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Co-operation between the Council of Europe and the emerging democracies in the Arab world

Addendum to the report¹

Committee on Political Affairs and Democracy

Rapporteur: Mr Jean-Charles GARDETTO, Monaco, Group of the European People's Party

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1. Introduction

1. When adopting my report in June, the committee asked me to prepare an addendum just before the debate scheduled for the October part-session so as to include the latest developments in the region.

2. The present document attempts to give an overview of the situation mainly in three countries in the region: Egypt, a state already in a post-revolutionary stage; Libya, a state where the revolution is almost winning; Syria, where the revolution is still struggling against the bloody violence of the regime.

3. The chapter on Egypt is of course somewhat more extensive, as I had the opportunity to visit the country. I also took part in the Assembly delegation that visited Tunis mid-September, under the chairmanship of Mr Andreas Gross, to evaluate the electoral campaign prior to the elections to Tunisia's National Constituent Assembly, on 23 October 2011. The delegation noted with satisfaction that, despite a number of technical difficulties, the Tunisian authorities have swiftly devised a legal framework for organising pluralist elections and are taking the necessary steps to guarantee the democratic nature of the entire electoral process and to strengthen the confidence of political players and citizens in the elections.

1. Addendum approved by the committee on 3 October 2011.



4. As the situation in Tunisia is being closely followed by Ms Anne Brasseur, rapporteur, and Mr Andreas Gross, chair of the pre-electoral and election observation mission, I will refrain from analysing the situation in the country. I refer to the statement issued by the pre-electoral delegation, which is appended to this addendum.

5. I wish simply to repeat that it is certainly no coincidence if the first stage of the revolution at least seems to have been successfully concluded in these two countries, Tunisia and Egypt. In both cases, the role of the army as an arbitrator has been decisive. In both cases, several players coexisted: the first, "the street", was the one that successfully mobilised the younger, the poorer but also the middle class and the intellectuals – the youth launched the movement but could not really take it further from there; political parties and opposition leaders (well known internationally) came second; finally, the army, distancing itself from the old regime, managed to acquire renewed legitimacy in both cases.²

6. Both Tunisia and Egypt will soon undergo the major test of elections. It is not sufficient that elections are organised in such a manner as to guarantee that they will be "free and fair". It is equally important that people go and vote. In Tunisia, we heard much hesitation from ordinary citizens. In Egypt, where under the previous regime participation was between 5% and 10% (!), we were told that half of the electorate was expected to go and vote. Everything must be done so as to create a climate of trust before and during the forthcoming elections in these countries, so that the population votes.

7. As regards the situation in Morocco, without entering into details since this file is closely followed by Mr Luca Volontè, rapporteur, I would simply like to refer to the fact that the new Moroccan constitution was approved by referendum in July, and early parliamentary elections (to the Chamber of Representatives) will take place on 25 November 2011. Thousands of Moroccans demonstrated against the government in Casablanca on 25 September 2011, threatening to boycott the elections.

8. The Assembly should reiterate its expectation to be fully accredited to observe these elections in line with the terms of [Resolution 1818 \(2011\)](#) granting the status of partner for democracy to the Parliament of Morocco on 21 June 2011, although the legislation in force does not provide for election observation by international organisations.

2. Egypt

9. I visited Egypt from 23 to 27 September 2011 in my capacity as rapporteur on co-operation between the Council of Europe and the emerging democracies in the Arab world. As decided by the committee and the Bureau of the Assembly, I was accompanied by Mr Konstantinos Vrettos, rapporteur on the overall situation in the Middle East. It was already clear from my mandate that the purpose of the visit was to establish first contacts and explore prospects of co-operation between Egypt and the Assembly, but also in general with the Council of Europe. Of course, my visit allowed me to obtain an insight into the process of democratic transition in the country, which I find useful to share with my colleagues.

2.1. Brief overview of the process of democratic transition

10. Egypt seems to have progressed to a post-revolutionary phase in which the struggle is no longer waged so much in the street as at the political level.

11. After the passage, by about 77.8% of votes, of the constitutional amendments put forward by the Supreme Council of the Armed Forces (SCAF), which has exercised power since former President Hosni Mubarak stood down, pending the reinstatement of a civil government, and the proclamation of new constitutional provisions, an election schedule has been announced although the dates envisaged for the ballots were not clearly fixed.

12. The mass movements drawing a million persons or more to Tahrir Square and into the streets of the principal towns of the country seem to have given way to sporadic demonstrations of a trade union or class type demanding a better economic and social situation for a given socio-occupational category. The population is apparently affected by a certain "revolutionary fatigue", making it less vehement in its demands. Moreover, several forces that were active in the early days of the revolution among the young people appear to be tending towards political action in one of the political parties.

2. See Hamit Bozarslan, "Réflexions sur les configurations révolutionnaires tunisienne et égyptienne", in *Mouvements des idées et des luttes* No. 66, summer 2011.

13. The essential aim of many revolutionaries was Mubarak's relinquishment of power, and this has been achieved.³ At this stage, the democratic or anti-corruption causes no longer appear to rally the crowds as much as before. It should also be noted that many old regime politicians (particularly the members of the National Democratic Party – NDP) have switched to new political formations created after the revolution and, given the notoriety attaching to their names, are likely to carry some weight with sympathisers of the old regime in the forthcoming electoral process.

14. The political parties band together in alliances, which may be surprising at first sight considering the markedly divergent tendencies of their components. For example, the secular liberal-nationalist party Al-Wafd turns up in the National Democratic Alliance dominated by the Muslim Brotherhood's Freedom and Justice Party, in which some 37 political parties participate.

15. The Muslim Brotherhood is undoubtedly the largest and best organised political group in Egypt, a country in which religion (whether Muslim or Christian) plays an important role. On launching its new party, the Muslim Brotherhood confirmed that it did not object to women or Copts in a ministerial position (cabinet). One of the vice-presidents of the new party is a Copt. They do however deem "unsuitable" for the presidency both women and Copts.

16. Our interlocutors credited the Muslim Brotherhood's Freedom and Justice Party overall with a score ranging from 25% to 33%, making it in all probability the country's leading political force, though without it attaining the absolute majority that would allow it to govern on its own. The Brotherhood appears not to want really to exercise power, no doubt for fear that the measures that will need to be proclaimed just after the elections might make its backers unpopular, thus losing part of the revolutionary people's support. So it would only put up candidates in half the constituencies.

17. However, according to analysts, the primary role the Brotherhood is called upon to perform seems to stem not only from the strong religious sensibility of the Egyptian people but also from the social context of the vote and the deep-seated clientelism prevalent in Egypt. The Islamist vote is perceived as having the advantage of giving meaning and significance to public action because it sustains a project.⁴ A party like Al-Wafd seems to want to benefit from the pull towards power exerted by the Brotherhood so as to participate in government and effectively exercise power in "harmony" with the Brotherhood, and by proxy. Its representatives underlined that they mainly wanted to avoid any split of the population between the Islamist forces and the others (which is what actually happened during the constitutional referendum of March 2011). It is worth noting that Al-Wafd won all the elections between 1919 and 1952. It joined the revolution on 25 January 2011.

18. The Egyptian block is another electoral alliance in Egypt, formed, *inter alia* by several liberal, social democratic and leftist political parties and movements, including Al-Masreyeen Al-Ahrar (Free Egyptians Party), led by the Copt millionaire Naguib Sawiris, the Democratic Front Party, the Egyptian Social Democratic Party, the Egyptian Socialist Party, the Egyptian Communist Party, the National Association for Change and the Farmers' Syndicate. The block was formed mainly for the purpose of preventing the Muslim Brotherhood, and its affiliated Freedom and Justice Party, from winning the forthcoming parliamentary elections. The groups that compose this alliance share a common vision of Egypt as a "civil democratic state". Former members of Al-Wafd have left to join this block.

19. The multiplication of social protests from 2006, particularly by the "Kefaya" movement (meaning "Enough!"), has also rivalled the discourse of Islamic protest.

20. The representatives of the liberal Al-Ghad (Party of Tomorrow), for their part, told us that they did not want to form any electoral alliances and preferred to run alone as a party, being open of course to post-electoral alliances. They also oppose the Islamists, are for separation between religion and politics and advocate a "civil democratic state". They have developed important educational programmes geared towards both children and young people.

3. According to Sarah Ben Néfissa, "Révolution civile et politique en Egypte. La démocratie et son correctif" [Egypt's civil and political revolution: democracy and its corrective], in *Mouvements des idées et des luttes* No. 66, summer 2011, they have "removed the head of the regime but not the actual regime".

4. See Patrick Quantin, "La difficile consolidation des transitions démocratiques africaines" [The difficult transition of African democracies] in *Démocraties d'ailleurs*, Karthala Paris, 200, pp. 479-508, whose analysis of the democratic transitions of all the countries in sub-Saharan Africa emphasises disenchantment with the effects of democracy and raises the issue of its consolidation. He notes the non-renewal of the "pre-democracy" political elites, which thereby show their ability to hang on despite electoral competition. This might well be true of the NDP elites in Egypt.

21. Many of the young people have formed various (probably too many) political parties gathered together in a not so homogeneous Coalition of the Youth of the Revolution. Others joined more traditional parties, including Islamist ones.

22. It seems that, for the youth who “made the revolution”, it is now more difficult to “do politics” because they lack the necessary experience. Most of our interlocutors insisted that what we see now should not be perceived as the “confiscation of the revolution” but as a normal process of transition, whereby traditional political parties may be eventually called on to implement the goals of the revolution that the youth initiated. What is of utmost importance is whether those who come to power will eventually meet the goals of the revolution calling for democracy, transparency and justice. This question cannot be answered at this stage.

23. It should also be noted that in reality the nature of the Egyptian revolution seems to be less political, in the strict sense, than civil. By overthrowing President Mubarak, for the first time in their history Egyptians have had practical experience of popular sovereignty, and on that account their revolution is truly political. Nonetheless, those who conducted it have no political and ideological leadership. It is a revolution without an attempt by the revolutionaries to take over power. The social movements seek “neither to take nor to wield power; they seek to influence official policies and decisions”.⁵

24. Thus, the Egyptian revolution seems to be chiefly a revolution of the country’s civil society carried out by a people acting as watchdog, veto wielder and judge to complement or rectify its electoral function.⁶ One of the major impacts may be mass participation in the public realm, formerly confined to the cultured elites in the capital, close to power. This participation will be effected by speech, street demonstration and social impetus and will have bearing on the big questions of Egypt’s future. “If this prognosis is borne out, the impact of the Egyptian revolution will have been civil society’s emergence as a kind of remedy to the disenchantments of electoral democracy.”⁷ That would ensure its success.

25. The SCAF signifies its wish to hand over power to the civilians. But the originally foreseen term of six months is now past, and the process of transition may not be completed before the beginning of 2013.

26. In particular, because the judiciary obtained sole authority to supervise the elections (the High Elections Commission being exclusively composed of judges)⁸ and enjoys a good reputation for independence in the country, the organisation of the forthcoming elections in Egypt could not be contemplated without the participation of the magistrates as a supervisory body. However, the country does not have enough judges to cover all the polling stations at once. The elections to the People’s Assembly will therefore be conducted in stages, beginning with voting in a third of the constituencies, then in the next third, then in the last third, on each occasion at an interval of some weeks. Furthermore, there will be two rounds per zone.

27. Elections to the People’s Assembly should start at the end of November 2011 (the date of 28 November has been announced) and should be completed by January 2012. Elections to the Shura (upper house) should start as of the end of January and are due to be completed in March 2012.

28. The two houses of parliament will then have up to six months to elect a Constituent Assembly, composed of 100 members, not necessarily parliamentarians. It is to be hoped that they will do so in a much shorter period of time. In any event, the Constituent Assembly, once elected, has up to six months to draft the new constitution, which will then have to be approved by national referendum.

29. Presidential elections would normally be held after the new constitution is approved since the latter should, *inter alia* decide on the new presidential powers and the overall division of power.

30. The main declared candidates are Mohamed ElBaradei, Amr Moussa, Abdel Moneim Aboul Fotouh, Mohammad Salim Al-Awa and Ayman Nour. Major-General Morad Mowafy, head (with ministerial rank) of the Intelligence Directorate, negotiator of the Camp David Accords and reconciler of Hamas with Fatah, stated that SCAF did not intend to put up an army candidate for the national presidency. The Muslim Brotherhood does not propose a candidate either and has expelled its youth leader, Aboul Fotouh, from the party precisely because he declared his candidacy against its recommendation.

5. The watchword being “the people want the government’s dismissal” but not the seizure of power; see Sarah Ben Néfissa, *op. cit.*, p. 51.

6. See Pierre Rosanvallon’s important work (“La contre-démocratie, la politique à l’âge de la défiance”, Le Seuil, Paris, 2006) on the changes of political expression, a valuable contribution to the renewal of the concept of civil society. Pierre Rosanvallon also speaks of “the democracy of distrust and surveillance”.

7. See Sarah Ben Néfissa, *op. cit.*, pp. 54-55.

8. Legislation in force mentions election observation by “international civil society organizations”. However, the SCAF has announced that there will be no international election monitoring of the forthcoming parliamentary elections.

31. Although we heard several possible dates for the organisation of the presidential elections, taking into account the above-mentioned considerations, it is difficult to imagine that they could be held before autumn 2012 or more likely the beginning of 2013.

32. The electoral system has been an issue of controversy between the SCAF and the political parties and was also raised in our discussions with representatives of political parties. Initially, draft amendments to the law on parliamentary elections proposed by the SCAF provided for half of the seats in the parliament to be awarded by a vote on party lists and half by a vote on a single-candidate list. Representatives of all political parties we met stressed their preference for elections on the basis solely of party lists because they feared that single-candidate lists would privilege former members of Mubarak's National Democratic Party.

33. We were in Cairo on the very day, Sunday, 25 September, that Egypt's cabinet, in a meeting headed by Prime Minister Essam Sharaf, approved the amendments to the law on elections. The amendments finally provide that two thirds of the parliament will be elected through (closed) party lists, while one third will be elected through a single-candidate list. Members of parliament are to be elected through a general vote, with half of the members being either farmers or workers. The amendments also require that each list include at least one female candidate.

34. The new law divides Egypt into 129 constituencies: 46 where members will be elected using the party-list voting system and 83 where members will be elected using a single-candidate-list voting system. It has reduced parliamentary seats from 504 to 498.

35. Even if the amendments as approved are an improvement compared to the previous proposal, all political parties have reacted strongly against the cabinet's decision, calling for a change to the relevant provisions so that all seats in parliament would be filled by a vote on party lists. Some parties actually went on to threaten to boycott the elections should the law remain unchanged.

36. Another demand that seems to be shared by all political parties is the one relating to the proposed ban on former members of the NDP from standing for election for the next 10 years. The scope of the ban seems to vary according to the parties, with some calling for a more extensive ban covering all officials involved in the misuse of power under former President Mubarak. In any event, no such ban has been decided so far.

37. As regards media coverage of the campaign, political party representatives seem to be satisfied that measures have been taken to ensure equal broadcasting time on national television channels for all parties.

38. The elections, both for parliament and for president, as well as the preparation of a new constitution, which would lead to the smooth transition of power to a civilian government, are among the major challenges Egypt is facing today.

39. Other challenges our interlocutors mentioned include security concerns, the status of the army and the balance of powers in the future constitution, the choice between a religious or a secular state, the status and role of women and the status of Copts.

40. It is to be recalled that both women and Copts played an important role during the revolution. At present, interlocutors defending women's rights told us that the role of women is diminishing. A quota of 64 seats for women provided in the previous election law has been removed. The new amendments simply provide for one woman candidate in each party list.

41. Regarding security concerns, some of our interlocutors told us that increasing criminality on the streets is one of the main problems Egypt is facing at present; others told us that there has been some exaggeration of security concerns to justify the extension of the emergency law, announced by the SCAF following clashes between demonstrators and security forces at the Israeli Embassy on 9 September. The emergency law, previously limited to terrorism and drug-related crimes, can now be applied to offences such as disturbing traffic, blocking roads, broadcasting rumours, possessing and trading in weapons, etc. We were also told that some 12 000 civilians have been brought to military courts under the military law in the past six months.

42. That said, the SCAF still seems to enjoy legitimacy and support among the population as the guarantor of state order. The decision of the military to try former President Mubarak and his sons, including on charges of "premeditated murder" of some protesters, as well as his close collaborators on misappropriation of public funds and related charges, is seen as a major test by the population. A few days ago, the former information minister was sentenced to seven years' imprisonment. The former president and his two sons are in prison pending completion of their trial.

43. With respect to the attack on the Israeli Embassy, I would recall that, in my June report, I welcomed the fact that the Arab spring revolutions “were nationwide and, generally speaking, the populations turned to Europe and the United States for help, not to criticize”. I might have added that nowhere were the protesters seen burning Israeli flags or uttering anti-Semitic slogans, which was a positive assessment of the revolts: they were for something, not against something. The attack on the Israeli embassy in Cairo on 9 September, although not related to the revolution, is of course regrettable, and the authorities should indeed ensure that a recurrence of such acts is prevented.

44. Issues of foreign policy were briefly raised in my discussions with political party representatives as well as with Major-General Mowafy. The latter confirmed, in particular, that Egypt wanted to stay on good terms with Israel and the United States. It is worth noting that, immediately after the removal of President Mubarak, the SCAF renewed Egypt’s commitment to all its international and regional treaties, including the peace treaty with Israel. After the episode of 9 September, both Israel and Egypt reaffirmed their commitment to the peace treaty. Major-General Mowafy did, however, tell me that Israel should apologise for the killing of Egyptian soldiers during night operations along the Israeli-Egyptian border in August.

45. Inevitably, the Palestinian bid for statehood in the United Nations Security Council was also raised in almost all meetings I had in Cairo. It is worth recalling that it was in Cairo that the reconciliation agreement between Fatah and Hamas was signed on 4 May 2011, with the active involvement of then Foreign Minister Nabil El Araby – now the Secretary General of the Arab League – and Major-General Mowafy.

2.2. Prospects of co-operation between Egypt and the Council of Europe

46. As indicated earlier, the purpose of my visit to Egypt was to establish first contacts and explore the prospects of co-operation between Egypt and the Parliamentary Assembly, but also in general with the Council of Europe. I insisted that we were not imposing any assistance but simply offering to share with our Egyptian partners experiences and best practices.

47. More specifically, we discussed prospects of co-operation with representatives of political parties, the media and human rights and women’s rights organisations, as well as representatives of the ministries of foreign affairs and justice and Major-General Mowafy.

48. In all meetings, we presented the opportunities offered by the partner for democracy status recently created by the Parliamentary Assembly for the parliaments in the neighbouring regions, a status that would be available to the Egyptian parliament after elections upon request. We also spoke of the opportunities for co-operation offered by Council of Europe bodies open to non-member states, such as the [European Commission for Democracy through Law \(Venice Commission\)](#)⁹, the Council of Europe’s advisory body on constitutional and electoral matters, which could be of particular relevance in the context of preparation of a new constitution. We underlined the fact that Morocco, Tunisia and Algeria were already full members of the Venice Commission. In particular, we proposed that a conference could be organised in Cairo after the parliamentary elections, with the participation of members of our Assembly and of the Venice Commission, to exchange views and share experiences and best practices in the context of preparation of the new constitution. Such a conference could be hosted by the new parliament or a research centre, such as the well-known Al-Ahram Center for Strategic and Political Studies.

49. We also referred to the work of other Council of Europe bodies or partial agreements open to non-member states, such as the European Centre for Global Interdependence and Solidarity (North-South Centre)¹⁰, the [Pompidou group](#)¹¹, the Group of States against Corruption ([GRECO](#))¹² and [MONEYVAL](#)¹³, as well as parliamentary and intergovernmental co-operation programmes, particularly as part of the new, demand-driven “policy of the Council of Europe towards neighbouring regions”.¹⁴

50. The representatives of all political parties we met were enthusiastic about prospects of future co-operation with the Parliamentary Assembly and in particular about the partners for democracy status, as well as with the Council of Europe in general. Although US President Barack Obama’s speech earlier this year had created great expectations in the region, the American position on the issue of the Palestinian bid for statehood has generated a strong disillusion and a lack of confidence in the Americans. We were told that the

9. www.venice.coe.int/.

10. www.coe.int/t/dg4/nscentre/default_en.asp.

11. www.coe.int/T/dg3/pompidou/.

12. www.coe.int/t/dghl/monitoring/greco/default_EN.asp?.

13. www.coe.int/t/dghl/monitoring/moneyval/default_EN.asp?.

14. See also section 6 below.

Egyptians were now looking towards Europe more than ever in the past. The politicians we met also seemed to be positive about the fact that we were not seeking to teach lessons or impose anything but to share experiences and best practices.

51. Because the procedure for partner for democracy status can only be initiated after the elections, we felt that Egyptian politicians might like to begin a dialogue with us even before then. It was thus only natural that we invited them to follow the debates during the fourth part-session of our Assembly, including the debate on my report but also the debate on the request for partner for democracy status by the Palestinian National Council, as well as the address by President Mahmoud Abbas. I am pleased to see that, despite the extremely short notice, representatives of political parties from Egypt are coming, and we should be able to have an exchange of views with them this week.

52. I think that Egypt at this crucial moment in its history needs support more than ever. If initiating a dialogue with politicians from the country can contribute even a little to supporting to the democratic transition of the country, it is worth doing.

3. Recent developments in other Arab countries

3.1. Libya

53. Not having had the opportunity to visit Libya thus far, I will limit myself to a short overview of developments since June 2011, in the hope that a separate report on this country can be prepared once security conditions make such a visit possible.

54. After six months of armed conflict, National Transitional Council (NTC) troops finally took control of Tripoli at the end of August, while the former dictator fled, leaving behind extensive evidence of human rights violations. He has not yet been found. The NTC now controls the whole country with the exception of small pockets of resistance in Bani Walid and Sirte.

55. On 23 August, Catherine Ashton, European Union High Representative for Foreign Affairs, identified four areas of support: medical supplies and fuel; security and the functioning of police forces, while bringing under control the weapons now in the hands of civilians; economy, with the release of assets and the removal of sanctions; and democracy.

56. The British prime minister and the French president visited Tripoli and Benghazi on 15 September, where they met with members of the NTC.

57. On 16 September, the United Nations Security Council unanimously adopted Resolution 2009 aiming at assisting Libyan national efforts to restore public security, promote the rule of law, foster inclusive political dialogue and national reconciliation and embark on constitution-making and electoral processes.

58. Human Rights Watch has expressed concern about the possible misappropriation of weapons from the vast arsenal assembled by Colonel Gaddafi. US Secretary of State Hillary Clinton referred to the possibility that the missing weapons could be sold to terrorists on the black market, and other observers fear a civil war in Libya. Some of our interlocutors in Cairo mentioned that some of those weapons, including surface-to-air missiles, had found their way into Egypt.

59. In his first speech in Tripoli after Gaddafi's flight, Mustafa Abdul Jalil, head of the NTC, outlined his plans for a modern and democratic state based on moderate Islam.

60. Amnesty International has called on the NTC to take steps to prevent human rights abuses by anti-Gaddafi forces. In its latest report, the NGO says that, whilst the bulk of violations were carried out by loyalist forces, anti-Gaddafi fighters have also been involved in torture and revenge killings.¹⁵

61. In a statement on 13 September, the NTC condemned all abuses committed during the war, and said it "will move quickly to act on Amnesty International's findings to make sure similar abuses are avoided in areas of continued conflict such as Bani Walid and Sirte".

15. See Libya: Human Rights Agenda for Change. (www.amnesty.org/fr/library/asset/MDE19/028/2011/en/03b4a92b-9f56-4139-bc51-fb7eda78696f/mde190282011fr.html)

62. On 20 September, the National Transitional Council was recognised by the African Union as the country's *de facto* government. On the same day, Mustafa Abdul Jalil took the floor for the first time at the United Nations, speaking at a meeting attended by US President Obama, French President Nicolas Sarkozy and other world leaders.

63. Several political parties have been created in the past few months, from Islamists to liberals, including the Libyan National Democratic Alliance, chaired by Ms Souhila Sherif, but no electoral calendar has yet been agreed. It is feared that internal divisions in the NTC, in particular those pitting the secular against the Islamists, might delay the formation of a transitional government. There seems indeed to be a real confrontation between liberals and conservatives. For their part, women demonstrate every Friday to have their place recognised in society.

64. Libyans are known to be a religious people but belong to the Malikite school, which is a moderate branch of Islam. At the same time, certain "katibas" (brigades) fighting the troops of Gaddafi are reportedly led by former members of the Libyan Islamic Fighting Group, a clandestine Islamic movement battled by Gaddafi and recently reborn under a different name. General Abdel Fattah Younes, the chief of the NTC army, wanted to unify all the katibas under his authority. He was assassinated. The investigation has not yet been completed, and the persons responsible for his death have not yet been officially identified.¹⁶

65. A meeting of more than 300 Libyan lawyers was announced for 3 October in Misrata to discuss the future constitution.

3.2. Syria

66. Since June, the Syrian authorities have intensified their bloody repression. According to the International Federation for Human Rights,¹⁷ the Damascus Center for Human Rights Studies received, on a quasi-daily basis, numerous reliable reports of grave human rights violations committed against civilians in Syria. These crimes included extra-judicial killings and the increasingly systematic use of violence by governmental forces; mass arrests, abductions, enforced disappearances and detention of civilians; acts of torture; degrading or inhuman treatment; repression of the freedom of peaceful assembly and violations of the freedom of information, notably targeting the media and human rights defenders; military operations and actions undertaken to besiege cities; and practices amounting to collective punishment and the deprivation of food, water and medical supplies, as well as the restriction or denial of access to hospitals.

67. As of 24 September 2011, more than 2 830 individuals have been killed.¹⁸ Estimates of arrests run into the tens of thousands. Some 20 000 have fled the country, most of them to Turkey.

68. On 22 August, the United Nations Human Rights Council decided to send to Syria an independent international Commission of Inquiry to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic. On 12 September, the president of the Human Rights Council announced the appointment of three high-level experts as members of the Commission of Inquiry.

69. On 14 September, Recep Tayyip Erdogan, the Turkish prime minister, declared that he no longer believed in Syrian President Bashar Al Assad and warned against the possibility of a civil war erupting in Syria.

70. On 14 September, the European Union stepped up considerably its sanctions on Syria. The European Union had already targeted more than 50 Syrian individuals and around a dozen Syrian companies.¹⁹

71. Notwithstanding the United Nations Security Council's condemnation of Syria (on 3 August) for widespread violations of human rights and the use of force against civilians in its crackdown on protesters, the Syrian foreign affairs minister took the floor at the United Nations General Assembly on 26 September, blaming the demonstrations as "foreign intervention".

16. For the whole paragraph, see "Les islamistes libyens en embuscade" by Renaud Girard in *Le Figaro* of 27 September 2011.

17. Bashar Al Assad: criminal against humanity, report of human rights violations committed in Syria. March-July 2011, www.fidh.org/Bashar-Al-Assad-Criminal-Against.

18. See: www.syrianmartyr.com/martyrs-syrian-revolution-0

19. Wall Street Journal, 14 September 2011.

72. A draft resolution against Syria is being discussed by the United Nations Security Council, but its members are divided over sanctions: the United Kingdom, France, Germany, Portugal and the United States would be in favour, but Russia, China, Brazil, India and South Africa have come out against them. The word “sanctions” might be replaced by the word “targeted measures” to overcome the opposition of Russia and the other countries.

73. In the meantime, Syrian opposition personalities announced in Istanbul, on 13 August, the setting up of a Syrian National Council (SNC) to co-ordinate the various components of the opposition to the Assad regime. On 1 October, the SNC carried out, in camera, negotiations with other Syrian regime opponents in Istanbul with a view to convincing them to join the SNC. Discussions have been going on for several days with Burhan Ghalioun, a university professor in Paris and long-standing opponent, as well as with Kurds and representatives of tribes. The final composition of the SNC should be announced within the next couple of days.

74. According to diplomatic sources in Damascus, the rise in power of the SNC could be the result of an agreement between Americans, Turks and Muslim Brothers on the basis of three main tendencies: nationalists, liberals and Islamists.

75. At the same time, religious minorities in Syria – particularly the Christians – fear an unknown, post-Assad future.

3.3. Other recent developments in the region

76. In Yemen, during the summer, security forces continued to fire on anti-government protesters in the capital. On 25 September, it was reported that around 100 persons had been killed during the week.

77. A United Nations panel warned that Yemen was close to civil war, and the Security Council has urged all parties to stop the violence and to allow more access to humanitarian aid.

78. The president, Ali Abdullah Saleh, who spent three months in Saudi Arabia after being hurt in an attack on his presidential palace, returned to Yemen on 23 September. In his first speech, Mr Saleh called for dialogue and early polls. Since then, he has clearly stated that he will not step down.

79. In Jordan, a panel appointed in April 2011 to draw up reforms presented 42 proposals to King Abdullah in mid-August. The king welcomed the proposals, but activists complain that they do not go far enough.

80. On 28 September, a court in Bahrain sentenced 20 doctors and other medical personnel who had treated protesters in the spring to 5 to 15 years of imprisonment, after convicting them of incitement to overthrow the regime.

81. On 25 September, King Abdullah of Saudi Arabia promised to protect women's rights and said women would be allowed to participate in municipal elections in 2015. He also promised to appoint women to the all-male Shura Council advisory body.

4. The Council of Europe policy towards its immediate neighbourhood

82. In my June report, I referred to the proposals made by the Secretary General of the Organisation at the Ministerial session in Istanbul in May 2011 for a new Council of Europe policy towards its immediate neighbourhood. Following the Ministers' decision, which took note of the Secretary General's proposals and invited him to develop action plans for the implementation of this policy, with a view to their approval by the Committee of Ministers, contacts have been pursued by the Secretariat with the authorities of a number of countries in order to identify areas of co-operation where the Council of Europe can provide meaningful assistance. It is worth noting that the partner for democracy status, proposed by our Assembly to parliaments in neighbouring regions, is one of the main elements of this new Council of Europe policy and one that seems to interest greatly the European Union, especially in view of the benchmark-setting and follow-up mechanism it implies.²⁰

20. I refer to Ms Kerstin Lundgren's report on the impact of the Lisbon Treaty on the Council of Europe (Doc. 12713), which refers extensively to the opportunities opened for co-operation with the European Union in the context of the revised EU European Neighbourhood Policy, on the one hand, and the Council of Europe policy, on the other, after the entry into force of the Lisbon Treaty, and in particular with regard to events in the southern Mediterranean.

83. A “progress report on the implementation of the Council of Europe policy towards its immediate neighbourhood” was discussed in the Deputies’ Rapporteur Group on External Affairs (GR-EXT) on 29 September, 2011.²¹ It contains a status report in terms of political dialogue between the Council of Europe and the countries in question as well as preparations for future actions for demand-driven co-operation. According to this document, the immediate priority is to finalise agreements on targeted co-operation with Morocco and Tunisia in the framework of a “joint facility” with the European Union for the southern Mediterranean.

84. The Secretary General of the Assembly participated in the discussions at the GR-EXT meeting during which the idea of developing further synergies between the intergovernmental sector and the Assembly in pursuing a Council of Europe policy towards neighbouring countries or regions has been welcomed by several delegations. There has therefore been an agreement in principle to invite Assembly rapporteurs on matters related to this policy to one of the next meetings of GR-EXT. I think that, from our side, we could also extend an invitation to the chair of GR-EXT for an exchange of views on the Council of Europe policy towards its immediate neighbourhood at one of our next meetings. Other important stakeholders, such as the President of the Venice Commission, could also, for instance, participate in such an exchange of views so as to ensure the best possible synergy and dialogue and so that a single message is sent by the Organisation to the countries concerned.

5. Concluding remarks and proposed amendments

85. This is not meant to be an exhaustive report on the “Arab spring” or on the situation in all of the Arab countries but a report on possible co-operation between the Council of Europe and the emerging democracies in the Arab world. The possibilities vary, of course, from one country to the other: we have established good links with Tunisia and with Morocco; we have started contacts with Egypt and with Algeria; and we hope to start them very soon with Libya. Others have not yet advanced far enough on the path to democracy. We are of course open to co-operation with all of them, if they so wish.

86. In its approach, the Council of Europe does not try to impose a model or to teach lessons; its aim is to make available its accumulated experience and relevant mechanisms in order to assist the new democracies in establishing democratic institutions, in protecting human rights and in ensuring the rule of law. It was in this same manner that we approached the new democracies in southern Europe in the 1970s and the new democracies in central and eastern Europe in the 1990s.

87. The same approach was used when the Assembly set up the status of partner for democracy in 2009, just before the beginning of the “Arab spring”.

In order to update the draft resolution we adopted in June 2011, I propose the following amendments:

Amendment A

In paragraph 1, replace the last sentence with the following text:

“Referring also to its [Resolutions 1791 \(2011\)](#) and [1819 \(2011\)](#) on the situation in Tunisia, the Assembly welcomes, in particular, the encouraging developments in Tunisia and Egypt and fully supports the process of democratic transition in these countries.”

Amendment B

After paragraph 2, add the following new paragraph:

“The Assembly welcomes the success of the pro-democratic forces in Libya. It supports United Nations Security Council Resolution 2009 aimed at assisting the transitional authorities in Libya and is ready to assist the authorities if they so wish. It calls on the National Transitional Council to do its utmost to prevent human rights abuses by the forces under its control and to bring to account those responsible for alleged abuses.”

Amendment C

In paragraph 3, first line, delete the words: “Libya and”

Amendment D

21. See document SG/INF(2011)20: [https://wcd.coe.int/wcd/ViewDoc.jsp?Ref=SG/Inf\(2011\)20](https://wcd.coe.int/wcd/ViewDoc.jsp?Ref=SG/Inf(2011)20).

In paragraph 7, replace sub-paragraph 7.4 by the following:

“to review and, if necessary, reform national laws, including family law, so that they comply with international law on gender equality guaranteeing that women have equal rights and opportunities, and ensure that women are able to exercise these rights and to participate fully and equally in social and political life, particularly in the democratic processes of transition, in voting and standing for elections and in the setting up of businesses.”

Amendment E

In paragraph 9, replace the end of the paragraph as from the words “21 June 2011” with the following text:

“... and expects to be fully accredited to observe the parliamentary elections to be held in Morocco on 25 November 2011 in accordance with the terms of this resolution. It also notes that the Palestinian National Council was granted the status of partner for democracy on 4 October 2011.”

Amendment F

After paragraph 10, add the following new paragraph:

“The Assembly calls on the authorities of Tunisia and Egypt to create a climate of trust before and during the forthcoming elections in these countries, so that the population go and vote, and to take all adequate measures to ensure that these elections are free and fair in order to give appropriate legitimacy to the new institutions.”

Amendment G

At the end of paragraph 12, add the following new sub-paragraph:

“to establish contacts with the League of Arab States and explore the possibilities to share the experience of the Council of Europe with Arab countries in the fields of democracy, human rights and the rule of law.”

Amendment H

After paragraph 15, add the following new paragraph:

“It is also imperative to create de facto solidarity between the two shores of the Mediterranean and to meet the need of young people of the south to communicate with the outside and to belong to the community by facilitating a greater number of exchanges between young people from the north and the south, as well as mobility, through the granting of visas and facilitating the acquisition of experience by students who will have demonstrated their skills; turn to good account the diaspora networks of the countries of the southern shore of the Mediterranean that have been successful abroad, enabling young people from the south to look to them for support; allow the youth of the south to benefit from the European institutions and programmes and help them realise projects; build connections between universities and between NGOs on both sides of the Mediterranean; develop networks of entrepreneurs; assist the civil society; facilitate access to information, in particular through opening access to Internet and giving journalists and bloggers the opportunity to be heard.”

Appendix -Tunisia: Statement by the pre-electoral delegation of the Council of Europe Parliamentary Assembly

Strasbourg, 16.09.2011 – A delegation from the Parliamentary Assembly of the Council of Europe (PACE) has made a pre-electoral visit to Tunis to evaluate the electoral campaign prior to elections to Tunisia's National Constituent Assembly on 23 October 2011. The delegation met Mouldi Kefi, Minister of Foreign Affairs, Ridha Bellhadj, Minister Delegate to the Prime Minister, Yadh Ben Achour, President of the Higher Political Reform Commission, the leaders of the main political parties taking part in the elections, the Secretary General of the Higher Independent Body for Elections, as well as representatives of the international community and non-governmental organisations.

The pre-electoral delegation notes with satisfaction that the Tunisian authorities have swiftly devised a legal framework for organising pluralist elections and, in this respect, it encourages them to step up co-operation with the Council of Europe's Venice Commission. The effective and transparent functioning of electoral administration is a decisive factor in guaranteeing the democratic nature of the entire electoral process and strengthening the confidence of political players and citizens in the elections.

Democratic elections mean more than the proper running of the ballot itself. The delegation has been informed of the delay in drawing up voter lists, concerns over the organisation of voting for Tunisian citizens living abroad and the possible risk of tensions during the electoral campaign. In this connection, the Parliamentary Assembly delegation calls on the country's political leaders to refrain from any aggressive rhetoric, pressure or actions contrary to European standards for fair and democratic elections and to comply with the Code of good practice in the field of political parties.

The pre-electoral delegation welcomes the diversity of media in the country and hopes that coverage of the election campaign will be balanced and detached from political leanings. Concerning the funding of political parties, the delegation considers that current legislation must be applied in good faith.

The pre-electoral delegation welcomes the willingness of the Tunisian authorities to allow a large number of national and international observers to monitor the National Constituent Assembly elections. It considers that the role of international observers is to make the international community's experience available to Tunisian society and monitor the proper running of the elections, but in no circumstances to interfere in the electoral process or lecture on how elections should be held.

The elections of 23 October will be the first free elections since Tunisia's independence in 1956. In this connection, the pre-electoral delegation wishes to underline the crucial importance of democratically electing a National Constituent Assembly to ensure the legitimacy of its power. That legitimacy is absolutely vital for forming the institutions of a democratic and functional State so that the efforts of the public authorities may then focus on resolving the urgent problems facing the citizens of Tunisia.

The pre-electoral delegation praises the considerable efforts made by the Commission chaired by Mr Yadh Ben Achour and the agreement signed on 15 September by the leaders of 11 political parties with a view to guaranteeing a democratic transition of power after the elections of 23 October 2011.

The Parliamentary Assembly will send a 20-member delegation to observe the elections to the National Constituent Assembly on 23 October 2011.

Pre-electoral delegation members:

Andreas Gross (Switzerland, SOC), Head of delegation

Jean-Charles Gardetto (Monaco, EPP/CD)

Christopher Chope (United Kingdom, EDG)

Anne Brasseur (Luxembourg, ALDE)

Jean-Paul Lecocq (France, UEL)