



The Quarterly Report

October – December 2020

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

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INTRODUCTION

istence of the state and society regarding the division that affects the economy, society, geography and institutions. Meanwhile, the negotiation path moves in a way which lacks the confidence of the majority of Libyans. Thus, international powers find an easy way to control the issues on the negotiation's table. The more the negotiation path progresses at a positive pace, the shadow of weapons appears in the Libyan scene: It is a weapon that has become the builder of influence relations and balances in the community and the ruling authority in the same manner with a foreign support. This is considered the first quarterly report for the Democratic Transition and Human Rights Support Center (DAAM) It covers the period from October 1 to December 3, 2020. The policies and legislations related to the democratic transition and human rights, continues as the report's main pillar as the previous reports. The previous semi annual report had referred to confirmed data in the three countries that are included in the monitoring: Tunisia, Egypt and Libya.

The Egyptian regime achieved its transition towards dictatorship and strongly established its systematic and repressive policy. The legislative elections were the regime's opportunity to mock the basic conditions and standards of democracy through exploiting all the State's institutions to ensure gaining the pro-regime votes, political money, the directed media campaigns... Meanwhile, the regime continues violating human rights against all. The Egyptian "human being" lives without his basic rights, while the propaganda platforms seek to justify everything. However, the international campaigns and reports denounce these practices and always demand the release for activists.

The Egyptian regime works on consolidating political clientelism, favoritism through the relations of financial and political families, the interests of economic influence and businessmen which all move on the radar of the Egyptian security and intelligence that control the partisan scene. It is a fact that misused every media, cultural, economic, political and legal detail in order to establish the full dominance of Abdel Fattah Al Sisi's regime. All the aforementioned is linked to a set of violations that depends on (the devil is in the details) of the legal texts: The precautionary measures are a daily repressive tool against activists and their families. In addition, the exceptional pretrial detention is an original penalty and the prosecution is simply the prison's first door.

In Tunisia, the democratic transition is a continuing transition that is almost a permanent transition. The second transition is in crisis to the extent that the whole democratic transition is in danger. It is noteworthy that the second transition is considered a consolidating phase for the legitimate and political authority in order to be able to complete the transition. The electoral legitimacy

was turned to a constitutional given which is lost in the details of partisan and political conflict which affected it, thus it lost its meaning. In addition, parties with minimum experience topped the scene although they haven't yet adapted to democracy and its requirements. Moreover, it played a role in obstructing and misusing the path of transitional justice. The institutions which supervise that path, were accused like other political actors. Thus, normalizing corruption becomes an indispensable reality. Meanwhile, there is no transition towards human rights in light of the limited role of the relevant institutions with them. These institutions have become part of the problem and are not at the same time able to respond to the pressures of reality that did not accommodate the human rights system. The constitutional and independent bodies are threatened. In Libya, the problems are more complicated, especially in case it is indicated that the Libyans face a dilemma that threatens the ex

EGYPT

There is no transition in Egypt except towards military dictatorship through a clear form of repression. This repression bypasses institutions and legal texts as it creates a control system on the hands of Abdel Fattah Al Sisi, the head of the executive authority. It isn't possible to discuss that there is a balance among the three authorities. The judiciary rules under the regime's will to imprison activists and exclude opponents in elections. As for the legislative authority, it has put a set of laws that legalized the existence of Al Sisi and his regime beyond 2030. On November 19, 2020, president Sisi celebrated his 66th birthday to remain in power until he reaches eighty years. He is the military man who is only keen to build the military economy and its wealth in the frenzied institutionalization for the power of the military authority over the civil state





1-The policies and legislations related to the democratic transition:

This monitored period has witnessed the elections of the House of the Representatives and the Senate. These elections implemented the legal coup on the path of the desired democratic transition since the revolution as stipulated in the Egyptian Constitution. Elections reflected institutionalizing repression and the regime's dominance. There isn't any opposition as it is changed into a quiet national opposition which means that this opposition mustn't oppose the regime's views. However, it mustn't raise its voice to protest except for legalizing the regime's acts. Even in light of these imposed requirements by the regime, the latter worked to exclude the opposition from the legislative authority in its two chambers, as most of its symbols were absent in the previous parliament.

The three powers and the balance among them

It is not possible to talk about such balance under the policies of the Egyptian regime. Balance remains a legal, procedural and human rights value in which the report criticizes the practices, policies and legislations, however they are totally absent from the mind of the dictatorial regime.

1-The legislative elections

● The elections of the Egyptian Parliament:

On October 5, 2020, the National Elections Authority, headed by Counselor Lashin Ibrahim, Vice President of the Court of Cassation, officially announced the final list of candidates for the House of Representatives elections, after completing the review of all judgments issued by the Supreme Administrative Court of the State Council.

● The first phase: October 21 and 23 for Egyptians abroad, and October 24 and 25 for Egyptians in 14 governorates



Counselor Lashin Ibrahim, Vice President of the Court of Cassation

Although this phase appeared without tensions, the actual control of the Nation's Future list on the electoral process was clear. It is a pro-regime list. However, some complaints have appeared and that confirmed the existence of grave violations of the integrity of the electoral process.

Dr. Mohamed Fouad, a MP and the candidate of the Egyptian Democratic Party for the Al Omraneyah and Talbiyyah constituency, submitted a memorandum to the Omraneyah Police Department regarding some grave violations that harm and disrupt the electoral process.

Fouad said in the speech: We direct your attention that we note that throughout the first day of the elections of the House of Representatives in 2020, there are grave violations that harm and violate the electoral process in Al Omraneyah constituency. These violations are recognized through several candidates and parties who established gathering areas and centers in separated regions in the constituency in order to mobilize voters to vote for them through using money. In these centers, they collect the citizen's personal identities, and distribute money and gifts in order to direct them to vote for them. In addition, exploiting some charity associations in mobilizing citizens who benefit from them by buying their electoral votes. This is considered a violations to the Constitution and the law regulating the exercise of political rights no.45 of 2014 and its amendments, in addition to the resolutions of the National Election Authority regarding the elections of the House of Representatives in 2020 which banned all these practices that affect the integrity and impartiality of the electoral process". 1.

However, as what was predicted, the National Election Authority in the statement for declaring the results of the first phase, declared that the first phase of the elections had passed without violations

● The second phase: The 7th and 8th of November of 2020:

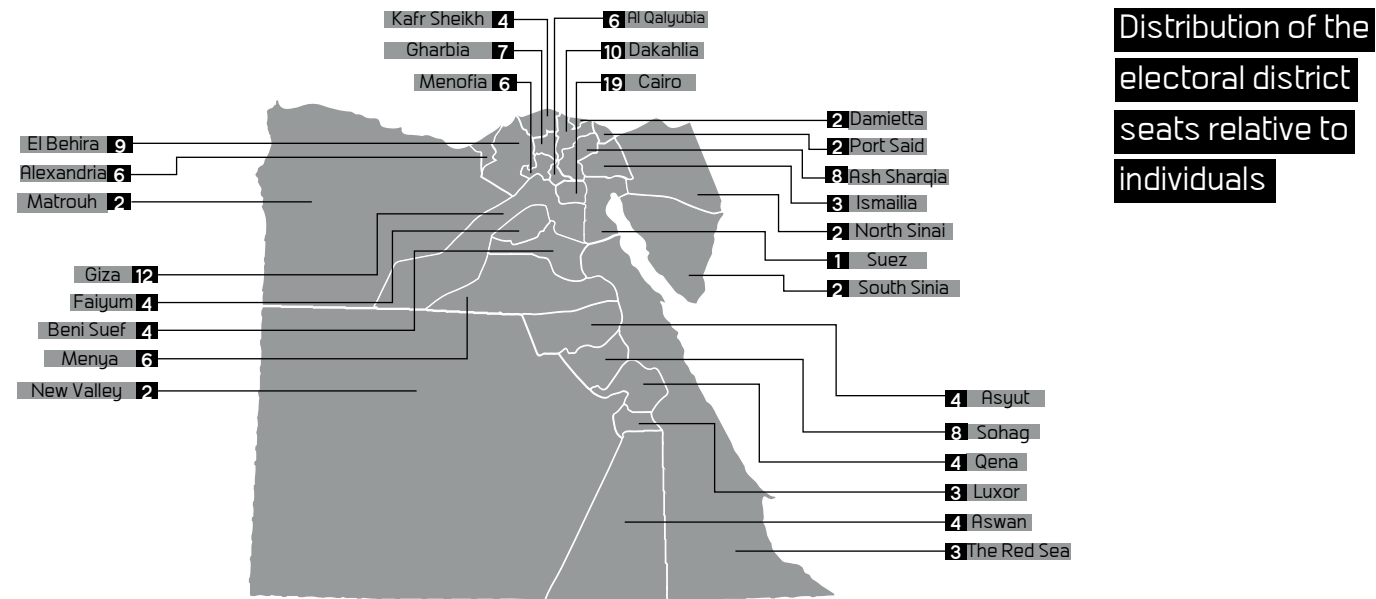
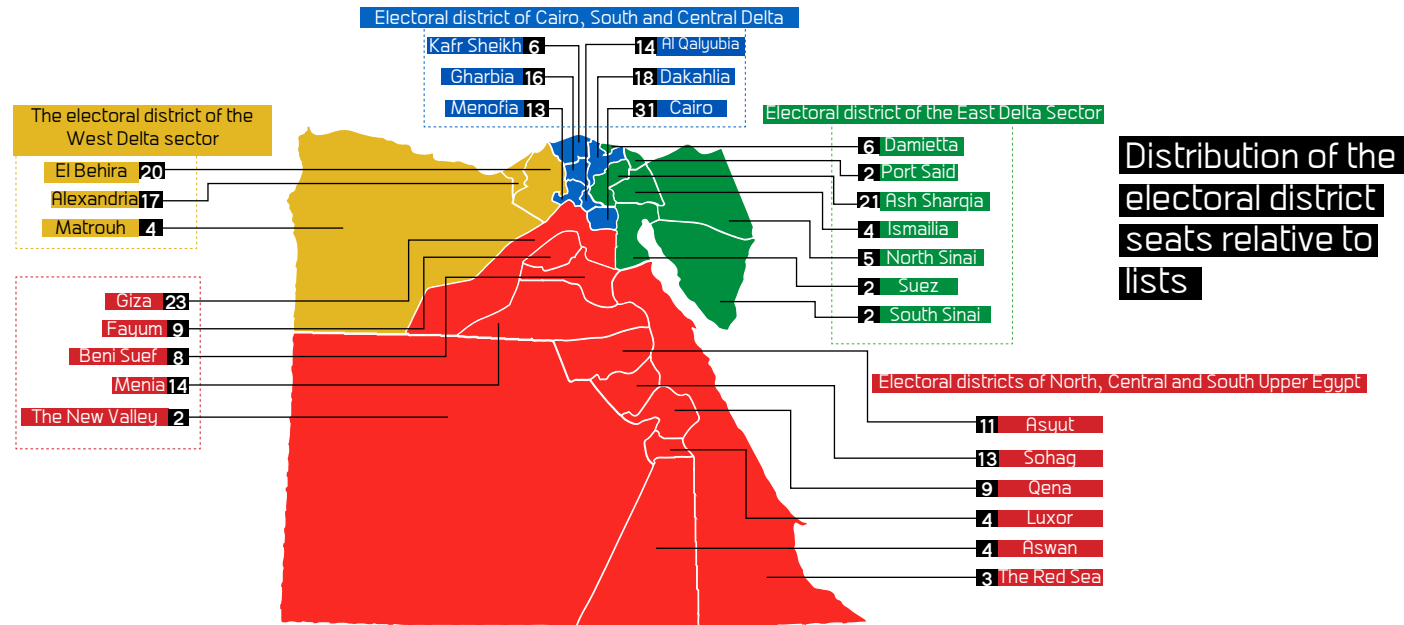
- 4032 candidates in the individual system
- 8 lists in the list system which includes 284
- 36 parties
- The number of the electoral circuits 143 circuits for individual seats and 4 circuits for lists.

The circuits for lists

The approved redrawing of electoral districts sparked great controversy because it gave the opportunity to the pro-regime parties to work in large districts. On the other hand, individuals face electoral machines that support the pro-regime candidates which have a security approval or have a military or security background.

1-The representative Mohamed Foad submitted a memorandum to Al Omraneyah Police Station regarding the violations that harm the electoral process. Look at the following link: <https://bit.ly/2XmQxHd>

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Immunity in the Egyptian Parliament:

Chapter Two of Chapter Eleven of the Parliament's bylaw specified the details and types of immunity that deputies enjoy within the Parliament, and divided it into two branches: The first is substantive immunity, and the second is procedural immunity.

Article 355 stipulates that substantive immunity is that a Parliament's member should not be questioned for the opinions he expresses related to the performance of his work in the parliament or in its committees. The second section, regarding procedural immunity, stipulates in Article 356 that, except in cases of flagrante delicto, during the session of the House of Representatives, no criminal procedures may be taken against any of its members in matters of felony and misdemeanor, whether at the stage of investigation or referral to trial, without prior permission from the House in each of them. In case the council is not in session, the permission of the council office must be taken to take any of these measures, and the council shall be notified at the first meeting of the action taken in this regard.

The Egyptian House of Representatives previously lifted the immunity of some deputies because of bribery, corruption, forging the signatures of deputies in the parliament, and parliamentary normalization with Israel after the meeting of deputy Tawfiq Okasha with the Israeli ambassador at his home. On the other hand, immunity represented an evasion of accusations of many MPs, the most prominent of whom was Mortada Mansour, president of the Zamalek Club, as well as:

- Mohamed Abo Hamed
- Ahmed Al Tantawy
- Haitham Al Hariri
- Salah Hasabollah
- Tamer Al Shahawy
- Medhat Al Sherif
- Sahar Etman
- Hesham Abdel Wahed
- Ahmed El Khashb
- Al Sayed Hegazy
- Abdel Hamed Al Shikh
- Hamdy Bekhit
- Abdel Hamid Kamal
- Ihab Al Salab
- Mohamed Osama Abo El Magd
- Dina Abdel Aziz
- Eid Heikal
- Mohamed Abo El Magd Nassar

This previous list represents the details of the candidates who ran for the new Parliament, however they failed to have a new seat. However, a number of other MPs who are included in the demands to lift immunity or are persecuted for criminal crimes, didn't run for elections And they are the following:

- Alaa Abdel Moneim
- Hussain Eisa
- Mohamed Al swidy
- Magdy Morshed
- Mohamed Ali Yusuf

Parliamentary immunity represents a protection for many persons who engaged in politics under the ruling's relation which is based on political clientelism, favoritism and the interests of economic and financial influence. It is a problem which could be raised in the Senate that should work on its bylaws.

The Egyptian Senate.

After the elections of the Egyptian Senate on August, 2020 and what was monitored from using political money and the great support for the regime's loyal coalitions, President Abdel Fattah Al Sisi issued a resolution no.590 of 2020, appointing 100 members in the Senate according to his powers as stipulated in the Egyptian Constitution.² In the first session of the Senate, Chancellor, Abdel Wahab Abdel Razeq, the head of Nation's Future Party was elected as the Speaker of the Senate³ Although this figure is a judge, it is expected to be the Speaker of the Senate as he is the head of the regime's loyal party and he issued rulings in favor of the regime's policies in Egypt.

Who is Abdel Wahab Abdel Razeq?!

He held judicial positions, including the judiciary of the State Council and the presidency of the Supreme Constitutional Court

2-Urgent, the Official Gazette publishes the President's resolution of appointing members in the Senate. Look at the following link: <https://bit.ly/3hUqd0G>

3-The head of the Nation's Future Party won the presidency of the Senate. Look at the following link: <https://bit.ly/3bpANLA>

which one of its most prominent rulings, in March 2018, was to continue implementing the agreement to redraw the maritime borders between Egypt and Saudi Arabia, which included the ceding of Tiran and Sanafir islands.

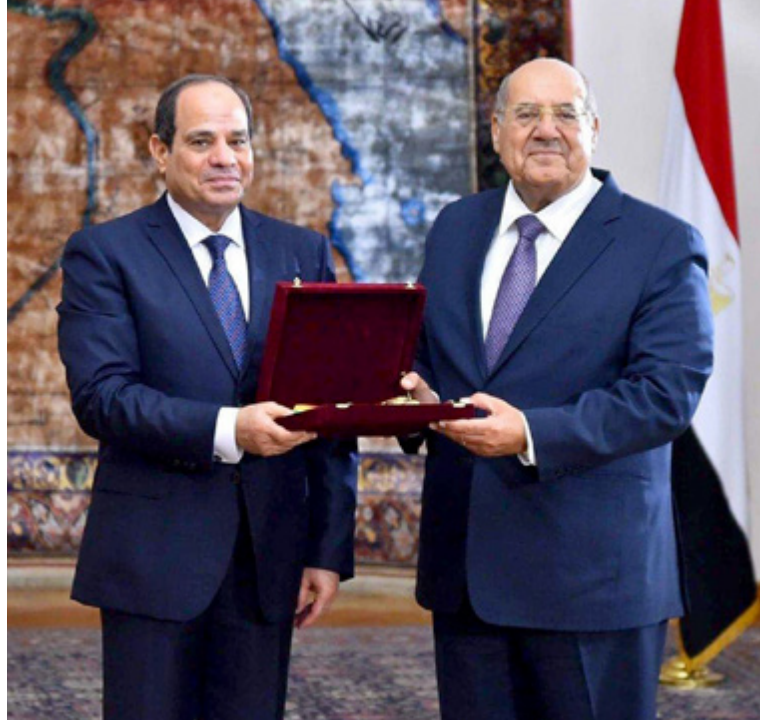
In the second half of October, Bahaa El-Din Abu Shoqa who is head of the Al-Wafd party, and Phoeby Fawzi Gerges who is a journalist from the Republican People's party, were appointed as the council's secretaries. Violations started in the Senate once it started. It is considered that appointing Abo shoqa violates article no.252 of the Egyptian Constitution which stipulated that "A Senate member cannot be a member of the House of Representatives at the same time". The Parliament's Bureau did not meet to decide on the request Resignation he formally submitted a few hours ago. Later, during November, his seat was declared vacant⁴

What links the elections of the Senate and the House of Representatives is consanguinity and family favoritism inside the two chambers of the legislative authority. In addition, the influence of political money and the control of the political regime on the elections together with repressing the opposition. ⁵ This was monitored

by several media and human rights sources. This fact is an evidence of the institutionalization of political dominance and the sustainability of non-democratic governance relations. Family and consanguinity have become one of the ruling's tools that are outside the democratic process and its requirements.

Here is a simple presentation of the known consanguinity in the political milieu:

- Bahaa El-Din Abu Shoka who was appointed as the Senate's secretary whose daughter Amira is running in the House of Representatives elections on the national list "For Egypt" in the northern, central and southern Upper Egypt sectors.
- Tayseer Matar, head of the (Generation's Will) - Eradat Gil party, a member of the Senate and his son Mohamed is running for the parliament elections within the Youth Parties' Coordination.
- The Artist Yahya Al Fakharani who was appointed to the Senate, his wife Lamis Jaber was a member of the outgoing House of Representatives.
- Mustafa Bakri who was a member of the outgoing parliament, his brother Mahmoud was among those appointed persons to the Senate.
- Ahmed Fouad Abaza who was a member of the outgoing House of Representatives from the Ash Sharkia governorate, his daughter Yousra was among those candidates who was elected in the Senate for the Nation's Future Party.
- Effat El Sadat who is a Senate's member and his nephew Sameh Al Sadat is also a Senate's member.



4-Egypt: Abo Shoqa combines the membership of the Parliament and the Senate in contradiction to the Constitution. Look at the following link: <https://bit.ly/3pWmeDj>

5-Fathers, sons and brothers in the "Parliament's tree" Blood and kinship ties between members of "House of Representatives" and "the Senate" Look at the following link: <https://bit.ly/3oq9jZZ>

- Ashraf Rashad who is the Secretary General of the Nation's Future Party, a member of the outgoing House of Representatives and the current candidate on the National List, his brother Muhammad is a Senate's member.
- Mohamed El Garhy who is a candidate for the National List in the Parliament's elections and his cousin, Abdul Qadir Al Garhy is a Senate's member and he is the secretary of the Nations' Future Party in Fayum governorate.
- Fakhri Al Tayel, a member of the outgoing parliament from Monufia. He ran with his sister, Sherine for the legislative elections on the national list.
- Mahmoud Al Dabaa, a member of the outgoing parliament from Qena, and his cousin, Ghada Al Dabaa, ran for the legislative elections through the National List.
- Yasser Zaki, the winner of a seat in the Senate on the National List. His brother, Hossam Zaki is a businessman and ran for the legislative elections through the Nation's Future Party in Cairo.
- The former MP Bakr Abu Ghraib ran for the Parliament's elections at Badrasheen and Ayat constituencies in Giza, while his wife, Nawasila Ismail, is running for Faqous in Ash Sharkia
- Murtada Mansour who is a former member of the outgoing parliament from Dakahlia, his son, former MP Ahmed Mortada, ran for the legislative elections at the districts of Giza, Dokki and Agouza.

In mid-2019, Egypt received the last \$ 2 billion in installment of the \$ 12 billion loan provided by the International Monetary Fund in 2016, successfully completing their agreed program. However, the final review of the International Monetary Fund on Egypt's reforms that formed the basis for approval of final disbursement was less than fully convincing. The Egyptian economy relies heavily on the military led public sector, which has proven unable to provide the long-term growth that is necessary to pull millions of Egyptians from poverty.⁶



The special topic:

The economy of the military: Building Egypt or the regime's dominance

In February 2020, Egypt's sovereign fund signed a cooperation agreement with the National Service Projects Agency, in

6- The Egyptian economy: In the clutches of the deep state - George El Abd, Malcolm Care - Carnegie Middle East Center October 26, 2020.

<https://carnegie-mec.org/2020/10/26/ar-pub-83028>

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economic facilities of the armed forces that had nothing to do with national security and that did not require strict secrecy.

an attempt by the armed forces to prepare some of the agency's assets for local and foreign investment, and to expand their ownership base. The National Service Projects Organization of the Armed Forces was established during the era of the late President Anwar Al Sadat to ensure self-sufficiency in the needs of the armed forces, with surplus production being put on the local market and aid in the state's economic development projects, such as infrastructure projects and development projects in the border governorates. Under President Abdel Fattah El-Sisi, the authority's powers expanded and became the largest engine of the country's economy through its participation in all areas of life and its competition with the private sector. Through Law No. 177 of 2018, the fund which newly signed the agreement, is protected from civil appeals, in order to enhance the president's plans to create a secure military economy.

Law No. 177 of 2018

Law No. 177 of 2018 which President Sisi ratified, aims to develop state resources and make a benefit from its assets, including closed or untapped governmental companies and factories that achieve low profits. On December 26, 2018, the Egyptian Cabinet approved amendments to the law that give the President of the Republic the right to transfer ownership of any unused state-owned assets to the fund. While the appeals to the president's decisions are restricted to the owner or the fund that transfers ownership of that asset only - without Others. According to the amendments, no person is permitted to file claims for the invalidity of contracts entered into by the fund. The courts shall not accept appeals or claims related to these disputes. In addition, The fund has the right through a decision by the president, to own the company or factory in the newly transferred property, and sell it to any foreign investor without any difficulties. In other words, in case the ownership of any governmental company is transferred to the fund and then the fund sells the company to an investor or puts it on the stock exchange, no citizen has the right to object or appeal that.

The underground economy of the armed forces is not new. For decades, the military has business in unlimited secrecy surrounding its economic activity, regarding its profits, the extent of its tax payments, the size of its investments and its capital. What's more, no supervisory body has been able to challenge it, including the Central Auditing Organization which is the highest supervisory authority in Egypt. During a television interview in 2012, Counselor Hisham Geneina, the head of the Central Auditing Agency at the time, said that he was unable to monitor the

A notable example is the fact that the armed forces rent out rooms for civilian activities, such as weddings and birthdays in exchange for money that lacks control. Geneina said: "It is unacceptable that the Central Auditing Agency (CAO) cannot monitor the wedding halls of the armed forces. Wondering! What is the relationship of the armed forces wedding halls to national security?"

Under Sisi, the economic empire of the army increased, and it now operates in the trade of dairy, medicine and transportation. Now it has nearly 2,300 projects in which 5 million civil employees work in the fields of heavy and specialized industries, the agricultural sectors, fish farms, quarries and mines, contracting, infrastructure and other mega projects in the country, according to the military spokesman for the armed forces, Colonel Tamer Al Rifai. Al-Sisi's insistence on the public offering, while knowing that this would be difficult to implement, indicates his desire to launder the reputation of the military establishment, clear it of accusations of corruption, squandering public money, and unaccountable control of the state's economy.⁷

The Carnegie Institution report, "Owners of the Republic: An Anatomy of Egypt's Military Economy" ⁸ explains "in detail how the intervention of the Egyptian Armed Forces in the economy underwent a shift in scope and size under President Abdel Fattah El-Sisi. This is partly due to the military's takeover of power in 2013, but it also reflects Sisi's lack of a clear economic blueprint, not to mention a sound understanding of market dynamics. His greater interest in generating capital while preserving the political system leads to the emergence of a new version of Egyptian state capitalism.

The shift in military, economic and commercial activity under Sisi reveals the features of this development. The military claims to employ 5 million people, however nearly all of them are employed by private civilian contractors working for the military. This suggests that Sisi's approach may help generate economic growth and improve fiscal efficiency, but it also strengthens the grip of the Egyptian state rather than fostering a free market economy.

The expansion of military economic activity in five areas serves the emerging Sisi administration model of state capitalism: Real estate development, establishment of industrial and transportation complexes, extraction of natural resources, relations with the private sector, and public sector capital increase through private investments. The first three fields reproduce aspects of the rentier economy under former President Hosni Mubarak, but the last two represent a more fundamental transformation. Sisi's approach does not reflect an integrated strategy. Rather, it indicates his determination to generate capital through the use of the concentrated power of the state, whose spear is the military establishment.

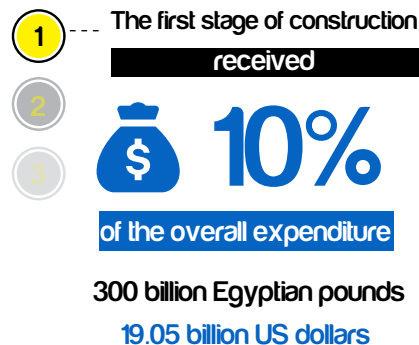
Real estate

Sisi has invested massive government resources in creating real estate to generate revenue, drive economic growth, and attract private investors. This effort includes building three "smart" cities. The name implies that they use digital technology to improve energy efficiency. These cities target upper-middle-class clients with luxurious beachfront residences, imitating the Dubai model. Other urban projects target less well-off middle-class families, and others target workers in the new industrial zones. The exact cost of these urban plans is not clear, but they come within a huge group of national projects that received 4 trillion Egyptian pounds (more than 200 billion dollars) in government funding from 2014 to 2019. The first phase of building the New Administrative Capital acquisition of nearly 10% of the total spending (300 billion Egyptian pounds, or 19.05 billion dollars) by January 2020, and the cost within five years is expected to reach 58 billion dollars by 2022.

⁷ The military economy in Egypt is expanding significantly at the expense of the private economy - Mahmoud Khaled, Aswaq Al Arab - March 28, 2020. <https://www.asswak-alarab.com/archives/19540>

⁸ The Egyptian Military Establishment as the Spearhead of State Capitalism - Yazid Al-Sayegh, Malcolm Care-Carnegie Middle East Center October 26, 2020. <https://carnegie-mec.org/2020/10/26/ar-pub-83011>

The novel administrative capital .
(as an example)



Infrastructure

In addition, The military economic spearhead aims to establish major areas and complexes for industry, transport and services, concentrated in the Suez Canal area along the Red Sea coast. The Armed Forces consider the Suez Canal and the Sinai Peninsula extremely important for national defense, and treat them as their exclusive economic woodlot . Therefore, half of the 600 billion Egyptian pounds (nearly \$ 40 billion) that the government spent on development in Sinai by April / April 2020 was administered by military agencies, including the National Service Projects Organization, affiliated with the Ministry of Defense.

The size of real estate and infrastructure projects confirms the importance of the Ministry of Defense controlling the use of all state land, which is estimated to include from 90 to 95% of the total area of Egypt. This is among the biggest obstacles to the activity of the private sector, however the Egyptian authorities are resisting reform. Al Sisi also granted the Ministry of Defense the right to full economic use over twenty-one inter-city highways and a 4-kilometer-wide strip next to them, which enables it to collect traffic fees, operate or grant commercial concessions (including roadside services and advertising), and establish and monitor wired communication networks. And wireless (including fiber optic cable). Violations, accidents or commercial disputes that occur on or related to these roads fall under the jurisdiction of military courts, as is the case with all military regions and installations.

Extractive industries

The intensification of rentier activity highlights how state agencies have the advantage of utilizing natural resources over the private sector. The National Service Projects Organization has conducted greenhouse and fish farming projects in densely populated areas since 2014, using military recruits as laborers in a supposedly free market economy. In addition, the military enjoys unrestricted use of water raised from underground basins or transported through canals from Lake Nasser or the Nile, regardless of economic viability or environmental impacts. This enables the agribusinesses established by the Gulf investors, literally, to export water. Moreover, The fish farms of the National Service Projects Organization consume large quantities of fresh water.

Real estate projects



received 4 trillion Egyptian pounds (surpasses 200 billion US dollars (between 2014 and 2019



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Under Sisi, the focus on rentier activities has extended to the military's involvement in the extraction of natural resources. Until 2014, military participation was mostly confined to bribes and illegal fees extracted by retired armed forces (as well as civilian officials) working in local administration departments to issue quarrying and mining licenses, but in 2015, a government decree required the approval of the Ministry of Defense to extract mineral wealth and authorize it to collect Fees on all outputs at production sites. In addition, The ministry obtained exclusive rights to retain revenues from the extraction and processing of raw materials from mines and quarries on lands controlled by the military.

Since then, the National Service Projects Organization (NSPO) has built marble and granite factories with a production capacity that exceeds the size of the total national production, which places them in a potential monopoly. The Organization has acquired a majority stake in the state company that controls Egypt's only black sand site, which produces heavy metals such as titanium and zirconium, with an expected export value of \$ 176 million annually. In addition, It acquired a stake in

gold exploration and expanded its role in the production and marketing of phosphates and fertilizers. The vast majority of the extraction sites are located in areas under military control, through which the military establishes the way for the state's share in these sectors and introduces itself in foreign trade.

The Subdual of the Private Sector

The Sisi administration has realigned its relations with the private sector. The state is the only investor in public infrastructure and the source of a large share of total private sector business, especially for large and medium companies. The huge increase in public spending on public housing and infrastructure since late 2013 has amplified the centralization of political ties and patronage in securing public contracts, enabling the military to expand their profit margins more than usual.

The ambiguity of the legal and regulatory framework that governs investment in projects which are established jointly with the military or in strategic areas controlled by the Ministry of Defense discourages local companies from investing in them. The military's exemption from the jurisdiction of civilian courts means that commercial disputes in which the military is a party do not go to arbitration. In addition, Poor contract enforcement and concerns about tax benefits for the armed forces are discouraging foreign companies from investing in Egypt.

In theory, state investment would allow investment capital to open and develop new economic sectors. However Al Sisi also rebuked private sector companies for failing to invest in Sinai, ignoring obstacles to investment, the absence of consultation with those companies, and the absence of feasibility studies. Instead of opening new investment fields, military companies aggressively expanded into tradable goods sectors, inflicting heavy losses on private producers and transferring their market share to military companies. The military justified its investment decisions by saying that it would break monopolies (that do not exist in reality) and ensure stable supply and prices, but the most obvious factor is that it seeks to ensure that its own production is marketed.

The Sisi administration seeks private sector investments, but only on its terms. This administration considers that generating income and providing goods at reasonable prices to selected societal groups is of great political importance, and it employs state control over land, foreign trade and natural resources to achieve the maximum of these ends. For example, in 2019, Sisi placed the lands surrounding the main tourist destination in Hurghada and forty-seven islands in the Red Sea under the control of the Ministry of Defense. The Minister of Tourism later justified this, accusing the private tourism companies of "not putting pounds in subsidizing tourism."

Beautifying state capitalism

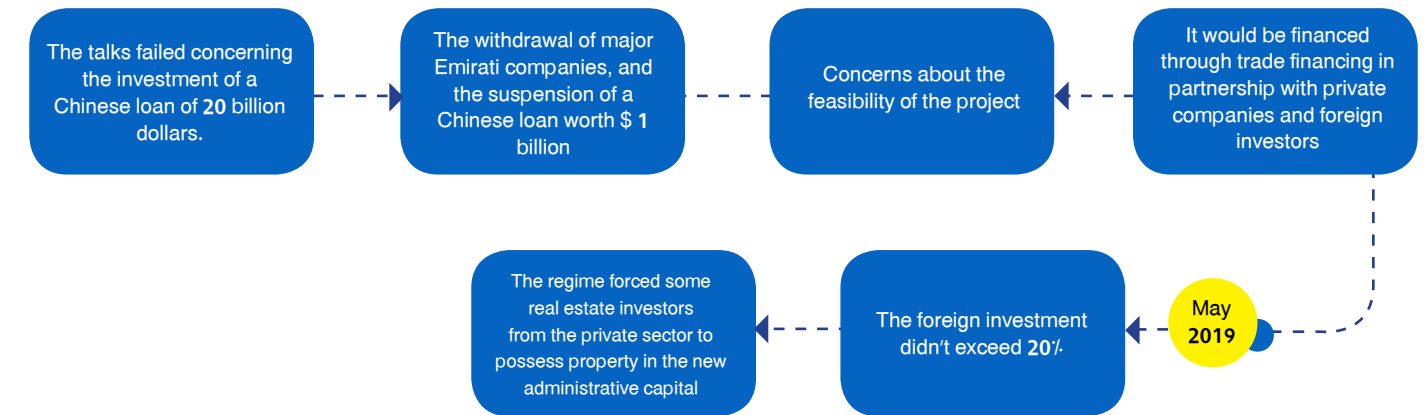
The Sisi administration blames private investors as part of its focus on capital-intensive state-led activities. The government has drastically cut spending on energy and food subsidies, and public sector wages, and cut the ratio of bad loans. In addition, The House of Representatives also approved the sale of state-owned companies that incur losses of more than half of their capital. These measures were insufficient to generate capital of the size the president was seeking, forcing the government to borrow and raising the public debt-to-GDP ratio to 90.3% by June 2019 and the external debt to \$ 112.7 billion by December. Sisi has sought to attract private sector capital to state-led projects. The prime minister boasted in 2015 that the new administrative capital would not cost the Egyptian state "a single penny," as it would be funded through trade finance in partnership with private companies and foreign investors.

Then concerns about the viability of the project led to the withdrawal of major UAE companies, the suspension of a \$ 3 billion

Chinese loan, and the failure of talks on a \$ 20 billion Chinese investment. By May 2019, the proportion of investments coming from abroad had not exceeded 20%. The military establishment and the presidency had to persuade and even coerce some of the country's most famous real estate investors from the private sector to acquire in the new capital.

The Egypt Sovereign Fund (Thara'a) has emerged as the president's preferred tool for bringing private sector investment into public entities and projects, while giving the state the upper hand. The fund was established in 2018 and is supposed to be an accelerator to put selected government assets under partial control of the private sector, but according to one market analyst, this makes it a "sovereign holding company," not a sovereign wealth fund.

! The new administrative capital will not cost the Egyptian state a millieme Egypt president abdel fattah el-sisi



Once again the military is leading this approach. The Administrative Capital for Urban Development has revealed its intention to transfer ownership of assets worth 50 billion pounds to Tharaa Fund, which guarantees the relevant military authorities to obtain future profits from real estate. In February 2020, Thara'a Fund also approved the inclusion of ten companies affiliated with the National Service Projects Authority in an asset portfolio for promotion and investment, excluding extremely inefficient companies affiliated with the Ministry of Military Production, indicating the fund's emergence as a tool to attract private investment in ways that maintain state control over assets. It keeps its true financial resources opaque.

A familiar animated cup game

Investment tools such as a wealth fund do little to bring about paradigm shifts in manufacturing, technological integration, or service upgrades and increased exports of goods. Instead, Sisi's model of state capitalism is a kind of moving cup game: It transfers capital from the private sector to the state, and from both sectors to institutions established or preferred by him, most notably the Long Live Egypt Fund, Thara'a Fund and the military establishment. This approach provides higher efficiency, but the Sisi administration remains unable to attract foreign direct investment except at a rate the World Bank describes as "slow." Even this limited investment is directed mainly to the energy sector, which leaves other productive sectors in Egypt to suffer,

and it has also decreased sharply since **2017**.

There is a possibility that Egypt may move gradually, intermittently, and even unintentionally towards a situation in which the maintenance of a state-controlled economy becomes untenable. But at the present time, nothing Sisi is doing changes the reality of what a report issued by the International Monetary Fund in **2019** on Egypt described as "persistent problems of weak governance, the search for rent, the risks of corruption and the massive presence of the state in the economy." Without a fundamental change in the structure of economic entry points and opportunities, Sisi and everyone who succeeds him in the presidency will remain permanently vulnerable to competitive rent seeking among the state apparatus on which his power depends.



The Sisi administration blames private investors as part of its focus on capital-intensive state-led activities.

The government has drastically cut spending on energy and food subsidies, and public sector wages, and cut the ratio of bad loans. In addition, The House of Representatives also approved the sale of state-owned companies that incur losses of more than half of their capital.



1-The development of policies and legislations related to human rights

Legislation and laws almost ends from the report due to the grave violations against activists in the Egyptian civil society, opponents and all voices that dare to criticize and reject what is present. Under a systemic and structural domination, equally citizens face oppression. Every individual, minority, and organization has its share of violence, mailing, enforced disappearance, torture and rotation in prisons.

1-The second Maspero massacre: The condition of religious minorities in Egypt

This incident raised problems and questions about the situation of religious minorities in Egypt. The problem of religious discrimination continues despite the fact that some legal guarantees in Egypt to ensure their participation in public life exist. As it was stipulated that the presence of Christians in the candidate lists for the elections. However, they are limited and superior measures. Minorities live in a difficult situation in Egypt, facing the religious majority, where they are subjected to threats, violence and even murder. This justified the multiple calls for the issuance of a bill protecting the rights of the Coptic Christian minority in Egypt, which did not notice any official effort or action to promulgate it.

To confront this locally closed situation, 25 public figures and 13 international, regional and Egyptian human rights organizations sent a letter to the members of the Foreign Affairs Committee of the US House of Representatives urging them to proceed with the bill to protect the rights of this minority in Egypt, which enjoys broad support from both American parties and a

A year and two months after President Abdel Fattah El-Sisi ratified the Law on the Practice of Civil Society, the Cabinet agreed, in principle, to issue the executive regulations of the law, without announcing its articles, as agreement would be reached between the relevant ministries regarding some of the articles for the final approval of the bylaws, according to a statement by the Cabinet.

number of Participating sponsors. It is a fact that confirms the difficult situation of religious minorities.

On the judicial level, the Cairo Criminal Court imposed a sentence of **15** years imprisonment, and another accused with **10** years imprisonment and acquitted three others in the second case of the Maspero events. This judgment related to an incident that occurred in July **2013**. It led to the destruction of several places of worship, the killing and violence of Christian citizens. The prosecution had charged the detainees in the incident with: Gathering, committing premeditated murder, displaying force, assaulting public and private facilities, assaulting citizens, and brandishing violence, in a manner that disrupts public peace. What could be observed is the absence of accommodation for attacks on the basis of attacks against minorities in the absence of an appropriate legal framework. This law is considered important in view of the frequent bloody incidents, violence, and messaging against the Christian minority. The organizations representing Copts in Egypt have always referred to systematic discrimination and structural discrimination against them, which is emanating from the state and citizens alike. It shares this with the other minorities such as Shiites, Quranists, and atheists.

It could be said that this situation violates the principles of international law and violates the obligations of the Egyptian state towards citizens of minorities. It cannot be said that the state protects the physical integrity of the Christian minority nor does it work to reduce the structural and systematic discrimination against them. Rather, judicial decisions and the frequency



of attacks send implicit messages of the possibility of assault and the possibility of impunity. The political participation of Christians remains limited to the authorities' exploitation of the religious file for a year. Meanwhile, accusations of contempt of religion and beliefs continue, as the Public Prosecution has launched an investigation with Yusef Hani on charges of contempt

of Islam after the Monitoring and Analysis Unit at the Attorney General's office monitored a wide circulation on social media of a picture of a text conversation attributed to him bearing insult to the Messenger, The Attorney General ordered an urgent investigation into the incident. The Ismailia Prosecutor's Office has expedited the investigation into the incident, which was registered with No. **4165** for the year **2020**, the third administrative department of Ismailia.⁹ Later, the Ismailia Court released Yusef Hani, known as "Joe Hani," after he apologized before the court.¹⁰ Religion remains a malleable tool in the hand of the political authority, taking advantage of popularizing concepts of freedoms and rights and striking its supporters.

2-Restrictions on civil society:

A year and two months after President Abdel Fattah El-Sisi ratified the Law on the Practice of Civil Society, the Cabinet agreed, in principle, to issue the executive regulations of the law, without announcing its articles, as agreement would be reached between the relevant ministries regarding some of the articles for the final approval of the bylaws, according to a statement by the Cabinet.¹¹

Law no.**70** of **2018** It is the oldest version of the law regulating civil society in Egypt. And it raised a great controversy in the human rights community, especially regarding its negative punishments. In addition to a set of administrative complications and long procedures. The Egyptian regime faced international pressures. One of the prominent pressures was from the US Congress. In addition, international and local associations and organizations strongly rejected this law

The aforementioned law came after a long period of procrastination, especially the ignorance of the initiatives of civil society which its prominent was the bill prepared by a committee of representatives of civil society which was commissioned by the Ministry of Social Solidarity. The regime chose to make amendments to the aforementioned law in light of a pressing political context between **2018** and **2019**. The regime's initial orientation was to reject any amendment. It is the first criticism of the subsequent amendment process.

On August 19, 2019, the new NGO Law No. (149) of 2019 was issued, and the President ratified the decision to publish it. Its bylaws were supposed to be issued within six months, according to Article 7 of the law, however it took a year and two months to issue it.

The executive regulations of the law didn't meet the expectations. After establishing the association, every procedure becomes linked to the bureaucracy of the Ministry of Social Solidarity. As for example:

- Changing the association's headquarters is subject to the bylaws of the aforementioned law, with a notice of three months.
- Every activity of the civil work is subject to obtaining a permit from the administrative authority specifying the documents to be submitted to obtain the permit and the rules to be followed by the executive regulations
- A notification that does not fulfill the data is not a notification
- The requirement that the association's bylaws must be consistent with the form of the statute specified by the executive regulations
- The statute must include personal data related to members, such as electronic applications

In addition, The bureaucracy has acquired a supreme hand on associative work, given the broad powers that allow it to interfere in its work. This doesn't differentiate from the pre-revolutionary authoritarian approach under the regime of Hosni Mubarak. Several restrictions

9- Youssef Hany was arrested. The story of a Hashtag that reached to the Public Prosecutor Look at the following link: <https://bit.ly/2LJAa5J>

10- Releasing "Joe Hany" who is accused of insulting Islam, from Ismailia. Look at the following link: <https://bit.ly/3imCDOU>

11- The government agrees "in principle" to issue the executive regulations for "civil society" Look at the following link: <https://bit.ly/3osD87Z>

were created by the Ministry of Social Affairs, which changed its name to the Ministry of Social Solidarity after the revolution. Despite the change of names, the content is almost the same, and its powers are still wide and enable it to impose its grip on association activities. It is reported that the authorities have exploited the law issued during the reign of Hosni Mubarak which is the Civil Society Law No. 48 of 2002, in the case known in the media as the case of foreign funding before the issuance of Law No. 70.

From the aspects of the Ministry's interference, we could find the following:

- The law gave the administrative authority the right to present to the Attorney General a request to compel banks to disclose the confidentiality of accounts of civil society institutions and entities
 - The Prohibition of concluding an agreement in any form with a foreign party inside or outside the country prior to the approval of the administrative body, as well as any amendment to it
 - Considering NGOs' funds in the ruling of public funds, in applying the provisions of Chapter Four, Book Two of the Penal Code
 - The law gave the administrative body the right to verify and verify that the association's actions conform to the law and its commitment to spend the funds of the authorities in the aspects and expenses specified for them
 - The relevant minister has been given the right to suspend the association's activity for a period not exceeding one year in the event of violating Articles 25 pertaining to the authorization to collect money and Article 27 regarding foreign financing after warning the association.
 - The administrative authority may implement the decision to suspend activity and may request the dissolution of the association or the dismissal of the board of directors. The Public Prosecutor's Office issues a decision against the hand of the Board of Directors until a judicial decision to dissolve is issued (Article 29)
 - The law gave the right to the representatives of the administrative body the right to enter the headquarters of the civil work institutions after being notified to ensure their compliance with the law, and their entry is without notification in the event of an official complaint and this right includes entities that have not reconciled themselves
 - The law gives the administrative body the right to object to the decisions of the association in the event that it violates the provisions of the law or the statute of the association and it has the right to request the withdrawal of the decision within a period of 30 days, and the association has the right to clarify its point of view within a period of 7 days following the objection, if that period elapsed without withdrawing it or not accepting The administrative authority Clarification The decision of the administrative authority is considered enforceable and it may take the measures stipulated in the law according to the violation
 - The administrative body has the authority to exclude candidates for the board of directors due to lack of conditions for candidacy, and everyone concerned may refer the matter to the competent court
 - The law gave the competent minister to issue a temporary decision suspending the association for a period not exceeding one year and closing its headquarters in 5 cases
 - The law grants the employees working in the central unit and the sub-units to be specified by a decision of the Minister of Justice based on the proposal of the Competent Minister, the status of judicial police officers
- Perhaps the security authorities do not seem to be controlling the front, except that the bureaucracy of employees with wide powers while enabling them to have the status of judicial police officers, so that a set of procedures and powers are authorized to them to investigate and search for breaches of public order, which will increase the security grip. This reflects the existence of an acute approach to civil work based on considering it a source of threat and danger, rather than a field to advance the role of the state and society. It is the approach of the current political system in Egypt, which is reflected in the systematic policy



of suppressing activists and associations currently operating. The argument for organizing and framing civil work seems meaningless under this oppressive policy

The revolving doors and permanent policies: The preconvinced charges of terrorism and exceptional trials target human rights

It is considered that the accusation of protesting, spreading false news, joining a banned group, misusing Social Media websites and joining a terrorist group in achieving its goals, are the mainstream charges. In addition, the accusation of terrorism is a generalized concept that doesn't exclude anyone as you could be a leftist or liberal, however that doesn't preclude being in an Islamist Terrorist group. The regime's logic in that is to collect those persons who stand against it in one basket (prison) The "Alliance of Hope" joined the lists of terrorist entities earlier in the summer of 2020, a coalition that included members of parliament, party leaders, youth and journalists, aiming to prepare for the parliamentary elections. This judgment becomes consistent with the judicial rulings which are based on the aforementioned ready-made accusations.

On the basis of these accusations, the imprisonment of several activists has been renewed several times, and they are mentioned as follows:

- The Supreme State Security Prosecution decided to renew the imprisonment for 15 days against hundreds of detainees in case No.880 of 2020 by the State Security which were known as "the incidents of September 20". 12
- The human rights lawyer Amr Imam, Mohamed Samir, the blogger Radwa Mohamed, the journalist Ahmed Shaker, the journalist Sulafa Magdy, the student Muhammad Fadi, the student Omar Khaled and the lawyer Mahienour El Masry
- The Journalist and researcher Shaima Sami by the Supreme State Security Prosecution without appearing before the prosecution. Then her detention was renewed again alongside the activist Nermin Hussein for 45 days in Case No. 535 of 2020 by the Supreme State Security
- The Journalist Islam Al Kahli
- The labor activist Khalil Rizk Khalil
- The researcher Ibrahim Ezz El-Din
- The Journalist Basma Mustafa 15 days on the sidelines of her coverage of the events of the village of Awamiya, and after her forcible disappearance, she appeared later before the Supreme State Security Prosecution. This is part of the policy of restricting the freedom of the press.13
- The journalist Sayed Abd Allah in Case No. 1338 of 2019 High State Security Survey, and journalist Badr Badr Muhammad in Case No. 1360 of 2019 by the Supreme State Security. 14
- The lawyer Ziyad Al-Alimi and journalists Hisham Fouad and Hussam Moa'nis were imprisoned for 45 days pending case 930 of 2019 of State Security which is known as the "Hope Alliance". 15
- The imprisonment of dr. Abdel Moneim Abul-Fotouh for 45 days pending Case No. 440 of 2018, despite his pretrial detention exceeding the two-year which is the maximum period of pretrial detention in the law
- The Worker Yasser Antar Abdul Latif

Mohab Yusri Al-Ibrashi, the lawyer, Hussein Khamis Muhammad, Hassan Mustafa Abdel-Fattah, and Islam Adel Muhammad

12- The Arabic Network for Human Rights. Look at the following link: <https://www.anhri.info/?p=19225>

13- After her disappearance in Luxor The Public Prosecutor announces the release of an Egyptian Journalist Look at the following link: <https://arbne.ws/39COxQV>

14- The Arabic Network for Human Rights. Look at the following link: <https://www.anhri.info/?p=19288>

15- The Arabic Network for Human Rights. Look at the following link: <https://www.anhri.info/?p=19400>

- The lawyer Mohamed Al-Baqer
- The activist and blogger Alaa Abdel Fattah and the activist Mohamed Oxygn

In addition to the renewal of imprisonment, precautionary measures continue to assist it in restricting activists. And it included many names. Including:

- Hazem Hosney in case no.488 of 2019 The Supreme State Security Prosecution decided to imprison dr.Hazem Hosny for 15 days pending investigations in Case No.855 of 2020 of the State Security after the Criminal Court decided to release him on the 31st of October.
- The human rights lawyer Haitham Muhammadin, the lawyer Amr Nohan and Abdel Hamid Hamdy
- The photojournalists Mohamed Gibril and Abdul Rahman Al Wardani in Case 1365 of 2018 State Security Survey.
- The journalist Islam Adel Hasan in Case No. 467 of 2020 by State Security.16
- The imprisonment of 22 defendants during the second week of November 2020 for 15 days pending investigation in Case No. 1056 of 2020. Thus the total number of persons whose imprisonment was renewed after being released by the Cairo Criminal Court in a session on November 3, raised to 96 defendants.

The

He is 38 years old whos is an employee in the International Hospital and a father for two children while waiting the birth of the third. One last Wednesday at dawn, he was murdered by an officer in a security force of the Investigation Department and the Central Security in front of his house. Owais's murder came after a series of incidents which started by the participation of persons in Al Awamiyah town in September protests.



Prosecution re-imprisoned 15 other accused persons pending investigations in Case No.1021 of 2020 after releasing them on the 3rd of November of 2020. The same scenario was repeated with the blogger, Mohamed Oxygn, the political activist, Sameh Saudi, the member of Bread and Freedom Party, Ziad Abu El Fadl and Mohamed Mamdouh who is known as (Karaoke) by including them in Case No 855 of 2020 which is considered one of the cases that is used to reimprison the political activists, journalists and human rights defenders such as the lawyers Mahinour El Masry, Mohamed El Baker And Amr Imam, in addition to the journalist Esraa Abdel Fattah, Solafa Magdy, her husband Hossam El Sayad and the professor of political science, Hazem Ahmed Hosney.

Targeting the Egyptian Initiative for Personal Rights

The executive director of the Egyptian Initiative for Personal Rights, Gasser Abdel Razek, joined his colleagues who are being held in pretrial detention, after the Supreme State Security Prosecution decided to imprison him for 15 days pending investigations in Case No. 855 of 2020. International and local condemnations continued for the security crackdown on the "Initiative" team. It is noteworthy that this crackdown was launched gradually and systematically through targeting the

16- The Arabic Network for Human Rights. Look at the following link: <https://www.anhri.info/?p=19867>

employees then the Executive Director.

The prosecution charged Abdel Razek with a set of pre convicted accusations. Previously, the prosecution decided to imprison Mohamed Basheer, the administrative director of the human rights organization and Karim Annara, the director of the Criminal Justice Unit in the organization for 15 days pending investigations in the same case. The local and international human rights condemnations didn't stop which escalated with arresting Abdel Razeq. Ravina shamdasani who is the official spokesperson for the UN Human Rights Office, issued a detailed statement on the arrest and interrogation of the initiative members. The statement described the use of anti-terrorism laws and vague accusations to criminalize human rights defenders' work as "inconsistent with Egypt's international obligations towards international human rights law." In addition, 50 human rights organizations around the world declared in a joint statement their solidarity with the Egyptian Initiative's team and demanded the immediate release for the arrested members. Moreover, six Egyptian human rights organizations published a joint statement calling on "the defenders of democracy and human rights in Egypt, including individuals, organizations, associations, parties, and unions, to show solidarity with Egyptian human rights organizations against a fierce security attack aimed at harming the ability of civil society to confront totalitarian rule". On December 3, 2020, the three members of the Initiative was released from Tora prison one day after the Egyptian security forces raided the home of the family of Hossam Bahgat, the founder and acting director of the Egyptian Initiative, without finding him.

The Egyptian "Floyd" Owais Al Rawy

The security forces seized Al Awamiyah town in Luxor for days amid an intense security presence after clashes between people and security forces which escalated after the murder of Owais Abdel Hamid Al Rawy. He is 38 years old who is an employee in the International Hospital and a father for two children while waiting the birth of the third. One last Wednesday at dawn, he was murdered by an officer in a security force of the Investigation Department and the Central Security in front of his house. Owais's murder came after a series of incidents which started by the participation of persons in Al Awamiyah town in September protests. Thus the Security Forces started launching daily arrest crackdowns on the town's citizens. According to two citizens, the number of the arrested persons from the town ranges between 14 to 18 persons which their place of detention isn't unknown till now.

During one of the arrest campaigns, a security force went to the Al Raw's family house on September 30 searching for his nephew who is called Diaa Al Rawy. Once the forces didn't find him, they decided to arrest the young brother of Owais who is called Al Rawy Al Rawy. The family tried to discourage the force from arresting the young person, however they refused and accompanied him outside. According to the story of two neighbors, one of them was in front of the house once hearing the shooting. Owais left his home behind them and after a verbal clash between him and one of the officers, the officer held his gun and fired four bullets which one of them hit Owais's head.

After the accident and according to three sources that spoke to "Mada Masr", a number of angered young persons in the town abducted three police secretaries for at least some hours protesting the murder of Owais and the abduction of his corpse. After negotiations, this situation ended by releasing the policemen and delivering the corpse.

The people gathered in the following 2 hours from the incident One of Al Rawy's neighbour says that One of the people

estimated the number with thousands On Wednesday evening September 30, 2020, the corpse reached to Al Sanaia square while people were waiting for the funeral and it was accompanied by an ambulance, a police car and an armored vehicle. Before delivering the corpse, the armored vehicle shot tear gas canisters to disperse the people, according to 3 sources who attended the funeral. After the funeral, security forces locked down the town, then clashes took place between protesters who used Molotov and bricks, and security forces who used tear gas canisters¹⁷ Al Awamiyah town is considered a model in describing the regime's treatment with the repercussions of the protests of the first anniversary of September 2019 protests. This matter indicates the level of people's frustration due to difficult living conditions for the Egyptian citizen.

Recommendations

It seems that the Egyptian regime led by president Abdel Fattah Al Sisi would continue its policies in the path of controlling the rest of authorities. Thus, in order to achieve that, he used all the available institutional, legal and constitutional frameworks. In order to make his power prevail, he misused his powers to change:

- Law on Redrawing Electoral Constituencies
- Law on the Exercise of Political Rights
- The National Elections Authority Law of 2017, especially the principle related to the abolition of judicial supervision of elections and referendums
- Civil Associations Law No. (149) of 2019
- Laws relating to the Armed Forces, newly amended: Law No. 232 of 1959 regarding conditions of service and promotion for officers of the armed forces, Law No. 4 of 1968 regarding command and control of defense affairs of the state and the armed forces, and Law No. 20 of 2014 establishing the Supreme Council of the Armed Forces.
- The president's constitutional power to appoint 28 members to the Parliament and 100 members to the senate.

Appointing judges to political institutions and positions and deliberately involving them in the power's conflict

- The use of security services in settling political scores and party work, and supporting their henchmen within the parties.

This is what happened in the Egyptian Wafd Party

Using the Public Prosecution, the investigation authorities and judges to stifle civil activists and opponents.

- A comprehensive militarization of the economy in a way that effectively prevents any real transparent reform

It is necessary in light of this dark picture imposed by the Egyptian regime to:

- Stop following activists and targeting them
 - Stop the exploitation of pretrial detention, which is considered an exceptional measure in the first place, and converting it to an original punishment that prolongs the activists' imprisonments
 - Stop using precautionary measures to perpetuate the daily targeting of activists and their families
- Release immediately activists and opponents from the Egyptian prisons.
- Leave the bureaucratic system of the Ministry of Social Solidarity on local and international organizations, in addition to using security and intelligence against them to liquidate, target and close them.

TUNISIA

Under the difficulty of the second democratic transition in Tunisia, the electoral legitimacy lives in a representation crisis as political choices of the voters move differently from the candidates' expectations. It is noteworthy that the second democratic transition is considered the stage of establishing the political authority that is capable of completing it. It is a confidence crisis which becomes greater by the day considering the inability of the governance system to achieve what it promised on the social, economic and political level. The democratic transition in Tunisia has become less democratic than it should be. It is noticed that the democratic transition is subjected to the balances of parties' interests, positioning bets and preserving existence after it becomes clear that the ruling experience is a perfect political holocaust. As for example, Mohamed Abbou had declared previously his retirement from what hurts him, according to him. In addition, the parties which represent the most important intellectual and ideological currents don't appear in the scene. Its absence imposes a question concerning the transition's nature whose pillars are controlled by political phenomena that are originally the derivant of the former regime or its counterpart.

This situation has led to the dominance of the conflict between authorities and whoever heads them. As such, it tended to become personal and attributed to the Speaker of the Assembly, Prime Minister and Presidency of the Republic. And in the background, the Ennahda

Movement party which is a main element in the equation and wraps around it parties that appeared, based on a certain circumstance such as (the Heart of Tunisia) or the Dignity Coalition. It is clear that the Ennahda Movement benefited from the partisan organizations' decline and the rise of populist momentum in the presidential and legislative elections.

Practically, the democratic transition crisis in Tunisia is a transitional and democratic crisis. They are two related levels. On one hand, legal frameworks and institutions that haven't been completed yet and on the other hand, the absence of democracy among political actors and the weakness in establishing it both as a value and as a practice in the social sphere.

Perhaps the violations related to human rights aren't systematic, however they are always possible due to the weakness of the official actors in its field. In addition, the presence of hostile currents to the comprehensive approach defending human rights as approved in the constitution. This is observed concerning the various independent and constitutional institutions as they are ignored by the State itself and the government. This matter raises a question concerning its feasibility, necessity and the prospects of improving its performance under all these obstacles.



The policies and legislations related to the democratic transition in the second transition.

The democratic transition crisis is considered a transitional and democracracric one at the same time. This is what the quarterly report of DAAM center focused through a temporal concept that is the second transition. The latter remains far from being achieved, although it is considered an interpretation of establishing a political authority which is capable of managing and ending the transition according to terms, principles and goals related to all cultural, social and economic files. The transition's management, authorities and institutions are confused and weak. And at the same time they are not finding a democratic assistance by the parties and the political scene that would contribute in ensuring their effectiveness and direction. The sections review in detail the indications of the crisis of transition and democracy in Tunisia during the monitoring period.

The three powers and the balance among them

The Assembly of the Representatives of the People Between the crisis of representation and ruling

At the beginning of October, the Assembly of the Representatives of the People started the second regular parliamentary term of **2019-2024**. The parliamentary blocs were distributed at the beginning of this term compared to the last term as follows¹

1- Concerning the distribution of blocs. <https://bit.ly/2LNeBRo>

	The first regular parliamentary term	The first regular parliamentary term at the end of October	The second regular parliamentary term
The Ennahda Movement	54	54	54
The Democratic bloc	38	38	38
The Heart of Tunisia	26	30	30
The Dignity Coalition	19	18	18
The Reform Bloc	16	16	17
The Free Constitutional Party	16	16	16
The National Bloc	11	9	16
The Long Live Tunisia bloc	10	10	10
The Future	9	0	0
Individuals	18	26	18

Abolition of permanent special committees



The increase of the number of permanent committees to 14 with the decrease of the number of its members



It is noteworthy that after a series of resignations, the technical Future Bloc disappeared. It is worth noting that it is formed with the beginning of the first regular parliamentary term. The second term didn't promise a lot since its start. At the end of October, the Assembly's composition was changed as follows after the resignation of 7 representatives from the National bloc.

During the monitoring period, the discussion continued concerning the amendment of the Assembly's bylaws. In a session on Tuesday, November 17, 2020, the Committee of the Rules of Procedure, Immunity, Parliamentary and Electoral Laws approved the proposed amendment with the majority of the attending members, with one objection and abstainer. The Plenary session was scheduled for January 5, 2021. In this regard, the head of the committee explained that the special committees were canceled and the standing committees remained while increasing its numbers from 9 to 14 committees and decreasing the number of members of each committee from 22 to 15 members. In addition, specific committees would be formed for specific missions or issues.

Regarding the absences of MPs, the head of the committee confirmed that penalties have been tightened for the record absences in the plenary sessions and committees by reducing the

minimum limit of absences in the plenary session and increasing the deduction rate due to absence. In addition, putting a set of penalties that would be taken by the session's head or the head of the bureau in this regard. Regarding partisan tourism, it is explained that the proposed amendment stipulated that the representative who resigned from his bloc, couldn't join any other bloc in the Assembly. Also, whoever resigns from his party, would lose his membership in the Assembly (new Article 45), indicating that there is a constitutional problem related to this point, however the problem would be studied and introduced during the plenary session according to the head of the committee².

Perhaps the proposed amendments promise to change the Parliamentary scene, yet, they wouldn't fulfill their promises in terms of their practical connection with other determinants that goes beyond the bylaws.

The partisan scene: This scene ranges between ideological parties that obsess about political positions and existence preservation, "functional" parties and parties relying on severe ideological reactions. The Free Constitutional party continues its rhetoric based on the contradiction with the Islamic current represented by the Ennahda Movement. The Dignity Coalition in the Assembly plays a functional role which works with the movement through adopting the counter speech to the Free Constitutional Party, and at the same time it is able to change its situation regarding the Heart of Tunisia party that joined it in the political formation of the government. This provides an impression on the relations' change among the political "groups" according to the necessities of the political positioning. This narrow functional nature canceled the functional role that should be played by the partisan and political groups in particular. Usually parties form a link among the electoral will, political institutions, authorities and their outcomes. However, due to this role, they weaken this link. This is because all parties are rejected by public opinion due to the changes that differ from the expectations of their supporters.

The semi annual report of the Democratic Transition and Human Rights Support Center (DAAM), in its title "the democratic transition: The failure of transition is due to the institutions' deadlock and militarization of the state and society" indicated that fact. It doesn't seem that the parties are about to change their performance after the presidential and legislative elections represent a shock to them because there is a clear tendency for citizens to change the persons who are engaged in the public affair. The debate between the two sides had formed the parliamentary scene in the first term and it is continuing during the monitoring period, as it is. And it developed into a

verbal and physical violence as what happened to the representative of the Democratic Current, Anwar Al Chahed who was assaulted by the representative of the Dignity Coalition inside the Assembly. It is noteworthy that during the

2- Regarding the amendments <https://bit.ly/3qvgL64>



participation of Anwar Al Chahed in the discussions of the women's affairs committee which led to his face injury that made him bleed. Afterwards, the representatives started to exchange insults and swears, while hands rose and hands fought³.

Establishing the democratic practices: It is not possible to democratize the society and state while having undemocratic parties, especially that they are concerned with managing the public affairs after ensuring minimum representation for citizens. The internal crisis of the Ennahda Movement represented an indication of the nature of parties' life in Tunisia. Previously, in mid-September 2020, one hundred leaders in the Ennahda Movement, including the former Minister of Health, Abd El Latif Al Mekki and Samir Dilo went to its head Rachid Al Ghannouchi to ask him to make a pledge for respecting the movement's bylaws and not running for the presidency during the 11th conference. It is noteworthy that on November 16, 2020, this conference was postponed after the movement's shura council. The movement's bylaws stipulate in its Article No.31 that "none of the members has the right to assume the presidency of the movement for more than two consecutive terms". However, due to the disagreements between two currents which one of them call for the exchange of authority and the other supports the head of the movement who headed it for various periods for more than thirty years. The conference wasn't held to give an impression of the absence of democracy inside the most stable parties. 4

In addition to the aforementioned, the rest of parties don't differentiate from the Ennahda Movement due to the continuing personalization of the partisan scene as in the case of the Free Constitutional party which could be summarized in its Secretary General, Abir Mousi, while the Dignity Coalition gives an example of the noticeable ego inflation. They adhere to a discourse that praises persons in order to distinguish them. This discourse bypasses restoring revolutionary discourse to focus on the discourse of identity and patriotism. Thus the history of the society, state, confronting colonialism and its heritage is declined in favor of the religious discourse⁵.

The Assembly of the Representatives loses its political weight due to the weakness of the representation function of the parties in favor of their functional roles which move according to the political conflict. It is a weak function originally due to the gap between it and society. Most of the parties do not have a true youth base that provides new leaderships, and expanded and extended bases in society.

Based on the aforementioned, it can be said that the amendment of the bylaws does not promise much in turn, as it is a

3- Scenes of violence inside the Tunisian Assembly and Al Ghannouchi made a pledge to open an investigation <https://bit.ly/3sFrjCj>

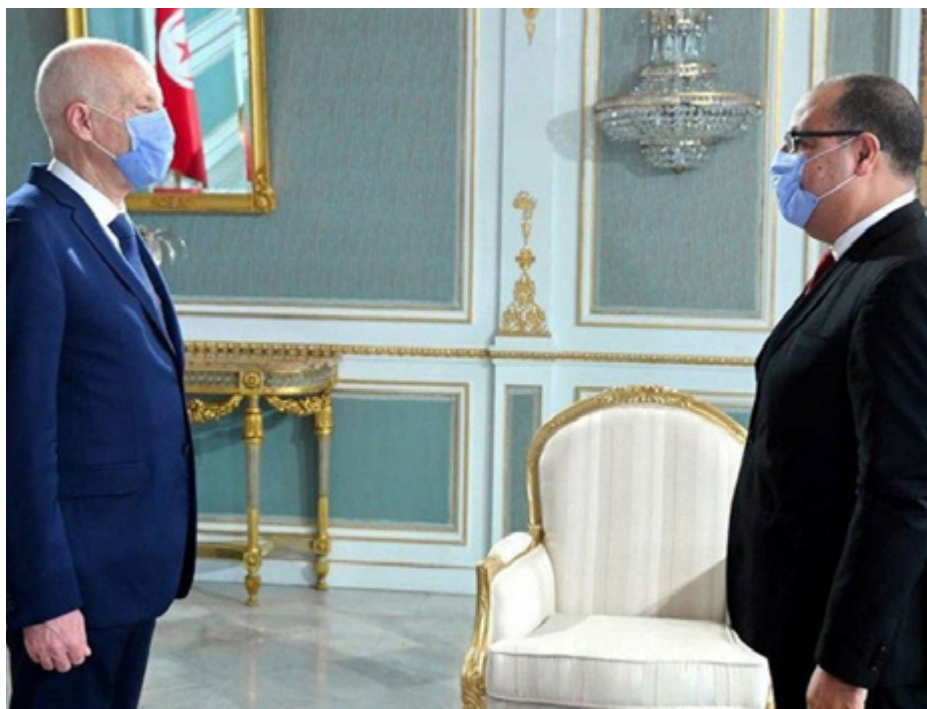
4-A new gambit from Al Ghannouchi to control the Ennahda internal crisis. <https://bit.ly/3sDBLKt>

5The semi annual report of the Democratic Transition and Human Rights Support Center (DAAM): .

The Assembly of the Representatives loses its political weight due to the weakness of the representation function of the parties in favor of their functional roles which move according to the political conflict. It is a weak function originally due to the gap between it and society. Most of the parties do not have a true youth base that provides new leaderships, and expanded and extended bases in society.

partial solution to a problem related to the establishment of democracy in political life, whether in the state or society and its representatives. However, today the current situation has led to a growing suspicion in democracy and reinforcement of nostalgia. It is the gap that allowed populist currents to suspect democracy and its requirements or the revolution which was the reason to make it possible to appear and top the scene. As a result, all laws have become controversial, especially as regards the budget law and the exceptional measures inside the Assembly of Representatives to counter the outbreak of the epidemic. These projects have revealed the extent of conflict among the authorities and the state's institutions cum inter se. In this regard, The Central Bank has imposed the withdrawal of the budget's bill to be reviewed from the government. In the end, the crisis of representation inside the Assembly was reflected in the ruling which is practically evident in the reality of the Executive authority with its two heads.

The Executive Authority: The conflict of the heads of the authority



After a month has passed since Hecham Al Mechichi's government started work, controversy started on the necessity to make a cabinet reshuffle in order to exclude the ministers affiliated with the presidential palace. On October 5, 2020 the Prime Minister dismissed Walid Al Zaidy, the Minister of Culture who is one of the ministers affiliated with the President Kais Saeied. That took place due to his refusal to implement the government's resolution to suspend the cultural protests for the fear of the outbreak of Coronavirus. Thus, this is considered a step for the Prime Minister to make a comprehensive cabinet reshuffle that satisfies the parliamentary front that supports him which consists of the Ennahda Movement, the Heart of Tunisia party and the Dignity Coalition.

The conflict's roots between the two heads of authority dates back to September 2020 and the start of October due to a disagreement on some appointments that were rejected by the Presidency of the Republic on the background of corruption cases that pursue some ministers. In addition, the background of appointing Hecham Al Mechichi to be the prime minister has indications of the President's desire to influence the government and its work, besides excluding parties, according to the most important parliamentary bloc. that is related to the aforementioned crisis of representation which deepens it. The Presidency of the Republic has a strong discourse against the parties due to their failure to manage economic and social files.

In addition, he has a vision that bypasses it and adopts a different perception of the ruling's model.

In the absence of an effective representation which is capable of launching social and economic programs and policies, the Tunisian government is working on the files occasionally in order to calm the situation. And that fact appeared in the government's dealings with the Al Kamour sit-in. On November 6, 2020, the government announced that the protesters in Tataouine had reached a final solution to the Al Kamour crisis. Thus the power facilities were restarted to work under the pledge to provide hundreds of jobs and establish governmental companies to invest in the region.

In the details of the agreement, part of it revealed the existence of an employment option which is separated from development. Most of the proposed solutions are linked to companies and institutions of a public nature that are unable to add the new to the local economy, however they enhance the operational role of the public sector through a quantitative rather than qualitative mandate.

A part from this fact becomes clear in the details of the agreement:

Regarding the Environmental, Planting and Gardening Company

- The Environmental, Planting and Gardening Company of Tataouine is categorized as a public shareholding company under the supervision of the Ministry of Farming, Water Resources and Fishing, in addition it is subjected to the increases of the public sector.
- The permission to accelerate paying the wages of the company's frameworks and employees.
- The authorization to recruit 1,000 employees.
- The authorization of the local committees to open the file of recruiting while guaranteeing the representation of the regional delegation which has all powers in choosing its representatives.
- Approving of the principle of general increases for the wages of the employees and frameworks of the company to be disbursed starting from October 2020 (the second and third installments of the special grant and the increase in the years 2017-2018-2019), provided that the retrospective disbursement of the increases takes place from January 2021.
- The Authorization to start the study of the business plan prepared by the company.

Regarding the Southern Company for services

- The authorization to conduct an audit in the area of financial and administrative management and to define responsibilities.
- The authorization to raise the company's capital in light of a business plan submitted to the company's structures for approval within a period not exceeding three months.
- The authorization to sign contracts with petroleum companies, and to give the priority to the company in new contracts for a period of five years with a renewable period.
- In addition, The agreement authorized to launch studies to create public shareholding company that is able to create job opportunities in several fields mainly related to petroleum services, raw materials and fortunes in the region (the National Company for the Exploitation and Manufacture of Gypsum in Tataouine, the National Company for Living and Residence in Tataouine, the National Company for Public Works and Petroleum Services and power in Tataouine, the National Company for the Transport of people, equipment and materials in Tataouine, the national company for agriculture, reclamation and development in Tataouine).

The financial obligations of the state after the Kamour agreement; 300 million Tunisian Dinars

In addition, the government resorted to the immediate employment of 215 citizens with permanent jobs in the Sahara before

the end of 2020 and permission to submit permanent mandates programmed in the Sahara for 2021, 2022 and 2023 to the first trio of 2021, which is 70 mandates.

Practically these options are limited because they do not engage in comprehensive development programs that bypass the deterioration experienced by the public sector, and they send negative messages to the rest of the country. The success of the Kamour sit- in encouraged other sectors to take the same steps. Protesters in other separated regions started to implement protests in order to improve their development conditions and recruiting the unemployed persons⁶

The protests began in Gabes after protesters closed the entrances of the Tunisian Chemical Complex, demanding the activation of several previous government decisions related to the governorate and related to employment and the region's entitlements in development, health and the environment, which led to the complete paralysis of the chemical complex and the institutions located in the industrial zone. ⁷

The government's action with the results of the Kamour sit-in proved that the government is in the position of reactions that seek to calm the situation. After the Prime Minister issued a statement in which he adopts the Kamour'd model in dealing with the protests while focusing on the governorates of Gafsa, Kebili, Jendouba, Kasserine, and Sidi Bouzid, he continued in another statement after the protests of other governorates to confirm that his mention of some of them was to name a few.⁸ Within this description, it is clear that the decision depends on political disagreement that is far from the programs and the common vision. Under a political regime that doesn't have a stable representation model and the absence of parties' role, the ruling became a personal discourses that bypasses procedures and institutions. An example of this fact ,is the visit of the President of the Republic to the headquarters of the Ministry of the Interior to view the preparations for the New Year. During the visit, the President Kais Saeied Ali focused on his title as the supreme command of the Armed Forces (the Military and the Security) by repeating that several times. Some persons explained that is an implicit message to the Prime Minister⁹

Under this situation, the reformation projects have continued to be stopped which remained a political promise without any achievement. This is highlighted by the situation of the Judiciary which became clear every time the extent of the attempts to be controlled with the reality of the deterioration of its infrastructure and logistics.

6- Protests surround the Mechichi government from each side.. Could he face?. <https://bit.ly/3sFAToL>

7- Tunisian analysts: The Mechichi's government faces "the winter of protests" <https://bit.ly/3o2o30h>

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The judicial sector entered a strike that has continued for more than a month, after it started on November 15, 2020 to mid December 2020 when the government reached an agreement. Thus, courts resumed work on December 25. Four main demands are in the agreement's detail, according to the head of the Judges Association:

The first demand is related to "providing protection and health care for judges and their families. In addition to sterilizing the courts and putting a health protocol that takes into consideration the judicial work and protects the judge, litigant, all workers, civil servants and citizens".

■ The second demand is " the demand of all Tunisian people for effective and powerful justice, and courts that rise to the level of the international standards and the judicial service provided to the citizens".

■ The third demand is "to provide judges with financial conditions that meet the international conditions".

■ The fourth demand is " the main and fundamental reformation in Judiciary"

In addition to a set of other demands that weren't mentioned by the Head of the Association of Judges because the agreement wasn't published for the public by the government. This sparked a widespread disapproval among the Tunisian public opinion.¹⁰ There aren't any actual real guarantees regarding this agreement, same as the other agreements that were ratified by the government with the rest of sectors and protesters. Compulsions, the lack of developing common visions and the absence of a political will would continue to impede a smooth change in the democratic transition.

Under this situation, thinking about a consensus solution and national dialogue returned strongly once again. When the managers of transition failed in their task through institutions and law, solutions from outside these frameworks were chosen.

10- Politicians and human rights defenders denounce "the secret agreement" between the government and the Association of Judges. <https://bit.ly/2XX9mB4>



The previous experience of the national dialogue under the auspices of the quartet represented a rational and direct result for a confused context which witnessed political defamation in the early periods of the democratic transition. Moreover, its consequences which enshrined the idea of consensus among the largest parties have not been able to complete the institutional conditions for the transition, especially with regard to the constitutional bodies, especially the Constitutional Court, and the rest of the projects related to reform and development are always suspended to this day. This indicates that dialogue or consensus bypasses itself as a solution to requirements related to the nature of its parties, including parties and personalities.

Previously, some opposition parties, the most important of which were the Machrouu Tounes, the People's Movement and the Democratic Current, demanding a national dialogue, so that the Tunisian General Labor Union returned to proposing an initiative and handing it over to the Presidency of the Republic. The union's national initiative for managing a national dialogue proposes forming a wise committee to supervise a national dialogue that leads to consensus in order to save the country, and assigning 5 independent national figures in the committee.

The Secretary-General of the Union, Nouredine Taboubi, said in an exclusive interview with the Tunis Africa News Agency, that the nomination of the members of the Council of Wisemen is subject to consensus on proposals submitted by the participants in the national dialogue. Taboubi stated that the initiative stipulates that the field of competence of the five members of the Council of Wise men includes various specializations in Economic and social fields and constitutional law, explaining that the selection of the aforementioned competences aims to reach consensus based on scientific recommendations. The secretary general of the working organization stated that this vision allows the president of the republic to converge views by supervising sessions that bring together the parties that would participate in the national dialogue.¹¹

The economic and social situation pushed all parties to think about a national dialogue. Then the voices which greeted that move raised. The irony is that the results of the first dialogue alleviated the crisis, however it did not provide a basis for

11- The Tunisian President approves "the General Labor Union" initiative to launch a national dialogue. <https://bit.ly/3igt29W>

solving the political crisis that was launched in order to solve it. As the political crisis deepened and was replaced by the three authorities and the state's institutions. Then it moved to the elements of the democratic transition, thus the crisis became greater. And that appears in the path of transitional justice and the role of the Truth and Dignity Commission.

The process of the transitional justice

The statement of the President of the Association of Judges, Anas Al Hamaidi, summarized the transitional justice process and its results. In the context of evaluating the specialized criminal circuits in the transitional justice in Tunisia, Al Hamaidi mentioned that the delay in the judicial rulings in transitional justice cases is because that these circuits suffer from a shortage, the transfer of judges in this specialization and the assignment of other judges who didn't receive any training in transitional justice. In addition, he explained that the reason is due to a political delay for this file and a parallel initiative that passed directly for reconciliation before the accountability. He denounced the inability till now to end any case of the transitional justice, explaining that several sessions are held only to postpone the consideration in the case¹²

It seems that what its inputs have shortcomings, it couldn't achieve the desired results. The work of the Truth and Dignity Commission paved the way to form special judicial circuits, however it becomes clear through the report of the Court of



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The statement of the
President of the Association
of Judges, Anas Al Hamaidi



Accounts that the Commission has its shortcomings. These shortcomings affect a Commission that supervises a pivotal file in achieving the democratic transition.

Violations of disposition of the Truth and Dignity Commission according to the audit report of the Court of Accounts

The report of the Court of Accounts came to confirm that the Truth and Dignity Commission has stormed the process of transitional justice. According to the report, the commission did not even respect the basic law that regulates it. In principle, all of the commission's decisions were taken without a quorum. After resignations and exemptions within the Commission's Council and the failure to fill the vacancy by the Assembly of Representatives, the Commission exercised its work in the absence of a quorum. In a desperate attempt to circumvent Basic Law No.53 of 2013 of December 24, 2013 related to establishing and organizing transitional justice through amending Chapter 9 of its bylaws and making the quorum with a majority of those who attended, in clear contradiction to Article 59 of the Basic Law. Thus this prompted the Prime Ministry to reject publishing it in the official gazette.

Returning to the report of the Court of Accounts, for example, we could find that we find that the Commission gave a grant

of the school return to a person who was discovered to be single. This example is considered one of the simplest observed violations, and here are some of the many that were monitored through this audit mission:

Within 6 days, the number of abandonment, abstaining and rejection decisions increased to **17,496** decisions during the period from the **26th** to the **31st** of December of **2018**, thus depriving the owners of these files from appeal.

The temporary committee to look into the social aid requests issued **554** decisions with a total financial value of **277** thousand dinars. **469** decisions were proposed and signed by the head of the committee, which is considered a collection of different tasks and therefore they are illegal decisions.

- **18,928** thousand dinars were given to persons who do not have the status of a victim.
- The percentage of files that were reviewed from the arbitration and reconciliation committee's report amounted to **12%** of the total number of **25,998** files received on the commission. Among the decisions studied, only **9** final arbitration decisions were issued.
- The issuance of immediate health care decisions for file holders who do not have the status of a victim or based on an agreement with the head of the commission, or the status in their affairs has been changed from a victim to "requires further investigation".
- The exemption of two members for being absent without an excuse according to Article **37** of the Basic Law of transitional justice, while no disciplinary action was taken in the matter of a member who was absent **8** times without a legitimate excuse.

The members would be granted an exceptional grant at a total cost of **247,811** thousand dinars to mark the end of accepting the victims' files

- The authority ratified a contract with an association for providing services under which it dedicated an amount of **161,5** thousand dinars to the personal bank account of the president of the association instead of the association's bank account.

556 thousand dinars is the cost of two hearing sessions

- The composition of the committees decreased from five to three members for the functional examination and institutional reform committee and the arbitration and reconciliation committee, and from five to one member for the reparation and rehabilitation committee which is considered a violation of the Commission's bylaws

- The audit work in the secret hearings and in the testimonies carried out successively by the Internal Audit Department on March **28, 2017** and one of the members of the authority commissioned by its board on June **8, 2017**, led to a discrepancy in the inclusion of data related to the benefit from one listener to another and in the hearing results of the same nature of the violation on similar to the difference in the transmission of the testimony's requests, in assessing the case, and in registering the victim's data.

- On July **11, 2017**, the Commission's Board deliberated on issues related to the lack of precise mention of the information regarding the professional situation, age group, or educational level that was listed as "unspecified" on at least **2000** occasions, in addition to not specifying the nature of the violations in detail and not including data related to the files of financial corruption in the application. The aforementioned shortcomings contributed to the increase in the number of unsealed affidavits which reached **1181** at the end of July **2018**. And that prevents sufficient credibility of the results of the confidential sessions from being given.

- Despite the sensitivity of the data in the hands of the Commission and their link to a sensitive file especially that they are victims (an economic, social, physiological fragile group), it wasn't an obstacle to its decision to store them pursuant to a ratification which was issued by the Commission's council dated back to September **13, 2017**, as the council approved a purchase request related to the acquisition of a system for automatic data storage and storage by adopting the technology of withdrawing data storage Cloud for a foundation that is responsible for storing data abroad. Thus this is considered a violation for Article No. **27** of the law related to Archive. This offer was withdrawn after announcing a request for bids to acquire a new server with Tunisian suppliers.

- The total number of decisions to reject the status of the victim in September **2018** totaled **4,036** decisions regarding **278** of them appeals. It was found that, until October **2018**, no decision had been made on any request, despite the initiation of its acceptance with the commission since April / April **2017**.

- The Commission issued immediate health care decisions without studying the files and ensuring that the standards were respected, regarding **9** of the **21** decisions approved in **2016** by the president of the authority without referring to the reparation and rehabilitation committee. On July **4, 2016**, that is, after the creation of the Immediate Care Unit, a decision was issued to enable **15** beneficiaries to receive social assistance, at a value of **400** dinars from each one of them based on an agreement concluded between the head of the Commission and the owners of the file in **2017**. After they received the grant, the character of **4** of them changed from "victim" to "need further investigation", while the character of a victim is no longer active.

- The reconsideration of the capacity requires stopping the implementation of the decisions issued in the matter of the file, however, the Commission has implemented **25** decisions for the benefit of ten persons who filed the files after January **30, 2017** which is the date of changing their status from "victim" to "requiring further investigation". The owners of the aforementioned files benefited from a total of **6.960** thousand dinars under the title of immediate care interventions.

- The procedures followed by the Commission regarding the disbursement of immediate care interventions did not prevent deficiencies that would ensure that the interventions were dispensed to those who deserve them. Thus, it became clear through examining a sample of **106** medical interventions that the payment authorization does not carry serial numbers, and **12** of them do not include the signature of the official which would not allow for verification of disbursing the grants to those persons who deserve them.

Until December **31, 2017**, the Commission's president nominated **19** employees out of **53** job vacancies without the approval of the Board in contravention of the bylaw of the Commission that assigned the powers to nominate the employees, define their privileges to the Commission's Board and set the task of the Commission's Chairman in the purpose of signing nomination decisions after approval by the Board.

These are then only some of the observations contained in the audit report on breaches within the Truth and Dignity Commission. The Commission's answers generally ranged between justifying the absence experience at times, and the complexity of the process at other times. Thus, the Commission doesn't differentiate from the other institutions that are engaged in the public affair. In addition, it was politicized throughout the period of its supervision on the process of transitional justice.

What we could conclude from this report is that the violations included almost all phases and stages. And that the grave mistakes made by the Commission, make its actions questionable and suspicious. Depriving more than **20,000** people whose demands were rejected in the objection may have prevented many from taking their rights, as it may have leaked to the final lists, errors also in the adjustment and in granting rights to their owners, and the report is not free from suspicions of corruption, especially in the financial aspect of the Authority's bRegarding the organization of the public hearing sessions on **16** and **17** December **2016**, the Commission undertook a consultation instead of conducting a request for proposals, in contradiction of Chapter **6** of the Procurement Procedures Manual, which stipulated the necessity to conduct a request for proposals regarding purchases whose amount exceeds **50** thousand dinars, given that the Commission had previously organized two hearing sessions with the cost of **440.000** dinars. Moreover, organizing these two sessions with its **3** installments was given to two companies which had the same legal representative, for a total amount of **230,835** thousand dinars.

behavior. This report may be like other oversight reports that would be neglected and forgotten, especially since the reaction to this report was below expectations despite the monitoring of serious violations and suspicions of financial and administrative corruption.



The development of policies and legislations related to human rights

In its section on human rights, the report exposes the activity of the institutions, the relevant bodies with human rights especially in its communication side and the level of decision-making whether in their relation with the government or in making its own decisions. This level confirms the difficulty of the democratic transition and consolidating human rights institutionally and societally. The latter is regarded as an advanced element of the requirements for achieving the desired democracy.

Freedom of expression

Freedom of expression and its own branches especially freedom of the press is protected constitutionally in Article No.31 of 2014 Constitution/ In principle, the Independent High Authority for Audiovisual Communication is the revisionary institution in charge of the media scene. The latter was supported by Decree No. 116 of November 2, 2011. This decree establishes in various articles, in particular Articles 3, 4, 5 and 15, the freedoms mentioned above.

It could be said that the state's approach and the official policy regarding it have not changed, considering the lack of a unified vision regarding it. This opened the door to initiatives supported by specific and partial parties from the political and partisan scene, and overlooked projects that were acceptable to those persons involved in the media and press sectors.

Prime Minister Hicham Al Mechichi withdrew the "Law Concerning the Freedom of Audio and Visual Communication," along with a set of other laws. On October 22, 2020 the Bureau of the Assembly of the Representatives of the People approved the Prime Minister's request on withdrawing a number of bills in order to reconsider them. In addition, it approved the request on the presented bills to the committees. It is noteworthy that the bills which were withdrawn are the bill related to the governance of contributions, facilities and public institutions, a bill related to exceptional rulings in order to accelerate the completion of major projects and a basic bill related to freedom of audiovisual communication and the organization of the audiovisual communication body and the control of its powers.

Draft Basic Law No. 95/2020 related to freedom of audiovisual communication, organizing the audiovisual communication authority and controlling its specialities, which was referred to the Assembly of Representatives on July 09, 2020. This draft

law represented the fruit of a participatory process since 2017, which included the various relevant structures and parties. It included in one of its stages the withdrawal of the government's first draft law before returning a final version to the Assembly



which has the support and approval of the various actors who recognized its response to international standards.

On the other hand, the Dignity Coalition bloc submitted a proposal for a law related to the revision of Decree No. 116 related to freedom of audiovisual communication under number 20/2020. The Assembly of Representatives Bureau announced within the estimated timetable for the parliamentary session 2020-2021 that this proposal would be presented to the consideration of the plenary session of the Assembly on October 14, 2020. However, the initiative itself was withdrawn. The initiative presented from the Coalition is regarded as dangerous on freedom of the press and media. Journalists considered that the initiative represents a reflection to the strict direction which seeks the control over the media institutions. At the same time, at the end of October and after the withdrawal of the aforementioned bill, the Syndicate of Journalists denounced the withdrawal of the bill. It considered the withdrawal of the bill a retraction from an important step and an irresponsible decision that strikes the principle of state continuity and contradicts the government's pledges and the Tunisian state's commitment to support legislation related to freedom of the press and audiovisual communication. According to the Press Syndicate, this decision is considered the complicity of the Prime Minister with the parties directly benefiting from revising Decree No.116 and the fortification of illegal media institutions that speak in the name of the parliamentary Troika in order to achieve narrow goals based on politics and clientelism that have nothing to do with the country's interest and the interest of the media scene in Tunisia.¹³

In the meantime, the commission continues to work by decree that is not detailed enough in order to provide sufficient guarantees for modifying the media landscape and for freedom of expression. Therefore, the commission considered the government a schemer in a violation that would danger these freedoms. For more confirmation, the Commission believes that this government's situation would return us to the square of tyranny, dictatorship, and control of the media, which will lead to the return of previous violations.

The Commission considered 2020 a resounding fall for the telecommunications sector. According to its public announcement, the government is considered the reason for the deterioration of freedoms through the withdrawal of the aforementioned

law.¹⁴And the proposal of the bill on the repression of the attacks against the security forces. In addition to the amendment of the special law of the Constitutional Court as it is regarded, it has a direct connection with the system of public and individual rights and freedoms.¹⁵

The right to the human dignity and physical safety

The right to human dignity and physical safety is characterized by being a central focus of the various institutions in Tunisia. In fact, attempts to enhance human dignity and threaten bodily integrity continue. Sadly, the violations are widespread in Tunisian television programs. The Independent High Authority for Audiovisual Communication intervened through a statement calling for the cancellation of the "Saffi Qalbk" program which normalizes hatred and violence against women without considering the psychological effects that such speeches leave on the victim. In addition, the Authority imposed a fine on M-Tunisia and stopped the "Without a Mask" program that was broadcast on it for violating the aforementioned rights. In addition, on December 18, 2020, the authorities suspended the Holy Quran Radio station for the gross violations and assaults on human dignity and physical safety after humiliating women and likening them to "factories". As a result of this attack, the authority imposed a fine on Radio Najma FM based on the same legal basis.¹⁶

These rights were subjected to severe violations that were denounced by the National Commission to Combat Human Trafficking when a young man sold his kidney "without force" for an African citizen for 15.0000 US\$ through an active human trafficking network in at least three countries. Later, the authorities seized the profits and opened investigations concerning the network.

The women's rights

Protecting women from violence that they were subjected to preoccupies the Independent Supreme Authority for Audiovisual Communication (HAICA) In fact, the program "Saffi Qalbak" is the starting point through which the Authority issued a warning to Al Hiwar Al Tunisi as a result of incitement to violence against women through one of the episodes of the aforementioned program. Without any regard to laws or ethics, violence was brightened and encouraged. Thus the Authority warned Al Hiwar channel, demanded editing the episode and deleting the parts which contain violation from all future and current social media means of communication. Moreover, on Tuesday, November 3, 2020, the authorities criticized "the participation on designing and marketing a humiliated picture for woman" after imposing a

14- An emergency meeting of the Commission's Board. <https://bit.ly/3pft273>

15-An open message directed to Mr. Hecham Al Mechichi, the Tunisian Prime Minister. <https://bit.ly/3nNJNtE>

16- The Authority warns Al Hiwar Al Tunisi channel and demands it withdraw a clip from an episode of "Saffi Qalbak" t.v program. <https://bit.ly/37DxGxx>

fine estimated by 20.000 dinars on Tunisia M. After that, the authorities described naming the women's vaginas as "factories" in the Holy Quran Radio Station with violence, according to the current laws (in the Constitution, international conventions and basic laws).

These practices continue in Tunisia at the societal level in the absence of societal institutionalization of human rights. During the monitoring period, the Assembly of the Representatives of the People represented a platform for spreading speeches with an ideological orientation that did not respect the controls of communication in the Assembly as an official institution and a common public space. In the name of freedom of expression, MP Mohamed Al Affas made insulting statements against women and single women in particular, in addition to accusing the organizations and those persons who defended them with charges of morality (cuckoldom) and accusations of betrayal.¹⁷

Child Rights

The Independent High Authority for Audiovisual Communication imposed a fine of 20,000 dinars on M Tunisia and ordered the suspension of the program "Bela Qena'a" for broadcasting harmful videos of drunk children expressing their desire to commit suicide. In addition, describing how they wish to do so and videos showing homeless children who encourage this behavior. It should be noted that the Authority had warned M Tunisia after the radio broadcasts that pose a threat to the protection of children, their best interests, and human dignity in general. The Authority fully pushed its decision through various rulings. However, although we value the efforts of the Authority, we blame the length of time in order to take action. For example, the episode which contains violations, was broadcast in July, while the Authority did not move a finger until November 3, that's after 4 months from the crime.¹⁸

The National Commission to Combate Human Trafficking condemned the incident of Rahma who is girl who died as a result of falling into the sewers and drowning as a result. In addition, The commission denounced the decision of the Court of First Instance in Sidi Bouzid, which pledged to consider the conviction of the owner of the Qur'anic school of Regueb after his prosecution for human trafficking. The special Commission criticized the court's ruling after hearing the lawsuit despite the existence of sufficient evidences for conviction¹⁹ Meanwhile, the High Commission to Combat Human Trafficking announced a strong call after shocking facts concerning mothers who sell their children on Facebook or sometimes even selling embryos or their organs. The head of the Commission stressed that the child's work remains a real problem in Tunisia.

The principle of State's continuity The human rights guarantees

The Independent High Authority for Audiovisual Communication reproached the government for withdrawing the basic bill on freedom of audiovisual communication during October 2020. It considered that action as a strike to the principle of state's continuity as the government was a main actor in writing the aforementioned law's articles. Then the Commission was surprised that the government withdrew the bill, thus this action contributes in creating an atmosphere of inconsistency and seriously undermines the freedom of the Audiovisual Communication Sector, its efficiency and even its legal safety. This path is linked to the feasibility of the participatory path in drafting laws related to human rights. Establishing participatory paths and dialogues with those involved persons in this field is one of the applications of participatory democracy in the

17- The organizations Denounced Al Affas's statements against women: Organizations asked the Assembly to issue an official situation against it. <https://bit.ly/3oYhCg9>

18- The Authority decides to impose a financial fine against the channel "Om Tunisia" and the final suspension of the "Bela Qena'a" program. <https://bit.ly/2KiB0W7>

19- The Statements of the Head of the Commission. <https://fb.watch/2QqDPHJnED/>
: The Midetranean sea: Losing a girl child who fell in a sewerage: <https://bit.ly/3bcNA46>
: <https://bit.ly/2L3d612>

legislative process that goes beyond the committees and corridors of the Assembly of Representatives. However, the change in the government's situation could undermine the credibility of the participatory process as a whole.

The right to a private life, inviolability of domicile and the privacy of communications, messages and personal information.

The Independent High Authority for Audiovisual Communication considered that Om Tunisia channel violated these rights which are constitutionally protected. As the later broadcast videos of drunk children along with hate speeches against homosexuals and encouraged violations against them. This is a violation of the laws in force, as well as Decree No. 116, which regulates the work of the Authority.

Concerning the National Anti-Corruption Authority and the National Authority for Protection of Personal Data, it is noted that they work to protect these rights according to the field of each one and the extent of their powers. For example, the National Authority for Protection of Personal Data prohibits handling of personal data to the other without the permission from its owner in a clear way that shows his approval, according to the law. On the other hand, the Authority requested clarifications from the Central Bank of Tunisia about the status of the personal data of bank account holders since 2015. In addition to the method of using them and providing them to commercial and economic institutions as practically the latter could see the status of the bank account within the framework of financial transactions and concluded contracts. As the Authority received several complaints concerning that issue. However, until today after 6 years, unfortunately the Authority didn't receive an answer from the Bank.

In addition, the Authority expressed its encouragement for the judicial ruling which was issued on December 24, 2020 which ordered the defendant to remove the security cameras which overlook her neighbour and violate his personal life. The Authority published the aforementioned decision on its Facebook page and it removed the personal data of the parties to the conflict.²⁰ In addition, and in a frank condemnation against the government, the National Authority for Protection of Personal Data directed an open reproach and blame for its exclusion from the consultations to activate the Single Identifier Project that is the reason for its existence. It is noteworthy that the authority and the overlapping parties formulated this project, which promises a revolution in digital data for the beneficiaries of administrative services.

In a similar move, the current government continued to ignore the commission by excluding it from the * Register Me * project, which collects all the personal data of mobile phone holders - meaning, in practice, all Tunisians - for the purpose of protecting the national economy and the mobile phone sector from smugglers and the black market. For example, it should be noted that the Single Identifier Project came by a governmental decree from the former Prime Minister Elias Fakhfakh, and it refreshed the Tunisian administration unless it ignored the National Commission for Protection of Personal Data which is legally protecting it.

Considering the enormous size of the work and the volume of the tasks, this raises a question about the effectiveness of its existence, especially with the scarcity of the resources assigned to it. The budget which does not exceed 130 thousand dinars and only 80 thousand remains after the payment of the headquarters rental fee, to divide the rest between the wages of the

20-To view the judicial decision. <http://bit.ly/2XQP6B0>

employees and multiple bills. It is noteworthy that the Authority complains from lacking employees. This actually raises serious questions about the role of bodies and the feasibility of them in light of the lack of official policies and cooperation between them, which are formal structures.

The right to health care



The National Anti-Corruption Commission has condemned such practices and has received many complaints regarding it, which must be employed and seriously exploited to pursue and prosecute suspects in this regard.²¹ It is reported that a black market for medical materials and medicines has increased since the outbreak of the epidemic in Tunisia, effectively threatening official routes and the already decrepit public health sector. This has not been reviewed or acted upon by launching real reform programs or direct interest in workers of all kinds, as the unions and organizations representing them have continued to protest to this day. This raises a crisis that is more profound than just its economic and social dimensions, but a moral crisis over the size of the responsibility that this sector can bear in front of cases of death and epidemic disease that challenges the role of the doctor and his assistants. All institutions should pay attention to the right to health care, as it is rooted in human life. However, it was noted through research that the National Committee for Medical Ethics was closer to deadlock, even in the context of the health crisis.

21 -Concerning the reports of the authority. <https://bit.ly/3aNktEo>

The right to a decent life

The Anti-Corruption Commission was informed on several occasions about the monopoly of many products during the last quarter of **2020**. In reality, there are many violations, including the monopoly, to give the impression that they exceed the ability of the authorities to resist them, especially as they cover the entire country with varying degrees of severity and in all sectors.²² This is what the bulletins of the National Anti-Corruption Authority detailed without real and complete follow-up for the violators, in light of the continuing violations in reality.

The Right to Access Information

Despite the importance of this right, the body (the Access to Information Authority) mandated to properly implement it was not effective with the exception of seminars and internal training in the fourth quarter of **2020**, that is the period which is covered by this report. Concerning the Higher Committee for Human Rights and Fundamental Freedoms, the previous three months were limited to congratulations and condolences in its official platforms. This is a profound weakness, especially given the importance of the budget allocated to it. In addition, old reports cannot give a clear picture of dealing with this right in light of its failure to include it as a component in a comprehensive administrative reform that goes beyond the sick bureaucracy of the Tunisian state.²³

In addition, the litigation process for access to information devotes the protection of administration rather than facilitating and making information available. Rather, administrations continue to refuse to provide information, starting with the ministries, the Central Bank, and the House of Representatives itself. It is noteworthy that the Public Prosecution has submitted nearly **54** requests to lift the immunity of **54** MPs in the Assembly of the Representatives of the People since the start of their current parliamentary term, meaning that about **25%** of the people's representatives are being prosecuted and are being monitored by the Public Prosecution, and among the names: Sofyan Tobal, Abeer Musa, Mabrouk Korsheed, Zuhair Makhoulf, Mohamed Ammar, Yassin Al Ayari, Mabruk Al Khashnawi, Mohamed Al Affas, Maher Zaid, Saif Al Din Makhoulf, Ghazi Al-Karoui and others. The charges against the MPs range from financial corruption, criminal or civil cases, fraud, extortion, sexual harassment, or in the context of settling political scores. However, it is noticeable that the Assembly's office refrains from providing information in this regard.

Recommendations

The democratic transition seems threatened due to the interconnected crises politically, economically and socially which poses many responsibilities that include everyone:

- The need to review the electoral law and bylaws of the Assembly of the Representatives. In addition to the need to establish frameworks of accountability for the parties that don't respect democracy inside it or use non-democratic tools in dealing with the political affairs.

Following up the parties, their sources of funding, and their respect for the internal democratic principles and the democratic practice in ruling. That would contribute to restoring their representative role which would provide a step to restore their representative role of the Assembly of the Representatives.

- Restoring the citizen's confidence in the State's authorities and institutions to ensure the participation of the citizen in the democratic

22- Concerning the reports of the National Anti-Corruption Authority. <https://bit.ly/3prX8fw>

transition instead of leaving the opportunity for the populist or anti-democratic currents. Thus the parties could play a pivotal role in that through expanding their structure towards attracting youth bases in democratic ways based on volunteer values, and the political and civil work.

- Restoring the role of the judiciary and the judiciary assistants by launching a real reform project that improves the conditions of the judiciary in order not to have sectoral demands. In addition to providing conditions and guarantees for its independence as an independent authority according to the constitution and the international principles.

- Bypassing the narrow conflict of interest which exploits the diffusion of responsibility which requires at a certain stage to review the current political regime which initially enhances participatory, however it diffuses responsibility under the disclaiming of liability of the officials and their failure in achieving their promises.

- Accelerating the completion of all constitutional bodies, especially the Constitutional Court. Reviewing the frameworks of the independent bodies and respecting its role through the response of administrations, ministries and dealing with them as the law imposes instead of ignoring them as currently prevailed. This matter requires increasing its budget and supporting it logistically and This applies to regulatory bodies that issue reports without following up on their recommendations.

- Reviewing the path of transitional justice based on evaluating the gains and bypassing the shortcomings. That requires reviewing the body itself and its role through restoring the approach based on the victims' reparation instead of politicizing their file. It is the reality of civil society which follows up transitional justice, where civil society lined up in coordination groups that were divided on ideological backgrounds in a first stage and the attempt of the Authority to control the path whether through ministries or through the Commission itself.

- According to these introductions, the results and outcomes which were ended, could be evaluated by the sit-in of the wounded persons of the revolution on the **10th** anniversary for demanding their rights.

LIBYA

The Libyan chaos presents an indication of a severe disintegration of the state and society in which foreign intervention played a pivotal role in bypassing the questions concerning the democratic transition based on the February 7, 20 revolution. Libyans ask questions on restoring the state and integrity of society after civil war has led to questioning the integrity of the Libyan modern state and national unity that makes Libyans as “one tribe”, due to lacking a solution for the crisis. There is no choice for Libyans except consolidating the political dialogue with its various tracks in order to ensure a situation in favour of Libyans that would disengage them from foreign dominance. That is the reason which makes several categories of Libyans turn against the current representatives who are on the scene today. They demand a new representation for Libyans with all their categories away from political currents that only seek dominating power. This is the situation which makes Libya today a country of impunity and endless human rights’ files that waste the victim’s right.

ملتقى الحوار السياسي
ليبيا أولاً
Political Dialogue Forum





The path of the Libyan dialogue

There are several paths in Libya that are linked together. However, the political path which is linked to local and foreign balances, affects all paths. This is the reason for holding a meeting that is followed by another meeting under the absence of confidence and fear from returning to the first square of violence. This is an actual fact with the reality of continuing military mobilizations at the lines of contact in Jufra and Sirte on the outskirts of Oil Crescent. Although the military pass moved among Geneva, Gadamis and Sirte in order to save the fragile ceasefire agreement, it isn't able to bypass the reality of balances in the East, the West and also in both of them. This happens because the armed groups and politicians who are associated with them insist on what is present, fearing from balances that might come against their interests. On the other hand, the economic path ended with detente, however it remains limited in light of the danger of the informal economy. It is noteworthy that the informal economy is considered the main source of funding weapon in Libya and an inevitable solution for most Libyans.

The political path

On Monday, October 26, 2020, dozens of Libyan figures started a political dialogue via video under the supervision of the United Nations after a few days from declaring a permanent ceasefire agreement all over Libya on October 23, 2020. In order to pave the way for direct talks in Tunisia. The dialogue was held on the basis of the outcomes of Berlin's conference concerning Libya which were approved by the Security Council in the resolutions No.2510 and 2542 of 2020.

The talks are the first in the Libyan Political Dialogue Forum through which the results of the previous talks would continue on institutional, economic and military files. The statement of the UN Mission explained that the meeting includes figures who differ from the Libyan political scene. This meeting aims at preparing direct meetings on November 9 in Tunisia. According to the UN Mission, the Forum "aims at achieving a unified vision concerning the framework and arrangement of the ruling

which would lead to holding national elections in the shortest possible time line in order to restore the Libyan sovereignty and the democratic legitimacy of the Libyan institutions. In addition it confirmed that " in response to the recommendation of the majority of Libyans, the invited participants in the Libyan Political Dialogue Forum shall refrain from assuming any political or sovereign positions in any new formation for the Executive Authority. Signing a permanent ceasefire agreement after talk which continued to 5 days in Geneva under the auspices of the United Nations.

The dialogue in Tunisia:

In a neighboring country to Libya, however Libyans are separated From the 9th to 16th of November

On Monday November 9, 2020, the first session among the Libyan rivals was launched in Tunisia amid a cautious optimism. The dialogue aimed at achieving a unified vision concerning the framework and arrangements of the rulings which shall lead to holding a national election in the shortest possible time line in order to restore the Libyan sovereignty, democratic legitimacy of the Libyan institutions and end the crisis. The Forum has put into consideration the "Montreux" recommendations and understandings that were reached in the "Bouznika" and Cairo talks.

Some progress has been reached in this meeting. However without additional compromise solutions and a support from the parties to the conflict and their foreign supporters, the stage of activating the proposed solutions couldn't be reached. The dialogue came after a period of relative calm that lasted for months in a country mired in chaos. The meeting achieved progress on ending the ongoing political crisis since years, however practically the dialogue in Tunisia didn't end with results that go beyond setting a date for the elections as the practical steps to reach elections. At the level of criteria that have been put to choose who represents Libyans in the political dialogue path, the UN Support Mission in Libya has put the criteria of choosing the participants in the Libyan Political Dialogue Forum in Tunisia.

The problem of representations of Libyans in the political dialogue:

A controversial representation locally, and suspicions of bribes and political money

The international Mission confirmed that the participants in the Libyan Political Dialogue Forum shall be "from several categories". In addition, they were chosen on the basis of the principles of inclusiveness and fair geographical, political, tribal and social representation. The statement said concerning that matter: "This group includes representatives from the House of Representatives and the Supreme Council, in addition to the active political forces which are from outside these two institutions. In light of a firm commitment to the meaningful participatory for woman, youth and minorities in order to be a comprehensive dialogue for all sects and components of the Libyan people.

It is noteworthy that the Mission has sent 75 invitations for representatives from all sects of the Libyan community to participate in the first meeting of the comprehensive Libyan Political Forum via video. In this context, Libyan discussed the criteria of the UN Mission in choosing who represents them while putting into consideration the Skhirat dialogue which produced an agreement that its writers couldn't implement it in reality. That led to more conflicts in Libya which was considered by several persons as the main cause for the past war which was launched by General Khalifa Haftar on Tripoli. As a result for these

reasons, a discussion took place among the Libyan elites, youth blocs and political parties concerning the nature of criteria which the Libyans and the UN Mission should rely on to choose who represents them in a new political dialogue path.

Therefore, the National Forces Alliance (political party) in Libya confirmed that it would oppose the outcomes of the political forum in Tunisia before it began. It considered that it was an uncleared deal that repeats the mistakes of the previous political agreement and the resulting failure in building the state, the continuing systematic plunder of public money, and the disruption of elections. And the coalition continued in its statement, that it has no official representative at the forum's dialogue table. The Alliance also stressed that there is no truth to the claim of some persons to represent the coalition, adding that the representative of the Alliance in any event is the one chosen by the current leadership of the party, after: **"We were informed that the seat of the party's leader, the late Mahmoud Jibril, was replaced by a figure of the same tribe, throwing aside the fact that the late was the head of a political party that includes all Libyan components and regions, and he never represented a particular tribe or region with full respect for all our beloved tribes and cities."** The Alliance believed that this is the Mission's mistake due to the absence of clear and specific criteria for choosing, in addition to the continuation of the desire of Libyan parties "that may be supported by foreign parties to exclude all those persons who call for consensus on a Libyan national project as a priority." The Alliance expressed supporting the efforts of the UN Mission in Libya to reach a comprehensive agreement that would end the state of conflict on the condition of inviting all Libyan parties to bear the historical responsibility. In addition, giving priority to the nation's interest and uniting in a national salvation project that ends the crisis. Moreover, not focusing on the principle of sharing positions among contenders of power only. The Libyan crisis has pushed several youth gatherings in the country to the forefront of events, searching for a solution in order to turn the page of the war and end the transitional period. In addition, they demanded their inclusion in the meetings which are under the auspices of the UN mission, primarily the Forum for Political Dialogue in Tunisia. More than one hundred young persons who had signed what they named "Toyoh's document" stressed "not accepting the representation of the same faces who came as a result of the Skhirat agreement and who didn't achieve any success". They demanded the UN Mission in Libya to "represent at least 25 youth in the next dialogue path, while taking into account the cultural components, handicaps and women. It is noteworthy that Toyoh is a small town in the South of Libya where the activities of the (first youth conference) we launched and it started

Therefore, the National Forces Alliance (political party) in Libya confirmed that it would oppose the outcomes of the political forum in Tunisia before it began. It considered that it was an uncleared deal that repeats the mistakes of the previous political agreement and the resulting failure in building the state, the continuing systematic plunder of public money, and the disruption of elections. And the coalition continued in its statement, that it has no official representative at the forum's dialogue table.

for two days. And this conference ended with a final statement entitled "what should be in the Libyan dialogue path?". Ahmed Al-Touati, one of the conference organizers and the signatories of the document, said that they propose the formation of a "mini-crisis government with limited powers" as a quick solution to the crisis until holding elections in the country. He added that its tasks are limited to unifying the state's executive institutions, putting in the necessary arrangements for holding the electoral process, and ending Crises of electricity, fuel and funds. He added that the document had been handled to Stephanie Williams, the UN envoy. He said: Despite the leaks indicating that the mission closed the door to any other additions regarding the preparations for the forum, we would exert pressure in order to present the articles of the document in the next political agreement. In addition, we would express our situation by peaceful demonstrations, if our demands for a wider representation of youth and women are not met in the forum".

Akram Al-Najjar, one of the conference organizers, said, "There is great communication with us, whether from the UN mission or groups of young people wishing to join us." He added that the document "is the first youth product which was written during the past ten years, and we believe that this was what we were missing in Libya, as there was no developed vision that we could gather around." In addition, Akram added that they allowed young people who are involved in armed formations to participate in their meeting. He justified that by saying "we need to listen to their voices as we have succeeded in coming up with some positive points which we see that they could provide a value to the next path of dialogue."



Akram Al-Najjar

Despite the limited representation crisis in terms of its nature and results, and with all this discussion about the path of the Libyan dialogue and the composition of the members of the Forum for Political Dialogue, Libyans are going in this path as the only path that represents an alternative to the war that has lasted for a long time during the past years. However, at the same time, with the start of the first political discussions among the members of the dialogue committee, the big differences in views became clear, especially with regard to the restructuring of the executive authority that has been divided between itself in the East and West for more than four years, but the intensity of the dispute reached to the existence of a suspicion of financial bribery. Members of the Dialogue Committee are subject to certain quarters for their voting for one of the advanced parties for the position of Prime Minister. In the details of political money, it is reported that a leaked recording of one of the participants in the Libyan Political Dialogue Forum in Tunisia has been published, calling for the election of Fathi Pasha Agha, the head of the Libyan government in exchange for material gains, and a number of participants in the political forum in Tunisia submitted a complaint about these suspicions to buy votes in favor of parties She is a candidate for senior positions to lead the transitional phase in Libya. They are affiliated with the Islamic current.

Actually, the meeting in Tunisia failed to reach consensus on forming a presidential council headed by a representative from eastern Libya, two deputies from the south and west, and the presidency of a transitional government headed by a candidate from western Libya and two representatives from the east and south due to the lack of common ground among the members of the dialogue committee to reach consensus on a clear mechanism for choosing Who holds the executive authority in Libya. On the other hand, the United Nations Support Mission in Libya formed a legal and constitutional committee that would

formulate a law for the general elections that were agreed to be organized on December 17, 2021, during the first and direct round of negotiations in Tunisia. Sources close to negotiators for eastern Libya who participated in a hypothetical meeting held by the Special Representative of the Secretary-General of the United Nations in Libya, Acting Stephanie Williams, with representatives of the parties to the Libyan conflict through video communication, revealed the formation of a committee comprising 17 members of the participants in the Libyan Political Dialogue Forum. The Committee includes:

- 11 members from the West.
- 5 members from Cyrenaica.
- A member from Fezzan.

A source close to a parliamentary bloc in eastern Libya, who asked not to be named, said, "The mission formed the committee without standards, ignored the members' recommendations to their representatives, and established a constitutional legal committee to develop a vision for a solution to the constitutional crisis and to lay down the next and detailed election law." Negotiators from Cyrenaica and Fezzan expressed their annoyance at the selection of 7 members of the Brotherhood within the committee, and the mission ignored recommendations of Barqa and Fezzan to its representatives for dialogue. Which they considered losing the balance of the committee

The political and ideological background of the Libyan Dialogue Committee



Members affiliated with the Justice and Construction Party

- Nizar Kawan
- Mousa Farah
- Mansour Al hasady
- Said Kala
- Abdul Razzaq Al Aradi
- Magda Al Fallah
- Khaled Ghelio

The list does not mean that some of them are currently affiliated with the party, such as Abd al-Razzaq Al Aradi, noting that this also does not mean that the rest of the members do not include those persons who are close to the party or the Islamic current generally in various forms ...



Several liberal currents

- Abdul Rahman Al Swaihli, founder and leader of the Union for the Fatherland coalition
- Ibrahim Sahad, a former leader in the liberal National Front for the Salvation of Libya opposed to the Gaddafi regime, and now the liberal National Front Party, the successor to the National Front for the Salvation of Libya to the front
- Taj Al Din Al Rizki (representative of the Head of the Government of National Accord (GNA), (Fayez Al-Sarraj)



Members affiliated with the Justice and Construction Party

- Abdul Majeed Al Moliqeta
- Hagar Al Qayed
- Khaled Al Asty
- Om Al Ezz Al Faresy
- Amal Bou KaiKis
- Salwa Al Doghily



Independents with liberal leanings

- Akram Al Ganin
- Rabia Abu Ras
- Al Sayeda Al Yaacoupy
- Aisha Shalabi
- Omar Bolifa
- Fathi Arhuma
- Ali Kashir
- Mohamed Lino
- Abdel Fattah Hablous
- Mohamed Takala
- Mohamed Lino
- Abdul Qadir Hawili



Left-leaning independents

- Mesbah Doma
- Mabrouk Al Qumati
- Abu Bakr Oweidat
- Abdul Muttalib Thabet
- Hamad Al-Bandaq



Left-leaning independents

- Azza Al Sayd
- Ali Abdul Aziz
- Ali Dabeba
- Abdul Qader Yahia
- Abdul Salam Shoha
- Saleh Al Obaidy
- Suleiman Oraiby
- Al Zahraa Lenqy
- Mohamed Al Raid
- Wafya Seif Al Nasr
- Moaz Al ManFoukh
- Lamis Ben Saad
- Ramadan Bel Haj
- Hussain Al Ansary
- Hasan Al Zarqaa
- Jazia Shaiter
- Elham Al Saudi
- Ahmed Al Sharkasy
- Abo Bakr Al Obaidy
- Hamad Al Bandaq
- Abdullah Al Sheiban



The Federalists

- Belqasem Al Nemr
- Ziad Doghim
- Saltana Al Mesmari
- Masoud Al Orfy
- Badr Al Nahib
- Abdul Rahman Al Abbar
- Anas Said
- Edris Al Berasy



supporters of Gaddafi who belong to September

- Abdullah Abulrahim
- Yousef Al Fergany
- Mohamed Al Barghosi
- Mohamed Al Hesnawy
- Mohamed Abo Ogaila
- Ali Hasan Abo Nagim

Some persons consider that they are affiliated with what is known as "Al Khidr" in the current Libyan social terminology. However, according to the facts, most of them are affiliated with Seif Al Islam supporters. In addition, Zidan Al Zadama exists in the list and he announced his withdrawal from the dialogue in a press conference after that.

The economic path

About ten days after the Berlin conference, the Egyptian capital, Cairo, hosted, on February 9 and 10 / February 2020, a round of economic track talks on Libya, in which 28 economic and financial experts participated in the meeting, during which it was agreed to form three committees: The Banking Committee is concerned with dealing with the division in the banking system and the ensuing misfortune, and the Public Revenue Distribution Committee after the controversy surrounding the mismanagement of public funds, and the Reconstruction and Development Committee later. On January 30, 2020, during his briefing to the international Security Council, Ghassan Salama, the UN envoy to Libya announced sending invitations to a second economic meeting on Libya to be held in Cairo on February 9, 2020. During which the Economic Committee was formed of economic figures and businessmen on the following basis:

The discussions of the economic path have progressed more than other paths since January 2020. The field's changes and international pressure, especially the popular protests during the end of the year, have contributed in making progress towards finding urgent solutions in order to reform the currency, the banking crisis, and unify the national budget and agree on a timeline to implement all these reforms. Among the positive developments on the economic path is the complete resumption of oil production, thanks to the great efforts made by the National Oil Corporation, and the decision of the Board of Directors of the Central Bank of Libya to hold a meeting of the Board of Directors after it was divided.



The members of the Economic Experts Committee for the Financial and Political Track

- Mousa Ahmed Al Zoibek
- Maisoon Al Toghar
- Osama Fawzy Mohamed
- Mohamed Khaled Al Ghoel
- Fawzy Ammar Alloki
- Mahmoud Tebeika
- Khaled Al Mofty
- No`aman Mohamed Al Bory
- Hossam Al Shahoubi
- Atef Al Hassia
- d. Atia Al Faitory
- Mahmoud Al Futaisi Bory

- Nagy Mohamed Eisa
- Emad Ragab
- Essam Abdul Latif Qarbaa
- Abdul Bary Ali Shinbaro
- Mohamed Bel Qasem Shetwan
- Mesbah Al Ekary
- Mohamed Mesbah Beneran
- Mohsen Al Darbga
- Omar Tantosh
- Al Mahdy Al Geddy
- Ezz Al Din Al Mabrok Mesbah Beneran
- Hosny Bei

Meanwhile, the international audit of the accounts of the two branches of the Central Bank of Libya, continues. It is considered almost in the middle of the road according to a statement by Stephanie Williams on December 15, 2020. The audits of the two central bank branches are part of the process of unifying the central bank and fully re-establishing national accountability mechanisms. While the debate continues over budget unification and a clear road map for moving forward and managing oil revenues. It is noteworthy that oil revenues, which amounted to \$ 186 billion during the last nine years, were reserved, according to the Libyan Oil Corporation, which indicated that it is in the process of contracting with a major international company to review and audit the financial systems of its financial and administrative systems. It confirmed that all the revenues of the Libyan state and also the rights of foreign partners are documented accurately and withheld in the institution's accounts at the Libyan Foreign Bank. However, developing what's previous is linked at the same time to the developments of the ongoing Libyan Political Dialogue until the end of the monitoring period.

The unification of the Central Bank of Libya and the exchange rate are two main goals of the economic path, considering that it may open the way for further economic reforms, and to overcome the gap between the official exchange rate and the black market rate in Libya's economy which depends on oil. It is noteworthy that the black market caused a financial crisis and encouraged corruption, especially as armed groups that could obtain the dollar at the official exchange rate, have made

money from fraud in imports..

The military path



On Monday, October 9, 2020, the first sessions of the military path have started and continued in the 2nd and 4th of November 2020 just before the Forum in Tunisia. Parallel to the Geneva negotiations, meetings were held in Libya and ended with important agreements that have't been implemented yet.

The sessions took place in parallel with the ongoing tension and field preparedness in the confrontation lines among the armed parties in the center of the country. The Joint Military Committee 5+5 discussed pending military and security files in order to prepare starting the comprehensive Libyan Political Dialogue Forum in Tunisia, including files for the unification of the military institution and removing weapons and foreign fighters from Sirte and Jufra. It has become clear that the last file is the most difficult one that faces difficulties in resolving it, as it is linked to international balances at the same time.

Parliamentary sources from Tobruk and the government from Tripoli said that the understandings about most of the files are based on resolving the file of foreign fighters who fight in the ranks of the two sides. They noted that the representatives of General Khalifa Haftar in the military committee stress the need to consider the Turkish military presence alongside the Government of National Accord Within the file of mercenary fighters. They demand the necessity of disengagement of the government in Tripoli from its alliance with the Turkish government.

Regarding the participants in the negotiations of the military committee, they are the following:

Signing a permanent ceasefire agreement is considered the important and vital step in the Libyan consensus path till now, after talks that continued for 5 days in the United Nations headquarter during October. It is noteworthy that the UN Mission had published a live video clip of its signing ceremony. It is noteworthy that the agreement stipulated the withdrawal of all military units and armed groups from the confrontation lines as well as the departure of mercenaries and foreign fighters from Libya within 90 days. In addition, the continuation of the ceasefire, the opening of the coastal road and the exchange of detainees with the facilitation of the Council of Elders and the support of the Joint Military Committee.

Gadamis: The first meeting in Libya of the military committee

The talks which lasted for two days in Gadamis, resulted in important agreements, from 12 points, on defusing the escalation in Sirte and Jufrah, the withdrawal of the forces stationed on their outskirts, and the approval of concrete steps to implement these provisions, amid a many local and international praises for what was accomplished at a time Very short. The committee concluded its meetings, announcing that new detailed understandings had been reached on the issues prepared for negotiation. It is noteworthy on top of the issues was the formation of a demilitarized zone near the tension areas in Sirte and Jufrah.

The Joint Military Committee reached a number of important recommendations regarding arrangements for the implementation of its agreements, including the request of the UN Security Council to expedite the issuance of a binding decision to implement the provisions of the Geneva Agreement signed on October 23, 2020. The details of the understandings:

☉ **First:** The formation of a military sub-committee to oversee the return of the forces to their headquarters and the withdrawal of foreign forces from the confrontation lines. This committee will hold its first meeting in Sirte in the presence of the "5 + 5" committee in the near future, with the presence of the mission.

☉ **Second:** The Joint Military Committee "5+5" agreed to meet in Sirte in the shortest possible time during the same month.

☉ **Third:** The Committee agreed on monitoring measures, including the International observers

☉ **Fourth:** Determining the work of the joint security committee in putting security arrangements in the specific area.

☉ **Fifth:** The Joint Military Committee "5+5" decided that its main headquarter shall be in Ouagadougou Conference Halls Complex in Sirte.

☉ **Sixth:** The Joint Military Committee "5+5" decided that the headquarter of the sub-committee for security arrangements shall be in Houn and Sirte.

☉ **Seventh:** The first meeting to unify the Petroleum Facilities Guard shall be held on November 16 in Brega, with the presence of the commander of the Petroleum Facilities Guard, the director of the National Oil Corporation and the UN mission. In addition the works of the first meeting would be referred to the "5 + 5" committee.

☉ **Eighth:** The sub-committee for the exchange of detainees continues to operate until the completion of the file.

☉ **Ninth:** It was agreed to form engineering teams to clear mines in cooperation with the United Nations team and the General Intelligence Service.

☉ **Tenth:** Immediately work to open periodic flights to Sebha and Gadamis, with quick preparation for airports as needed.

☉ **Eleventh:** The "5+5" Joint Military Committee forms a competent committee from specialists in monitoring and combating hate speech in cooperation with the Mission. In addition this committee should have a civil nature

☉ **Twelfth:** The "5+5" Joint Military Committee calls on the Security Council to accelerate issuing a binding resolution to implement the articles of Geneva agreement which was signed on October 23, 2020.

Sirte: The second meeting of the Military Committee in Libya on November 10 to 11, 2020

This meeting was an important point in the course of the committee, and according to the committee's statement, it resulted in an agreement consisting of four elements:

☉ **First:** A first stage by reopening the coastal road:

Preparing the coastal road in order to allow a safe passage for citizens. For this purpose, the competent committee has begun to prepare the mechanisms

and implementing steps on the ground, in addition to continuing clearing mines and explosive remnants from this road and specified areas at this stage in cooperation with the UN.

Withdrawing all mercenaries and foreign fighters from the target region by reopening the coastal road and gathering them in Tripoli and Benghazi in order to start a second stage for their departure from the Libyan lands.

The "5+" Joint Military Committee assigned the committee to evacuate the confrontation lines to withdraw vehicles and heavy weapons from the target region by reopening the coastal road and returning the forces to their units in cooperation with the committee for security arrangements in order to secure the region after its evacuation from military forces.

⦿ second: It was agreed that the second phase would begin immediately after the end of the first phase. It included the departure of mercenaries and foreign fighters from the area of all contact lines and their withdrawal to Benghazi and Tripoli. It is considered a first step to start the process of their departure from the Libyan lands in a next step.

⦿ Third: Regarding the security arrangements in the target region, the Joint Military Committee decided the following:

Approving the joint security arrangements related to the entire region of the contact lines which was estimated by the 5+5 committee.

Approving urgent security arrangements that allow opening the coastal road and facilitating traffic.

⦿ Fourth: The 5 + 5 Joint Military Committee decided to meet again as soon as possible.

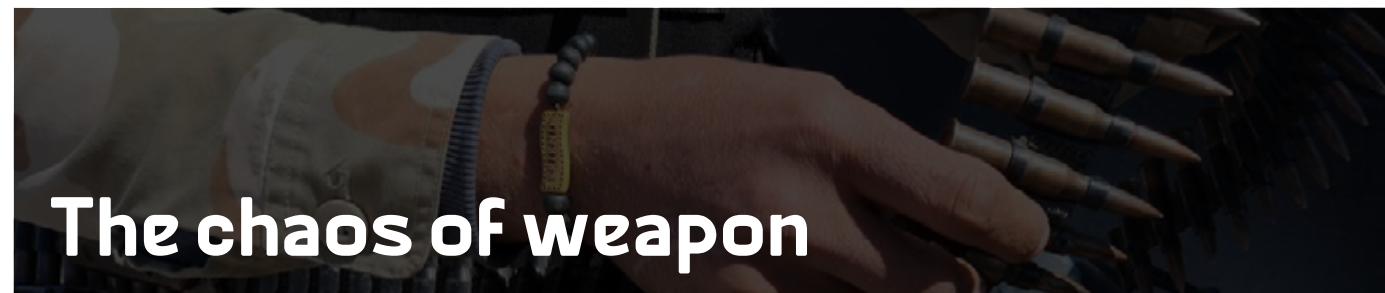
The Sirte meeting is the last meeting in Libya. Practically, most of what was agreed upon, especially regarding the opening of the coastal road and the foreign fighters' point, was not implemented, while the rest of the points remained suspended. The Sirte-Al-Jufra operations room of the GNA announced that the main and secondary roads in the southern Abu Qrain area and Al-Shaka towards Al-Jufra are considered "permanently closed". A statement by the room confirmed that the movement of travelers through it wouldn't be permitted without the instructions of the field operations room. It indicates that who violates these instructions "had to bear full responsibility for what would happen as a result". In addition, walking and traveling are banned completely whatever were the reasons.

In another indication of the continuing tension between the two parties to the conflict, the Military Information Sector of Haftar's forces announced that the Naval Special Forces "conducted military maneuvers within the Naval Martyrs' tactical project". These maneuvers aim at supporting the fighting capabilities in securing the Libyan strategic maritime borders, according to a statement published on its official page on Facebook. Ahmed Al Mismari, the official spokesperson of Haftar's forces, confirmed that the joint military committee talks "have not reached anything official yet".

Despite starting the implementation of what was agreed upon by social committees which have met in Misurata, the statements of the military leaders from the two parties of the conflict don't send reassurance for creating an atmosphere for implementing all the outcomes of the negotiations of the military committee. It is noteworthy that the issues that were discussed in the social

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committees are the opening of airports, and exchanging captives and prisoners in stages. In addition, opening oil fields and returning international aviation between Benghazi and Tripoli. Meanwhile, skirmishes continue on the battlefield, while each party accuses the other of violating the ceasefire. In addition, practically the two parties didn't start withdrawing their forces as the GNA forces are still being centered in Abugrein and Al Washka with reports of operating patrols. Military cargo flights were monitored at Al Wattayah and Misrata airports, while the General Command forces and their collaborators continued to establish fortifications and military points equipped with air defense systems between Sirte, Jufrah and in the northern region of Jufra air base. Intense activity of cargo planes was monitored between Baninah, Jufrah airport and Algourdabia air base.



The chaos of weapon

Libya has witnessed severe riots and an armed conflict among the Libyan factions since the outbreak of February 2011 revolution. However this conflict which is currently between the field marshal Haftar's forces and GNA's forces, is known in its details by impeding and dangerous presence of militias in addition to the presence of international forces and foreign mercenaries. The Libyan crisis took a more complicated curve after the involvement of several international parties to the conflict and Egypt is in the forefront. Egypt has turned from supporting Haftar secretly to publicly. And that happened after Turkey had sent forces to Libya in addition to the conflict between the UAE and Saudi Arabia, which supports the General Command forces on the one hand, and Qatar. Which supports the reconciliation government on the other hand. Despite Moscow's continuous declaration of its non-military intervention in Libya, it supports the Russian mercenary group known as "Wagner" and carries out its activities in full coordination with the Russian government and Haftar's forces in their military operations.

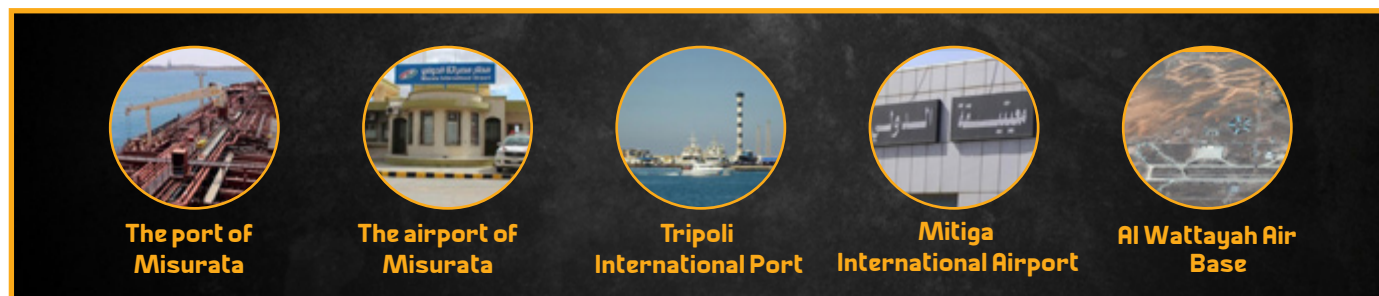
After Turkey and the Government of National Accord signed security and maritime agreements, the Turkish Parliament announced, on January 2, 2020, the approval of sending Turkish army forces to Libya to support the Government of National Accord. This step was subject to great condemnation at the international and regional levels. The European Union condemned this step, while Tunisia expressed its total rejection of the Turkish intervention in Libya.

After the failure of the attack which was launched by Khalifa Haftar in April 2019 to gain control of the capital, Tripoli, a permanent ceasefire agreement with "immediate effect" was signed on October 23 under the auspices of the United Nations which revived hopes for peace. Since June 7 and until now, the Libyan map of influence has not witnessed any significant changes in the reality of control in favor of either side of the conflict. In addition, the military build-ups from both sides continue on the northwest strategic axes of Sirte. This strategy is considered the gateway to the oil crescent and the ports and responsible for exporting about 60% of the country's oil production.

The cautious calmness at the field is accompanied by a political movement in order to arrange international papers which are

represented in the Turkish-Russian discussions. It is noteworthy that these discussions resulted in an agreement to establish a joint working group for Libya, in conjunction with American efforts to neutralize Sirte and the Oil Crescent from the battles through a proposal to evacuate them from the forces of the two sides and make these areas under the supervision of the United Nations. The map of the deployment of Turkish military points in western Libya indicates that the number of the main Turkish points in Libya increased to six, after a new point in the "Tawergha" in the south of Misurata.

Turkish military points have been stationed in strategic locations in western Libya, either overlooking the coast or they contribute to protecting the coastal strip, and they are:



As for the Russian Wagner forces, reports indicate the presence of hundreds of different nationalities including Serbs, Ukrainians, and Russians, as well as a limited Syrian presence and the Sudanese Janjaweed fighters. Wagner's forces are mainly present in the five cities of Jufra: Houn, Zillah, Waddan, Sawknah, Fuqaha and Sirte.

And at the level of the power map in the western region, the militias began a new episode of assassination and conflict for power immediately after the control of Tripoli. The parties in this conflict mobilize their troops to Zawiya and Misurata in addition to their political and armed representatives. The most prominent of these conflicts was between the Misrata militia on the one hand, and the Zawiya and Tripoli militias on the other hand. Local sources revealed that Misrata militias are preparing to storm the city of Zawiya to settle scores between the militias and redraw the map of influence. The sources reported that the **20/20** Division affiliated with the "Al Radaa" militia prepared a plan to storm the city of Zawiya, with the help of Misrata militia, led by the militia (301) affiliated with the militant Mohamed Zobi who was involved in many crimes and assassinating operations inside Tripoli. The sources pointed out that one of the reasons that will push the militias to attack Zawiya is the sharp dispute between the militia, "AbdulRahman Milad," nicknamed "Baidga" (from the city of Zawiya) and the Minister of Interior of the Government of National Accord, Fathi Pasha Agha, after the "Bidja" attack the Minister of Interior on the means Social Media.

However, the sources indicated that the main disagreement in the conflict between the two sides is that Baidga stole valuable equipment from the Zawiya oil refinery and he resumed sending illegal immigration boats from the port of Zawiya and Zuwara. Regarding the new episode of the militia conflict in western Libya, it appears that Fathi Bashagha (from the city of Misurata) seeks to monopolize his control of Tripoli, accompanied by militias (301), by liquidating his opponents in Zawiya, Zintan and Kikla, while "Baida" and other leaders of the migration militia play and smuggle the required fuel. A role whose goal is

to draw the city of Zawiya to the militia struggle against Haftar. Bashagha sought at the time to strike all allies of Fayeze Al Sarraj on the western coast from Zawiya to Zuwara to create an appropriate atmosphere for him to carry out tasks greater than his duties as interior minister in the Government of National Accord.

The Zawiya militia remains without sufficient capacity to stand up to the Misrata militias allied with the Syrians, and the "Radaa" militia, which may suggest a rapid fall of the human and fuel smuggling mafia west of Tripoli. It is reported that "Baidga" appeared in an interview with the Italian newspaper "The Post", which led to widespread condemnation among the local and foreign world opinion, and pushed Bashagha to acquit him on October 26, **2019**. A United Nations security report issued in June **2017** described Abdel Rahman Milad as a "human smuggler, responsible for shooting at sea, who leads a criminal organization and is suspected of drowning dozens of migrants." Later, he is wanted. The militias control the city of Zawiya under the leadership of Shaaban Hadiya, known as "Abu Ubaida al-Zawy," affiliated with the Libyan Fighting Group, the branch of Al Qaeda in Libya, and Muhammad Bahron, known as "the Rat," who heads the security support militia in Zawiya, and he is a fuel smuggler accompanied by the smuggler Muhammad Kashlaf nicknamed "al-Qaseb", a company commander Al Nasr controlling the corner refinery.

On the other hand, it seems that the balance of power within the city of Tripoli itself is following in a manner that differs from what it was before the recent war on Tripoli, and according to the tension between Zawiya and Misrata. The popular movement that took place on August **23, 2020** led to the emergence of the political conflict in the House of National Accord between the President of the Presidency Council, Faize Al Sarraj, and his interior minister, Fathi Bashagha, who took a position in favor of the popular movement, and this is what made the armed formations in the western region and Tripoli in particular lined up between the two men. This almost led to fighting between these armed formations, as the militias allied with the government of Fayeze Al Sarraj cut off the main outlets of the capital, while establishing strict checkpoints there, and on the other hand dozens of well-armed vehicles set off from Misrata towards Tripoli, and reached the suburb of Tajoura. In the east of the capital, sources close to the leaders of the columns confirmed that "they came to support the Interior Ministry forces in the face of the incursions of Al-Nawasi militias and their counterparts," while reinforcing rumors about differences between Al-Sarraj and his interior minister, Fathi Bash Agha.

Witnesses reported that militia gunmen walked in patrols in civilian cars, while wearing civilian clothes in the center of the Libyan capital, and eyewitnesses monitored a massive deployment of military vehicles belonging to the pro-Sarraj government militia in the Martyrs Square in Tripoli, before the start of the demonstrations on August **23**, loaded with machine guns.

Tripoli militias faced the protests. Witnesses confirmed that they saw armored vehicles and heavy machinery heading towards Martyrs Square and other outlets in central Tripoli. Activists at the time called for international protection from the oppression of the militants, and Libyan activists said that the leaders of the Nawasi Brigade of the Tripoli militia "contacted us and gave us the choice between staying in our homes or facing an inevitable death." On the other hand, armed militias affiliated with the Minister of Interior, Fathi Bashagha, surrounded the government headquarters on Al-Sikka Road after the arrival of Fathi



Bashagha to attend the interrogation session with him in front of the Presidential Council headed by Fayeze Al-Sarraj, amid reports that he had withdrawn his request to publicize the investigation. Legitimacy in the Libyan capital, Tripoli, has issued a decision to refer the Minister of Interior authorized for investigation in connection with the shooting of peaceful protesters in Tripoli.

Bashagha was on a visit to Turkey, and on his return to Mitiga airport in Tripoli, he performed a parade in a military convoy consisting of 300 armed cars that roamed around the Libyan capital, in defiance of Sarraj, whose militia disappeared and did not confront the Bashagha militia. In light of these interactions, the controversial movements of some armed militias affiliated with the Libyan “reconciliation” government, headed by Fayeze al-Sarraj in the capital, Tripoli, raised fears of a new wave of clashes, coinciding with media statements by some militia leaders. Haitham Al Tajouri, the leader of the so-called “The Tripoli Revolutionaries Brigade”, a sharp attack on the Government of National Accord and its loyal forces. He described GNA in his latest media appearance after his recent absence from the scene, after he was in UAE. as “the weak government”, and he described its forces as the “army of greenhouses’”, considering that there is no army and police. Tajouri demanded to be acknowledged by everyone who wants to enter Tripoli, whether they are patrols, or any force that wants to deploy in the city. That appeared to be a response to the efforts of Fathi Bashagha, Minister of Interior of the Government of National Accord (GNA), to control the entrances and exits of the capital, Tripoli,

Meanwhile, military commanders from the “Volcano of Anger-Burkan Al-Ghadab” operation, affiliated with the “GNA” forces, talk about a state of alert in the “Tajouri” Tripoli Revolutionaries’ Brigade. In addition, local residents observed that some militias returned to their positions in Tripoli suddenly and without explanation. Local Libyan media reported the appearance of a smuggler who was punished by the UN Security Council and wanted by the Attorney-General, called Mohamed Kashlaf who is from Zawiya and whose nickname is “Al Qasab”, together with Salah Al Nimroush, the Minister of Defense of the Government of National Accord (GNA), during his recent visit to the headquarters of the Petroleum Facilities Guards. They considered his presence, after arresting his partner, Abdulrahman Milad whose nickname is Baidaga, in Tripoli amid October, imposes a question concerning the plans of the GNA Ministry of Interior in order to confront militias.

Kashlaf has controlled the Zawiya oil refinery for years, and he is described as “one of the rich and masters of smuggling in the regions of the West Coast, knowing that he commands militias affiliated with the Petroleum Facilities Guard, and he is on the list of UN Security Council sanctions, which include travel bans and freezing funds. In addition to local sanctions from the Attorney General in Tripoli. Moreover, Nimroush sought help from an ISIS member, after the Ministry of Defense issued a decision assigning Mohamed Balaam to manage and follow up the file of the exchange of detainees and bodies, in cooperation with the permanent committee for humanitarian affairs in the ministry, noting that he had previously participated in the battles in which extremists fought against the General Command forces in Benghazi, before his escape to Tripoli.

On the other hand, Benghazi (eastern Libya) witnessed what the Libyan News Agency, loyal to the authorities, described there as extensive security measures, intense traffic spread, and security activity for police stations, divisions and field units of the Security Directorate. Instructions of the Commander-in-Chief of the National Army, Field Marshal Khalifa Haftar.





The development of policies and legislations related to human rights

The human rights file in Libya is considered a file on the sidelines. It is a file that is opened every time to end with the numbers of victims and the ugliness of the violations, however without actual accountability for the perpetrators. The situation in Libya enhances impunity despite all its related decisions, procedures and statements.

Violations of the Tripoli War

On June 22, 2020, the United Nations Human Rights Council took a positive step towards accountability for perpetrators of crimes and violations, by establishing a fact-finding committee to investigate violations by all parties in Libya. In addition, the African Group at the Human Rights Council presented a resolution during the 43rd session of the Council, in which it called on the United Nations High Commissioner for Human Rights, Michelle Bachelet, to send a fact-finding mission immediately to investigate violations of international human rights law and international humanitarian law by all parties to the Libyan conflict since the beginning 2016. Moreover, The request included preserving evidence to ensure that those responsible for the violations were held accountable. The decision was approved by consensus.

With the end of armed confrontations in the Libyan capital, Tripoli and surrounding areas, on June 5, 2020, with the withdrawal of the armed forces and the forces loyal to them, the conflict continues in Sirte, 450 kilometers east of the capital, and in other parts of the country. The arms embargo which was approved by the UN Security Council in 2011 remains in effect, but no party has been punished for violating it. While all parties, whether the General Command forces led by Haftar or the GNA forces, are responsible for the violations that range from torture, enforced disappearance and assassination.

Since the Government of National Accord took control of Tarhunah, there have been reports of looting and destruction of private property by armed groups affiliated with the Government of National Accord in addition to abusing detainees.

Moreover, Human Rights Watch documented the crisis of several thousands of migrants and asylum seekers who are arrested

in inhumane conditions in the places of detention managed by the GNA Ministry of Interior, smugglers and human traffickers, where they are subjected to enforced labour, beatings and sexual assault. On the other hand, the forces affiliated with Khalifa Haftar and the forces supporting it were responsible for similar crimes against Libyans and foreigners in Libya which appeared especially after their withdrawal from Tripoli and Tarhunah.

The Human Rights Council ended a previous commission of inquiry into Libya in 2012. The High Commissioner for Human Rights established another investigation into Libya in March 2015, and this investigation concluded in January 2016.

The International Criminal Court issued a memorandum in 2017 and another in 2018 to arrest the commander in the General Command forces, Mahmoud Al Werfalli. However the decision was not implemented like all Decisions regarding the many human traffickers, arms and drug dealers, and warlords in Libya. It is noteworthy that the International Criminal Court has a mandate to investigate war crimes, crimes against humanity and genocide in Libya since 2011 based on previous actions. In previous steps, the International Security Council issued sanctions on 6 persons, including two Eritreans who are involved in running a human trafficking network in Libya in 2018, however they aren't implemented. Especially that these networks benefit from relations and interests with the current authorities in Eastern and Western of Libya. Thus this matter makes monitoring, documenting and persevering evidence difficult.

Protests in Tripoli and authority's violence

Armed groups affiliated with the Libyan "Government of National Accord" used lethal force to break up the largely peaceful demonstrations against corruption in late August 2020. In addition, they arbitrarily detained, tortured, and disappeared people in the capital. Armed groups in Tripoli arbitrarily detained at least 24 protesters, including journalists who were covering the event. In addition, they beat some protesters while using machine guns and anti-aircraft weapons carried on vehicles to disperse the demonstrations. Thus, that resulted in wounding some demonstrators, and allegedly killing one of them. The groups included the "Nawasi Brigade" affiliated with the Ministry of Interior in the Government of National Accord under the command of Mustafa Kaddour, the "Special Deterrence Force" led by Abd Al Raouf Kara, and the armed group known as the "Public Security Force" led by Imad Trabelsi.

On August 23, 2020, large demonstrations began in Tripoli, Misurata and Zawiya . A new popular movement was organized which is the people's movement 23/8



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or Hemmat Shabab Libya movement **23/8**, organized protests to criticize the authorities in the East and West due to the living conditions. Protesters complained about power cuts that could last for up to three days, and demanded social justice and elections. In addition, in August **24**, protests started in Zliten and Khums in the East of Tripoli, and in Sebha and Awbari in the South.

In western Libya, the establishment of a committee to investigate the aforementioned attacks has been announced, however until today it didn't issue any results. In addition, The judiciary did not work to pursue the perpetrators regarding their loyalty to the armed groups which control Tripoli from Al Nawasi and Al Radaa Brigade. Actually, burying crimes in Libya took place same as what happens to victims so every international and local procedure becomes meaningless in reality. By reviewing some testimonies and meeting with some of them from sources monitoring the report, they avoid dealing with any detail, considering that "nothing happened."

Death holes (mass graves in Tarhunah)

160 corpses

25 sites

The number of the disappeared persons in Tarhunah: **338** persons according to the last reports to the Libyan Ministry of Justice



"Horrific" reports of mass graves in Tarhunah in Libya, and the accusations refer to Haftar's forces which withdrew from the city after battles with the GNA forces. After the UN-recognized Government of National Accord forces restored the control on Tarhunah, **90** km southeast of Tripoli, from the control of Haftar's forces. There were many reports of mass graves in the city, as pages belonging to the armed factions of the Government of National Accord (GNA) published pictures of mass graves

which were caused by Haftar's forces before leaving the city. The Public Authority for Search and Identification of Missing Persons which is a governmental body affiliated with the National Accord, continued to publish pictures and numbers on its Facebook account, for recovery operations.

Several mass media which is close to the Government of National Accord reported that the majority of the dead persons were the people of the city. In addition, these sources blamed the Al-Kani militia or the Kaniyat which is a loyal militia to Khalifa Haftar and a number of its leaders were killed weeks ago in the military operations. In **2017**, this militia was known for its wide-spread killing and it had links to the Government of National Accord in its start. However, the two parties' relationship worsened before Khalifa Haftar announced his campaign to control Tripoli, due to the attempt by "Alkaniyat" to infiltrate Tripoli. At this time, **60** corpses were found in the Mortuary cabinets in Tarhuna Hospital. These corpses belong to the Government of National Accord Forces. In addition, previously corpses which belong to Haftar's fighters were found in hospitals in Tripoli. The purpose of each side's seizure of the corpses of the other side is to conduct operations to exchange them later between the two parties, as it occurred more than once in battles in the Libyan war, under the auspices of the United Nations and the Libyan Crescent. However, the number of dead bodies in Tarhunah and outside the hospital, may exceed **200**. What attracted attention in the speech of the head of the General Authority for Search and Identification of Missing Persons, Kamal Abu Bakr, his statement that there are great difficulties in recovering the buried corpses, because some of them were booby-trapped from the inside. In addition to the presence of mines near these bodies to try to kill those persons who reach them.. Death holes which are a result from the battles in Libya , must be resolved to restore the integrity of the regions and people, rather than turning the matter into a social hostility in which weapons and violence take place.

Recommendations

The political path:

Restoring the confidence among Libyans as this matter would lead to solving the political crisis.

Re-framing the role of the UN Mission in Libya through the participation of the active forces in Libya in order to create a dialogue table that actually represents Libyans and has the ability to find an actual solution for the crisis.

Ending the negative role of the foreign countries and enabling the disintegration among them and the local forces.

Supporting the role of the Libyan civil society and those persons who are involved in it. In addition, supporting women and political voices that were intentionally excluded.

Defeating the corrupted political money that seeks imposing certain names on Libyans in order to lead the next period until reaching elections.

Ensuring the transparency of the electoral path and fair monitoring on it as a main solution to express the Libyan will.

The military path

Working to find a real and positive solution for the chaos of weapons that has become structuring the relations and balances of interests at home.

Seriously prosecuting and punishing the violators of armed embargo which was previously breached according to the United Nations.

Stopping the international support for some armed formations and currents which have influence in Libya.

Starting the implementation of the outcomes of the 5+5 joint military committee, especially opening the coastal road under the control of the United Nations and Independent Libya

Seriously working on removing mercenaries and foreigners from Libya and enabling Libyans to manage the military file directly and under the control of the UN. This would actually enable restructuring the armed forces and the participatory in the path of enhancing security, and unifying military and security institutions.

The economic path

Working on unifying the Libyan economic and financial institutions and the Central Bank. In addition, ensure the fair distribution of the oil's revenues to develop the economy in order to gather Libyans on the formal economy and end the state of chaos of the informal economy which is considered the main source of funding militias and armed gangs.

Accelerating this path on the basis of the real requirements for Libyans especially their living.

Ending the control of militias from several oil fields which are considered their revenues. It is noteworthy that these groups are linked to the authorities in the East and West. In addition, returning the oil fields to official institutions by a Libyan-Libyan agreement

The Human Rights:

Accelerating the outputs of truth commissions and establishing clear mechanisms to end impunity in Libya

Working toward documenting crimes and violations, in addition to preserving evidence.

Enhancing the role of the Judiciary, and search and investigation authorities

Working on exchanging corpses and captives in order to gather Libyans and avoid the scenarios of gloating, killing and assassinating.



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