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MISSED OPPORTUNITY
The Politics of Police Reform in Egypt and Tunisia

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About the Author

Yezid Sayigh is a senior associate at the Carnegie Middle East Center in Beirut, where his work focuses on the Syrian crisis, the political role of Arab armies, security sector transformation in Arab transitions, the reinvention of authoritarianism, and the Israeli-Palestinian conflict and peace process.

Previously, Sayigh was professor of Middle East studies at King's College London. From 1994 to 2003, he served as assistant director of studies at the Centre of International Studies, Cambridge. He is the author of numerous publications, including most recently "Militaries, civilians and the crisis of the Arab State" (December 2014); "The Syrian Opposition's Leadership Problem" (April 2013); "Above the State: The Officers' Republic in Egypt" (August 2012); "'We Serve the People': Hamas Policing in Gaza" (2011); and "Policing the People, Building the State: Authoritarian Transformation in the West Bank and Gaza" (2011).

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Summary

Police forces and security agencies genuinely accountable to democratically elected civilian authorities have not emerged in either Egypt or Tunisia four years after popular uprisings forced the countries' longtime leaders from power. Ministries of interior remain black boxes with opaque decisionmaking processes, governed by officer networks that have resisted meaningful reform, financial transparency, and political oversight. Until governments reform their security sectors, rather than appease them, the culture of police impunity will deepen and democratic transition will remain impossible in Egypt and at risk in Tunisia.

Missing the Opportunity for Reform

- The uprisings generated two significant opportunities to initiate security sector reform: in the immediate aftermath, while public support was widely mobilized and the sectors were too weak to resist, and after the formation of new interim governments following general elections, which gave political leaders the legitimacy and mandate to prioritize reform.

- Initial measures were not sustained by sufficient unity of purpose, effective political coalition building and social consensus, or coherent reform policies.

- Amid deep political polarization, Islamist parties elected to office were accused by secular rivals of using the reform agenda to control security sectors and "Islamize" them.

- Appeasing the security sectors and assuring their political neutrality became watchwords of successive interim governments.

- Delays in pursuing serious reform allowed security sectors to retrench and use the growing threat of political violence and terrorism to resist efforts to make them transparent and accountable.

Lessons From Egypt and Tunisia

Neutrality is key. Legacies of distrust and political polarization in transitional countries make it essential for actors to avoid competing to control the security sector. Neutral ministers of interior should be appointed and empowered.

Security sector reform is both a top-down and a bottom-up process. Institutional design, policymaking, and ensuring compliance are top-down processes, but political parties, civil society, and media must be engaged to build broad consensus, provide transparency, and generate complementing pressure on security sectors to comply.

Engagement with security sectors is necessary for reform. Because transitional structures are fragile and new political actors lack relevant policy and legislative experience and technical expertise, the security sector must be involved in identifying priorities and designing processes.

Benchmarks and oversight are needed. Offering security sectors a real stake—through improving professional capabilities, pay and service conditions, and recruitment and promotion policies—must be tied to the sectors' improvement in performance and compliance with legal, political, and financial oversight.

Governments must not cede on critical issues. Compromises are unavoidable, but governments should hold the line when it comes to ending security sector impunity, setting policy and budgets, and making or ratifying senior command appointments.

Moments of Opportunity

The Arab Spring was the outcome of deep political, social, and economic grievances. Its signature motif, however, was the outpouring of anger against police forces widely perceived as guilty of systematic human rights abuses and endemic corruption. In both Egypt and Tunisia, thousands of police stations and vehicles were attacked, and police cohesion and morale collapsed amid mass revulsion. But although the "securocratic" states that former Egyptian president Hosni Mubarak and former Tunisian president Zine el-Abidine Ben Ali had constructed over previous decades were weakened, security sectors genuinely accountable to democratically elected civilian authorities have yet to emerge in either country, a full four years later.

Reform of the security sector—the various police, paramilitary, and internal security forces and agencies reporting to the Ministry of Interior—involves several interrelated tasks. The overall aim is to improve the professional capacity and competence of the security sector to perform its duties in compliance with democratic governance, the rule of law, and respect for human rights. As Egypt and Tunisia came out of a long period of repressive, authoritarian rule, transitional justice was also an important requisite for democratization, not least for the victims of police violence during the uprisings that triggered the ousters of Mubarak and Ben Ali along with their closest cronies and associates.

Democratic transition cannot be completed without reforming abusive security sectors and transforming their relationships to power. But the odds of achieving root-and-branch reform of the security sectors in Egypt and Tunisia were low from the outset. Even a successful process would have been incremental and protracted.

Still, the popular uprisings in Egypt and Tunisia generated two significant moments of opportunity to initiate meaningful security sector reform. The first came in the immediate wake of the uprisings in the two countries, when public support was the most mobilized and compensated for the fragility and questionable legitimacy of the initial interim governments. The second moment of opportunity came with the election of representative assemblies and new transitional governments in Egypt and Tunisia in 2011–2012, which enjoyed firmer legitimacy than their predecessors and were motivated to respond to popular expectations.

The opportunities were real. Support for fundamental changes in how the security sectors operated was widespread among the general publics. Members of the security sectors were demoralized by the collapse of their ability to

Democratic transition cannot be completed without reforming abusive security sectors and transforming their relationships to power.

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intimidate citizens, and they were disoriented by the sudden loss of the presidents-for-life who had built up the sectors' political primacy and budgets. They were too weak to resist a concerted push for change. Reform-minded officers were, moreover, emboldened to openly advocate a new ethos of professionalism, accountability, and public service. And crucially, the armed forces, which had long resented the security sectors' ascendancies, sought to restore their preeminence in the case of Egypt and to assert a new balance in the case of Tunisia following the downfalls of Mubarak and Ben Ali, in which they had played key parts, and to forge ties with the new political actors that now competed for center stage.

The uprisings had provided a powerful initial impulse to embark on reform across the board, but this was not sustained by sufficient unity of purpose, effective political coalition building and social consensus, or coherent policies for change. And that lack of purposeful and sustained effort ensured that the opportunities were missed.

The inability to resolve or mitigate the bitter political and ideological contests that dogged the transitions in Egypt and Tunisia after 2011 made it difficult to resume effective law enforcement or upgrade the security sector's professional competence and operational capacity, let alone enforce respect for the rule of law, human rights, and governance. Instead, a police state is emerging in Egypt, and political surveillance is making a comeback in Tunisia. What was politically possible in the early days of the uprisings is far harder now—if not completely off the table.

Political Dynamics: Defeating the Purpose in Egypt and Tunisia

Security sector reform was a central challenge in all four countries that underwent transitions following the Arab Spring—Egypt, Libya, Tunisia, and Yemen[*]—but several factors put Egypt and Tunisia in a separate category. In contrast to their Libyan and Yemeni counterparts, the Egyptian and Tunisian security sectors had clear institutional boundaries and chains of command that the uprisings did not break, enabling them to avoid complete collapse and to regain internal cohesion relatively quickly. And although the security sectors were initially cast adrift by the losses of informal patronage networks that had tied them to the former ruling parties—the National Democratic Party in Egypt and the Constitutional Democratic Rally in Tunisia—this eventually left them with greater autonomy from the new authorities.

As importantly, post-uprising political struggles in Egypt and Tunisia did not center on the security sectors in the ultimately destructive way they did

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[*]   Papers on security sector reform in Libya and Yemen and on broader lessons for
        reform in other countries will be released later in 2015.

in Libya and Yemen. Nor did they call into question the nature and existence of the central states, which maintained routine bureaucratic functions during the transitions, and to which society continued to look for law enforcement. Furthermore, new legislative and constituent assemblies and interim presidents untainted by association with the former regimes came to office through competitive general elections, granting them genuine legitimacy.

To shore up their fragile legitimacy, the interim governments in Egypt and Tunisia needed to restore law and order, which meant asserting meaningful control over the security sectors. And all of the factors that set Egypt and Tunisia apart from other Arab Spring countries should have made it easier for them to launch top-down reform processes in key domains.

In both states, the broad goals of security sector reform—improving the professional capacity and competence of the sector as well as ensuring that transitional justice was done—could have been translated into concrete measures. These included reviewing laws governing the police and forming official restructuring teams within ministries of interior (as Yemen did). Upgrades of training and forensic capabilities as well as pay and service conditions could have been undertaken as part of a package that set benchmarks for police performance and compliance with the law and human rights. Concrete measures also included reviewing recruitment policies, vetting personnel accused of past abuses, and amending constitutions to confirm that the police forces were civilian agencies committed to public service under the oversight of the executive, legislature, and judiciary. Full transparency was essential, so much, if not all, of the reform process should have unfolded under the oversight of committees combining ministers of interior, heads of security sector change teams, the judiciary and prosecution service, and representatives of governing parties and civil society.

Some of these measures were at least initiated, which shows they could have been done. But few were completed, and many were not attempted at all.

What is more, despite being weakened, the security sectors' authoritarian legacy, institutional autonomy, and sense of injury and resentment following the Arab Spring made them potentially dangerous opponents. Conversely, the new governments lacked experience governing or managing change in general, and even less in the security sector.

Appeasing the security sectors and assuring their political neutrality, rather than reforming them, became the watchword of successive interim governments. Delays in pursuing serious reform and the enactment of half-hearted measures allowed the security sectors to retrench, and the opportunities passed.

Essentially, the manner in which transitional political dynamics evolved defeated the purpose in Egypt and Tunisia with regard to the security sector.

Interregnum politics: The interim governments formed in the wake of the uprisings were composed predominantly of officials from the Mubarak and Ben Ali eras. These were unelected, temporary bodies that lacked the popular mandate or political legitimacy needed to initiate major structural reforms in any sector, including security. They were inherently conservative, preferring stability and continuity to unsettling revolutionary change. Their initial reforms consisted almost exclusively of largely cosmetic changes: purging or reassigning relatively small numbers of officers and renaming political security agencies.

Political polarization: Subsequent interim governments had considerably greater legitimacy thanks to being elected to office, but they found it difficult to pursue security sector reform amid the dynamics of deepening political polarization. This was especially true for the Muslim Brotherhood in Egypt and its Islamist counterpart in Tunisia, Ennahdha, both of which had previously been the principal targets of the former securocratic states and had become the leading parties in government. Their attempts to replace senior officials in the interior ministries or other state institutions, which was normal for any incoming administration in a democratic context, prompted accusations from secular rivals—with whom ancien régime loyalists now aligned—and revolutionary activists that they sought *istihwadh* (partisan takeover) and Islamization. And when the Brotherhood and Ennahdha responded to the unwillingness of the police to resume their duties fully by proposing alternative or complementary means of tackling growing lawlessness and crime, this generated alarmist charges that they sought to build parallel security structures and Islamic morality police.

Baby versus the bathwater: The tendency of transitional political actors to view security sector reform within a secular-Islamist divide suppressed the highly contentious but critically important debate over how far and fast to take the process. For some, continuing the revolution, as they might put it, required purging all *feloul* (former regime officials). But many others emphasized the need to retain professionally trained personnel and existing structures in order to preserve the skills and experience needed for effective law enforcement; this group included those who genuinely sought democratic governance of the security sector, as well as those who used the argument to block meaningful change. Amid these dynamics, the interim governments of Egypt and Tunisia were right not to lose the security sector baby, but they ultimately they failed to throw out the former regime bathwater, so to speak.

Counterterrorism and the revival of impunity: Failure to design and launch reform agendas including some or all of the concrete measures described above allowed the potential readiness within the police to accept change to dissipate, resulting in growing resentfulness among members of the security sector and their

reversion to an adversarial perception of citizens. Any hope of reviving a security sector reform agenda was superseded by the rise of counterterrorism agendas in response to the threat of homegrown and cross-border jihadist violence. As the security sectors regrouped, they used the entirely legitimate argument that they should not be politicized, to resist any effort by government to make them transparent and accountable. These dynamics allowed the culture of impunity within the security sector to reassert itself.

The Egyptian Security Sector: From Collapse to Revenge

These trends and dynamics are graphically demonstrated in Egypt, which presents the most egregious example of the consequences of failing to undertake far-reaching security sector reform. One author described "the task of crafting a state that works for its people" as "the basic challenge raised by the Egyptian revolution," but this task equally required the transformation of the mammoth sector under the command of the Ministry of Interior.[1] It was estimated conservatively to have 1 million personnel on its payroll at the time of the 2011 uprising, and more commonly 1.5–1.7 million, including up to 850,000 policemen and Interior Ministry staff, 30,000–100,000 State Security Investigations Service agents, up to 450,000 conscripts in the paramilitary Central Security Force, and 300,000–400,000 paid informers.[2]

Instead of reforming the security sector, Egypt has lurched toward the reconstitution of the Mubarak-era police state. Failure to pursue comprehensive reform contributed directly to the ouster in July 2013 of then president Mohamed Morsi, who had been the first civilian to assume the presidency through genuinely competitive elections, and to a full-fledged authoritarian reassertion.

A police state harsher in its repression and more hegemonic politically in comparison to the Mubarak era has been reconstituting itself under military suzerainty. Increasingly draconian laws, hypernationalist discourse, and the expanding role of the security sector and armed forces in all aspects of civilian life herald an even more authoritarian political order based on broader societal acceptance of the repressive practices of the state's coercive apparatus.

Egypt's Interregnum

This was not inevitable. The 2011 uprising generated substantive proposals for security sector reform. Most notable was the National Initiative to Rebuild the Police Force—A Police for the Egyptian People, a civil society platform involving retired or dismissed officers that put forward a broad reform framework. Other pro-reform officers formed the General Coalition of Police Officers, the General Coalition of Police Non-Commissioned Officers and Privates, Officers

but Honorable, and similar groupings without official authorization. Among their priorities, as one officer explained, were a "reduction in work hours, paperwork and administrative tasks to encourage the police to provide proper security, as well as salary reforms and training programmes to reduce brutality."[3]

However, civil society initiatives were weakened by the inability to build effective joint platforms with reformist police associations. Activists who had long viewed the police as an enemy did not understand their institutional culture, or else sought radical changes without building real partnerships. And grassroots initiatives could only go so far without strong and sustained top-down political support.

The Supreme Council of the Armed Forces (SCAF), which assumed Mubarak's powers on February 11, was reluctant to tackle the mammoth task of restructuring the huge Ministry of Interior or its bloated agencies. The SCAF's approach was moreover shaped by a fundamentally conservative outlook and instinctive distrust of upheaval. It studiously avoided substantive restructuring, let alone actual reform.

Instead, the SCAF sought to gain the Interior Ministry as a political ally and win back the security sector's rank and file. It made gestures toward the reform-hungry public and revolutionary activists by dismissing 670 senior internal security officers—mostly in the notorious State Security Investigations Service—and changing the latter agency's name to the Homeland Security Sector. But its next measure was to award the police a 300 percent pay increase in the 2012 budget, without linking this to new performance benchmarks or expectations regarding conduct. In parallel, the Ministry of Interior defused a wave of protests among police superintendents (*umana al-shurtah*), who play a critical role in basic law enforcement in Egypt, by granting them the possibility of promotion to a new, honorary noncommissioned rank of "delegates" (*mandoubin*) or "honorary officers."

Similarly, when the Interior Ministry issued the first-ever police code of conduct in October 2011, the document lacked clear obligations and penalties. Rather than protect citizens from abuse, it assured police impunity, while using terminology that reiterated the force's military character. The ministry refused to register or recognize any of the police associations that had appeared. Instead, it sought to split or co-opt them: it started disciplinary proceedings against the Officers but Honorable group, while accepting to deal informally with the General Coalition of Police Officers and the General Coalition of Police Non-Commissioned Officers and Privates, which were allowed to register as clubs in 2013.[4]

The Muslim Brotherhood Backpedals

The importance of political leadership—and of its absence—was reconfirmed following the election in June 2012 of Muslim Brotherhood leader Mohamed

Morsi as president. Coming to office through Egypt's first genuinely free and competitive presidential election since the establishment of the republic in 1952, he had a credible popular mandate for reform and high public expectations to meet. The opportunity was there for reform.

Earlier in the year, senior Brotherhood official Amr Darrag had identified security sector reform as the top priority for the Freedom and Justice Party, the Brotherhood's parliamentary vehicle, which had won nearly half the seats in the People's Assembly. Darrag argued that security sector reform "is probably the most important issue that we would like to tackle because it's the key for stability and that's key for any economic development or further reform."[5]

This perspective echoed that of civil society advocates who argued that "the number-one priority is security sector reform, because that is the backbone of the abusive, authoritarian apparatus. And if it stays in place you can forget about elections, you can forget about civil society, you can forget about a free press—if it remains intact, it is the one body that could bring down the progress of the revolution."[6] The Freedom and Justice Party moreover endorsed a "political isolation" law that was approved by the SCAF in April 2012, which barred Mubarak and the top-ranking officials and National Democratic Party leaders during the last decade of his rule from running for public office or exercising certain political rights.

Encouraged, several human rights NGOs and activists proposed a "draft law on Restructuring and Cleansing the Police Department" to the parliamentary committee on defense and national security in May 2012. But with this, the importance of strong and unified political leadership on the issue became abundantly clear.

When Parliament amended the police authority law (number 109 of 1971) in June, this fell far short of any reform agenda. The revised law ended the president's nominal status as head of the Higher Police Council, which assists the minister of interior in policymaking and planning and in police personnel affairs, but it did not assert parliamentary or other civilian oversight. It transferred judicial authority over the police from army-run military courts to a disciplinary board within the Interior Ministry, but it did not establish complaints mechanisms and other basic rights of security sector personnel. The remaining changes pertained to improving pay scales and pensions for personnel. A ruling by the Supreme Constitutional Court on June 14 to dissolve the assembly precluded any further parliamentary debate.

Morsi, who was sworn in as president on June 30, similarly muted talk of security sector reform. The Interior Ministry sent another 454 senior officers into retirement in July, but the government of Hisham Qandil, who was appointed prime minister that month, did not even order a review of the security sector, not to speak of a full reform plan. In October the Justice Ministry proposed draft legislation imposing harsher punishments for the use of torture

by the police and other abuses, but as with all other attempts since 2011 to bring the criminal code into compliance with international standards, this was not issued by the bodies that had the power to do so in the absence of Parliament: the presidency, cabinet, and Shura Council. And when the drafting committee dominated by the Brotherhood submitted a new constitution for approval by public referendum in December, it contained nothing that materially changed the powers of the security sector, let alone reformed it.

Walking a Tightrope Between Appeasement and Partisan Takeover

The apparent shelving of security sector reform by the Morsi administration revealed a paradox. On one hand, revolutionary activists and human rights groups who had often accused the Muslim Brotherhood of concluding a secret deal with the SCAF to preserve its military prerogatives and interests in return for a peaceful handover of power now claimed a similar understanding had been reached with the Interior Ministry as well.[7] They believed the security sector had simply shifted its loyalty from Mubarak to its new political masters. Statements by Morsi extolling the police, opposing "purges," and, most galling for activists, claiming that the police "were at the heart of the 25 January 2011 [uprising]" gave credence to these views.[8]

Certainly, a modus vivendi came into effect once Morsi assumed office, allowing him to negotiate key cabinet positions with the military and security establishment and to establish a fact-finding commission into the killing of protesters by state agencies in 2011–2012.[9] This concluded in March 2013 that the police were responsible for killing nearly 900 protesters and that commanders had authorized the use of deadly force with Mubarak's knowledge. But the Morsi administration quietly shelved the report after a court headed by a Mubarak-era judge acquitted the six most senior commanders of the charges.[10] This was the last significant security reform initiative by his administration.

On the other hand, whenever the Morsi administration made new appointments in the Interior Ministry, secular and liberal sections of the Egyptian opposition—and not just revolutionary activists—accused it of trying to infiltrate the state apparatus with Muslim Brotherhood members or sympathizers, a process that came to be known as *ikhwanization*. But while there was some truth to the charge that Morsi sought to *ikhwanize* the Mubarak-era judiciary, which had issued a series of hostile decisions including the dissolution of the recently elected parliament, the security sector was not affected.

Quite the contrary, the Morsi administration pointedly left the Ministry of Interior and related security agencies entirely in the hands of Mubarak-era loyalists, a decision criticized by revolutionary activists. Its first choice as interior minister was Ahmed Gamal el-Din, a retired general regarded by some as a hardline member of the anti-reform faction in the ministry. In October, Morsi appointed as the new director of the National Security Agency an officer

who had previously been responsible for monitoring civil society organizations, political parties, and media and for "countering" the Muslim Brotherhood.[11]

Most ironically, Major General Mohamed Ibrahim, who became minister of interior in January 2013, was accused by some of working to "Islamize" the ministry.[12] It was on his watch that, for example, religiously observant police-men were finally allowed, after a long struggle, to grow their beards in con-travention of standing orders. But in fact Ibrahim was to play a key role in removing Morsi from power six months later, and in leading the exceptionally harsh crackdown on the Muslim Brotherhood that followed.

Parallel Security

The policy of appeasement had already proved a failure during Morsi's year in office. Even some secular opponents of the Muslim Brotherhood acknowledged that "Morsi is resisted within the Ministry of Interior and the state apparatus."[13] This posed a serious problem, as the security sector continued its de facto abdi-cation of responsibility for public law and order, even as crime rates rose. The government needed to do something to restore stability.

In the first half of 2012 and then during Morsi's tenure, senior security offi-cials (including some of the governors of Egypt's 27 provinces, all appointed by Mubarak or the SCAF) reproduced the Mubarak-era practice of hiring *baltagiya*—thugs operating outside the law, believed to number between 100,000 and 500,000—to enforce state authority.[14] The police often advised citizens to hire *baltagiya* to take the law into their own hands; in some urban slums, the police relinquished their functions entirely to criminal gangs that ran protection rackets and trafficking and prostitution networks, and formed their own militias.[15]

Faced with an uncooperative Ministry of Interior, the Morsi administra-tion sought other means of addressing the deterioration of law and order. In October 2012 the new justice minister awarded judicial police powers of arrest to the country's main watchdog agency, the Administrative Control Authority, and in March 2013 the attorney general awarded similar powers to citizens. The Justice Ministry was also reported in the same period to be preparing to authorize private security companies to bear arms and make arrests.[16] This followed the introduction of a bill legalizing armed private security compa-nies to protect private property by the Morsi administration, adopting a pro-posal originally made in November 2011.[17] This was resisted by the police and human rights activists, who, in the words of one researcher, "feared it would legitimize and expand private militias" armed with weapons smuggled from neighboring Libya.[18]

The Morsi administration also sought to delegate some responsibility for law and order to unofficial bodies, building on the success of local communities in filling the vacuum left by the police in some neighborhoods in the immediate

aftermath of Mubarak's overthrow. In mid-March 2013, the Freedom and Justice Party proposed legalizing popular committees as an ancillary police apparatus attached to the presidency.[19] Ironically, this idea was taken up by the successor regime that came to power after the overthrow of Morsi. In October 2014 the state council drafted a law establishing community police units that would hire men and women between eighteen and twenty-two years old and grant them, according to one analyst, the power of arrest to aid the police in "facing crime, enhancing a sense of security among citizens and … creating a culture of security."[20]

But during Morsi's tenure these various moves provoked immediate accusations from police and military sources that the Muslim Brotherhood sought to "destroy the police" and was opening the door to "private militias."[21] This moreover played out against the backdrop of an increasingly polarized and alarmist public debate about the role of unlicensed Islamist Committees for the Promotion of Virtue and Prevention of Vice, styled after Saudi Arabia's morality police (*mutawiin*). The first committees had appeared in December 2011; Morsi's spokespersons denied their existence after he assumed the presidency, but yet another morality police group announced itself in early March 2013.[22] The militant al-Jamaa al-Islamiya added to the charged atmosphere in February 2013 by announcing that it was forming so-called self-defense squads to confront vandals, thugs, and anti-Islamist anarchists, and in March it revealed that it would seek legislative endorsement from the Shura Council.[23]

The Fallacy of Appeasement—Back to Square One

By this time, then defense minister Abdel Fattah el-Sisi and other members of the SCAF had abandoned hope of coexisting with the Muslim Brotherhood in government. The Interior Ministry had long promoted this view in private, arguing, as one officer put it, that the Brotherhood was "a threat to national security and had to go."[24] For its critics, conversely, the Interior Ministry had never relinquished its "octopus-like growth, extending into all reaches of the state apparatus with the aim of control," in the words of one former senior police officer.[25] The security sector faced functional, structural, administrative, and legal challenges that made it necessary, in this view, to "rebuild, rather than restructure" it.[26]

Some senior Interior Ministry officials seemed to agree. In October 2011, then assistant minister of interior Major General Abdul-Latif al-Bidiny suggested that the ministry's entire structure needed to be replaced, though he also argued that this could only happen "after the political and security spheres [have] stabilized."[27] This reference to stabilization was not unreasonable, as a pro-reform author noted at the time: "transition to democracy might indeed require [security] institutions to be strengthened, not dismantled."[28] But objections from within the Ministry of Interior to wholesale restructuring obscured resistance to bringing the security sector under meaningful political oversight. In May 2012 the ministry rejected a modification to its law of establishment

that would have placed it under the scrutiny of a new watchdog agency established by Parliament. Justifying this, the head of its legal department claimed there was no need to monitor the ministry after the revolution, as the "individual" excesses that had occurred previously were not part of a systematic policy, and the security sector could now safely monitor itself.[29]

The Interior Ministry's senior echelon was not only unreconstructed, it was unrepentant. In seeking an accommodation with it, the Morsi administration missed the opportunity to build on reformist sentiment among the rank and file. Police who started a series of wildcat strikes in October 2011 demanded the dismissal of senior police commanders accused of corruption, equal access to police hospitals for all ranks (commissioned and noncommissioned alike), and an end to the jurisdiction of the military justice system over policemen. The General Coalition of Police Officers—which claimed 5,000 members by January 2012 but was refused registration as a formal police union by the Interior Ministry—sought to bring down the retirement age to sixty, introduce minimum and maximum wages, and establish an eight-hour work day.[30]

These were legitimate, indeed critical demands for any genuine reform process. However, neither of the two interim governments appointed by the SCAF nor the later Qandil government took action, with the partial exception of introducing some pay rises. By March 2013, pro-reform police coalitions were complaining that the Morsi administration was ignoring their proposals "to improve accountability, rules of promotion and retention, and training," as one author wrote.[31] It lacked any "genuine political will to restructure the Interior Ministry," a leading coalition member argued, "and this has led to our return to square one."[32]

Police Revanchism and the Revival of Impunity

The Morsi administration abdicated management of the security sector entirely to the Ministry of Interior. The ministry sought to deflect the deepening frustration and resentment of the police away from itself, while encouraging anti-reform sentiment among the rank and file. The police felt trapped: expected by the public to provide law and order, but liable to prosecution if they caused injury or death while defending themselves against physical assault, even from *baltagiya*. But the government did not provide tighter rules of engagement and far-reaching legal reforms to address the basic rights and needs of security sector personnel.

As a result, the police's initial sense of shock and retreat after the 2011 uprising turned into resentment and vengefulness. The perception inculcated during police training that all civilians were bad or inferior reappeared, as did the use of torture and other human rights violations widely practiced in the Mubarak era. Senior figures such as Ahmed Helmy, deputy minister of interior, claimed that "protecting human rights has become a main foundation, the main belief, of all those working in security bodies."[33] But the Egyptian Initiative for Personal Rights argued in January 2013, for example, that the

Interior Ministry is "above the law" and that "the Egyptian police continue to systematically deploy violence and torture, and at times even kill."[34] And shortly before Morsi's ouster, the El-Nadim Center for Rehabilitation of Victims of Violence reported that it had recorded 359 cases of torture during his year in office, of which 217 resulted in death.[35]

As police attitudes hardened, the nature of their demands shifted. Beginning in January 2013, these demands focused increasingly on the need for looser rules of engagement allowing use of live ammunition against protesters, legal immunity for officers, and the issuing of firearms to all previously unarmed personnel. From late 2012 onward the police, moreover, resorted to vigilante violence with growing frequency against civilian communities that were perceived as hostile. And virtually any form of protest had become criminalized in the minds of the police.

Restoring Mubarak's Police State—and More

The Morsi administration's policy of appeasing instead of reforming the security sector had failed utterly. It had squandered the opportunity offered by the initial swell of public support and the legitimacy gained from the presidential election to encourage reformist elements within the security sector and work with other political parties and civil society movements. By promoting measures geared to producing tangible improvements in police training and capabilities, resources, and service conditions on the one hand, while linking these on the other hand to expected outcomes in delivering law enforcement and building public trust, it could have started to defuse and convert resistance within the security sector to democratic governance and civilian oversight.

Instead, the Interior Ministry played a central role in the overthrow of Morsi in July 2013 and in the repression that followed. On August 14, paramilitary police forces assisted by army personnel killed "at least 817 and likely more than 1,000" Muslim Brotherhood members and supporters at two main protest sites in Cairo, according to a yearlong investigation by Human Rights Watch. It assessed that "police and army forces systematically and intentionally used excessive lethal force in their policing," concluding that "the killings not only constituted serious violations of international human rights law, but likely amounted to crimes against humanity."[36]

> **The Morsi administration's policy of appeasing instead of reforming the security sector had failed utterly.**

The scale was unprecedented. More unarmed civilians may have died in Cairo on August 14 than in the chemical weapons attack on several suburbs of the Syrian capital Damascus one week later.[37] Human Rights Watch director Kenneth Roth concluded that Egyptian Interior Minister Mohamed Ibrahim "was the lead architect of the dispersal plan," and had implemented it under the immediate supervision of Sisi, then still minister of defense and deputy prime minister, later to be president.[38] Commenting on the bloodshed,

Ibrahim pledged that "security will be restored to this nation as if it was before January 25, [2011] and more."[39]

What followed demonstrated the empowerment of the security sector, which sought to transform the genuine people's uprising of June 2013 into support for the military takeover. A database maintained by the Egyptian Center for Economic and Social Rights reported that 41,163 persons were indicted or detained "on grounds of political, sectarian, social or labor protests, terrorist acts, or military trials of civilians" between July 3 and May 15, 2014.[40] In January 2014, Amnesty International moreover noted that Egypt was witnessing state "violence on an unprecedented scale, with security forces committing gross human rights violations, routinely using excessive, including lethal, force against opposition protesters and at demonstrations on university campuses."[41] In July it also described the use of torture as "rampant," with electrocution, hanging, heavy beatings, and sexual abuse commonplace, and reported the death of at least 80 detainees in police custody during the preceding year.[42] The revival in October 2013 of the Political Security Unit, a Mubarak-era agency tasked with combating the Muslim Brotherhood, moreover demonstrated the ease with which superficial structural reforms could be reversed.

In parallel, a series of laws issued between September 2013 and November 2014—by the post-coup interim government, interim president Adly Mansour (who replaced Morsi), and Sisi, who succeeded Mansour in June 2014—have helped construct the emerging police state. These steps enabled the security sector, courts, and attorney general to resort routinely to extraordinary measures that had only been possible under Mubarak because he maintained a state of emergency for the thirty years of his rule. Most significant were the elimination of the pre-trial detention limit for persons accused of crimes punishable by life sentences, such as requesting or receiving foreign funds for the purposes of whatever the authorities deem harmful to the "national interest," as they define it, which in theory means that political dissidents could be remanded in perpetuity; restrictive rules on public assembly and heavy penalties for unauthorized demonstrations amounting to a protest ban; and a "terrorist entities" law allowing the authorities to target "any association, organization, group or gang" they deem to threaten public order, national unity, or social peace.[43]

The revised constitution approved by public referendum in January 2014 formalized the autonomy of the security sector from any civilian oversight, let alone democratic governance, not least by giving the Ministry of Interior an effective veto over any law relating to the police. Internal control was also tightened as the ban on forming police unions and the denial of the right of security sector personnel to vote were reaffirmed, despite this being granted as a universal right in other parts of the constitution. And in October, Sisi decreed that crimes committed by conscripts serving in the police would be tried in military courts, partially reversing a 2012 decision by the Supreme

The revised constitution approved by public referendum in January 2014 formalized the autonomy of the security sector from any civilian oversight, let alone democratic governance.

Constitutional Court that deemed the application of the military justice system to the police unconstitutional.[44]

The Ministry of Interior has emerged as a major partner in the coalition of state institutions that now rules Egypt, and often takes the lead in shaping the manner in which state power is exercised in the daily lives of citizens. The Mubarak-era securocratic state, in which the president maintained checks and balances and civilian political elites exercised significant influence from their base in the ruling National Democratic Party, is being replaced with an overt police state. With radicalization on both sides taking Egypt further into political violence, the opportunity for security sector reform will remain closed until national reconciliation can be achieved.

The Tunisian Security Sector: Weathering the Transition

Tunisia's transitional process differed radically from that of Egypt, in both form and outcome. Crucially in the Tunisian case, political authority was held from the outset by civilians, who were able to agree to a road map for democratic transition and then largely adhere to it. Early elections for a constitutional assembly produced a secular-Islamist coalition government led by the "centrist" Islamist Ennahdha party, mitigating—though by no means eliminating—the adversarial, zero-sum politics that fatally undermined the Egyptian transition. Despite rising socioeconomic strains, growing jihadist violence, and several high-profile political assassinations, the Tunisian National Constituent Assembly overwhelmingly approved a new constitution in January 2014, and the country elected its first post-uprising Parliament in October and a new president in December.

Still, security sector reform has been modest, at best. The political parties that emerged or acquired legal registration in 2011 proved reluctant to tackle the issue, despite the disarray of the police and political security agencies and pockets of support for reform within the Ministry of Interior. Mutual distrust between the secular and Islamist political camps—and within each—impeded the unity of purpose necessary to pursue reform. The often tense relationship between the main party in government until 2014—Ennahdha, an estimated 30,000 of whose members suffered detention and human rights abuses in the early 1990s[45]—and the bulk of the security sector was also detrimental.

In the absence of determined political leadership or sustained legislative initiatives, the Ministry of Interior remains a black box, with opaque decisionmaking processes. It is widely believed to be governed by informal networks—known as lobbies or *lobiyat* in local parlance—that have resisted

meaningful reform, financial transparency, and political oversight, constituting what some regard as a deep state.

As a result, the security sector has largely weathered Tunisia's transition without undergoing significant restructuring, let alone transformation. Four years on, its power has been significantly diminished, but it is shifting from its initial sullen passivity and using counterterrorism as a means to reassert its autonomy and preserve its interests.

Tunisia's Interregnum: Stability Takes Precedent Over Reform

Tunisia's transitional authorities faced a dilemma typical of the Arab Spring countries: They needed to restore law and order. But they could not rely on a security sector that was distrusted by grassroots activists and significant sectors of the population, and that firmly resisted opening itself up to a clean sweep.

Several civil society organizations that emerged in 2011–2012—notably the Tunisian Observatory of Global Security and Tunisian Institutional Reform— were among the first to develop a security sector reform agenda and to engage directly with the Ministry of Interior and some of the police unions that had appeared. But neither the caretaker government that came to office in January 2011 nor any of its successors—up to and including the first post-transitional government formed in February 2015—have made this a formal policy goal.

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In the immediate aftermath of the uprising, the interim interior minister, Farhat Rajhi, undertook some small reforms. He first dismissed security commanders most closely associated with the former regime, much as happened in Egypt in the same period. In February 2011, 42 senior Interior Ministry officials were placed in mandatory retirement, including all 26 members of the General Directorate for National Security, under which all operational departments fall. Over 100 officers were eventually dismissed; all received standard compensation, and none were put on trial for human rights abuses or violations of the law committed prior to the uprising.

Next, in March, Rajhi dismantled the notorious Directorate of State Security, which was deemed responsible for "the overwhelming majority of the allegations of torture or ill-treatment" by a United Nations special rapporteur.[46] But restructuring ended there, much as in Egypt, where the equally despised equivalent agency, the State Security Investigations Service, was renamed but with no discernible change otherwise. Furthermore, the Directorate of State Security was not the only "political security" agency deployed under Ben Ali, prompting legal commentators to argue that the precise status of the formerly ubiquitous "political police" remained unclear.[47] Some articles of the Interior Ministry's laws of establishment were either abrogated or modified by presidential decree in September, without bringing about major changes in the

operational branches.[48] The ministry also adopted a new communication strategy and a new police uniform.

These were not radical measures, but fearing that Rajhi was provoking a showdown with the recalcitrant security sector, then interim prime minister Béji Caid Essebsi dismissed him after only two months in the post. Rajhi's successor, Habib Essid, had been chef de cabinet of the hardline anti-Islamist interior minister Abdullah al-Qallal under Ben Ali, and he wielded considerable influence among the informal networks within the ministry and the security sector in general. In early July, Essebsi also appointed Lazhar al-Akremi as delegate minister of interior for reform.

In October, al-Akremi submitted the most comprehensive review to date of the security sector, *A White Paper—Security and Development: Towards Security in the Service of Democracy*, with detailed policy recommendations. The ministry posted the draft online, and later submitted it to Moncef Marzouki, who was elected interim president in December 2011.[49] On assuming office, Marzouki insisted on the necessity of "radical, swift and real reforms" in the security sector.[50]

Partisan politics slowed the initial reform impulse from this point onward, however. Ennahdha had emerged as the strongest party in the October 23 elections for the National Constituent Assembly that would draft a new constitution. In December, Ennahdha's number-two figure, Ali Larayedh, replaced Essid as minister of interior. Larayedh, who had been imprisoned for ten years and tortured in the basement of the ministry he now headed, regarded the white paper as a legacy of the ancien régime and shelved it.[51] Ennahdha and its coalition partners in the new interim government failed, however, to develop an alternative vision or prioritize security sector reform.

The security sector's antipathy toward Ennahdha—and indeed to the interim government as a whole—made cooperation difficult with Larayedh. But matters did not improve after Larayedh became prime minister in March 2013, even though his successor as interior minister, Lotfi Ben Jeddou, was politically independent. According to some civil society activists and police officers, Ben Jeddou was powerless because he had inherited Larayedh's team, which was still loyal to the now prime minister.[52] Others argue, conversely, that informal networks within the ministry had prevented both ministers from accessing information about the operational branches of the security sector, let alone introducing change.[53]

In any case Ben Jeddou had come to office at a time of particular complexity, and security sector reform was simply not the government's priority. The need to guarantee stability and shore up the fragile political process took precedent. Ultimately this eroded the initially positive impact of the appearance of police and security personnel unions that were now formed and legalized, constituting an entirely new actor absent in the other Arab transition countries.

Over 100 specialized unions appeared in 2011–2012, most prominently the Directorate General of Intervention Units, the National Union of Interior

Security Forces, and the latter's rival, the National Union of Security Forces. The unions sought to change terms of pay, promotion, and recruitment and recommended adopting a formal code of conduct for the police. They also engaged with local nongovernmental organizations and the European Council of Police Trade Unions to receive training in human rights and other specialist areas such as intelligence sector reform.

An Absent Legislative Agenda

Though reform leadership existed in theory, in practice, the security sector continued to operate in a confused, at times conflicting, legal and policy environment—and has done so ever since. This was reflected in the absence of a robust legislative agenda for reform.

An early amendment to the internal security establishment law in April 2011 was largely limited to improving pay and terms for promotion. After the National Constituent Assembly was elected in October, it approved legislation increasing hazard pay and indemnity for work injuries, and reversing rulings on termination of contracts.[54] The interim government also authorized the recruitment of an additional 10,000–12,000 security personnel in 2011–2012, taking overall strength up to 61,000; another 2,965 were added in 2013. The state budget in fact showed total strength at 91,690 in 2012 and 95,988 by 2014.[55] The Interior Ministry's budget was increased by 31 percent in the same period, from 1.45 billion Tunisian dinars ($924 million) in 2011 to 1.886 billion Tunisian dinars ($1.202 billion) in 2012, and it rose by another 13 percent in 2013, with a more modest increase of 2.5 percent in 2014.[56]

Some meaningful reforms were also achieved. Tunisian legal expert Haykel Ben Mahfoudh noted that these included "the ratification of a procedural guide on human rights for internal security forces, the revision of laws governing arrest and detention, the legalization of unions for security personnel and the ending of the electoral role of the Ministry of Interior."[57] The interim government also ratified several international protocols prohibiting torture and forced disappearance and affirming universal civil and political rights. A torture commission law was passed in October 2013 that subjected detention facilities to surprise inspections by human rights monitors. And the state of emergency, which had been declared in the wake of Ben Ali's overthrow in January 2011, was finally lifted in March 2014.

However, as Ben Mahfoudh concluded, "Legislation and policy changes have been largely technical, with the focus more on stability and cohesion of the security institutions than on the necessary structural changes for these institutions."[58] Indeed, he added, many changes have been "limited or poorly executed and it has been difficult to build political, legal and institutional support for reform." And the texts of laws governing the police and Interior Ministry, which were not made available under Ben Ali, are still not publicly accessible in full.

Furthermore, repressive legislation from the Ben Ali era remained in force, including law number 69-4 on public meetings (1969), which gives the authorities extensive powers to ban or suppress gatherings.[59] Rules of engagement for the police have not changed since the Ben Ali era, despite continuing instances of the excessive use of force, unlawful shootings and detentions, and low tolerance of public dissent or criticism.

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Consequently, a parliamentary oversight commission established to investigate police violence against demonstrators in April 2012 stalled in the face of the unwillingness of the Interior Ministry to cooperate, and the report it eventually drafted was never released. The intelligence agencies, which had previously been Ben Ali's primary means of control, have yet to be regulated by a law defining their responsibilities and obligations four years after his ouster. And as a report in 2012 noted, "the organizational chart of the [Ministry of Interior] remains classified, which complicates the task of mapping the internal security structures controlled by it, as well as the oversight mechanisms within the ministry"—an assessment that remains true today.[60]

Partisan Takeover or Parallel Security?

Sharp political polarization made it impossible for transitional authorities to unite behind security sector reform and to capitalize on the opportunity. Ennahdha's attempt to assert effective government control of the Ministry of Interior prompted charges that it sought a partisan takeover of the security sector, much like the accusations leveled against the Muslim Brotherhood in Egypt in the same period. But when Ennahdha tried to circumvent its inability to control the Interior Ministry or security agencies by turning to community-based law-and-order initiatives or appointing supporters to security posts in peripheral regions of the country, this generated claims that it was building a parallel, Islamist security structure under its control.

There were significant differences in views within the secular camp toward Ennahdha, with revolutionary activists more openly suspicious of Ennahdha than the two left-of-center partners in government: Ettakatol and the Congress for the Republic. Ennahdha's complex relationship with Tunisia's Salafist currents, including those within its own ranks, colored its approach to providing public law and order and deepened the suspicions of its critics once it assumed responsibility for the Interior Ministry in the interim government. Some grassroots activists and reformist police officers believed that following Ennahdha's lead, the interim government was allying itself with Ben Ali loyalists in the Interior Ministry in the course of 2012. But others, including increasingly vocal former regime remnants, accused Ennahdha of deliberately weakening the security sector to justify establishing a parallel system.[61]

This accusation coincided with complaints from human rights organizations that the police were tolerating violence by Salafist militants and harassing women for appearing indecently clothed or behaving immorally in public. Officials at the municipal and governorate levels loyal to Ennahdha or sympathetic to it were also accused of instructing local police to selectively enforce laws and regulations that promoted their conservative social agenda, such as closing restaurants during Ramadan fasting hours.[62]

Conversely, Ennahdha was under growing pressure from its own hardliners, as well as from sectors of the public, to tackle growing insecurity in the absence of effective policing by official agencies. This was especially true of poorer neighborhoods and peripheral areas of the country, where in contrast to the capital and main urban centers, "insecurity seems to be the rule rather than the exception," as the International Crisis Group put it.[63] Overall, the security sector was estimated by al-Akremi to be operating at 30 percent of its capacity by late 2012.[64]

As the Morsi administration did in Egypt, Ennahdha responded to the growing need to improve public security by turning to some of the citizens' committees that had provided basic security for local communities in the wake of the uprising. In November it formed these into an unarmed body, the National League for the Protection of the Revolution. Ostensibly intended to root out ancien régime loyalists and prevent members of the former ruling party, the Constitutional Democratic Rally, from reentering political life, the National League was seen by Ennahdha's critics as an instrument to "Islamize" law and order, a replica of *ikhwanization* in Egypt. Detractors claimed the league included "the scum of society, criminals, or remnants of the former ruling party," whose salaries were paid by Qatar and who were "being Islamized and used against demonstrators."

Charges of Islamization intensified in early 2013. The anti-Islamist press began referring routinely to a nonstate "Salafist police" enforcing morals. It also accused the National League of breaking up public meetings and of being involved in political violence, including the murder of an activist in the remote southern city of Tataouine in February. Typical of the increasingly polarized perceptions was an opinion article, whose author asked rhetorically, "Can we talk about a state, about laws, and a republic in the total absence of the official security bodies and the presence of 'popular' security, 'Salafist' security and 'parallel' security elements? This phenomenon has started to spread in many cities and residential neighborhoods, under the pretext of fighting security mayhem and deterring the gangs and groups that pillage and steal."[65]

Much of this proved alarmist. Even secular critics acknowledged that, under Ennahdha's Larayedh, the Ministry of Interior dealt with militant Salafists more harshly even than under Ben Ali. Admittedly, this came only in response to the swell of public discontent in late 2013 and against the backdrop of the harsh crackdown on the Muslim Brotherhood in Egypt. Ennahdha had previously

held back out of concern that a crackdown would only radicalize Salafists further, pushing them into the arms of jihadist organizations that were emerging.

More worrying for secularists was that Ennahdha was appointing a large number of its members and supporters to senior government positions. It was unable to do so within the senior echelons of the Ministry of Interior or in security sector headquarters in the capital, and so it focused instead on lower-ranking positions in the provinces or peripheral border areas, especially in the south. In parallel to this "bottom-up" approach, it sought to appoint members or supporters to the post of provincial governor; governors (*wali*) head their regional councils for security, and because they represent the president of the republic, they do not come under the authority of the Interior Ministry. According to former delegate minister for reform al-Akremi, Ennahdha replaced the governors of Tunisia's 24 regions and their 264 deputy governors (*mutamad*) with Islamists.[66]

Saving the Baby or Preserving the Bathwater?

Complicating matters was the insistence of Ennahdha, supported by the Congress for the Republic, on excluding former regime members from public office. Although the so-called political immunization law—similar to the political isolation laws debated in Egypt in Libya—was never passed, it cast a long shadow over the transition. The security sector vehemently opposed applying immunization to its ranks even when human rights organizations and some police unions as well agreed that Ben Ali loyalists still held senior positions within the Interior Ministry.[67]

In reality, Ennahdha could not easily dismiss incumbent officers and officials unilaterally, without independent vetting or the support of its governing coalition partners. Indeed, when then interior minister Larayedh tried in early 2012 to dismiss the commander of the intervention forces who was on trial for ordering the use of live fire against unarmed demonstrators during the 2011 uprising, he was forced to retract following a walkout by the force, which was responsible for securing public spaces and facilities.

Hostility toward Ennahdha intensified as it pursued the immunization law. In July 2012, for example, a union spokesperson accused Ennahdha of seeking to "subjugate the security apparatus," "infiltrating" the Interior Ministry, and building "a parallel police force" composed of former regime officers who had switched loyalty, including some implicated in corruption and the use of torture.[68] And in October, a union communiqué publicly demanded the dismissal of senior officials appointed by former interior minister Larayedh, who they claimed still controlled the Interior Ministry on behalf of Ennahdha.[69]

Perversely, these dynamics prevented a constructive dialogue between the interim government and the various police and security unions. Growing violence against the police discouraged reformist voices. Fifteen policemen were killed and nearly 1,500 injured between the 2011 uprising and September

2012, according to official figures, while one of the police unions claimed in November that 600 of its members had been attacked in the preceding few months alone. Police unions conducted short strikes and protest actions to demand the improvement of working conditions, government protection, and a clearer legal framework regulating police operations. But as police vulnerability to attack by civilians became more pronounced, the tone and focus of their protests shifted. By late 2012, they were increasingly demanding greater resources and authority to confront violent protesters, including the application of the 1969 law on public meetings permitting the use of live fire once other means of dissuasion are exhausted.

At the same time, police unions became more vocal in their opposition to Ennahdha control of the Interior Ministry. Following an incident in which local officers authorized the use of lethal force without ministerial approval, the National Union of Security Forces' regional secretary-general complained of the restrictions the government placed on the police, and proclaimed, "The interior minister has to go. He needs to be replaced by someone without political affiliations."[70]

Paradoxically, the unions now adopted the call to prevent politicization of the security sector as a means to deny the government's right and duty to assert its oversight or bring recalcitrant officers to account. Increasingly, this became a means of opposing Ennahdha specifically.

Counterterrorism Trumps Reform?

The opportunity to establish effective governance over the security sector had passed by mid-2013. From this point onward, political violence, especially by increasingly militant Salafists, evolved into a jihadist terrorist threat. Public opinion became more supportive of assertive security policies, and Tunisia's political parties in turn became even less willing to pursue security sector reform actively. Moreover, the coup d'état in Egypt in July encouraged Tunisia's secular camp and ancien régime opponents of Ennahdha to focus their efforts on dislodging the party from power, ultimately leading to the replacement of the coalition government with a cabinet of politically independent technocrats under then prime minister Mehdi Jomaa in January 2014.

In the context of weak oversight by the government or the elected National Constituent Assembly, pursuing a counterterrorism agenda fueled a revisionist trend within the security sector, threatening even the modest reforms made since the 2011 uprising. The terrorist threat was highlighted by the assassination in February 2013 of Chokri Belaid, followed by leftist politician Mohamed Brahmi in July. Four policemen died when jihadists attacked the home of then interior minister Ben Jeddou in May 2014. Jihadists also killed eight army soldiers in the remote Mount Chaambi district on the border with Algeria in July 2013, and another fourteen in the same area a year later. As the confrontation intensified, 600 suspected terrorist were awaiting trial by October 2014.

Already, in May 2013, former Ben Ali–era politicians were describing, as one of them put it, "dismantling the security organizations in the ministry of interior" in the wake of the 2011 uprising as a "mistake" and calling openly for their restoration to confront the growing threat of armed Salafists.[71] In this view, suspension of the Directorate of State Security in particular undermined the security sector's ability to filter, analyze, and act on intelligence data.[72] In early 2014 the government revealed the existence of a newly created Technical Telecommunications Agency to undertake mass-monitoring of telecommunications and Internet traffic. But as with the Tunisian intelligence sector generally, there was no legal framework ensuring civilian oversight of the new agency.

Revival of Impunity

Faced with a deepening political crisis in the country and within the coalition government in the second half of 2014, Tunisia's political parties retreated still further from a security sector reform agenda. The result was an increasingly permissive environment, leading to police abuses reminiscent of the Ben Ali era.

Riot police still lacked appropriate crowd-control equipment and training over a year after the parliamentary commission was formed to investigate the use of lethal force against protesters in April 2012. The forces killed three civilian bystanders during protests in May 2013 and then attacked a peaceful sit-in in July, for example. The police remained legally able to hold suspects for six days without pressing charges or processing them in the prison system, according to Human Rights Watch, which additionally gathered testimony showing that detainees were subjected to abuse "during arrest and interrogation" ranging from "threats of rape, shoving, slaps, punches, kicks, and beatings with sticks and batons."[73] And several suspects died due to mistreatment while in police custody between December 2013 and October 2014.

An emboldened security sector became less tolerant of open challenges or criticism. Rappers performing a song disrespectful of the police were arrested and beaten in late August 2013, for example. And in April 2014 two revolutionary activists were given prison sentences for posting a video online accusing members of police and judges' unions of corruption; the video was deemed a threat to national security.[74] In March 2014, armed police forcibly took over the regional offices of the national elections committee in Kairouan that they wished to use as a station, and in April others besieged a regional court in which a fellow officer was on trial for unlawfully killing a citizen, demanding his release.[75]

The culture of police impunity revived in the context of the growing counterterrorism campaign in which the government has resorted to outdated legislation to justify authoritarian measures. In August 2014, Jomaa ordered the suspension of 157 Islamist associations for alleged links to terrorism, basing his decree on a 1975 law that had in fact been amended after the 2011 uprising to limit this power to the judiciary. The government also shut down several radio channels and mosques that it accused of promoting religious extremism

without judicial orders, while in parallel police assaults on journalists multiplied.[76] And the 2003 antiterror law used by Ben Ali to criminalize domestic opposition was once again put to use with the arrest of some 1,500 suspected jihadists in the first nine months of 2014 alone.[77]

These trends are likely to continue following the victories of the Nidaa Tounes party in the October 2014 parliamentary elections and of its leader Béji Caid Essebsi in the presidential election two months later. Their campaign focused on restoring law and order and state authority, and in carrying it out they conflated smuggling, organized crime, and terrorism with the varying currents of political Islam—Ennahdha, Salafists, and jihadists. In theory, the formation of a coalition government comprising the secular Nidaa Tounes party and Ennahdha on February 5, 2015, could lead to a concerted effort to assert meaningful control over the security sector. But in practice, the sector is more likely to become a site of contestation between the main parties, while its members seek to exploit the parties' rivalry to protect the security sector's autonomy and vested interests.

Failure of Transitional Justice

In both Egypt and Tunisia, the security sector highlighted selective reform measures, such as the dismissal or reassignment of some senior officers, the launch of public outreach activities, and the introduction of human rights training at police academies. But these were easy fixes much favored by interior ministries in the Arab region and elsewhere in lieu of serious reform, and they changed nothing in practice.[78]

As seriously, interim governments failed to achieve transitional justice for the victims of police violence during the uprisings, although this was strongly pursued by their families and had widespread popular support. Furthermore, this was part and parcel of the failure to initiate genuine, consensual reform of the judiciary, which is integral to security sector reform because of the need to ensure that prosecutors adequately investigate human rights violations and restrict the jurisdiction of military courts over civilians, among other things.

In Tunisia, a Ministry of Human Rights and Transitional Justice was formed in late 2011, and in December 2013 a transitional justice law was passed that enabled vetting of civil servants over past abuses in the Ben Ali era and undertaking judicial reform. Two former interior ministers, five directors-general of the ministry, and several midranking and senior security officers were put on trial—by military courts—but their sentences were lowered on appeal in summer 2012. Only one case of torture in the Ben Ali era was prosecuted, but as Human Rights Watch observed, it exclusively involved army officers who were interrogated in 1991 over suspected links with Ennahdha, which was outlawed at the time.[79]

In Egypt, a commission of inquiry concluded in April 2011 that most casualties during the uprising had been inflicted by the police, but this did not lead to a judicial process. In July 2013, then interim president Adly Mansour appointed Egypt's first-ever minister of transitional justice and national reconciliation, but his ministry lacked a clear remit. The revised constitution of January 2014 requires the new Parliament to issue a transitional justice law within its first five-year term, seriously delaying the start of any process, if one takes place at all.[80] Indeed, it remains unclear if and when parliamentary elections will take place: after repeated delays, these had been scheduled for March–April 2015, only to be deferred once again. In the meantime, all police officers accused of killing and abusing protesters in 2011 who actually underwent trial have been set free, due in large measure, as in Tunisia, to the "failure to build the evidence to identify the people directly responsible for the crimes, and the lack of penal code articles that would make possible the prosecution of senior officers for responsibility over crimes that their subordinates committed," as Human Rights Watch put it.[81]

These serial failures allowed the police to revert over time to perceiving the main challenge facing them as "restoring their prestige and ability to be feared," as one Egyptian political scientist wrote.[82] In parallel, the security sector's unresponsiveness to transitional authorities that sought to assert meaningful control and accountability hardened. This was not resistance to Islamization, but to democratic governance in general, as underlined by police raids on secular organizations such as the Egyptian Center for Economic and Social Rights, the outlawing of the April 6 Youth Movement, and the growing harassment of secular activists in Tunisia.

The Security Sector's Push for Autonomy and Republican Impunity

Increasing assertiveness by the security sector has been cloaked by the claim that it should enjoy an autonomous legal and constitutional status in order to avoid being politicized by competing civilian parties or instrumentalized by autocratic national leaders. Such "autonomization" of the security sector, as Tunisian security analyst Moncef Kartas dubbed it, would enable a self-regulating "republican police" to be the professional guardian of national security.[83]

The January 2014 constitutions of Egypt and Tunisia both reflected this. The Egyptian constitution made the police directly loyal "to the people," obscuring accountability to any civilian authority, elected or otherwise. Its Tunisian counterpart required the security sector to respect freedoms and remain impartial, but it did not explicitly make the sector accountable to democratically elected authorities or any specific oversight bodies.

Rather than a security sector in the service of citizens, this gives rise to republican impunity. Whether endorsed formally or not, the security sector has emerged from the fluid transitional politics of Egypt and Tunisia as an autonomous institutional actor vis-à-vis society and the political arena alike.

A critical factor aiding this evolution has been the shift in public opinion. Faced with deepening insecurity and growing lawlessness, societies accustomed to look to the state to provide security and law enforcement—as they did for other "public goods" and entitlements such as jobs and social welfare—appear to have shifted from initial support for the uprisings to acceptance of a police comeback.

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This trend emerged even while public confidence in the police dipped further due to the net decline in police performance and the sharp deterioration of law and order in both Egypt and Tunisia. Polling data in Egypt, for example, showed that confidence in the police dropped from an already low 58 percent in 2009 to 39 percent in 2013, with those expressing no confidence in the police rising from 39 percent in 2011 to 58 percent in 2013.[84] Between 2011 and 2013, homicide rates tripled, kidnappings and car thefts quadrupled, and armed robberies increased by a factor of twelve in Egypt; Egypt and Tunisia ranked among the worst 10 percent of 148 countries worldwide in terms of the business costs of terrorism, crime and violence, organized crime, and reliability of police services.[85]

Political attitudes underwent a corresponding shift over the same period: away from the parties that formed the initial interim governments—the Brotherhood in Egypt and Ennahdha and its leftist secular coalition partners in Tunisia—and toward contending platforms dominated by ancien régime figures and advocating old-fashioned law-and-order responses to social problems. This indicates the potential emergence of new hegemonic sociopolitical systems in both countries that accept repressive policies toward any source of dissent or divergent community as legitimate, whether or not these derive from democratically elected authorities or conform to constitutional principles.

So far the security sector's relationship has not yet stabilized with new ruling alignments of social and political forces in either country, whose own composition and internal relations remain in flux. The sheer weight of unresolved socioeconomic problems that underlay the uprisings against Mubarak and Ben Ali will moreover strain new governing arrangements based on a modified or soft authoritarianism. Consequently, the influence and eventual place of the security sector within evolving political systems will remain subject to intense negotiation and periodic contestation.

The parallel rise of the armed forces as a key political and institutional actor—whether overtly in Egypt, or behind the scenes in Tunisia—also

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constrains the autonomy of the security sector. Despite converging on a counterterrorism agenda, national armies regard their internal security counterparts with continuing distrust and disrespect. Sisi's presidential decree of October 2014 expanding military jurisdiction to include protection of public facilities and infrastructure as well as universities revealed a lack of confidence in the security sector's ability to perform its normal role, while his abrupt dismissal of Interior Minister Ibrahim reflected an uneasy political relationship. Meanwhile, the refusal of army units combating jihadists in Tunisia's Mount Chaambi area to come under the lead of security and border agencies affiliated to the Interior Ministry reflects a similar attitude.

Political Lessons

Security sector reform was never really attempted by the successive interim governments of Egypt and Tunisia. Undoubtedly, they faced serious obstacles. Extreme political polarization prevented unified approaches, as did resistance by powerful factions within the security sector that were firmly against reform. A significant hurdle was the limited capacity and resources of newly elected governments and the lack of know-how regarding security sector reform that they shared with newly empowered political parties and most civil society organizations. And the weakness of nascent democratic institutions and processes played a role as well.[86]

But interim governments could still have placed security sector reform officially on the public agenda. They could have initiated and sustained a frank and wide-ranging debate on the issue with coalition partners, parliamentary parties, civil society actors, and supporters of reform within the police. This, they failed to do.

After the initial windows had closed, it became even more difficult to plan or pursue reform because of increasing political violence and emerging new security threats—notably a growing insurgency in Egypt's Sinai, large numbers of Libyan refugees in Tunisia, and destabilizing cross-border flows to both countries of arms and jihadists from Libya. Indeed, some argued that far-reaching reforms amid the tumult could destabilize the security sector further at a critical moment, making it necessary to preserve its structures and personnel.[87]

But worsening security and growing police violence built on trends already under way long before the uprisings. They resulted from *not* pressing harder for meaningful reforms after 2011. Strong support for change would have unlocked improvements in security sector capabilities along with enhanced political legitimacy—and could have helped the countries better combat rising

security threats. The unraveling of securocratic states constructed over decades of authoritarian rule will necessarily be slow and incremental, but it is crucial to sustain an active reform process and to insist on attaining interim goalposts.

It is clear that transitional governments like those in Egypt and Tunisia, particularly elected ones, need to make an unambiguous commitment to achieving reform in the security sector and the associated criminal justice system. Only then can a meaningful dialogue be held with all stakeholders—governing partners, political parties, civil society organizations, and the security sector itself—in order to reach agreement on main goals and expectations. And that agreement is necessary to ensure that governments' proposals for reforming the security sector are not opposed as attempts to assert partisan control over it.

The unraveling of securocratic states constructed over decades of authoritarian rule will necessarily be slow and incremental, but it is crucial to sustain an active reform process and to insist on attaining interim goalposts.

The fragility of nascent democratic structures and the lack of relevant policy experience and technical expertise among new political actors and in civil society generally make engagement with the security sector a sine qua non of reform, in order to identify priorities, agree to objectives, and design the process. But while the security sector must be offered a real stake—in the form of upgrading professional capabilities and improving pay, recruitment and promotion policies, and service conditions—governments should combine this with the requirement that the sector improve performance when measured against clear benchmarks and compliance with legal, political, and financial oversight.

The security sector's resistance to changes that affect its core interests and autonomy makes some compromises unavoidable. Yet, once goals and expectations are set, transitional governments must not cede on critical issues such as ending impunity or exercising the right to set policy and budgets and to make or ratify senior command appointments.

In transitional countries faced with legacies of deep distrust and severe political and societal polarization, it is essential for parties in government to avoid making the security sector (or the judiciary, especially) the object of rivalry and competition among them. This may mean appointing genuinely neutral ministers of interior to reassure other political camps as well as the security sector itself, while insisting on clear reform benchmarks against which to measure performance.

Similarly, security sector reform is largely a top-down process in terms of institutional design, policymaking, and ensuring compliance. But to build broader consensus, it is important to involve political parties, civil society, and media and generate complementing pressure on the sector on all levels.

The politics of security sector reform in Egypt and Tunisia since 2011 show that timing is crucial. All these lessons could have been applied in the wake of

the Arab Spring. Now that the moment it generated to initiate genuine security sector reform has passed, the next real opportunity may have to wait for a new crisis in governing arrangements and an even deeper split among ruling elites. In the interim, regression to the coercive practices of the past only paves the way for a descent into widening civil strife.

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