

Fact box

1. Lebanon's main electricity provider, the *Électricité du Liban* (EDL), is a public institution fulfilling industrial and commercial tasks. It was founded by Decree No. 16878 on July 10th, 1964 and is subordinated to the Ministry of Energy and Water. EDL controls 90% of the electricity sector in Lebanon and thus enjoys a monopoly position. The few existing private energy providers sell their production to EDL. Despite its monopoly position, EDL is facing serious economic difficulties, with an accumulated debt amounting to \$27 billion. This is to a considerable extent imputable to administrative inefficiency, which is illustrated by the fact that EDL's uncollected bills alone account for \$1 billion.*
2. Forecast of Power Shortages (EDL 2011) (Gap between supply and demand)
 - 2011: 800 MW (33%) deficit, corresponding to 8 hours a day
 - 2013: 1330 MW (47%) deficit, corresponding to 13.5 hours a day
 - 2016: 1909 MW (58%) deficit, corresponding to 14 hours a day
3. Lebanese citizens are dependent on electricity supply by private generator owners. In 2009, private generation was estimated to account for around 30% of energy production. Generator owners provide Lebanese citizens with electricity in exchange for a monthly subscription fee. The annual subscription costs paid by the Lebanese is estimated at \$1.2 billion.
4. With \$0.23 per kw/h, the costs for electricity production in Lebanon are the highest in the world.
5. Despite the recurrent power shortages and the immense costs of electricity production, Lebanon ranks 57 out of 189 as concerns obtaining electricity in the World Bank Group's Doing Business-Report of 2014.
6. An App has been developed with which citizens can see at what time power cuts will affect their respective area.

officially no one was caught in the act, the general view among the citizens is that it was carried out by those who would stand to lose their lucrative business if EDZ's plans were to be implemented. The irony is that generator owners use poles and grids provided and owned by the Lebanese government, in a clear defiance of its authority. The State's inability to put an end to the generator mafia meant that citizens of the capital of the Bikaa valley, Zahle, as well as eighteen Bikaa villages, will still have to suffer blackouts, pay two separate electricity bills, and endure the noise and pollution caused by generators which are notoriously hazardous to public health and to the environment. This is a great disappointment to the citizens of the area who lost the chance of ridding themselves of the monthly generator bills -- which are issued at the exorbitant rate of \$125 for every five ampere¹ -- as well as of being captive to the generators owners, or even worse, to the single available power provider with whose condition they have no choice but to comply.

Those who argue that the aftermath of the Lebanese war still impacts the business culture, among other things, are probably right. It seems that the political will to put an end to the outright exploitation of the citizens is simply not there. The Lebanese are convinced that the generator mafia would not have dared to stand up to EDZ, and indeed to its 53,000 subscribers, had they not enjoyed the cover provided by corrupt politicians. No matter how the game of power and business is run, there is little doubt that the ones who truly suffer are the ordinary citizens who progressively lose faith in their government. Many citizens even argue that because of the prevalent culture, they themselves have in turn to practice corruption wherever they can (through bribery, cheating, tax evasion, etc.) in order to compensate for the "bad deal" on whose receiving end they always find themselves. Corruption as usual breeds corruption.

EDZ has been working hard since March 2015, to provide electricity to its citizens in Zahle on an uninterrupted basis despite the setbacks.

1. A normal home would need at least 10 amperes to run a refrigerator, a television and air conditioner simultaneously

The Malice of Power: Arrests in Syria as Part of a Politico-Economic Rationale

Ansar Jassim

"I was shocked when I learnt Naser had been arrested. I did not want to believe it at first. To be arrested is the worst thing that could happen to you in Syria. No matter how you die – the main thing is not to die this way – that is what most Syrians will tell you. I need to get hold of one of these pills that kill you instantly; Naser had said to me shortly before. He was planning ahead on how to elude an arrest. And then he was arrested in the Foreigners' Registration Office, as he is Palestinian. The images of tortured dead bodies entered my mind at once; Samira explains. "My uncle, however, reassured me that Naser would walk free within a few days. He said he knew someone inside. With high hopes, we started to collect the money that was being demanded from us. That was back in October 2014. At first, we were to pay 4,000 dollars, and then it increased to 20,000, in the end the sum had multiplied to 60,000 dollars. We have not been able to trace him since January 2015. Even though they continue to demand more money from us, we do not even know whether Naser is still alive."

The number of people that have been arrested in Syria since 2011 is unclear. Syrian human rights organisation Violations Documentation Center (VDC) estimates the number to be around 200,000 people. As neither an arrest warrant is issued nor the family informed, the term used for these arrests is "enforced disappearances". The majority of those disappeared is made up by young men in their 20s and 30s, however, the VDC has also documented cases in which underage boys and girls were taken. In 2011, the regime began pursuing those who were planning anti-regime protests. The more violent the conflict was fought out and the worse the supply conditions became, the more humanitarian and medical personnel were affected. "By now,

it is estimated that 90% of those arrested by the regime or regime militias had nothing to do with the revolution," says Amer, a former officer in the Syrian military. The "Caesar" report – named after the deserted Syrian military photographer – counts at least 11,000 people who have died in detention centres, either through the torture itself or as a result of the intentionally catastrophic prison conditions.

People disappear in government agencies or at checkpoints of the military or the *Jeish al-Shaabi*, the "People's Army". These are paramilitary units that consist of armed civilians who have been equipped by the regime. They were known as the *shabiha* at first and have since informally been annexed to the Syrian military. These are the first groups in a long chain of people profiting from the business of arrests in Syria.

Arrests are now taking place at a large scale. Those affected are brought to official prisons that had already been overcrowded before the revolution set in and to the confidential interrogation centres of various secret services. The increasing number of arrests is not only the expression of a regime that takes forceful action against the civil population, but also demonstrates that this regime had been counting on a "safe solution" from the very start: violence in place of politics.

Free reign when it comes to arrests is one of the ways in which the regime renders it possible for various parts of its security apparatus to enrich themselves. That way, the regime secures support for its actions in times of economic demise. The ones who are left to suffer are the thousands of disappeared Syrians and their families. On the one hand, the issue is actual corruption [Fasad] in which money serves as a means to obtain a service and on the other hand it is sheer fraud [Nasab], in which a



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service is promised in return but the promise is not kept.

"When the arrests started people were much more intimidated about asking to ransom their family member. In 2011, arrests were far more targeted, nowadays anyone can be taken. Before, there was still such a thing as being innocent. Now, you can be robbed at any checkpoint and then you just disappear," Amjad, media activist.

Profits for the Lower Ranks in Return for Loyalty

There are many ways to "disappear" in Syria. For instance, if a house or an office is searched, all of the people present are taken. The families of those arrested are not informed. If they can find out where the person was last seen, they can trace which security agency took their relative. Every secret service controls a certain district of a city; information on who controls which parts is contained in the store of knowledge of many Syrians or can be inquired about. However, the most frequent and random arrests are made at checkpoints. Checkpoints have been set up at the entrances to every village, and even at the access points to every district in cities. "Most checkpoints at the village entrances of Jaramana are controlled by the jawiya, the secret service unit of the air force. Within the district however, the shabiha are in control," Lama, a human rights activist, tells us. She herself was imprisoned for a long period of time. "When I was arrested, I was glad it happened at an official regime checkpoint. That way, I was taken and my husband was arrested at home – but at least our house was not ransacked and my daughter was not raped."

Shortly after the arrest, the person is taken to the interrogation centres of the various departments (Fira', pl. Fur'u) of the secret services. Most of them have a regular personnel structure: a director, division leader and those in charge of conducting interrogations. Furthermore, there are several confidential internment centres and the "People's Army" again have their own prisons. The arrests they make are random, and sometimes by order of the security departments. An especially notorious place is the secret internment camp of the shabiha in Nesreen Street in the Damascus district of Tadamon. In Syrian law, the Fur'u are responsible for the detection of crimes and for the correspondent gathering of evidence. In practical terms, the Fur'u are the centrepiece of secret service torture chambers. Some of them, for instance Fira' 215, generate especially brutish images of torture amongst Syrians. The Syrian

regime, anxious to be perceived as a modern administrative government, has regulated imprisonment within its legal framework. In theory, a Fira' is authorised to detain a prisoner for up to 60 days, given that the arrest warrant is renewed every 48 hours whereafter the prisoner has to be brought before a court. "But nobody complies with these regulations. In reality, you disappear once you are brought to a Fira'. You have no legal assistance and no attorney can do anything for you, not even find out where you are," Jamal, a lawyer himself, explains. He left Syria in March 2015.

"Oftentimes, they (the Fur'u) arrest a person and keep him or her in custody for four or five days. They request the phone numbers of family members, and then the blackmailing begins," Feras tells us. He also is an attorney from Damascus who now lives in Beirut. Even if you pay, that does not mean that the release of your relative is secured. After exploiting the families financially, the shabiha oftentimes surrender the prisoner to the secret services. The unofficial and official structures of Syrian secret services therefore do not only coexist, they cooperate directly.

This is all part of a macabre trade. "Because we know what happens with those under arrest, families will always be willing to pay, even if that means they need to sell their houses for the money. You buy the hope that your relative will not die from torture – even if it is clear to you that they will not be released," says political scientist Rawan. The families grasp at any last straw. The issue is not simply corruption that takes place within a system. Even more than before the insurgency, the regime has an interest in creating space for corruption, blackmailing and self-enrichment. Already before 2011, the regime had the most extensive security apparatus of the region. Since the beginning of the revolution, it has multiplied – through the many checkpoints and the development of diverse militias loyal to the regime. At the same time, the economic situation has become devastating, which means that the regime is not able to support the increased expenses for the security sector with state funds alone. 100 dollars, about 20,000 Syrian pounds, is the current income of a regular officer in the regime's security apparatus. "A packet of coffee costs about 2,000 SP and diesel for two days is about 5,000 SP," explains media activist Amjad. "As the regime facilitates arrests and the blackmailing of families, shabiha as well as regular soldiers of the regime can generate a secondary income for themselves. Soldiers no longer have confidence in the regime but now they see their opportunity to profit."

By the end of 2012, the country's economy had already suffered the loss of 1.5 million jobs. "The Syrian economy has been almost entirely destroyed [...]. [It] has almost entirely developed into a wartime economy that consists of crime, smuggling, trading in arms and people, as well as the theft of subsidies etc.. A small class of people has emerged who were able to profit in the context of this economy, whereas at the same time, millions of youths are left unemployed, unable to support their families," says political scientist Sabr Darwish. To enable corruption and extortion is a strategic decision made by the regime – an adjustment of its system in light of changed circumstances.

How long a prisoner has to endure in a Fira' is uncertain, both lawyers Jamal and Feras confirm. From there, people are transferred to one of the prisons. "The condition of those who are brought to central prisons from the Fira' is dreadful," Jamal knows after witnessing the transfer of thirty prisoners on his way to court. "None of them weighed more than 40 kilogram. The stench was unbearable, even from a distance. The security personnel escorting them were wearing gas masks. The injuries of those imprisoned were evident: burns caused by electricity and stubbed out cigarettes... Every time we say to judges that we need to document this and that we need a legally accredited physician, they, of course, refuse. It would not be possible to release someone home in that state. That is why I have come to think that the prisons are a kind of stopover on the way of recovery. The conditions are still terrible – but not comparable to those in the Fur'u."

The transfer to a central prison also entails a change in those responsible for prisoners within the system, and another group of profiteers receive the opportunity to blackmail families. The transfer alone lends itself to corruption: "In some cases, officers in the Fur'u will contact families and promise them to transfer their son to a central prison in exchange for a certain sum of money. Even though he would have been transferred nonetheless," activist Kifah has learnt. It is not traceable which court a prisoner is sent to. "Sometimes five different people are arrested and charged with the same offences – but they are sent before different courts," the attorneys explain.

Arbitrary arrests can strike anyone: "We know of cases in which the shabiha raided our area and simply arrested young men, regardless of their background. That explains, why several young men who are actually supporters of the regime are imprisoned as well," reports Lama, who has committed herself to the

experiences of female prisoners after having been incarcerated herself.

Psychological Warfare and Disappointed Hopes

"The reasoning behind this is not only material enrichment," Rawan states. "It is a war of nerves. On the one hand, corruption pricing is adjusted for poorer families. On the other hand, money is squeezed out of families at all levels. They are being strung along and put off again and again. They are promised the release of their son from prison once they pay a certain amount of money. Instead, what they receive in the end is a dead body. In some cases, families are prepared to pay for the knowledge of the location of the mass grave in which their son lies buried. They cannot even go there," says Rawan. When families are informed of the death of their child in imprisonment, they either sign a form stating that the death was caused by "medical reasons", heart failure for example. Or they sign to a statement saying that "armed forces" were the cause. That way, the regime ensures they have – by the families themselves – the insurance in writing that it is not responsible for committing a crime."

"Families are prepared to pay for any small detail of information: Is their son still alive, how is he doing?" Once a son disappears, his family tries their best to find out his whereabouts. Anyone who starts asking questions is susceptible to fraud or in danger of risking their own safety. All sorts of promises are made to families. In the end, the director of the Fira' decides when and if a person is released.

The families under compulsion to choose this path are denied any form of safeguard – apart from the option to additionally search information through other channels. One element that eludes full control by the regime comes in form of the reports given by other prisoners. For this reason, a network of human rights activists and lawyers has developed, whose members record the statements of those released from imprisonment – for instance the VDC or the Missing Syria group. Prisoners learn names and telephone numbers of their cell mates' families off by heart. Due to the fact that cells are oftentimes hopelessly overcrowded, inmates in many cases memorise 70 or more names and phone numbers, Missing Syria activists have come to learn. Once they are released, they either try to contact families directly or they share their knowledge through human rights organisations. This is where Syrian public figures, such as Yara Sabri, assume an important role. She is perceived as a person

of trust and makes contact with the families. On her Facebook page, she adds a new list of names of disappeared people on a daily basis. Many times, a statement issued by Yara Sabri has helped families uncover the identity of their blackmailers. If they were notified that their family member could be released from the Fira' by means of a certain lump sum and Yara can tell them that their son was, however, last seen elsewhere, they can still freeze the payment.

Albeit there are many cases in central prisons that are presumed to be forgotten, it is here that the "disappeared" emerge from oblivion. There are daily updated lists laid out publically in courts containing the names of those who are on trial. "I was arrested for putting the names on these registers online in an attempt to combat corruption and the exploitation of families. I contacted the families and informed them of what charges were being brought forward against their children. In some cases, viewing the charges, it is clear that the accused will be released immediately – if this information is made publically accessible, nobody will be able to extort money from these families. A large part of our work as honest lawyers is elucidation."

The value of attorneys is measured according to their contacts. Jamal and Feras reveal: "When it comes to freeing someone in court who is charged with a violation that is rated as a grave offence by the regime, a Simsar is needed. He is a kind of broker, an attorney who secures their clients' freedom through money and contacts. That way, a charge for smuggling ten tons of explosives can quickly turn into a charge for smuggling ten litres of diesel," Jamal tells us.

The Anti-Terrorism Court

"The Anti-Terrorism Court is the most distinct expression of this corrupt system and trade with the prisoners," Rawan says. It was established by presidential order and sits regularly since 2012. This court denies the accused any defence. Judges are appointed by decree and explicitly have full power of authority. "Some of these judges are actually convinced that the accused are terrorists. Most of them have simply bought their position as judges with money," Jamal explains and Feras adds: "In a position where everything is at your own discretion, you are virtually urged into corruption." He further explains: "This month, this court will make a judgement in 3,000 cases. That is an enormous number. The documentation used is primitive which leads to a situation in which we do not know how many people have been convicted and how many have been cleared from charges." The VDC counts 70,000 cases that have been transferred to this court up until 2014.

The Anti-Terrorism Court is the judiciary of a regime that claims to be leading a war against terrorists since March 2011, and that renders it a strong symbol of a trend in regime ranks: those in key positions have abandoned the motivation of defending an alleged anti-imperialistic, socialist system long ago. In fact, the interest in personal profits predominates political motivation. The regime has created an elaborate structure of profiteers who have a selfish, not an ideological, interest in the regime's survival.

The omnipotence of this court reveals that corruption in the business of life and death is not restricted to the lower ranks alone: in this case, judges are the ones who benefit in the chain of beneficiaries. Suspended sentences are their personal commodity, and amnesties

offer a basis for wide-ranging corruption. These are general amnesties which bring remission of certain penalties with them, without determining the individuals it is issued for beforehand. Payments are made in order to receive a place on a list of those granted an amnesty. "You need a truly powerful intermediary in order to be added to one of these lists. As soon as an amnesty is announced, prison officers start to promise families to place their sons' names on the list. Many are not aware of the fact that, regardless of the corruption, amnesties are only valid in prisons, not for the Fur'u," Feras details.

Impacts at all Levels of Life

The extreme fear of arrests and the knowledge of the level of violence that awaits following the arrest is one of the driving forces which compels families to pay lump sums which cause them to find themselves in a dire financial situation. Amjad recounts how the arrest of his uncle had an impact on the entire family. His uncle was subject to a random arrest at a checkpoint. He was not presented with any charges and he was not searched before. "After my uncle was arrested, I went out in search for a 'key' in an attempt to find out where he was being held. A high-ranking officer charged 60,000 SP for that at first, about 300 dollars. Upon receipt of payment, he told us that my uncle is in department 720. Then he demanded 340,000 SP, which was about 2,600 dollars at the time. We scraped the money together, and sold his car and all of my aunt's jewellery. As we had no guarantee that my uncle would actually be freed, the money was deposited with a third party. We are not aware of this officer's rank, but he obviously had contacts. My uncle was indeed released the next day – from the Fira'.



He was immediately transported to the central prison in Damascus, Arda. The officer accepted the money and was brazen enough to claim that that had been the agreement," Amjad recalls. My aunt was permitted to visit him in prison – even though you have the right to this visit, she needed to bribe staff in order to see him. He looked incredibly exhausted, they had badly tortured him. We had no other choice but to ask the same officer for his help again, this time he demanded an additional 1,500 dollars. Everyone in the family started to sell property. My uncle was freed two weeks later: he had no property left and he had been terminated from his job.

The Moral Dilemma – "This is what we Took to the Streets Against"

Even though Rawan, whose husband has been imprisoned since 2012 and has been transferred to central prison in the meantime, is aware of torture practices in prisons, she is not willing to pay – precisely because her husband had been politically active. She believes that corruption in the last couple of years has led to an even more corrupt system, and that it has fuelled the dynamic of more and more arrests – as a replacement for regular income. "Corruption begins with us. We are the reason. We took to the streets in March of 2011 and protested against the corruption in Syria... But as soon as the arrests started, we were the first to be prepared to pay. We have given the regime this power. If I pay, I only invigorate the regime. We should have taken a stand in the very beginning and denied them bribes [rashwa]... Instead, bribery has now even increased and it has become more widely accepted. If you deem it

legitimate now, why did you protest against it in the first place?" Rawan passes critical judgement on those who, in an attempt to save the lives of their relatives, support corruption. However, she also recognises that not only political activists are being targeted: "The many bystanders who have been taken from checkpoints – of course I understand that their families want to free them," she says and adds: "Families are the victims, but through these arrests, the regime reels them into its circle of corruption and its own survival. That is the malice of its power."

It is a moral dilemma from which one cannot withdraw oneself in circumstances where deaths in interrogation centres and prisons have become a daily occurrence. "Save the rest," Feras, in his role as a lawyer, says in reference to a campaign of the Syrian civil society, for which the case of the disappeared is more than just a politico-economic file. One of the flyers that they secretly distributed in Damascus reads: "Not everyone underground is dead, there are thousands of lives waiting to be saved."

The Political Economy of Arrests

Is the wide-spread corruption in the security sector an indication of state disintegration or a technique which ensures the regime's survival? There are conflicting views in this respect. Political economist Jihad Yazigi argues that the "informal economy comprising looting, kidnapping and smuggling" has established itself as a crucial source of income because the security situation had rapidly deteriorated. "Entirely new business networks, often illicit, are emerging and new groups and individuals are being empowered at the expense of the traditional business class," Yazigi writes.

In alignment with Elisabeth Picard's (1996) comments on Lebanon during the period of the civil war, this outbreak of violence does not seem to be a by-product of state disintegration, but rather seems to point to the opposite: It seems the Syrian regime has created a system of corruption and self-enrichment within the political economy of the war as a means to secure its survival. Arrests and disappearances are part of an entire set of post-2011 mechanisms to facilitate self-enrichment. Already before 2011, corruption belonged to what Bassam Haddad referred to as „crony capitalism“. New, however, are the militias. To allow them free reign thus secures their loyalty to the regime.

However, the significance of violent excesses exceeds the realm of economy. They are part of a government *modus operandi*: in line with the period preceding 2011, information from the depths of torture chambers is to be spread amongst the population. This way, the people are to be rendered submissive even without the direct application of physical violence. Obedience in place of appreciation, intimidation in place of legitimacy is to secure the continuity of the regime's reign. At the same time, the apparent corruption at all levels without exception – and especially at the level of the Anti-Terrorism Court – suggests that the bearers of the regime act less and less for ideological reasons.

"The regime is not collapsing. It has simply developed into a regime of cliques. The military and safety institutions are now militias and gangs. Every gang leader has been appointed by the regime. The regime no longer has full control over these groups," that is the assessment made by activist and political analyst Kifah. "And yet, if it chooses it can easily shut them down. Bashar al-Assad has simply become the leader of the largest militia."

This text is dedicated to all those arrested and disappeared in Syria.

This article is based on personal contact with the subject matter and eleven qualitative interviews with people affected, activists and legal practitioners. The individual point of view and experience of the people concerned is the focal point as, even though the system of corruption is part of a political economy at a larger scale, every arrest and every disappearance impacts immensely not only on the life of the disappeared person, but also on the lives of their family members.

Corrupted Still? Four Years After the Revolution, Ex-Regime Assets Remain Contentious in Tunisia

Legal Agenda

Editor's note

The Tunisian public welcomed decree-law no. 2011-13 issued on March 3, 2011 that called for the confiscation of assets acquired by the former Tunisian President Zine el Abidine Ben Ali, along with 143 of his family members and close associates during his rule. The period in question lasted from July 11, 1987 until January 14, 2011. At the time it was issued, the confiscation decree was regarded as an act that embodied the fulfilment of one demand of Tunisia's "Dignity Revolution." Among the most prominent revolutionary slogans were those calling for the recovery of assets plundered by the ruling family¹. Political discourse around the confiscation of these assets took advantage of popular support for these measures as well as for a liberation from the power that "the ousted family had held over the national economy". Furthermore, confiscation was celebrated as a step towards enacting the equitable redistribution of wealth among individuals and other entities.

Unfortunately however, the Tunisian public's anger towards the ruling family prevented any public discussion around the obligation for the confiscations to comply with the right to a fair trial. Likewise, the Tunisian Constitution neglected to protect revolutionary procedures from judicial oversight. Four years after the revolution, The Legal Agenda wishes to raise questions about the effectiveness and legitimacy of the confiscation measure in the hope of soliciting a response from the Administrative Judiciary, which has committed to take on legal cases that seek to overturn the confiscation orders.

1. The first section of decree-law no. 2011-13 dated to March 14, 2011 states: "Confiscate on behalf of the Tunisian State in accordance with the conditions stipulated by this decree and on the date of its issuance, all assets, movable, real estate, and rights acquired after November 7, 1987, and belonging to the former president of the Tunisian Republic Zine el Abidine Ben Ali, Haj Hamda Ben Haj Hassan Ben Ali, and his wife Layla Bint Muhammad Ben Rahuma al-Tarabulsi, and the other individuals specified on the list attached to this decree, and others of whom it has been established that they attained their movable or real estate assets or rights due to their relationship with those people."

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