of Crete, while 53 others who were accompanied by them were rescued.

In a related context, media outlets reported that at least 24 migrants drowned or were lost after their boat capsized in the Mediterranean near Libya.

In this accident, 17 Egyptian immigrants died, others were detained by smuggling gangs, whose number is estimated at 15.

The gangs demanded that they receive money in exchange for their release.

On the other hand, security coordination continues between Libya and the northern Mediterranean.

Both Malta and Libya decided to establish “coordination centers” in Tripoli and Valletta, to enhance ways of confronting illegal immigration across the Mediterranean. These centers would be established in the capitals of the two countries, with funding from Malta.

This is to “provide the necessary support to confront illegal immigration in Libya and the Mediterranean.”

Despite these efforts, the problem remains persistent regarding immigration detention centers, which represent a real breakthrough in the legal, human rights and institutional system in Libya, as they continue to exist, taking advantage of the existing network of social, political and military relations.

It represented a real threat to migrants during the health epidemic.

Which called the Secretary-General of the United Nations to close it.

- 2,400 migrants and refugees in official detention centers

The source: UN envoy briefing

Both the High Commissioner for Refugees and the International Organization for Migration estimate the number of official detention centers in Libya to be more than 33 centers. And the UN calls to close migrant detention centers come at a time when Libya is struggling to deal with the Corona pandemic with poor capabilities and a dilapidated health sector, which exposes migrants and asylum seekers to the risk of infection. With the epidemic, regarding the overcrowding of detention centers, the state of laxity, the



% 298

Increase in attempts to migrate



6629

The number of attempts to migrate from the Libyan coast

Source: Sea Watch.



The so-called Libyan Coast Guard told us that their ship had a malfunction and could not intercept the affected people. The Italian authorities told us that they are not responsible for the region, Italy, Malta and Europe. The responsibility for the drowning of people lies with you

Group «alarm phone»

lack of sanitation and facilities, and the lack of the most basic humanitarian services and medical care.

On the other hand, migrants and asylum seekers lived a terrifying and bloody nightmare for an entire year, which lasted until July 2020, when the bombing of their detention centers was affecting their detention centers, amid confrontations between the Government of National Accord forces and the Libyan National Army forces led by Khalifa Haftar.

At the time, the Office of the High Commissioner for Human Rights indicated that the failure to transfer detainees from areas near possible military targets or not to transfer military targets which are located near a detention center is a war crime and violations of international law obligations calling for taking all possible measures to protect civilians from the effects of potential attacks.

According to international reports, the reasons for prolonging the detention of immigrants in detention centers are due to understandings between human smuggling gangs and some security personnel, coast guards and armed groups, in order to arrange transport routes, determine the required date and number, and prepare the necessary fishing boats and inflatable rafts.⁷The Semi-Final report of the Democratic Transition and Human Rights Center (DAAM) and its papers on this file, described the detention centers that are outside official statistics, and their contribution to the violation of human rights in Libya.

Mass graves: A battle from the relic of battles

After the end of the confrontations in Tripoli, the International Criminal Court announced the start of an investigation into the mass graves that were found in several areas, after Libyan government demands and widespread international condemnation, but the humanitarian aspect in them is still absent.

In the city of Tarhuna alone, southeast of Tripoli, alone, 11 mass graves were found, containing the remains of dozens of dead people, some of them civilians, according to a statement by the Ministry of Foreign Affairs in the Government of National Accord in mid-August / August 2020. The Public Authority for Search and Identification of the Missing, a government body, was published. A National Accord affiliated with, on its Facebook account, photos of exhuming bodies that it said were buried in a mass grave on a farm.

The commission confirmed that ten bodies were recovered despite the discovery of “tampering” with them, following up that it “appreciates the burning of people for their missing sons, but they have to help specialists, instead of trying to extract the bodies themselves.”

Several media outlets close to the Government of National Accord reported that the majority of the dead were residents of the city.

These sources blamed the al-Kani militia or the Kaniyat militia, a militia loyal to Khalifa Haftar, whose leaders were killed weeks earlier in the military operations.

In 2017, this militia was known for its wide-spread killing, and was linked in its beginnings with the reconciliation government, but the two parties’ relationship worsened before Khalifa Haftar announced his campaign to control Tripoli⁸

The freedom of press in Libya

According to the latest statistics of Missioners Without Borders for this year, Libya ranked 162 in the global index of press freedom, and the organization explained that the decline in Libya’s ranking is caused by the political and security instability that the country has been experiencing for years, and the armed conflicts and wars that accompanied it, have been reflected. This negatively affected the lives of journalists, and led to the killing of a number of them, in addition to their arbitrary arrest.

7 Migrants in Libya between the European dream and the nightmare of detention centers .Look at the following link: <https://bit.ly2/HQW3gT>

8 The official Twitter page of Operation Volcano of Anger .Look at the following link :<https://bit.ly2/HQXzQ7>



83

Libyan journalists left the country in three years to escape the deteriorating security conditions



384

A crime of serious assault on Libyan journalists from 2015-2018

.Reporters Without Borders report / May 2020

It did not remain in the lowest position in this global index, over the past years, it ranked 164th in 2019, and 162nd in 2018, and the index measures the state of press freedom in 180 countries around the world.

The enforced disappearance

A year after the disappearance of lawyer and activist Siham Sergewa, her fate remains unknown.

On the 17th of July 2020, the United Nations Mission issued a statement in this regard .⁹

The monitoring period has witnessed during the health crisis in the country, the disappearance of a doctor in Benghazi who criticized the authorities' handling of the epidemic.

The contact was lost with Dr. Muhammad Ajram, an ophthalmologist in Benghazi, on March 30, 2020, after he criticized the Al-Hadath channel, loyal to General Khalifa Haftar, of the eastern region authorities for their mismanagement and handling of the Corona crisis.

The doctor asked about the 300 million dinars which were allocated to the Ministry of Health, while the simplest supplies were not provided, including the samples tests strip analysis , which could be provided with a small amount.

However, after the interview, he posted on his Facebook account, "the people of the country are the ones who destroy it!"

Let us convey the word of truth, and do not fear in God the blame of anyone. Then he revealed that he had been interrogated, and was informed that he had been summoned by the so-called "chief of staff" of Haftar's militia, Abdul Razzaq Al-Nazouri, before contact with him was permanently cut off, according to close associates.¹⁰

The Red Cross report confirms that Libya tops the global blacklist of cases of enforced disappearance. In a report on the occasion of the International Day of Forced Disappearance.

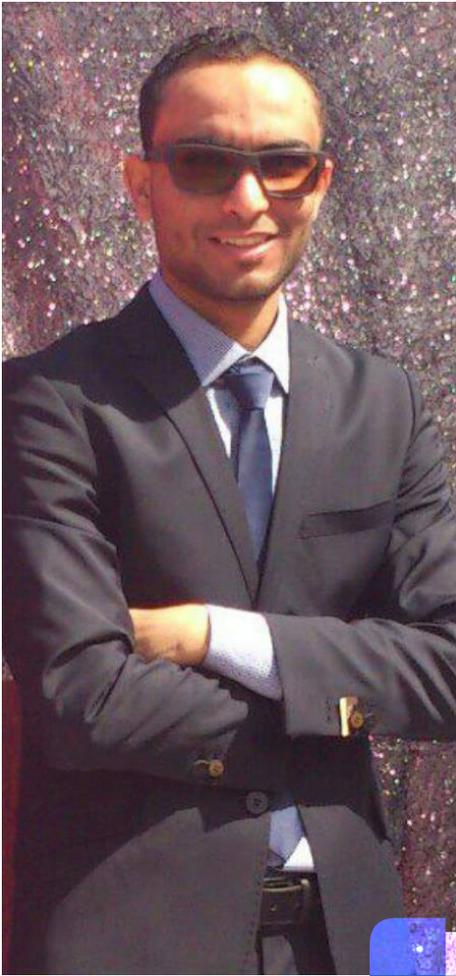
The Committee stated that "conflict and migration are the two main factors behind the number of disappearances in Libya, and that the number of disappeared persons in Libya has reached more than 1600 people"

The conflict continues in the institutions overseeing the media after the controversy over Al-Sarraj's appointment of "Muhammad Ba'ayo" as head of the Libyan Media Authority.

And in accordance with Resolution No. (597) of the Presidency of the Government of National Accord, the Libyan Media Foundation was established, which has a legal personality and independent financial responsibility and is affiliated with the Council of Ministers of the GNA, and its main headquarters is in Tripoli.

The decision grants the institution to implement the plans and general policy of the state in the field of media, and it has in particular the following:

- Proposing and implementing plans, programs and projects of development and development of the corporation and its affiliated bodies and its budget



Mohammed Ajram

The Red Cross report confirms that Libya tops the global blacklist of cases of enforced disappearance, explaining that “conflict and migration are two main factors behind the number of disappearances in Libya, and that the number of disappeared persons in Libya has reached more than 1,600 people.

- In proposing draft laws, regulations and regulations related to national media work, developing and applying standards and controls regulating media work in all its aspects, and taking all necessary to raise its level of efficiency and performance, and to contribute to securing national immunity and fortifying the state and society.

- Issuing the necessary licenses and permissions to practice media work, organizing the granting of terrestrial and satellite radio frequencies, setting the controls to prevent theft and infringement of literary rights, and proposing regulations and prices for media production for approval by the Council of Ministers.

Implementing policies related to economic investment in media fields and organizing partnership and cooperation with the private media sector.

The following bodies are affiliated with the Libyan Media Foundation:

Later, the GNA president’s decision to appoint Ba’ayu came to reveal the fragility of the decision-making mechanisms and its institutions.

Several influential parties, especially the Tripoli revolutionaries, have refused due to differences over financial appropriations in the Ministry of Information and the sharing of influence between armed groups and their loyalists.

- Public Authority for Press
- Radio Libya
- Libyan News Agency
- Al Shorouk Radio
- New Media Center
- Holy Quran Radio
- Libya National Channel
- Libya News Channel
- Libya official channel
- Abrarun Amazigh channel
- Libya Satellite Channel “Libya TV”
- Al Hedaya Channel
- Libya Sports Channel
- Media Research and Studies Center
- Youth Channel
- Any other party affiliated with the General Media Authority
- Youth Radio

Clampdown on civil society

The legal framework regulating association work and Libyan civil society remains deficient.

In the Universal Periodic Review of the human rights situation in 2015, Libya pledged a series of reforms mainly related to changing the legal system inherited from the Gaddafi era.

But the reality of the situation confirmed a complete failure in this path, leading to the periodic review of the year 2020, which is to be held during the month of

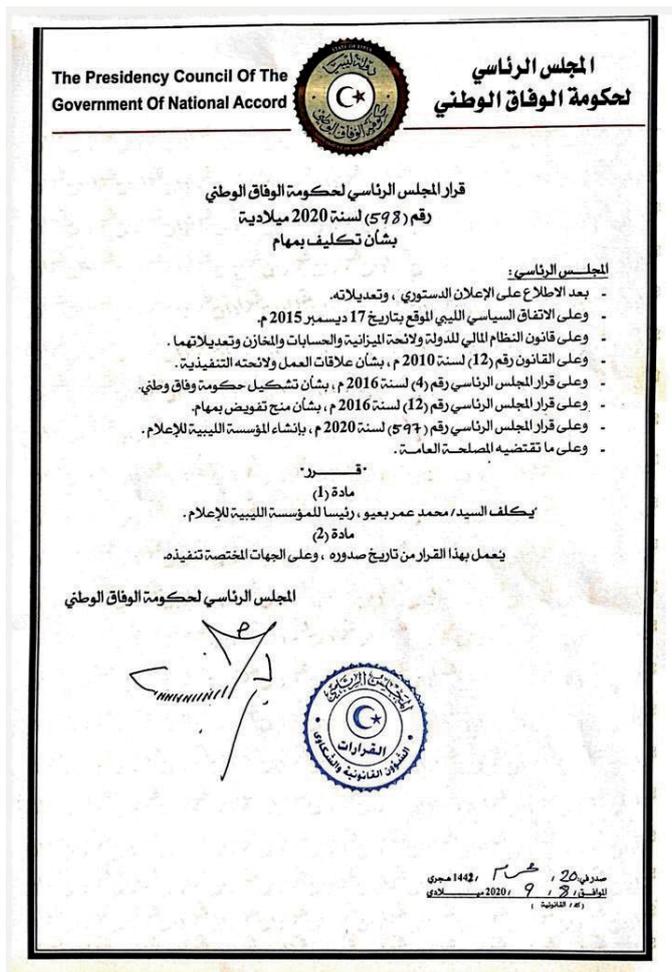
November.

One of the laws in force since before the revolution in Libya is Law No. 19 regarding the reorganization of NGOs issued in 2001 and its executive regulations issued by General People's Congress Secretariat Decision No. 73 of 2002 and its annexes.

The Libyan Civil Society Commission also issued regulations for local and international civil society organizations.

These provisions are currently in effect, which have led to restrictions on freedom of association.

The Decision of the Presidency Council of the Government of National Accord No. (286) of 2019 issued on 7/3/2019 regarding the adoption of the regulations for the work of the Civil Society Commission, came to increase the size of restrictions on civil work.



The Al-Wefaq Presidency's decision to appoint Bai'w came to reveal the fragility of the decision-making mechanisms and its institutions.

It could be seen that the work of the Commission focuses on connecting civil society with its branches all the way to the center.

The commission's publication referred to this aspect, as all associations must deal with branch offices and report all their activities.

This generalization reflects the rules of the used regulations, which stipulate the prior notification requirement for the commission to obtain a license to start work, and it should also obtain prior permission to open a bank account. The Commission also has the power to freeze the association's account.

It is authorized to dissolve the association at the discretion of the commission alone.

In addition to focusing the pre-licensing system on association procedures, the regulations do not

stipulate the role of the judiciary in monitoring the work of the commission.

Today, the commission is considered a bureaucracy with wide powers that is able to disrupt the citizenship initiative to engage in civil work, due to the lengthy procedures and the lack of reasonable deadlines for its responses.

It reflects a fear of civil society activity, especially in light of the institutional division and the Libyan political conflict.

The aforementioned Commission's decision stipulated obtaining prior authorization to request funds, in addition to setting a deadline for international organizations to submit their financial reports, or that they would face dissolution and prevention of work.

Recommendations

On the political level:

- The need to accelerate structural reform in state institutions and unify them, especially those of the ministries of defense and the interior, and to define the functional responsibility and hierarchical peace that would determine the source of decisions and their implementers, in order to avoid the interference of armed and paramilitary organizations, which must be dissolved.
- The necessity of ending the presence of weapons outside the framework of the state as a major reason for hindering national reconciliation and standing behind organized crime, human smuggling and trafficking.
- Accelerating the political process to reach new elections and a unified national government that guarantees the unity of Libya as a state and a people.
- Conducting comprehensive reconciliations between the Libyan tribes to end the killings with the aim of revenge under the names of "Awliya al-Dam".
- And work to exchange the bodies of the dead and prisoners.
- Launching an actual war on corruption in official institutions and networks of financial and armed influence, especially in the Ministry of Information and Health, which is one of the main institutions in managing the political and health crisis in the country.
- Strengthening the local authority as the most capable of managing the health crisis near citizens and examining their immediate needs.
- Reforming the judicial system and end the practices of pressure and murder against workers in the judicial sector, and end the control of the executive authority over the Public Prosecution Office.
- Perhaps an important part of the legislative reform awaits the drafting of a new Libyan constitution, but the existing authorities must respect international treaties and review the existing legal system.

On the legal level:

- Closing detention centers, releasing detainees, and establishing a clear and integrated legal framework that respects human rights principles and principles.
- Determining the authorities directly responsible for dealing with the migrant file, instead of multiple interfering in this field.
- Ending the enforced disappearances and uncovering the fate of the disappeared to this day, The need to support the documentation of previous cases of enforced disappearance, uncover those responsible and bring them to justice.
- Working to stop attempts to control the media and censor social networking sites.

- Ensuring the independence of the Libyan Media Foundation and take it out from under the supervision of the executive authority.
- Reforming the media sector and supporting emerging and independent media institutions while supporting local media in the logic of the interior and the south of Libya.
- Exposing the crimes of mass graves, holding those responsible accountable, removing them from political deliberation over them and using them as pressure papers on the Libyan parties in the negotiations.
- Ensuring the right to demonstrate and deterring armed and paramilitary groups from attacking demonstrators, and holding accountable those responsible for the attacks that followed the demonstrations in August and September of 2020.
- The authorities in Libya should accelerate the reform of the legal system for freedom of association, and abolish the restrictive measures imposed on civil society organizations by the Civil Society Commission, whether in the East or the West.
- The authorities in Libya must bypass the pre-licensing system as a condition for association work in its various forms, towards enhancing freedom of initiative and the civil activity with the strengthening of the powers of the judiciary at this level, so that it becomes the authority that is empowered to oversee the work of civil society, including the work of the Commission itself and remove it from the cloak of the executive authority whether in the East or the West.

