



Delivering Democracy: Repercussions of the 'Arab Spring' on Human Rights

{Synopsis}

**Human Rights in the Arab Region Annual
Report 2012**

Table of Contents

Why this Report?	3
Introduction	
What Prospects for the 'Arab Spring' in Light of an Early 'Autumn' of Political Islam?	5
Report Summary	
Where is the Arab Spring Taking Us?	20

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Why this Report?

The Cairo Institute for Human Rights Studies is pleased to present its fifth annual report, in which it monitors and analyzes the state of human rights in the Arab region throughout the year 2012. The publication of this report comes as we mark the passage of two years since the beginning of what has come to be known as the “Arab Spring,” during which the peoples of Tunisia, Egypt, Libya, and Yemen were able to overthrow the symbols authoritarianism and tyranny in their countries through enormous popular uprisings whose effects were felt to varying degrees all across the region.

Therefore, this report focuses special attention on the implications of the “Arab Spring” and the resulting opportunities for the promotion of human rights and democratic transition in the countries of the region. In order to better analyze these changes, several new chapters have been added to this year’s report. For example, one chapter has been dedicated to the specific challenges facing the transitional periods in Egypt and Tunisia, including the implications of the leading role which has been played by the Muslim Brotherhood in Egypt and by its counterpart, the Ennahda movement, in Tunisia.

Given that the countries undergoing transitional periods have largely failed to adopt holistic strategies for achieving transitional justice and preventing impunity for crimes committed by the former regimes, this report also dedicates a chapter to shedding light on the problems facing the implementation of transitional justice mechanisms, focusing on Egypt as a case study. Another chapter of this year’s report focuses specifically on the effects of the “Arab Spring” on the institutions available for joint work among Arabs, specifically at the League of Arab States, and discusses the opportunities for engaging and developing mechanisms for the protection of human rights in these institutions.

The previous annual reports provided overviews of the state of human rights in 12 Arab countries, namely Egypt, Sudan, Tunisia, Algeria, Morocco, Syria, Iraq, Lebanon, the Kingdom of Saudi Arabia, Bahrain, Yemen, and the occupied Palestinian territories. In addition to these country chapters, a new chapter has been added to focus on Libya, given the developments seen in this country throughout 2011 which led to the ouster of the Qaddafi regime. These country chapters have been divided into two sections. The first section covers the countries which were most affected by the “Arab Spring,” highlighting the major challenges and complexities faced in many of these countries as they pursue transitions to democracy. The second follows the developments seen in the countries which have yet to be thus affected by the “Arab Spring.”

As in the previous reports, this year's report bases its evaluations on the general framework of civil and political rights, with a specific focus on a number of key issues. The key themes analyzed in this report include the following:

- The political transitions in the countries which witnessed the overthrow of the leaders of the former regimes, focusing on the extent to which these transitions are contributing to the establishment of democracy, introducing mechanisms which allow for accountability and uncovering the truth regarding past violations, and ensuring a genuine break with the patterns of abuses which pervaded these countries during decades of dictatorship;

- The most prominent developments seen in the countries under study in terms of constitutional and legislative reform;

- The mechanisms in place for dealing with the spread of political and social protest movements;

- The extent to which freedom of expression and media freedoms have been expanded or restricted;

- Practices related to the promotion or repression of the right to freedom of association, whether in regards to political parties, civil society organizations, or unions;

- The situation of human rights defenders and the nature of the restrictions and threats faced by these defenders and the organizations they work with;

- Restrictions imposed on freedom of religion and belief as well as the state of the rights of religious, ideological, and ethnic minorities;

- Instances of violations to the right to a fair trial, including trials before politically motivated courts;

- Grave violations to human rights, including arbitrary arrest, enforced disappearance, torture, and extrajudicial killings;

- Grave violations committed by non-state actors, which increased significantly in the countries undergoing unstable transitional periods, as such violations were exacerbated by a security vacuum, by some factions of political Islam seeking to impose their political control over their opponents and to impose their religious views on society, and by the tendency of some parties to use violence to confront government oppression or to respond to the violence exercised by some factions of political Islam.

This report relies on background papers prepared by researchers in the Institute and by rights experts in some countries under study. The report has also relied heavily upon information documented by other Arab and international rights organizations, in addition to analysis, observations, and information provided by members of the advisory board of the Cairo Institute's Arab Regional Advocacy Program and by a number of Arab experts who were consulted by the Institute to give their opinions on the final drafts of this report.

Introduction:

What Prospects for the 'Arab Spring' in Light of an Early 'Autumn' of Political Islam?

The battle for the “Arab Spring” continues to be waged on three fronts¹: between the revolutionaries and remaining members of the old regimes, between secularists and those who call for the establishment of a religious state, and between various actors of the international community. The context in which this struggle is taking place has become even more oppressive since 2011, as is clearly the case in both the Arab countries which saw the fall of old regimes and in those which still aspire to catch this wave of democratic change. One look at the Arab states which did not experience regime change in the wake of the “Arab Spring” is sufficient to understand the fate of this “spring,” for it is clear that the regimes in these states no longer feel drastically threatened by it. Rather, some of the governments in these states have increased counterattacks², with Sudan and Algeria being two prominent examples. The Sudanese government has carried out a wave of arrests targeting political activists and shut down or frozen the activities of a number of rights and research organizations which had played a critical role in mobilizing Sudanese society.

In Algeria, the authorities prevented civil society organizations from participating in the World Social Forum in Tunis in March 2013, detaining those who were traveling to Tunisia by land and arresting a number of rights activists in an unprecedented move driven by fears of the spread of the “contagion” of the uprisings seen in Tunisia. In other states in the region as well, numerous political and rights activists have been subjected to trials lacking the basic guarantees of due process, leading in some cases to severe sentences.

The situations in the countries most directly affected by the “Arab Spring” vary. In Libya, the nascent state faces armed militias which exert their authority over much of the country. The Syrians who continue to struggle to topple the regime in Damascus cannot be sure that the situation will improve or even that the violence will cease following regime change, as grave crimes are

¹ See the introduction entitled “The Arab Spring: A Struggle on Three Fronts,” of the Cairo Institute for Human Rights Studies’ 2011 Annual Report “Fractured Walls, New Horizons”.

² For further details, see Section III of this report.

being committed not only by the state but also by armed opposition groups. In Yemen, the struggle continues against the institutions of the old regime, which remain a center of power more influential even than the new interim president. Egyptians, too, struggle against values, principles, practices, legislation, and even a constitution belonging to the “counter-revolution,” which has come to rule in the name of the revolution. Tunisians are likewise working to resist falling prey to the same problems faced by Egyptians.

This state of affairs has facilitated the work of the rulers in the countries less affected by the “Arab Spring,” for it is not difficult to convince their peoples of the need to avoid the fate of the “Arab Spring states” and to opt instead to accept the status quo, with the hope of gradual improvements along the way.

The Egyptian example has been prominently used to convince other Arab peoples that “contentment with what one has is a treasure that does not run out” and that “one bird in the hand is worth ten in the tree,” according to popular Arab proverbs which have aided rulers in subduing their citizens for centuries.

In light of Egypt’s experience over the past two years, other Arab populations have been easily deterred from running the risk of attempting to replace their current rulers with new regimes which may not prove to be any less repressive. Given Egypt’s size and the major influence it holds in the Arab region, the events that played out in Egypt and the ouster of Hosni Mubarak embodied a nightmare for other Arab rulers, who feared that their peoples would be inspired by and attempt to follow the example of their Egyptian counterparts.

Now, however, the daily occurrences in Egypt have become a tool in the hands of these autocratic rulers, who hold up the Egyptian experience as a warning to their own citizens of the fate that awaits those who overthrow their leaders. Indeed, Egyptians have incurred severe losses in all areas – not only have they lost stability, security, and consistent access to electricity, fuel, and food, but they also find themselves on the verge of losing the very freedoms won by their revolution.

It is impossible to compare what is happening in Egypt to merely a difficult delivery before the birth of democracy. Indications that Egypt is not moving towards democracy but rather away from it include: the regular use of violent repression against the political and social protest movements; the daily harassment of media professionals and institutions – whether through bringing legal cases against them or through targeted physical attacks; the battle against the independence of the judiciary in both the constitution and legislative framework as well as through political and institutional attacks; the preparation of draft legislation which would ‘nationalize’ civil society organizations and transform them into semi-governmental bodies; and the use of rape and sexual harassment as a political tool to eliminate the participation of women in the political sphere. Clearly, Egypt is transitioning from one authoritarian regime to another, albeit with different features on the surface. It is the counter-

revolution that has come to power, and this at the expense of the revolution that called for “freedom, bread, and social justice.”

Even as Egypt’s transition suffers from this multi-faceted repression, the Muslim Brotherhood has been careful to comply with the demands of the military establishment when drafting the country’s new constitution. As such, the military continues to enjoy all the privileges that it had under Mubarak, the only difference being that now these privileges are constitutionally protected. Moreover, these constitutional provisions have given the military the additional right to refer civilians to trial before military courts. This is particularly surprising, as members of the Muslim Brotherhood itself suffered greatly from being subjected to military trials before the revolution, despite the fact that such trials were not explicitly allowed for by the constitution at the time – rather, the law which allowed for military trials of civilians was appealed before the Supreme Constitutional Court for its unconstitutionality. With the passage of the new constitution, the grounds for this appeal have been annulled and military trials of civilians have gained explicit constitutional legitimacy. This has happened despite the fact that the prohibition of such trials had been one of the most important demands of the January 25 Revolution.³

Also astonishing is that while the Egyptian police carry out acts of repression on a daily basis, including arrests and even torture of political activists, the public prosecutor continues to summon political activists and media professionals for questioning. At the same time, some of the most prominent officials of the old regime have been released, and financial and other deals have been made with others affiliated with the old regime in the name of “reconciliation,” in order to prevent their prosecution by the judiciary.

It is clear that before moving on to establishing a totalitarian theocracy, the political priority of the Muslim Brotherhood is to re-establish the pillars of autocracy. The reasons for this appear to range between the unanticipated political resistance they have met and the need to avoid provoking the institutions of the state, which are still unready to accept such drastic changes, despite the fact that many had moved towards Islamization even during the Mubarak era. Another factor is the competition that the Muslim Brotherhood faces from the Salafists in promoting its project of the “religious state” after these groups surprised Egyptian society - and even themselves - with their abilities to organize and gain ground politically. This competition is exacerbated by the increasing distance between the regional players which support the two groups – namely Qatar and Saudi Arabia – as these two countries have also begun competing for influence in Syria and Yemen, after they had been acting in coordination at the beginning of the Syrian uprising.

³ See “No to constitution establishing political and theocratic tyranny; Egyptian rights groups reject draft constitution,” Cairo Institute for Human Rights Studies, 18 Nov 2012, <http://www.cihrs.org/?p=5049&lang=en>

Why has Egypt's transition differed from that of Tunisia?

At the beginning of 2011, Egypt had appeared to be following right behind Tunisia when Egyptians rose up only eleven days after Ben Ali's regime collapsed on January 14, 2011. The Mubarak regime tried desperately to convince Egyptians that Egypt is different from Tunisia, only to hear the response of Egyptians - determined to prove that they were no less worthy, determined, or willing to undertake the struggle for democracy than their Tunisian counterparts - echoing in the streets that Egypt was no different.

There are many important similarities between Egypt and Tunisia, not least among them that of the Islamist Ennahda movement, which gained prominence in the Tunisian political sphere following the revolution, and its older counterpart, the Egyptian branch of the international Muslim Brotherhood organization. However, other factors have led the post-revolutionary courses of the two countries to differ. First among them are the historically rooted political aspirations of the Egyptian military, dating back to July 1952, whereas the Tunisian army has not sought to play a direct political role. Rather, the Tunisian army announced⁴ its consent for democratic oversight of the army by Tunisian society in 2013, in the framework of its acceptance of the implementation of the relevant international standards for democratic states. In contrast, the military establishment in Egypt sought to immunize itself in the new constitution from any form of oversight from Egyptian society by brokering a deal with the Muslim Brotherhood.

The second important difference is the value of secularism which seeped into Tunisian society both before its independence and under Habib Bourguiba, Tunisia's first president, and which is reflected positively in Tunisian society to a greater degree than in Egypt. Furthermore, civil society organizations in Tunisia enjoy greater political dynamism and ability to influence political elites than those in Egypt. As a result, directly following the Tunisian revolution, a body was composed of political, union, and civil society actors – the only of its kind seen in the “Arab Spring” countries – known as the “High Commission for Achieving the Goals of the Revolution.” This Commission played a critical political and legislative role during the initial stage of the transition before general elections were held and the Ennahda movement came to power.

It is also important to note the pivotal role played by the Tunisian General Union of Workers, a unique union organization unlike any group found in Egypt. The membership of the Union is not limited to trade workers, as it also includes professional syndicates, and as such the regional branches of this union bring together workers, teachers, and other professionals in regional committees. For this reason, the Union was able to play a critical political, civil, and union role in a number of the most important periods of Tunisian history since the country's independence, particularly in the period

⁴ “Jeish tunis yutalib b-ikhda'aih li-riqaba demograteyya,” Al Jazeera, 31 Mar 2013, <http://www.aljazeera.net/news/pages/a7d3a0fb-f3fd-4728-9d2a-459e2e38feac>

immediately preceding the revolution and the subsequent period of transition. None of this is found in Egypt, where the General Union of Egyptian Workers has been nothing but an ambassador of the ruler to the workers and a representative of the government's interests for the past six decades. Furthermore, the new rulers – i.e. the Muslim Brotherhood – are anxious to entrench this traditional role for the General Union in Egypt.

Despite the fact that Egyptian rights organizations are some of the most dynamic in the Arab region, the political elites in Egypt have always been too ineffectual and uncomprehending to be able to benefit from their work, whether before the revolution or after it – with the exception of the Muslim Brotherhood before it took power, as its members were defended by these organizations when they were victims of repression at the hands of the old regime. Egypt has also seen recurrent workers struggles, yet they have been fragmented and union workers often view politics as a disease to be avoided at all costs. Despite the increased number of independent unions following the revolution in Egypt, it is clear that the social protest movements of the past two years are much wider than could be contained within the framework of these unions, particularly given their fragmented state.

In a further difference between Egypt and Tunisia, the Ennahda movement in Tunisia has historically been less hostile to the principles and values of human rights than other Islamist movements in the Arab region, including the Muslim Brotherhood in Egypt. In the context of deliberations undertaken by the “October 18 Coalition”⁵ prior to the revolution, Ennahda (along with other political groups) had adopted a progressive position on women's rights and other rights-related issues often seen as problematic by other Islamist groups. At the same time, the Muslim Brotherhood was moving in the opposite direction in Egypt, having announced its political program in the fall of 2007, under which it adopted a plan for establishing a totalitarian regime with religious features.⁶

For all of the above reasons, the results of the first general elections after the revolutions in Tunisia differed from those in Egypt. This difference, in and of itself, is another factor which has caused the transitions in the two countries to diverge. In Egypt, the Muslim Brotherhood and the Salafists won a majority of the seats in the People's Assembly (the lower house of the Egyptian Parliament) and an overwhelming majority in the Shura Assembly (the upper house of the Egyptian Parliament), followed by the victory of the Muslim Brotherhood's presidential candidate. In Tunisia, Ennahda only obtained a plurality in Tunisia's elections, which did not allow this group to single-handedly govern Tunisia. Rather, Ennahda formed a government in cooperation with two parties – one of them liberal and the other leftist.

⁵ “Hey'et 18 oktober li-l-huquq wa al-hureyat: l'alan mushtarak howl al-'alaqa bayn ad-dawla wa ad-dein,” E-joussour, 17 Dec. 2009, <<http://www.e-joussour.net/ar/node/3713>>.

⁶ Bahey eddin Hassan, “Bernameg hezb al-ikhwan al-muslimin fe misr min manthor huquq al-insan,” Riwaq Arab Journal, Issue 55 of 2010.

Directly following these elections, a new party known as the “Nidaa Tunis” (Appeal for Tunisia) Party began forming from the ranks of the opposition, and it is now poised to become the second-most successful party in Tunisia’s next elections, if not the overall winner.

The Nidaa Tunis party is another important indicator of the extent to which the dynamics of the political movements in Egypt and Tunisia differ. Nidaa Tunis brought together liberals and leftists – some of whom had been persecuted or exiled prior to the revolution – as well as businessmen and members and leaders of the former ruling party who had not been charged with crimes of corruption or human rights violations. As a result, Nidaa Tunis enjoys a broad social base. Furthermore, it is led by Beji Essebsi, a prominent figure in Tunisia’s recent history and a former colleague of Bourguiba who successfully headed the government during an important initial phase of the transition.

Essebsi is immensely popular in Tunisia, such that after his resignation he topped the list of most popular Tunisian figures in opinion polls following the revolution. In contrast, Egypt’s main opposition group – represented by the National Salvation Front (NSF) – has been incapable of distinguishing between members of the former regime who committed crimes of corruption and violations to human rights and the vast social base of the regime, which cannot be stigmatized or held responsible for the regime’s crimes. At the same time, this segment of society – as in Tunisia – is important to address, especially since some of its members adopted positions and demands for reform from within the former regime prior to the revolution. Instead, the NSF appears to be composed of “armchair generals without any foot soldiers”, for despite the fact that it is comprised of a number of the most prominent political, intellectual, economic, media, professional, and legal experts and figures in Egypt – enough to form a dozen different governments – it only engages a limited social stratum in Cairo and a few other cities along the Nile Delta and Suez Canal. Additionally, the nature of some of its slogans and statements have led both Egyptian and international public opinion to view the NSF more as a body that either rejects initiatives or stirs up unrest, rather than having anything to do with saving the country in reality.

The National Salvation Front sees itself as the convergence of the myriad groups of revolutionary youth in Egypt, yet this is a difficult claim to make due to the significant political and organizational fragmentation among the revolutionary youth as well as to the large variance between these groups’ ever-changing – and sometimes contradicting - slogans and positions over the two years since the revolution. The ambiguity surrounding the position of the NSF on the escalating trend of violence and stirring up chaos among some groups of youth, which has come as a reaction to the violence of the current ruling party and its supporters, will surely have severe repercussions for the future of the NSF and its cohesion and will affect whether Egyptian society views the NSF as an institution which can be depended upon.

In comparison to the lack of political agility on the part of the NSF, the Muslim Brotherhood has displayed a level of pragmatism not seen from any other political group before or after the revolution. It may confidently be stated that Egypt has never before seen a group with such a rigid ideological basis simultaneously exercise such practical political pragmatism. This is clearly demonstrated by the international relations cultivated by the Muslim Brotherhood, as the group went with surprising agility from “enemy of the West and Israel” to maintaining relations of close cooperation without officially denouncing their former position. According to statements made by Israeli officials, relations under the Muslim Brotherhood are even stronger than they were under former president Hosni Mubarak. The pragmatism displayed by the Muslim Brotherhood in domestic politics is no less astonishing, particularly due to the major deals it brokered with the military establishment.

The Muslim Brotherhood has offered the military everything that the Brotherhood had originally rejected in the context of the “Selmy document” of supra-constitutional principles, such as special privileges and immunities for the military establishment as well as the right to try civilians before military courts – despite the fact that Brotherhood members had historically been among the most prominent victims of such courts. Moreover, this pragmatism is clear from the Muslim Brotherhood’s swift efforts to conduct “reconciliation” agreements with prominent figures associated with the former regime, to broker elections deals with some of these same figures who continue to carry political weight, and to create alliances with specific sectors of the security apparatus, which seek retribution at any cost against the forces which sparked the revolution. The success of such an alliance between the Muslim Brotherhood and the Egyptian security apparatus, even if temporary, may go down in history as marking the beginning of an unprecedented regression in terms of human rights in the country. Notably, the negotiations leading to these deals occurred behind a smoke screen of accusations alleging that the opposition was seeking alliances with the remnants of the old regime.

For its part, the NSF and a number of Egyptian and international rights activists continue to deal with the security apparatus just as they had in the immediate wake of the revolution – by repeating the legitimate demand of reforming the security sector and vetting from its ranks all corrupt officers and those responsible for human rights crimes committed before the revolution and for the killing of demonstrators during the revolution. However, such demands have remained unaddressed by both the Supreme Council of the Armed Forces and by the Muslim Brotherhood – as if time stood still on February 12, 2011, the day after Mubarak’s ouster. Hopes for such reform have further dimmed now that this demand would mean in practice that the Muslim Brotherhood – which is responsible for the killing of demonstrators in front of the Ittihadeyya

Presidential Palace in December 2012⁷ and thereafter – would be in charge of vetting the police responsible for the killing of demonstrators during the revolution in January 2011. It is possible that any “reform” at this time could contribute politically to one of the pressing goals of the new regime – “Islamization” of the police – as the removal of those responsible for the killing of protestors during the revolution would only be substituted by those responsible for the killing of protestors after the revolution. Such a scenario would merely be a repetition of the extralegal removal of the former public prosecutor by President Morsi and his replacement with a new public prosecutor who has done nothing to this day except turn a blind eye to the crimes committed by the police and members of the Muslim Brotherhood against peaceful protests, including all new cases of killings of protestors, while prosecuting political activists and media professionals who voice criticism of the current regime following complaints filed either officially by the Muslim Brotherhood or by its supporters.

It is important to note the effects of the shock of the revolution on the police, which is no longer one unified body which blindly follows orders, as was the case before the revolution. Certainly, there were isolated voices of criticism which emerged from within the police from time to time, yet these were silenced through intimidation, dismissal, or forced early retirement. However, after the impact of the revolution was felt throughout the police establishment – and even despite the stubborn refusal to reform it – a new phenomenon emerged by which union-like bodies formed among different segments of the police forces, mass police strikes were staged, and demonstrations were held for various reasons, most importantly against the use of the police to confront political and social protests and against new draft legislation to govern demonstrations, which would lead to increased clashes between the police and protest movements.

Demands for security reform must take the changes that have occurred both on the level of the state and within the police into consideration, and any plan for security reform must be reviewed according to these changes in order to prevent such a project from leading to further rights violations or obliterating chances for real security reform. Human rights organizations and all other parties eager to see reform of the security establishment must review the plans and possible scenarios which were laid out after February 11, 2011 and which are suitable for countries transitioning to democracy, since Egypt can no longer be considered a country going through a period of transition to a better future. Rather, it is merely witnessing a transition from one repressive authoritarian regime to another. As such, the concepts and approaches of transitional justice are not applicable in the current Egyptian context, and ignoring this reality could have grave repercussions. Rather, calls for security reform in this new

⁷ See: “Will the Ittihadeyya Clashes Become a Routine Model to Settle Political Disputes in Egypt?” Report issued by the Cairo Institute for Human Rights Studies, 26 Dec. 2012, <<http://www.cihrs.org/?p=5361&lang=en>>.

context should resemble those made under the Mubarak regime, i.e. calling for: an end to human rights violations committed by the police, rule of law, judicial oversight, respect for and implementation of judicial decisions, transparency and internal accountability, including human rights education in police curricula, promoting the role of human rights organizations in monitoring violations, etc.

The tyrant under the mask of the victim

“The security apparatus is not in the business of art, but in confronting criminal acts.” Surprisingly, this quote did not come from a dispassionate observer but from the leader of a once-persecuted group whose members were subjected to torture and other abuses by security forces. The man who made this statement is none other than Rachid Ghannouchi, the historical leader and current president of Tunisia’s Ennahda movement. Despite the fact that Ghannouchi often spoke out against torture prior to the revolution, rejecting justifications used by the regimes in both Tunisia and Egypt that the police were confronting terrorism and thereby protecting millions of lives, there has been a consistent shift in his rhetoric following the revolution.

Similarly, since the Muslim Brotherhood assumed power in Egypt, the human rights violations that sparked the revolution have continued and in some cases abuses even gotten worse. Protests have been violently suppressed on a nearly daily basis, and in the past few months more journalists and media personalities have been referred by the public prosecutor to investigation and trial on charges of insulting the president than during the entire 30 years under former president Mubarak. The independence of the judiciary has also been severely attacked, and a new constitution has been adopted that for the first time in Egyptian history allows for military trials of civilians. The draft legislation to govern civil society currently under consideration would effectively nationalize civil society and eliminate independent human rights organizations. Meanwhile, supporters and leaders of the ruling party have publicly assaulted protesters, besieged Media Production City, assaulted media professionals, and surrounded courthouses in an attempt to influence judicial rulings or impede their deliberations, even targeting Egypt’s highest court, the Supreme Constitutional Court, while the president and his cabinet sat in complicit silence. In contrast, the president did not remain silent when 40 people were killed in January in Port Said and Suez — instead, he expressed his appreciation for the police and urged them to act even more decisively.

Perhaps most astonishing is the fact that before the supporters of the ruling party tortured protesters in front of the Ittihadeyya Presidential Palace last December, they first gathered at a nearby mosque to perform their prayers. Similarly, on 22 March, after completing Friday prayers, members and supporters of the ruling party again tortured protesters, this time in a mosque in Muqattam. The Quran says, “Then, when prayer is finished, scatter in the land and seek God’s bounty, and remember God frequently; happily you will prosper” (62:10). Does torture bring us closer to God? Do their “prayers” not

forbid “indecent and evil” (29:45)? Or is it possible that the interpretation of the Quran has changed now that the victim has become the oppressor?

The violent crimes committed at the Ittihadeyya palace and in Muqattam have not been investigated by the prosecutor-general. Instead, he diligently focuses on cases of insult and verbal defamation of the country’s new leaders and their interpretation of Islam. The acts of violence defame and insult Islam more than Bassem Youssef and others could ever do with mere words.

In a speech given on 6 April in Sudan, the president said that he intends to launch “a second revolution” to achieve the objectives of the “renaissance project”. One might ask: A revolution against whom? And using what means? When security and legislative repression — the regime’s chosen tactics — fail, what kind of revolution could remove the perceived obstacles to the Muslim Brotherhood’s “project”?

Although often a point of controversy, the rights of Islamists have long been defended by human rights defenders in Egypt and the rest of the Middle East. This was done despite the possible authoritarian tendencies of many whose rights were defended and regardless of whether they belonged to “moderate” groups, such as the Muslim Brotherhood, or to terrorist groups – all were defended equally because all humans are equally entitled to their natural rights.

This defense of Islamists was also a constant source of tension with the Egyptian regime and its security apparatus, sometimes leading to direct confrontation. Some organizations, including the oldest human rights organization in Egypt, the Egyptian Organization for Human Rights, were even prevented by the government from obtaining legal recognition due to their defense of Islamists. Despite this and other types of pressures exerted by the government to get Egyptian rights organizations – largely secular in nature – to cease their defense of Islamists, many organizations rejected this message, considering that defending the human rights of all – including Islamists – is not the same as granting political support to Islamist groups. At the same time, many of these human rights defenders expressed profound skepticism about the potential for a coherent, pro-human rights, democratic trend evolving within that generation of political Islamist movements in Egypt, in contrast to the positive developments within leftist and Nasserist currents at the time.

Therefore, the community of rights activists in Egypt is perhaps not surprised by the authoritarian, anti-human rights, and anti-democratic trends seen in the Muslim Brotherhood and other political Islamist groups. What is shocking, however, is how quickly the face of the oppressor has revealed itself. Franz Fanon and others have examined the process by which the victim becomes the oppressor, a process currently being witnessed in Egypt. What happened with these Islamist groups isn’t a transformation but rather a process of slipping off the mask of victimhood to reveal the true persecutor underneath.

It is unfortunate that so quickly after coming to power, the former victims began publicly denouncing the human rights NGOs that had for years defended them, shamelessly reproducing the rhetoric of their own persecutors from the Mubarak regime in their attacks on civil society NGOs as “foreign hands” and the receivers of “foreign money.” Before the revolution, Islamist leaders had no objections when Egyptian human rights NGOs exposed human rights violations in international forums or western countries. Now that the victim has become the tyrant, the Muslim Brotherhood has reclassified such criticism as interference in its domestic affairs by external agents. Brotherhood leaders recently told international organizations that since the “success of the revolution” Egypt no longer needs NGOs to defend human rights.

This shift in position makes perfect sense, since all oppressors do their best to avoid exposure of their crimes and prevent victims’ voices from being heard. Unfortunately, this has become the foundation of the new alliance between the Muslim Brotherhood and the security apparatus. The Muslim Brotherhood seeks to consolidate power at any price, even at the price of aligning themselves with an enemy that persecuted them for nearly a century.

Can political Islam be democratic?

After more than two years, it seems that the “Arab Spring” has thus far been unable to produce a single consolidated and stable democracy. Despite significant differences in terms of the challenges faced and the varied nature of the political and social contexts, conflict and non-democratic measures continue to affect Libya, Tunisia, Egypt and Yemen. It is possible that a democratic state will be born out of the struggles of at least one of these states, yet this possibility remains fragile at best. Meanwhile, in Bahrain, the conflict has been settled for a time, which may prove to be at the expense of the democratic uprising. In the Syrian context, a statement issued in April 2013 by one of the armed opposition groups announcing its allegiance to the Al-Qaeda terrorist organization is a worrying sign, particularly in light of the continued inability of the Syrian National Coalition – headed by the Muslim Brotherhood – to formulate a political discourse and program or daily practices which address the demands of the ethnic and religious minorities in Syria. In Egypt, the situation has become clearer now that the country has moved from a continuous state of uprising into the grip of another authoritarian regime, yet this new regime’s religious features will further exacerbate the regime’s autocratic nature and indeed move it towards totalitarianism. According to the Muslim Brotherhood’s political program of the autumn of 2007 – prior to the revolution – the unannounced goal of the organization was the establishment of a totalitarian theocracy.⁸ However, the nature of the political opposition which has confronted the Brotherhood, as well as its inability to convince non-politicized citizens – including traditional Muslims – of its political, professional, or even religious merits, has prolonged the period over which the Brotherhood seeks to accomplish this goal.

⁸ Bahey eldin Hassan, *ibid.*

Regardless of whether or not the Muslim Brotherhood succeeds in realizing the intended goal of its political program, it will – in cooperation with other Islamist parties, including Salafists, Jihadists, and the Wasat Party – continue to impose its practices and policies at all levels. In this we find the unanticipated answer to the question of whether Islamist political parties could become democratic parties and pass the first real test by contributing to the process of democratic transition in the Arab region – in other words, whether Islamist parties could become the equivalent of the democratic Christian parties in Europe. It seems that, at least in Egypt, the answer is resoundingly ‘no’, as the Muslim Brotherhood has exerted all its efforts to thwart the chances for democratic transition since they surfaced in February 2011. Furthermore, it must be recognized that the Egyptian Muslim Brotherhood is the leader of the international Muslim Brotherhood organization in the Arab region. It should be noted that the idea that Islamist political parties can transform into democratic political parties has also been challenged by the experiences of both Iran and Sudan for more than three decades. Of course, this does not mean those whose religion is Islam cannot interpret Islam to be in conformity with modern forms of secular, pluralistic democratic governance and human rights standards. Instead, this is an observation about the political platforms and religious interpretations of Islam that are put forward by Islamic political parties in their current forms.

Even as there is still room for forces within Ennahda to interact positively in the democratic process in Tunisia, it appears from the practices of the Muslim Brotherhood that any similar progress in Egypt may take at least a decade – and perhaps closer to a century – and that it will likely occur only after a new generation assumes positions of authority within the organization. Yet even this possibility remains remote, and no indications point to such a change anytime soon. Rather, any critical voices from within the Muslim Brotherhood – and they are limited indeed – have either left the organization or been forced out. In any case, we are not witnessing a mass movement of resignations from the organization nor wide internal criticism for it. The most prominent critical voice was without a doubt that of Dr. Abdel Moneim Abul Fotouh, who put himself forward as a candidate for the presidency and then formed the Strong Egypt Party. It had been predicted that this party would become a large umbrella party, bringing together those who had left the Brotherhood and other Islamists and presenting itself as the moral, democratic successor of the Muslim Brotherhood – the alternative from within the same camp. However, the party followed a different course, seeking to become an even broader umbrella under which former Brotherhood figures would come together with liberals and leftists. In doing so, the party lost the main quality which made it unique and failed to present a clear image either to the people of Egypt or to those in the outside world who had hoped that despite the fears about political Islam in Egypt, a political program could emerge from this camp based on the ideals of humanism, progress, and modernism. The ambiguous nature of the Strong Egypt Party was also clear through the positions it adopted, which

completely lacked consistency and therefore, political appeal. In any case, it is clear that the Strong Egypt Party cannot be classified as an Islamist party or as an alternative to other Islamist parties.

It had been anticipated by some observers in Egypt that another limited split would occur within the Muslim Brotherhood due to the Wasat Party, which had presented a political discourse differing significantly from that of the Brotherhood prior to the revolution. However, after the revolution and after this party became legally recognized, the positive discourse which had distinguished the Wasat Party became a thing of the past. The party turned into a mere appendage of the Muslim Brotherhood to be used against the Brotherhood's real opposition, as had been done during the Mubarak era with certain "opposition" parties whose main purpose was to counter Mubarak's opposition to the benefit of the ruling party.

The historic failure of political Islam in Egypt – with all of its organizations and parties – to adopt a consistent democratic discourse, to respect basic human rights, and to follow democratic principles in practice is a major loss for all Egyptians and is in no way mitigated by the success of these parties in elections, which is achieved through any means. Furthermore, this failure is preventing Egypt from emerging successfully from its current crisis and from avoiding falling into the grip of another repressive regime. In light of the major influence of Egypt on the whole Arab region, and due to the fact that Egypt is the center of the international Muslim Brotherhood organization, the repercussions of this failure will indeed be of historical proportions, and its effects will be felt far beyond Egypt's borders.

At the same time, we see frequent indications that religiously based groups which advocate violence are increasing their activities in the "Arab Spring" countries. Perhaps what is happening in Syria was foreseeable – despite its catastrophic nature – yet the return of such violent Islamist groups to carry out their terrorist activities under Islamist governments in Egypt and Tunisia is another indicator of the historic proportions of this failure.

Before the "Arab Spring," many analysts, academics, and politicians predicted that armed Islamist groups would give up their violent activities once an Islamist government came to power. When others would argue that this was not the case under the Islamic Caliphate – whether under the Umayyads, the Abbasids, or others – nor has it been the case in modern-day Saudi Arabia, the response was that the case would be different under democratic governments. However, in Egypt and Tunisia, Islamist groups have come to power through democratic means (or so they claim) and opened up unprecedented space for other Islamist groups, including those which are not legally recognized or which carry out armed operations. Even so, resorting to violence and even acts of terrorism as a means to achieve political or religious ends has not declined; rather, such acts have increased in these two countries since the revolution as compared to the five years prior. In Yemen, the significant participation of the

Yemeni branch of the Muslim Brotherhood in the new government has similarly not led to a decline in armed operations carried out by the Al-Qaeda terrorist organization in the country; to the contrary, a new armed Islamist group has emerged.

Among the paradoxes which merit examination is that under the non-Islamist, undemocratic regime in Egypt prior to the revolution, the Muslim Brotherhood and the Jihadi and al-Jama'a al-Islameyya organizations rejected violence as a means to achieve political and religious ends, yet since the Islamists came to power Egypt has seen a series of physical attacks committed by members of the Muslim Brotherhood and other Islamist groups against media professionals and peaceful protestors. Moreover, it is strongly suspected that assassinations of political activists have been carried out purposefully, yet the judiciary has not been able to conduct serious investigations into these cases.

It is in this context that we must ask ourselves: Are the Islamists capable of submitting to the results of the ballot box – by which they came to power – even if the result is not in their favor?

Before the Muslim Brotherhood has even completed its first year in power⁹, it is already responsible for most of the same violations which took the previous regime several years to commit. The new regime has employed both new and old tools – including the constitution, legislation, administrative mechanisms, and the security apparatus – in both a legal and illegal fashion to repress protest movements and diversity of unions, to restrict the exercise of basic freedoms by opposition and civil society activists, and to stifle human rights organizations. It has further announced its intention to impose legal amendments which fundamentally contradict the democratic principles of media freedoms, civil society participation, and judicial independence.

Once again, we raise the same question: Is it possible for a political group which exerts all of its efforts to restrict its opponents and to undermine the pillars of democratic transition - including an independent judiciary, free media sector, functioning civil society¹⁰, and independent unions – to accept results which are not in its favor from the ballot box by which it came to power?

The domination of political Islam on the course of the “Arab Spring” has become perhaps the most prominent feature of this historic development – to

⁹ See: “Egypt: 8 Months after Dr. Mohamed Morsi Assumed the Presidency, the Rapid Deterioration of the State of Human Rights in Egypt Must be Halted,” a statement issued by the Cairo Institute for Human Rights Studies and 20 other rights organizations, 21 Feb. 2013, <<http://www.cihrs.org/?p=5954&lang=en>>; “Joint Appeal by Egyptian Human Rights Organizations to the UN OHCHR,” a letter sent by the Cairo Institute for Human Rights Studies and 21 other rights organizations, 3 Feb. 2013, <<http://www.cihrs.org/?p=6479&lang=en>>.

¹⁰ See: “Morsi’s Government Must Withdraw Bill to Nationalize Civil Society from Shura Council and Reject FJP Bill to Stifle Human Rights Organizations,” a statement issued by the Cairo Institute for Human Rights Studies and 21 other rights organizations, 28 Feb. 2013, <<http://www.cihrs.org/?p=6011&lang=en>>.

the point that the “Arab Spring” has now come to be known as the “Islamist Spring,” a term that describes the reality that the fruits of this spring have been overwhelmingly enjoyed by only one political group.

In the end, the question remains: Is the suffering experienced by the Arab peoples over the course of the past two years really leading to the birth of democracy in the wake of the “Arab Spring”? Or have secular forms of autocracy merely been traded for religious forms of autocracy? I fear that, because of the inability of political Islam to accept and uphold human rights and democratic principles for which the uprisings occurred, Arab peoples will be forced to pay an even greater price in order to hasten the coming of autumn for political Islam before true democracy can be born out of the “Arab Spring.”

Report Summary

Where is the Arab Spring Taking Us?

In 2011, the uprisings which became known as the “Arab Spring” led within a matter of months to the overthrow of the heads of the dictatorial regimes in Egypt, Tunisia, Libya, and Yemen. Now, two years later, the prospects for transition to true democracy and respect for human rights in these countries appear largely out of reach, and the major challenges which surround the chances for successful transitions threaten to leave these countries in an even more regressive state than they were in before the uprisings. In the best case scenarios, transition to democracy will come at the cost of even greater sacrifices made by the peoples of these countries and by those who continue to struggle for freedom, human dignity, and social justice.

The state of human rights in most of the countries which were less affected by the “Arab Spring” continues to witness the same violations seen in previous years. The legislative frameworks of these countries remain hostile to human rights and public freedoms while ensuring impunity for grave violations; in Algeria and Iraq, new legislation was passed to further restrict freedoms. In practice, Saudi Arabia and Sudan demonstrated increasing propensities to repress peaceful protests and assemblies, to clamp down on the freedom of opinion and expression, and to eliminate human rights organizations and harass the activists working with them. Torture and ill-treatment of prisoners continue to be practiced widely and have led to a number of deaths of detainees in Sudan, Saudi Arabia, Iraq, and the occupied Palestinian territories, as well as in Morocco and Lebanon, albeit to a lesser extent.

Overview of the Human Rights Developments in 2012

1. Repression of Political and Social Protests

Political protests and social movements continued to be met with excessively repressive measures, even in the countries where the uprisings of the “Arab Spring” led to the overthrow of the heads of the former authoritarian regimes.

The brutal repression unleashed against the popular uprising in Syria drove the country to a state of armed conflict after several groups of the opposition resorted to armed resistance. In an attempt to crush the uprising, the army of

the Syrian regime committed gross violations against its own people in cold blood as if it were the army of an occupying power dealing with the people of another foreign nation. This repression included the use of heavy weaponry and the bombing of residential areas and even hospitals – some of which were used to illegally detain individuals and even execute detainees without trial – as well as the plundering and arson of property, random killings, and summary executions, even in towns and villages which had maintained the peaceful nature of their protests. Between the beginning of the popular uprising in March 2011 and the end of 2012, at least 60,000 people were killed, while the number of civilians killed during 2012 alone is estimated at 36,000 people.

In Egypt, dozens of protestors lost their lives due to the excessive use of force used to repress demonstrations, both at the hands of the police and at the hands of the armed forces during the first half of the year. Killings of protestors did not end following the Muslim Brotherhood's rise to power in July 2012; rather, supporters of the Muslim Brotherhood exacerbated this crisis through the repression of anti-government protestors, including by torturing demonstrators in front of the presidential palace. Such acts resulted in the outbreak of street battles by the end of the year which led to the deaths of 11 individuals. In response to strikes organized in the country, the government formed by the Muslim Brotherhood resorted to the use of police repression and harassment of the groups of union members which had organized the labor strikes and sit-ins.

In Tunisia, police responses were used to repress peaceful protests and sit-ins more often in 2012 than during the previous year. Intense use of tear gas and even of bullets to confront protestors was increasingly reported, and these tactics not only contributed to growing numbers of injuries but also led to increased numbers of protestors.

In Yemen, excessive force – including the use of live ammunition – continued to be used to repress peaceful protests, particularly in the south of the country. Dozens were killed as a result.

In Bahrain, security forces used tear gas canisters, birdshot pellets, and rubber bullets, leading to a number of deaths during demonstrations, particularly in areas populated by citizens belonging to the Shiite population. Furthermore, the authorities targeted dozens of political activists through harassment and preventative detention and even subjected some to torture and other ill-treatment.

In Saudi Arabia, at least 15 people were killed due to the excessive use of force against peaceful protests between March 2011 and the end of 2012. Hundreds more were arrested, and the authorities took retributive measures against demonstrators, including dismissing them from their jobs and decreasing their wages.

In Iraq, lists were issued containing the names of political activists wanted for arrest. Union activists were also arbitrarily arrested, transferred to live or work in other places of the country, fined, or banned from traveling.

In Sudan, excessive force was also used against peaceful protests, and some 20 individuals were killed due to the use of live ammunition, being run over by police vehicles, or torture.

Following the fall of Qaddafi, Libyan citizens experienced a tangible improvement in their ability to exercise their right to assembly and peaceful protest. However, the transitional authorities proved unable to put an end to the presence of armed militias in the country, and this resulted in a number of armed attacks on demonstrations. Moreover, during the second half of the year, the authorities undertook initiatives to impose legal restrictions on the freedom of peaceful assembly and to punish participants of such gatherings.

In Algeria, the authorities dealt severely with peaceful protests, and dozens of activists who work for the defense of the rights of the unemployed and other marginalized groups were arrested along with hundreds of workers. In addition, the police used batons and water hoses to break up unprecedented social protests held by members of the Republican Guard.

In Morocco, excessive force was frequently employed to break up social protests, and collective punishment was used against the population. Detainees were subjected to severe insults and verbal abuse, torture, ill-treatment, and extralegal imprisonment. Even though the Moroccan authorities displayed a relative measure of tolerance for acts of political protest, this did not prevent violent police interventions at times, nor did it spare some of those who participated in demonstrations from being referred to trial.

In the occupied Palestinian territories, a number of citizens were killed when Israeli forces dispersed several protests held in the West Bank and the Gaza Strip against the occupation. The security apparatus of the government of the Palestinian National Authority in the West Bank and the police of the Hamas government in the Gaza Strip also used force to disperse a number of demonstrations and to ban several public meetings and marches, including the forcible prohibition of attempts in Gaza to commemorate the anniversary of the death of deceased president Yassar Arafat.

2. Increasing Attacks on Freedom of Expression

Freedom of expression continued to face repression in many countries in the region. Even in Egypt and Tunisia, contrary to expectations following the ouster of the heads of the police states in these two countries, freedom of expression underwent a significant relapse. Although the restrictions on freedom of expression diminished to some extent in Yemen after the removal of President Ali Abdullah Salah, the press, media professionals, academics, and

members of the political opposition remained targets for repression, particularly in southern Yemen. In Libya, the transitional authorities did not yet make progress in terms of establishing legal protections for such freedoms, yet the country did experience a significant opening in terms of freedom of expression and of the media in practice, which was supported by the fact that the authorities refrained in most cases from implementing repressive legislation which remains from the Qaddafi regime. Moreover, the Libyan Constitutional Court succeeded in upholding this freedom by striking down a new law which would have restricted expression.

In Tunisia, media professionals, academics, and artists were subjected to severe violations by both the state authorities and Salafist groups, which displayed increasing animosity toward media freedoms, artistic expression, and the freedom of thought and opinion. Of the more than 130 violations to these freedoms which were recorded, some of them included prosecution, yet most consisted of acts of violence, including physical assaults. The government voided several decrees related to protections for journalists and dealing with restructuring the field of audiovisual communications. The government further extended its control over the state-owned media institutions, and the same penal provisions which had been used under the Ben Ali regime were drawn from in order to refer media professionals and academics to court and to sentence them to prison.

In Egypt, the rise of the Muslim Brotherhood to power in the second half of the year was followed by widespread attacks on freedom of expression and of the media. National newspapers were brought further under the control of the government through the restructuring of their boards of directors and the appointment of new editors, and articles critical of the Muslim Brotherhood and of the president were banned from publication in these papers.

Prosecutions of critics of the president also increased. Independent satellite channels were subjected to increased administrative restrictions and security harassment, and legal provisions about defamation of religion were increasingly employed to impose severe prison sentences against a number of bloggers and to prosecute other writers and media professionals. Media institutions were intimidated and even physically surrounded, and newspapers and individual journalists and artists were attacked, both by the Muslim Brotherhood and by Salafi groups.

In Yemen, violations targeted the activities of the political movement of the South and its affiliated press institutions and journalists, trials of journalists before the special press and publications court continued, and publications by the press in the south of the country continued to be confiscated. A number of journalists faced intimidation, death threats, physical attacks, and assassination attempts, and media campaigns accusing writers, journalists, and rights activists of heresy intensified.

Despite the significant improvement in terms of freedom of expression seen in Libya following the ouster of the Qaddafi regime, journalists continued to face abduction and detention at the hands of local militias.

Syria witnessed the gravest violations against freedom of expression and opinion, with some 150 press and media workers arrested during the beginning of the uprising, around forty of whom remained in detention until the end of 2012. Some 60 journalists and media professionals lost their lives, and a number of others were subjected to physical assaults and torture.

Even as killings of journalists decreased in Iraq, three media professionals were killed by unknown assailants. The authorities threatened to shut down media outlets, and the government referred a bill on “information crimes” to the parliament. This bill aims to restrict freedom of expression and opinion as well as civic and rights activism, imposing penalties of up to life in prison on critics of the economic and social policies of the state or on those who shed light on the situation of human rights in the country. Journalists in the Kurdish region were also subjected to security harassment and prosecution.

In Bahrain, a number of journalists and political opposition activists were arrested, prosecuted, or physically attacked, and one journalist was killed. The authorities imposed additional restrictions on the entry of foreign correspondents to the country, and some of them were detained.

In Saudi Arabia, exceptional anti-terrorism courts were employed to try critics, internet activists, and rights defenders, and internet websites continued to be blocked in the country.

The Sudanese authorities increasingly controlled newspapers in the country by confiscating their publications, thus causing them to incur massive financial losses. As a result, papers were forced to prevent journalists critical of the government from writing and to comply with security directives regarding banning information on certain issues from being published. A number of press institutions were also shut down. Journalists continued to be subjected to unfair trials which lacked the minimum guarantees of due process, and dozens of journalists, opposition members, and political activists were arrested. Furthermore, critical websites were increasingly blocked or hacked.

In Algeria, journalists and internet activists continued to face prosecution and prison sentences. Despite the fact that the authorities hailed a new law adopted at the beginning of the year as a significant step to develop press freedoms, this law in fact allows for the restriction of freedom of expression based on allegations of defaming religion or opposing the national identity or the cultural values of society, or under the pretext of protecting state security, public order, or the economic interests or foreign policy needs of the country.

Freedom of expression remained threatened in Morocco, given the continuation of prison sentences imposed for press and publication crimes. Moreover, the

authorities continued to deal severely with criticism of the monarchy and opinions considered to contradict the religion of Islam.

In Lebanon, the increased role of the military in administering political and civil life was accompanied by an increase in the number of civilians referred to military courts, including journalists, political activists, and rights defenders. Political and sectarian divisions, exacerbated by the repercussions of the Syrian uprising, led to increased attacks on journalists and correspondents as they were covering various acts of sectarian violence or protests supporting or opposing the Assad regime. In addition, a Lebanese photographer was killed by Syrian forces at the border between the two countries.

Freedoms of expression and of the media remained targeted by all sorts of attacks at the hands of both the authorities of the Israeli occupation in the West Bank and the two parties to the Palestinian National Authority. Journalists, bloggers, and media teams were attacked while covering protests and subjected to detention, interrogation, prosecution, house arrest, and travels bans. The offices of media establishments were raided, websites were blocked, and media institutions were pressured to end programs critical of Hamas in Gaza.

3. Increased Political and Sectarian Violence and the Spread of Violations by Non-State Parties

Iraq continued to witness acts of violence between the Iraqi army and police and the armed militias loyal to rival political and ideological factions, in addition to acts of violence committed by the Al-Qaeda terrorist organization in Iraq. Throughout the year, over 4,400 people were killed by suicide bombs, attacks using mortar bombs and firearms, and assassinations. A number of these attacks were sectarian in nature, targeting Shiite gatherings, holy shrines, and religious celebrations. Al-Qaeda, which is a Sunni organization, did not conceal its responsibility for a number of these attacks. Religious, ideological, and racial minorities – including the Christian, Yazidi, Shabak, and Turkmen minorities – continued to face attacks which appeared to be aimed at changing the demographic make-up of certain areas as part of attempts by the dominant ideological and ethnic groups, including Shiite and Sunni Arabs as well as Kurds, to consolidate their hold on political power, land, and natural resources.

The transitional authorities in Libya were unable to control or to restructure the security apparatus, thus allowing armed militias to maintain control of large segments of the population and certain regions of the country. These militias refused to disarm or to surrender the thousands of detainees that they hold to the Libyan authorities. As such, acts of violence continued to target those suspected of having been loyal to Qaddafi, particularly dark-skinned Africans who are often suspected of having worked as foreign mercenaries. In addition, the armed forces, in conjunction with aligned militias, attacked the town of Bani Walid, which was considered a bastion of Qaddafi supporters. Dozens were killed and thousands displaced as a result.

The transitional government in Yemen was also unable to extend its authority over the country, to restore security, and to resolve the divisions within the army, even as the traditional political, tribal, and military elites in the country continued to fight to fill the power vacuum left by the ouster of President Ali Abdullah Salah. The country's principal security forces, the Central Security brigades, and the Republican Guard remained under the control of the family of the ousted president, while the First Armed Brigade remained under the command of a general who had defected from the Salah regime. Meanwhile, tribal militias supported different parties in the conflict. The political and security situation was exacerbated by increased terrorist activities by Al-Qaeda and affiliated Ansar al-Shari'a groups. Groups of Huthis in northern Yemen took advantage of these circumstances to reinforce their influence in the Sa'ada governorate, including through military operations targeting Salafi groups. In response to increasing acts of repression against the peaceful political movement in the south, some groups from the south moved towards armed campaigns, attacking security forces and government institutions. The Ansar al-Shari'a groups sought to impose their control and their beliefs about Islam (including applying penalties of flogging and amputation) on regions in the south of the country. The deaths of dozens of civilians due to random bombings by the military or to the shelling of Ansar al-Shari'a and al-Qaeda bases by American planes were recorded. Terrorist activities in the Yemeni capital, including attacks targeting the military, also resulted in large numbers of casualties.

Syria witnessed a serious qualitative transformation from the brutal repression of the peaceful uprising which started in March 2011 to internal armed conflict between the security forces, the army, and affiliated militias known as "shabiha" (thugs) on one side and what is known as the Free Syrian Army and other armed opposition groups on the other. Some of the regiments of the Free Syrian Army and other armed groups opposed to the regime also committed grave violations, including extrajudicial killings, summary executions, and torture of detainees. Opposition groups also abducted civilians belonging to towns supportive of the Syrian regime, considering them a legitimate target for attacks. A number of bombings and suicide attacks occurred, leading to dozens of civilian deaths throughout the course of the year. The identities of the perpetrators of many of these acts were never uncovered.

In Egypt, the Muslim Brotherhood's ascent to power in the second half of the year was accompanied by the use of its supporters and other political Islamist groups to intimidate media professionals, journalists, rights defenders, and judges and to surround the Supreme Constitutional Court to prevent it from reviewing cases related to the plans of the Brotherhood to dominate political life in the country. Leaders of the Muslim Brotherhood publicly incited their supporters to attack protests which were held against the group and against the president. The resulting attacks led to the deaths of 11 people and the detention, questioning, and torture of opposition protestors in front of the walls

of the Presidential Palace before they were handed over to the police. In response, attempts were made to raid and set fire to dozens of offices belonging to the Muslim Brotherhood and its political party, the Freedom and Justice Party.

In Tunisia, extremist Salafi groups threatened public and personal freedoms, even as the government led by the Islamist Ennahda party neglected to protect Tunisian citizens. These pressures were accompanied by a ban on certain cultural activities and the confiscation of a number of works of art based on allegations that they offended Islam, and leaders affiliated with the Ennahda party called for the implementation of penalties against workers who conducted strikes. Journalists, writers, media professionals, artists, and civil society activists all came under attack. Groups known as “Committees for the Protection of the Revolution,” which are closely affiliated with the Ennahda party, were accused on several occasions of violence against individuals and property; some political groups considered these committees responsible for the first political assassination in the country following the ouster of Ben Ali.

In Lebanon, the situation of human rights was affected by repercussions of the conflict in Syria, particularly due to the conflicting positions of different groups in society towards the Syrian regime, which led to the worst outbreak of sectarian clashes since Hezbollah occupied Beirut in 2008. These clashes left dozens killed and hundreds wounded. Dozens of Syrians were also abducted as a form of retaliation for the abduction or disappearance of Lebanese in Syria.

Political parties supportive of the Syrian regime were accused of backing attacks on the homes of Syrians opposed to the regime. Journalists and media institutions were subjected to attacks due to the positions they adopted on the conflict in Syria or to their coverage of the clashes which broke out in Lebanon.

In Sudan, the intentional failure of Bashir’s regime to resolve issues related to ethnic and religious diversity led to the continuation of armed conflicts. The regime was adept at taking advantage of these conflicts and using tribal loyalties to confront political opponents. For example, tribal militias loyal to the regime were employed to commit armed attacks on citizens in Darfur as well as on international peace-keeping forces. These policies were accompanied by a growing trend on the part of the opposition in the regions of Kordofan and Blue Nile to resort to armed tactics under the banner of the Sudanese People’s Liberation Movement – North (SPLM-North). Some 170,000 people have been displaced as a result.

4. Arbitrary Arrest and Torture

Crimes of arbitrary arrest continued to be committed, as did cases of enforced disappearance and of torture, ill-treatment, and deprivation of medical care in detention centers.

Syria boasted the worst record in terms of arbitrary arrest, as some 32,000 people were arrested between the beginning of the uprising in March 2011 and October 2012. Entire families were arrested in order to pressure relatives to turn themselves in, and the families of members of the security forces or the army who defected to the opposition were also targeted. A large number of detainees – among them activists, rights defenders, and journalists – became forcibly disappeared, due to their detention in isolation from the outside world and the refusal of the authorities to reveal their places of detention. Hundreds lost their lives due to the widespread, systematic use of torture.

In Yemen, the inability of the transitional authorities to rein in and reform the security establishment and to bring the army under a unified leadership left detention centers outside of the control of the state and without judicial review.

The former centers of power (the national security and political security apparatuses, the Central Security forces, and the Republican Guard, which are directed by relatives of former president Salah; and the defected armed brigades and the tribal militias which support the Islamist-leaning Reform Party) maintained prisons and detention centers under their control, outside the supervision of the state and of the judiciary. As such, the government proved incapable of presenting any official clarification about these prisoners or about the nearly 200 disappeared persons who are suspected to be held in secret prisons and are likely subjected to torture.

In Egypt, practices of torture and ill-treatment of detainees did not cease under the country's first elected president. While eight people died in detention centers – likely as the result of torture – during the period when the Supreme Council of the Armed Forces was in control of the country, eleven deaths of detainees occurred after Mohammed Morsi assumed the presidency. Torture was also carried out by supporters of the Muslim Brotherhood against opposition protestors in front of the Presidential Palace.

In Tunisia, the year 2012 witnessed a significant increase in the use of torture against detainees as compared to 2011, with at least one detainee being killed as a result. Cases of sexual assault in detention centers increased as well. Meanwhile, the leader of the Ennahda Party – whose members were subjected to torture under the unjust rule of former president Ben Ali – sought to excuse the security establishment through statements that the security apparatus “does not concern itself with fine art and literature, but rather with confronting criminal acts.”

In Libya, thousands of people remained illegally detained under the transitional authorities, and some 8,000 people continued to be held in detention centers run by armed militias.

In Iraq, some 12,000 prisoners are held without charge or trial in prisons run by the Ministry of Justice, in addition to an unknown number of people detained in centers run by the police and military establishments. Reports continued to

surface regarding detainees who lost their lives due to the torture which continues to be practiced in prisons, as detention facilities remain outside of judicial surveillance and lawyers are unable to contact those held inside.

In Bahrain as well, torture led to a number of deaths in detention centers. Moreover, the judiciary refrained from investigating cases in which confessions were extracted through torture, instead using these confessions as evidence against the defendants.

In Sudan, torture was used against the students who were detained in the context of demonstrations calling for democracy. Also recorded were a number of cases in which individuals were abducted, detained in unknown locations, and subjected to torture and intimidation.

In Lebanon, reports of detainees being subjected to physical assaults upon arrest increased. Prison conditions in the country also deteriorated, particularly in Roumieh Prison. Notably, over 100 detainees from the Fatah al-Islam organization have been held for nearly 5 years without trial.

In Saudi Arabia, prisoners continued to be subjected to various forms of physical and psychological torture with the aim of extracting confessions from them. Corporal and inhumane punishments remained legal, and political activists were frequently subjected to punishments in detention, including forbidding them from receiving visitors for extended periods of time.

In Morocco, reports continued to be heard of physical and psychological torture in detention, particularly against Sahrawi activists who took part in social protests. Morocco did not ensure surveillance or inspections of detention centers or penal facilities.

In the occupied Palestinian territories, torture and ill-treatment were accompanied by deaths in detention centers both in the West Bank and in the Gaza Strip. The government of the Hamas movement in Gaza was responsible for the extrajudicial killings of a number of individuals who were arbitrarily sentenced to death based on accusations of “cooperation with the enemy.” Nearly 4,000 Palestinian detainees held in prisons run by the authorities of the Israeli occupation were subjected to violations, including solitary confinement and deprivation of visits. Administrative detention was employed to retain a number of these prisoners in long-term arbitrary detention.

5. Situation of Human Rights Defenders and Civil Society Organizations

Human rights defenders, union activists, and civil society activists in general continued to face arbitrary forms of legal and security harassment in many of the countries under study. A number of these activists were subjected to arbitrary arrest and prosecution. While there was a clear decline in violations against such activists and their organizations in Tunisia and Yemen, the “Arab

Spring” did not positively affect the situation of human rights organizations and civil society activists in Egypt. Rather, smear campaigns and incitement against human rights organizations in the media culminated in the raids of 17 offices belonging to a number of Egyptian and international rights organizations, while draft legislation was proposed which aims to “nationalize” civic work and to do away with human rights organizations. Dozens of the leaders of independent unions were also arbitrarily arrested, tried, and summarily dismissed from their jobs.

The National Transitional Council (NTC) in Libya drafted legislation to support the freedom to form non-governmental organizations and to carry out their activities independently from governmental oversight, yet this law was not officially adopted. Even so, Libya witnessed an explosion in the number of non-governmental organizations in the country, including the establishment of dozens of groups working in the fields of human rights and humanitarian relief.

In Bahrain, dozens of human rights defenders and those who called for democratic reform remained targeted by escalating harassment and intimidation following the pro-democratic uprising which started in February 2011. An exceptional military court upheld sentences of life in prison against Abdelhadi al-Khawaja, the founder of the Bahrain Center for Human Rights (BCHR), and six others who had called for reform and greater democracy. Nabil Rajab, the president of the BCHR, was subjected to physical assaults by members of the security forces only a short time before a number of cases were opened against him and led to his imprisonment due to his rights-related activities. A number of other activists and rights advocates from the BCHR, as well as the president of the Bahraini Youth Society for Human Rights, were also arrested. The Bahraini authorities continued their practice of defaming and bringing criminal charges against rights activists, including those who cooperated with the United Nations mechanisms to expose the situation of human rights in Bahrain.

In Syria, numerous human rights defenders were subjected to arbitrary arrest, enforced disappearance, and torture. The office of the Syrian Center for Media and Freedom of Expression was raided, and its director, Mazen Darwish, was arrested, along with fifteen others. Darwish’s fate, as well as that of a number of his colleagues, remained unknown until the end of the year. Seven other employees of the Center were referred to a military court based on the charge of “possessing material banned from publication.” The rights activist Adnan Wahba was killed by unknown armed assailants, and Khalil Ma’touq , the executive director of the Syrian Center for Legal Studies and Research, was arbitrarily arrested.

In Saudi Arabia, the authorities maintained their policy regarding legal recognition of independent rights organizations, refusing to allow the Adala Center for Human Rights and the Monitor for Human Rights in Saudi Arabia to obtain licenses to work. The authorities particularly targeted the Saudi Civil and Political Rights Association, and a number of its leaders were referred to

court on various charges, including working with an unauthorized association, tarnishing the reputation of the country, and inciting international organizations against the Kingdom. Several activists were also banned from traveling to participate in the proceedings of the international rights mechanisms.

In Sudan, arbitrary arrest and torture were used against numerous human rights defenders, and a rights defender was referred to court following her role in providing humanitarian assistance to those living in Kordofan and in uncovering violations occurring in the region. The authorities also expelled a number of foreign humanitarian organizations working in Darfur and in the east of the country. The Arry Organization for Human Rights and Development was banned from carrying out its activities, and six of its employees were arrested. Similarly, the registration of the al-Khatim Center for Enlightenment and Human Development was canceled, it was removed from the general registry of licensed voluntary organizations, and its assets were confiscated. The activities of the Sudanese Studies Center were suspended for a period of one year based on allegations that the organization constituted a threat to national security.

In Algeria, the authorities adopted new legislation which imposed further restrictions on associations and non-governmental organizations. Security harassment and the threat of being tried before a judiciary which lacks independence continued to be used to intimidate and persecute activists, rights defenders, and union leaders. Indeed, several prominent members of the Algerian League for the Defense of Human Rights, a number of union activists, and members of committees working to defend the rights of the unemployed were sentenced to prison.

In the occupied Palestinian territories, rights activists continued to be arbitrarily targeted by the Israeli authorities as well as by the governments in both the West Bank and Gaza Strip. Severe restrictions were imposed on the freedom of movement and the ability of prominent rights advocates to travel. A researcher with the Dameer Association for Human Rights was subjected to torture while under arrest, and the offices of the Dameer Association for Human Rights, the Palestinian Non-Governmental Organizations Network, and of the Union of Palestinian Women Committees were raided and their equipment and files confiscated. The offices of the Palestinian Human Rights Foundation (Monitor) in the West Bank were also closed, and rights activists were subjected to harassment, threats, and assaults while carrying out field monitoring. In Gaza, a researcher with the Al Mizan Center for Human Rights was physically attacked after receiving death threats.

In Lebanon, rights activists were referred to military courts based on charges of tarnishing the reputation of the country and of the military after they published information regarding the conditions in a number of prisons and criticized practices of the army.

Even though Morocco is one of the few Arab countries in which human rights organizations are allowed a margin of freedom and independence in which to carry out their work, the authorities continued to be hostile to rights organizations working in the Western Sahara, including by refusing to allow such organizations to legally register. Rights activists working on the region continued to face arbitrary arrest, physical attacks, and unfair trials.

6. Minorities, Refugees, and Displaced Persons

In Egypt, sectarian violence continued and was accompanied by attacks on both places of worship and private property belonging to Coptic Christians. Such incidents were fed by an escalation of the extremist rhetoric inciting to intolerance and religious hatred. Both the Supreme Council of the Armed Forces and later the authorities affiliated with the Muslim Brotherhood perpetuated Mubarak-style policies in dealing with issues of sectarian violence, which led to a worsening atmosphere of impunity. As a result, entire Coptic families were forcibly displaced from their homes due to the failure of the security apparatus to protect Copts from attacks by extremist Muslims. Moreover, the authorities continued to deny citizens belonging to the Shiite sect their right to practice their religious rites, and a number of Shiites were prosecuted based on charges of spreading Shiite ideas and performing prayer rituals in a way that violates the Sunni tradition.

In Saudi Arabia, members of the Shiite Isma'ilyya minority were subjected to arbitrary restrictions on their right to freedom of religion, including on their religious celebrations and funeral processions. Discrimination against them also led to their clear exclusion from appointments to government positions. The Saudi authorities prosecuted religious leaders and political activists from this minority based on charges of undermining state security, and a number of them were sentenced to prison or banned from travel or from preaching.

In Bahrain, the authorities did not undertake serious measures to put an end to the systematic discrimination against citizens belonging to the Shiite sect, which makes up a majority of the population in Bahrain. Even though the authorities reinstated most of those who had been dismissed from their jobs as part of an attempt to repress the popular uprising of February 2011, a number of these workers were forced to sign pledges stating that they would refrain from participating in any future demonstrations.

In Syria, systematic discriminatory practices against the Kurdish minority declined, as the Assad regime focused instead on the all-out war against the Syrian people in a desperate attempt to suppress their calls for change. In fact, the Assad regime sought to keep the Kurdish population and other minorities removed from this conflict. The brutal repression which took place in the context of this conflict led to the displacement of nearly a million people, only

some 350,000 of whom were able to obtain refugee status after fleeing to neighboring countries.

In Iraq, religious, ideological, and racial minorities faced various forms of discrimination and armed attacks, as the dominant ideological and ethnic groups – such as Shiite and Sunni Arabs and Kurds – sought to extend their monopoly on power and wealth. Christians in particular were targeted by the government in an attempt to forcibly displace them and thus change the demographic makeup of the areas in which they live. The Yazidi minority in the region of Kurdistan was also subjected to repressive measures, with their activists restricted and their places of worship targeted. The Shabak and Turkmen minorities in Nineveh and Kirkuk were targeted by terrorist operations which were likely carried out in order to force these minorities to flee the areas in which they live.

The situation of Palestinian refugees in Lebanon saw no improvement in 2012. The severely restricted access to Palestinian refugee camps, and in particular the Nahr al-Barid camp, remained a source of tensions and even violent confrontations with the armed forces. Restrictions also continued to affect new non-Palestinian refugees, with attacks by security forces and the army affecting Egyptian and Syrian workers as well as Sudanese refugees.

In Sudan, those living in Darfur continued to suffer from armed attacks at the hands of state forces and tribal militias loyal to the government, which led to some 100 deaths, the destruction of a number of towns, and the displacement of some 25,000 people. Armed confrontations in the Kordofan and Blue Nile regions also caused some 170,000 people to flee their homes to refugee camps in South Sudan, yet even these camps were exposed to bombings by Sudanese planes. The Sudanese government further imposed a ban on all forms of trade with border areas, which exacerbated the problem of providing humanitarian assistance to refugees.

In Morocco, positive steps were taken to address the discrimination and marginalization experienced by the Amazigh minority through the recognition of the Amazigh language as a national language in the constitution. This was followed by the launch of a television channel in the Amazigh language. Nevertheless, the education system continued to include content which reinforces discriminatory views of the Amazigh people and their culture, and the Amazigh language was not adopted in public administration or state institutions.

7. Chronic Failures to Prevent Impunity

For the most part, perpetrators of grave crimes against human rights continued to enjoy immunity from accountability and punishment. Even in the countries which succeeded in toppling their authoritarian rulers, the transitional

authorities failed to adopt the holistic strategies for transitional justice necessary for successful transitions to democracy.

In Egypt, the security apparatus refused to cooperate with the authorities investigating crimes related to the killing of protestors, whether committed during the last days of Mubarak's rule, while the Supreme Council of the Armed Forces was administering the country, or after the elected president assumed power in June 2012. As a result, these investigations were not sufficiently thorough and lacked important evidence, thereby allowing for the acquittal of high-ranking officials and members of the security apparatus. The two exceptions were the deposed president, Hosni Mubarak, and his Interior Minister, Habib al-Adly, both of whom received initial sentences of life in prison. Even in these two cases, however, the considerations of the court constituted a strong basis for appealing the ruling and holding a retrial, as the court reached its decision after finding that it did not have sufficient evidence to convict Mubarak and al-Adly, except based on their failure to stop the killing of protestors.

The elected president also failed to uphold his promises to achieve justice for those killed during the revolution, despite the fact that he issued exceptional legislation under the name of "protecting the revolution," which opened the door – in the case of more evidence being presented – to reopen investigations and hold retrials in the cases related to the killing of protestors. However, the provisions of this law could be interpreted to allow for impunity for the crimes that occurred after Mubarak was ousted, both under the Supreme Council of the Armed Forces and the Muslim Brotherhood. This is particularly worrisome given that the new public prosecutor was selected and appointed singlehandedly by the president in violation of the law and the constitution, and his independence is in severe doubt. As such, it is highly unlikely that investigations will be conducted into the killing of protestors and acts of torture attributed to the police and to supporters of the Muslim Brotherhood after the elected president took power.

In Libya, the transitional authorities do not appear prepared to adopt a uniform approach to ensure accountability and prevent impunity for the grave crimes and violations which occurred since the beginning of the uprising and the military operations which led to the overthrow of the Qaddafi regime. Despite commitments by the National Transitional Council to cooperate with the International Criminal Court, the authorities opposed handing officials from the former regime for whom the Court had issued arrest warrants over to the Court. This is but one example of the widespread trend towards seeking revenge rather than ensuring justice in the country, as it would be difficult to claim that the Libyan judiciary is currently capable of establishing justice.

Instead, the Libyan authorities reinforced the atmosphere of impunity for crimes committed by the revolutionaries and armed militias by adopting Law 38/2012, the provisions of which guarantee protection from accountability and

punishment for all acts committed to ensure the success of and to protect the revolution. Indeed, it is not clear that the law exempts grave crimes such as forced displacement, arbitrary arrest, torture, and extrajudicial killing from this protection. The application of this law further entrenched the culture of impunity for similar crimes which continued to be committed even after the Qaddafi regime was overthrown.

In Yemen, the initiative of the Gulf Cooperation Council provided for the despot Ali Abdullah Salah to step down in return for guarantees of immunity from prosecution for Salah, his supporters, and his family for crimes committed by his regime against the Yemeni people.

Even though the presidency issued a decree to establish an independent, impartial committee to investigate the violations and massacres which had accompanied attempts to quell the popular uprising throughout 2011, the Yemeni parliament passed a law on “transitional justice and national reconciliation” which reinforced the impunity included in the Gulf Initiative, without prescribing criminal accountability for any of the parties involved in the human rights crimes which were committed since the outbreak of civil war in the 1990s.

In Bahrain, the authorities failed to implement the recommendations of the Bahraini Independent Commission of Inquiry related to the grave violations committed to repress of the popular uprising which began in February, 2011. Instead, the authorities sufficed with referring a limited number of low-ranking officers and soldiers to court; only three of them were condemned and sentenced to prison.

In Sudan, the Bashir regime continued to commit crimes against the Sudanese people, especially in Darfur and the Kordofan and Blue Nile regions. International and regional pressures on the Sudanese regime to comply with the rulings of the International Criminal Court, to cooperate with it, and to surrender those responsible for war crimes, genocide, and crimes against humanity in the context of the armed conflict in Darfur diminished.

In Lebanon, prospects dimmed for uncovering the truth about and achieving accountability for the assassination of former Prime Minister Rafiq al-Hariri, the most prominent Sunni political figure in the country, as well as for a series of bombings and assassinations that targeted other Sunni leaders and those aligned with al-Hariri. Hezbollah continued to defy the rulings of the Special Tribunal for Lebanon – the international tribunal set up to prosecute those responsible for the al-Hariri assassination – and refused to hand over those among its members who were indicted by the Tribunal. Hezbollah further threatened to ignite civil war if the opposing camp supported the International Criminal Court. Attempts to uncover the truth of what happened to thousands of individuals who disappeared during the years of Syrian military invasion of Lebanon remained similarly ineffective.

Finally, Israel announced that it would cease to cooperate with the United Nations Human Rights Council in response to a resolution by the Council condemning the continued proliferation of settlements in the occupied Palestinian territories and calling for an international fact-finding mission to be sent to investigate the issue of settlement policies. Similarly, the recommendations of the United Nations Fact-Finding Mission on the Gaza Conflict – established to investigate the grave crimes committed during the war on Gaza in late 2008, which left some 1400 people dead – were not implemented, nor were those who refused to implement the recommendations held to account.