

**INTERNATIONAL HUMAN RIGHTS LAW
INSTITUTE**



DePaul University College of Law

**RAISING THE BAR:
LEGAL EDUCATION REFORM IN IRAQ**

RAN-A-00-03-00095-00

Quarterly Report

April 30, 2004

I. Executive Summary

The past quarter has been a time of laying the groundwork for our project and taking the initial steps in implementing it. In consultation with our numerous partners (the three faculties of law, USAID, CPA advisors, Governing Counsel ministers), we developed a detailed Work Plan addressing the unique needs of the faculties of law of Baghdad University, Sulaimaniya University, and Basra University. We have developed detailed plans of action for each program (Rule of Law, Curriculum Reform, Clinical Education, and Library and Technology) in each of our partner institutions. More importantly, we have built positive working relationships between our staff, our program colleagues at each of the partner institutions and relevant parties outside of the universities. For example, Ms. Kimberli Morris, Library and Information Technology Specialist has developed a close working relationship with law library staff from our three institutional partners and with text vendors both in-country and abroad. Finally, connections are being made through our assistance between Iraqi professionals both among our three partner institutions and the larger legal and library communities. We have seen this both in the information sharing that has occurred between faculty from Baghdad University and Sulamaniya University concerning the creation of a human rights course at Sulamaniya, and, on the part of the library program, in the possible re-establishment of the Iraqi Library Association.

While the security situation in Iraq has been unstable throughout this time period, thus at times delaying the progress of our work, we are satisfied that we have done well in terms of establishing our project. This summer, we will be able to build on the foundations laid by our work of this quarter and advance the project dramatically, as we start both physical work in the libraries, and facilitate legal conferences and training in and outside of Iraq for legal faculty.

II. Program Activities and Accomplishments

Activities during this first quarter involved both laying the groundwork for the project through building relationships with key players, assessing the needs of each of our partner institutions, developing the work plan and initiating the work under that work plan.

A. Developing Relationships – Preliminary Meetings

Even before meeting with our institutional partners, we held a number of meetings this past quarter in order to establish working relationships with those governmental and administrative officials whose cooperation was essential for our project. These meetings were both informational (advising them of our project and its objectives) and investigatory to determine activities occurring under the authority of these official that might impact our project. The following is a summary of the most important meetings within the last quarter:

1. **CPA/USAID Officials** Prior to meeting any university officials or faculty, our team visited the Republican Palace in order to obtain further information about the universities and receive some more specific ideas from key senior advisors with the CPA about our proposals.

a) Meetings with Dr. John Agresto, Judge Larry Rubini Among these CPA consultations, we had a number of separate meetings Dr. John Agresto, senior adviser to the Higher Education Ministry, and Judge Larry Rubini, senior adviser to the Ministry of Justice. Dr. Agresto primarily spoke to us about the people he knew at the various campuses, the best ways to approach them and provided other very useful background information. From Judge Rubini we learned of the CPA's plans with respect to judicial and legal training, which was essential in order for us to tailor our program in a fashion that dovetailed well with the CPA's other programs. Judge Rubini also told us that there was in the CPA pipeline a proposal to reform curricular education in the Iraqi law schools, headed by Bruce Fein, another member of his staff. Judge Rubini urged us to get in contact with Mr. Fein, who was on leave during our meetings. We subsequently met with Mr. Fein. We found that our programs anticipated the work he was leading.

b) Meeting with Mr. Tom Staal During our trip to Basra, we paid a visit to Mr. Tom Staal, a USAID official within Basra to brief him on our project, and specifically that aspect of our project that concerns the University of Basra. Mr.

Staal asked us about how we intend to tailor the program to fit the particular cultural environment and material needs of southern Iraq. We assured him that we would not attempt to impose any particular program on Basra. The goal of the project is to help the faculty of Basra develop the program in ways that would meet Basra's specific needs. We also pledged to keep him informed periodically as our project develops, and to let us know of any other projects with whom we might need to coordinate in order to ensure that the work we are doing is neither conflicting with nor duplicative of another project.

2. Iraqi Governmental Officials Our project seeks to engage and involve Iraqi participation. We therefore paid particular attention to meeting with representatives of the Iraqi Governing Authority.

a) Meeting with Minister of Justice, Abdul-Rahman Shibley Within the first week of our arrival in Baghdad, our team met with the Minister of Justice, Abdul-Rahman Shibley, to discuss our project, obtain his views on our proposals and determine whether or not future cooperation with the Ministry would be necessary or desirable. The Minister was very receptive to our ideas. He emphasized the need to change the manner in which law students are educated so that, after graduation and as practicing lawyers, they will be able to properly appreciate and act as the defenders of a rule of law society. We were very encouraged by the Minister's very warm response to our proposals. We each pledged our future cooperation together in those areas where such cooperation will further the goals of our project.

b) Meeting with Chief Justice of Iraqi Supreme Court, Judge Madhat Al-Mahmood We also met with the Chief Justice of the Iraqi Supreme Court, Judge Madhat Al-Mahmood, to get his views on our project and investigate whether cooperation with the Judiciary would be possible. Like the Minister of Justice, the Judge was very enthusiastic and supportive of our ideas, and urged us to do as much as could be done to institute an understanding of a rule of law society among law students. The Judge was very open to future cooperation, and we will continue to meet with him on a regular basis in order to work with him to the extent feasible to further the goals of our program.

c) Meeting with Human Rights Minister, Abdel-Basit al-Turki The final Minister with whom we met was the Human Rights Minister, Abdel-Basit al-Turki, again to discuss our project and determine where cooperation would be most desirable. The Minister received us particularly warmly and was most interested in those parts of our proposal that dealt with human rights issues, such as the introduction of a human rights course as part of the law school curriculum and the creation of clinical law programs focusing on human rights issues. The Minister even went so far as to offer us space in his new offices from where we could set up a satellite office, an offer we received gratefully and intend to accept once the Ministry moves to its new offices. Close cooperation with this Ministry we regard as fundamentally important to further the goals of our project.

B. Rule of Law Program

The purpose of the Rule of Law program is to promote greater understanding of rule of law, constitutionalism and international legal norms. Utilizing issues of special contemporary interest and recognized importance, the project will create a forum for practical engagement between targeted law faculty members (principally drawn from the three participating colleges of law), government officials, members of the judiciary and leaders of the practicing bar. The forum will both address contemporary legal needs (e.g. promoting legal reform and statutory development) and promote mutually reinforcing change within the legal academy and the practicing bar.

In order to advance the above objectives, the following activities and accomplishments took place within the last quarter:

1. Initial meetings have been held with Baghdad Faculty of Law regarding the series of seminars for the Rule of Law Program. A coordinating committee was established as a steering committee to handle the logistics for these seminars. Program sub-committees were proposed for each of the seminars.
2. During his February 11-15 visit to Baghdad, Professor M. Cherif Bassiouni, the Principal Director of our Project, met with a number of Baghdad law school faculty members and discussed in some detail the development of the rule of law program including the establishment of a research center in the College of Law dedicating to the subject of the rule of law.
3. On January 15, our Baghdad based team met separately with the faculty at Suleymania University to discuss the various parts of our project and the best means to implement the project as soon as possible after final approval of our Work Plan by USAID. During these meetings, the faculty of Suleymania University and we finalized a list of seminars relating to the Rule of Law section of our project.
4. Based on earlier discussions with the USAID Democracy and Governance Team and the CPA Governance Team, the first Rule of Law seminar is to be on Post Conflict Justice and was set to take place May 8-11, 2004. A draft program was developed and was circulated to all of the appropriate individuals. Law professors in the field of criminal justice have submitted proposals for topics to be included in the program. *See attached Appendix B.* (N.B. Due to serious security concerns resulting from the current unstable environment in Central and Southern Iraq, we were forced to postpone the conference. Not only did the security situation affect the ability of our international experts to travel in-country and other Iraqi faculty (our experts and others) and participants to travel in-country from other cities, we were concerned that the atmosphere would not be suitable for this topic. At the moment, the new time and venue for first Rule of Law

conference on Post Conflict Justice will take place next August in Suleymania, where security is not as much of an issue.)

5. Given the importance of this program, the project team has developed two sets of studies in post-conflict justice issues which will be circulated prior to the conference. Contact has been made with the designated CPA Governance Team contact person (Mr. Steve Weir) for this seminar to involve administration support.

C. Curriculum Reform

The objective of the Curriculum Program is to improve the existing curricula in Iraqi law schools, in order to catch up with global developments in law generally and in particular with regard to international law affecting individual and human rights, international criminal law and international trade law. To achieve this goal, the project has formed a number of specialized curriculum consultative committees to recommend changes. As we discovered, the laws imposing centralized curricular adoption remain in place and substantive changes to the larger curriculum must await the development and implementation of a new national curriculum. Therefore, in an effort to achieve quick results the consultative committees are initially focusing upon recommending changes that can be adopted through the 15-20% curriculum discretion that Iraqi law professors have for the subjects that they teach. The committees are also developing recommendations for later, national curriculum reform.

In order to advance the above objectives, the following activities and accomplishments took place within the last quarter:

1. On January 14, we arranged for the Suleymania University faculty to come to Baghdad for three days of meetings with us and the faculty at Baghdad University. The primary purpose of this exchange was to initiate a faculty dialogue among the universities. The faculty discussed a wide variety of legal matters and their differing approaches to their curriculum. In particular, the Sulaimaniya faculty informed the Baghdad faculty of certain curriculum changes that they had instituted recently, among which was the introduction of a class in human rights. The Baghdad faculty expressed a great deal of interest in this class, and requested that the Sulaimaniya faculty provide them with a copy of the course outline, which was later sent to the Baghdad faculty through us. The meetings with the Sulaimaniya faculty continued on January 15, when we discussed certain classes into which new material might be introduced as part of the Curriculum Reform part of our project.
2. As of March, our curriculum reform program is under way with the formation of Working Groups in the following fields:

- i. International Trade Law
- ii. International Criminal Law
- iii. Public International Law
- iv. Constitutional Law
- v. Curricular Governance

We have selected prominent law professors, specialists and practitioners in each of these fields to participate in the review and rejuvenation of the law school curricula.

3. A series of meetings were conducted, during the month of March, for the first 4 of these groups and detailed discussions with our project specialists have begun. In keeping with our approach to identify new materials and teaching methods for introduction into the curriculum under the law professor's 15% discretionary authority, each Working Group is developing guidelines for materials to be used during this academic year. These guidelines will be distributed to our partner law schools as well as other interested Iraqi law schools.

D. Clinical Education

The purpose of the clinical legal education program is to create programmatic opportunities for students to gain practical knowledge and experience of the practice of law, as opposed to the current practice of teaching only legal theory and textbook knowledge. As with clinical programs in the United States and throughout the world, the institution of such a program will prepare law students to become productive professionals from the outset of their career. Moreover, the program will emphasize ethical practices and the important public service role they will have in building the legal system in the new Iraq based upon the rule of law.

In order to advance the above objectives, the following activities and accomplishments took place within the last quarter:

1. Throughout the month of December we had several meetings with the Baghdad faculty during which we defined specific clinical education initiatives that would work within their academic program.
2. On January 15 we met with the Sulaimaniya faculty and discussed the implementation of a summer post graduate workshop that would provide students an opportunity to gain an understanding of the practical aspects of legal education.
3. On February 28 we met with the Sulaimaniya faculty and finalized a complete plan with respect to a post graduate clinical education workshop to take place in the summer.

Pursuant to the above referenced plan, below is how it applied to each of the faculties of law:

a) Baghdad University, Faculty of Law

- On March 6, our clinical specialist, Haider Hamoudi, met with his counterpart at the College of Law, Dr. Jamal al-Hayderi where they selected the 20 students required to be selected for the fourth year program. In order to avoid controversies of any sort, the top 20 students in the class by grade (which fortuitously worked out to 10 men and 10 women) were chosen. Moreover, a room was designated for the moot court and a courtroom visitation program was planned. Finally, with respect to the third year summer externship program, a meeting with the Bar Association chief was planned and a program was set whereby the students would be selected, and the professors have begun selecting the lawyers that will participate in the third year program.
- During the last week of March, the clinical program presented a five-person panel discussion to the participating students regarding the program, the nature and benefits of clinical education, and what was expected of the students. The speakers included our project specialist, Haider Hamoudi (providing general background on our project), Professor Jamal Al-Hayderi, our clinical specialist on the Baghdad University Faculty (describing in more detail the expectations of the students), a prominent practicing Iraqi attorney, Salim al-Musawi (giving his perspective as a prominent member of the bar on the importance of practice based education), and a prominent appeals court judge, Judge Raheem (giving his perspective as a prominent member of the bench on the importance of practice based education). Based on the questions asked by the students, it appeared very much that they were eager to participate in the new program.
- Weekly courtroom visitations for the students that are part of the Baghdad University clinical program are in place every Monday. Despite the recent security situation, we brought the students to their first court room. Unfortunately court sessions could not be held because the CPA had, for security reasons, chosen not to bring the defendants to court. Nevertheless, the educational opportunities were not lost, as we had a judge and prosecutor show the students the courtroom, and explain some basics on procedures, so that during the students' next visit, scheduled for the first week of April, they will be better prepared for a live courtroom experience.
- Moot Court room: In preparation for the Moot Court sessions, contractors and carpenters began work early March on preparing a Moot Court room. The room has been painted, electricity outlets are being prepared, a carpenter has begun work on the moot court furniture, and student robes are presently being made. Work should be completed around the time that the students are ready to take on their roles in early April.

b) Basra University, Faculty of Law

- In March the Clinical project staff traveled to Basra and met with our faculty counterparts and the following was decided:
 - i) A moot courtroom was selected and the faculty would assist us in finding appropriate contractors that could prepare the room for appropriate student use.
 - ii) A schedule of both court visits and visits by judges and prosecutors to the schools was prepared for a select group of students for this semester. The professors will speak with the judges and prosecutors to secure their participation.
 - iii) Moot court will begin immediately after the end of classes, with the bulk of time before that to be spent on courtroom visits, judges and prosecutors training students, and preparing the moot court classroom.
 - iv) For next fall, one lecture a week will be devoted in the criminal and civil procedure classes to clinic related work. These will be lectures by practitioners, moot court sessions, court visits, etc. A detailed schedule will be drawn up over the next 2 months, as June moot court is finalized.

- An implementation program was created wherein students would begin courtroom visits over the course of the next several weeks. Judges, prosecutors and practicing attorneys would be brought to the universities for a variety of workshops where student participation will be very strongly encouraged. Moot Court will begin in the summer will continue through next year's fall semester.

- Basra University has since gotten back to us respecting prices to prepare the moot courtroom, all of which are well within our budget presented to USAID, and we expect to begin designing and preparing the room immediately as a result.

- A schedule for courtroom visitations is being prepared in which all students will be given an opportunity to visit court. Judges, prosecutors and other conference leaders are currently being approached to lead conferences and practice based educational workshops at the university for all students. The moot court is in its initial stages of construction as well and should be ready for use in the next month or so. The Basra University clinical specialists came to Baghdad in order to finalize some of the details respecting the above, and have indicated that they will immediately begin implementing the project upon their return. We will be monitoring progress via telephone and email.

c. Sulaimaniya University, Faculty of Law

The focus of our efforts with the clinical program is on Baghdad and Basra Universities. The Sulaimaniya University program will commence in summer.

D. Library and Educational Technology

The objective of the Library and Educational Technology program is to assist each of the three colleges restoring and/or upgrading their library and research technology support services. Project will provide technical assistance in library planning and management techniques, critical assessment of existing needs, and support for necessary acquisitions. To enhance services, collaborative relationships among libraries will be promoted.

In order to advance the above objectives, the following activities and accomplishments took place within the last quarter, reviewed in relation to the tasks of assessment; acquisition, automation, relationship-building and association-building:

- 1. Assessment** Over the past months, we have conducted detailed assessments of the three law libraries. Ms. Kimberli Morris, the law library specialist, along with other staff members visited all three locations and meet with staff. All of the law libraries demand physical plant work in addition to acquisitions for their permanent collections and educational technologies. (See Appendix A) Throughout this quarter, Ms. Morris has been able to discuss with each universities' staff both the physical and staff training needs of each library. She has developed plans for each law library, and headway has been made in terms of starting the actual work that each law library needs.

a) Baghdad University, Faculty of Law

- Baghdad University's law library situation is the most dire, as it was looted during the outbreak of the war and has the most physical damage. The space itself has broken floors, severe white ant infestations, holes in walls resulting from the theft of air conditioners, as well as insufficient electrical capacity and lighting. The law library also needs its shelving replaced, as it currently is falling apart. The highlight of the law library's situation is that it is a good space with lots of potential for a successful rehabilitation.
- We conducted a series of site visits with contractors for the rehabilitation project. Four contractors have visited the site and three have submitted cost estimates, two have had follow up meetings with to discuss details of their proposals. NISO specifications were provided for all of the contractors for the library shelves. A Jordanian company with a Baghdad agent was also identified who could supply shelving according to the specifications and a per unit quote was obtained. Additional follow up meetings will be scheduled with the remaining contractors. References will be obtained from each of these companies and site visits will be conducted to review projects they have completed.

b) Basra University, Faculty of Law

- Basra University's law library was also looted. The cataloging records of the law library were stolen, but the staff has already responded to this by working to recreate the records. We reviewed this work, and have suggested additional items of information to track in order to make computerizing the records easier in the future. This enthusiasm for rebuilding the law library can also be seen in the response of the university. Already, the university is considering expanding the law library's space and adding a gateway/door for security because of our focus on enhancing the library. The main needs of the library that we have identified are: shelving, air conditioners, and perhaps electrical upgrading. The last point is important in Basra, as USAID and CPA contractors working on the power grid have informed us that they strongly recommend installing a generator for uninterrupted power for the next 8 month to a year.
- Basra University's staff most notably has demonstrated their commitment to the law library through their efforts during the unrest following the outbreak of the war. Risking personal harm, they protected the limited materials of the their libraries by bringing them to their homes.

c) Sulaimaniya University, Faculty of Law

- Sulaimaniya University's law library has both the most advanced technology out of the three schools, and the smallest physical space. While it similarly has meager resources in terms of books, periodicals, etc., it is better maintained, climate controlled, and has adequate shelving. The College of Law itself has ten computers devoted to student use which is impressive compared to its in-country sister schools. The issue of physical space is one that we are working to address, and hope to continue to do so in the future. We have identified additional space that we could use, however there is a need for much more space in the future.
- Sulaimaniya University's law library staff have discussed the various types of training that they have, and what types of training would be beneficial with Ms. Morris and our staff.

- 2. Acquisitions** Upon returning from Sulaimaniya University's School of Law this March, Ms. Morris worked with contacts both here and in the United States to begin putting together a vendor list of publishers and jobbers that can be used for acquiring new law books. This is a time-consuming process as it is not possible to simply call up Little Brown, West, Lexis, etc. and order from their website for delivery here. The input from her colleagues in the US law librarian community has helped Ms. Morris collect a list of reputable booksellers in the region with whom we can work. A large part of a successful acquisition librarian's job is

managing vendor relationships. Due to their isolation, the Iraqi librarians are rebuilding these relationships from scratch. Subsequently, we obtained the 2002-2004 booklist from Leila Books in Cairo, Egypt with all their books on law or librarianship in Arabic. This was distributed to the law schools and will be reviewed with them to determine the most effective acquisition plan for each campus. Contact was made with a local book distributor, Al-Muthanna booksellers, here in Baghdad. A meeting was held with their principal, Anas Al-Rajab, a local vendor with whom it will be important for all three of the law schools to re-establish their ties. The meeting went very well - we've obtained and are reviewing an initial list of books for review with the law schools.

- 3. Automating Library Holdings** We have identified an Arabic language library automation system that the libraries can use to automate their holdings information. While in the long term, the goal should be to install a multi-institutional Integrated Library System, in the short term each institution needs to begin the process of automating their records. CDS/ISIS is a program developed by UNESCO that is used worldwide. There is an Arabized version of the software available from the Arab League documentation center. At this point there is not a Kurdish version of the software. The developer has shown willingness to begin working on a Kurdish version if that was seen as necessary. We plan to discuss this possibility with the law library staff at Sulaimaniya University. We have started working on a database definition within CDS/ISIS that the libraries can use. By setting up the tables, relationships, and authority files centrally, it will be possible for all three schools to share their catalog as they develop, and the database structure can both import and export MARC compliant records. This is a major process, but will pay off in the long term, creating an opportunity for each school to have access to a larger amount of resources and to build relationships between the law schools.
- 4. Interfacing with Other Iraqi Libraries** A March meeting with librarians at the National Library was initiated to determine how the law school libraries, and the National Library could collaborate. Information sharing is always positive in the library/information science field. The meeting included Dr. Saad Bashir Eskender, Director of the Iraqi National Library, and Wishyar Mohammed, Library Adviser, Ministry of Culture of the CPA. We discussed the ways libraries in Baghdad and all over Iraq can collaborate, share expertise, leverage training that any one library receives, and generally just help each other. During the meeting it was discovered that the National Library previously had microfilming capacity, but that the equipment had been destroyed. Nonetheless, they still have the expertise on staff. For our project, having access to a microfilming center will be crucial. Microfilming is a major preservation technique, and will facilitate resource sharing between all the libraries, not just the law libraries. Additional discussions will be held to determine how we may be able to cooperate with the National Library in a mutually beneficial manner. The meeting also discussed the possible reestablishment of the Iraqi Library Association and how to coordinate among the multiple library initiative taking place in Iraq, including the new Japan

program that is going to be starting up, the Harvard-Simmons library science program, and programs from the other HEAD projects with a library component. It is in our interest as donors to not duplicate each other's efforts, but it is also in the Iraq's interest to disseminate training as broadly as possible, and attempt to coordinate activities between the donor programs. As a start, our project team facilitated contact with Sulaimaniya faculty for the Harvard-Simmons project.

III. Problems Encountered

In commencing work in Iraq, a number of problems emerged that have had greater or lesser impact on that work. While some of these problems were anticipated, the extent of those problems have only become clear over time.

A. Security

Security is the key problem that we have faced working in Iraq. It has been a high priority concern for the project from its inception. The following is a description of how we have responded to this issue:

Project staff based in-country, as well as in Chicago, communicate daily to maintain awareness of changes in Iraq. Significant resources have been devoted to providing our in-country staff with as much protection as the environment allows. We have adopted a primary strategy to maintain a low profile for our operations and staff. We consciously avoided placing our offices in a business or academic setting. Instead, we have rented a villa in a residential area of Baghdad. It is surrounded by a solid concrete and block wall. We have 24 hour security – one guard during the day (along with the armed drivers) and two guards at night. It has its own power generator. While one of our U.S. national staff members lives with his grandmother, the other non-Iraqi staff members reside at the villa. This avoids commuting to and from work or venturing into areas associated with potential conflict. We have three cars for transportation. Two are driven by armed guards – with a second armed guard available to travel with either of the cars as needed. We also have a car stationed at the villa for use by our staff in the event something arises at night or when the drivers are not available. We have selected staff that “fit in.” Of our three U.S. national staffers in Baghdad, two are of Iraqi-origin, speak fluent Arabic, and have relatives and friends in Baghdad. They can, for all practical purposes, be considered as part of the local population. A third international staff member is an Egyptian national and speaks fluent Arabic. Our final U.S. national staff member does not speak Arabic, however when she leaves the villa she is supported by a dedicated translator (an Iraqi) and driven by one of our armed drivers. We have additional Iraqi staff on site. Some of our staff members have weapons permits and guns. We have also obtained 9 bullet proof vests for use whenever there are safety concerns.

Whenever IHRLI staff visits Baghdad, we stay at local Iraqi hotels. We avoid any hotel that is commonly used by journalists or other internationals. We have obtained access to the USAID prepared SAFE report (Security Awareness For Everyday) a daily review of the security situation throughout Iraq. We use this to evaluate security concerns. Finally,

we have identified exit strategies in the event of problems or a security crisis. While these plans change over time, the current plan would be that in the event civil strife our international staff would seek refuge in the Kurdish part of the country, currently the most stable and secure in the country, with the expectation that extraction could be arranged from there.

Security concerns have proven problematic for our project in terms of loss of time and limiting our ability to make concrete plans, for example in terms of dates for conferences and travel. As we continue working on this project, we hope to develop means to increase the speed with which we respond to changes in the security situation. In Chicago, our staff is currently developing a procedures manual that will enable our staff to in a quick and organized manner make the changes in arrangements that are necessary in times of heightened instability.

B. Gaining Trust

Gaining the trust of Iraqi staff and faculty at all three universities has been an underlying issue for the project. Iraqis are understandably uncertain about our commitment to rebuilding the legal system. For example, between March 14 - 18, 2004, we organized a trip to Basra for our Library project staff. There was some initial hesitation on the part of the Basra faculty due to the lag in time between our initial visit in late December 2003 and the approval of our work plan in mid-February. After in-depth discussions of the details of our work plan we were able to overcome any doubts they had about the seriousness of our project. We are fortunate to have a staff that is capable of speaking to the concerns of our constituency, and while this issue surely will continue to face us throughout the project, we hope that we will continue be successful at alleviating tensions surrounding the sincerity of our work and our respect for Iraqi legal traditions and culture.

C. Issues Related to the History of the Ba'athist Regime, Embargo, and War

It has become clear that throughout all three law schools, the particular history of Iraq has shaped every aspect of university life and education. With the exception of the University of Sulaimaniya, their facilities have deteriorated and there are few places within their facilities that encourage students to be present and participate in the life of the school. Faculty members and staff suffer from a lack of initiative. Having emerged from the rigidity of the Ba'athist regime and the trauma of the war, their first reaction to suggested change is to seek the comfort of reliance upon a higher authority and, second, to look for the obstacles to accomplishing even desired changes. Faculty members are constrained by a sense of rigidity in their thinking. While they recognize that their isolation under the Ba'athist regime denied them access to knowledge of changes in the law throughout the world, they do not necessarily appreciate the limits imposed by the existing legal culture in Iraq. Finally, Iraqi law faculty members and administrators have an understandable sense of pride, both as Iraqi citizens living under an occupation and growing out of their

history as leaders in the law within the Arab countries prior to the advent of the Ba'athist regime.

While these issues may not be as tangible as the effect that security issues have had on our project, they are important to recognize. It is imperative for the success of our project that we build on the trust that we are developing to discuss and work through these issues, so that they do not continue to interfere with our ability to encourage a respect for the rule of law in Iraq.

IV. Future Activities

The upcoming quarter will be very important for the project. Key activities during this quarter for each of the programs are as follows.

A. Rule of Law

1. **Summer Training Program** Faculty members working on the this project will be brought first to Cairo for one week, where they will tour the University of Cairo, Ein Shams, and El Mansur to learn about legal education in Egypt. Participants will then be brought to the International Institute for the Higher Studies of Criminal Science, Siracusa, Italy, for two weeks of educational training. While in Siracusa, they will visit two universities, and will study topics in public interest law, international criminal law, humanitarian law and human rights, and constitutional law.
2. **Specialist Training** The Iraqi faculty specialists will be brought to Chicago, Illinois for a period of ten working days. While in Chicago, the specialists will visit colleges of law (University of Chicago, Northwestern University, and DePaul University), the courts (state and federal, trial and appellate), and the offices of the American Bar Association. They will also receive advanced training from faculty drawn from the Chicago-area in topics not addressed in the Cairo/Siracusa program.

B. Curriculum Reform

1. **Summer Training Program** Faculty members working on the this project will be brought first to Cairo for one week, where they will tour the University of Cairo, Ein Shams, and El Mansur to learn about legal education in Egypt. Participants will then be brought to the International Institute for the Higher Studies of Criminal Science, Siracusa, Italy, for two weeks of educational training. While in Siracusa, they will visit two universities, and will be separated into two groups according to their academic specialty. One group will study topics in public interest law, international criminal law, humanitarian law and human rights, and constitutional law. The second group will study international

trade and business law. Four international scholars will be brought to Siracusa to lead the training in each of these groups. Topics covered under public international, etc. will include comparative constitutional law, human rights, public international law, and international criminal law. Under the rubric international trade and business, we will investigate international trade, international finance, comparative company law, and international intellectual property.

2. **Specialist Training** The Iraqi faculty specialists will be brought to Chicago, Illinois for a period of ten working days. While in Chicago, the specialists will visit colleges of law (University of Chicago, Northwestern University, and DePaul University), the courts (state and federal, trial and appellate), and the offices of the American Bar Association. They will also receive advanced training from faculty drawn from the Chicago-area in topics not addressed in the Cairo/Siracusa program.

C. Clinical Education

Clinical Specialists will receive similar training to that provided to the Curriculum specialists identified above.

D. Library and Educational Technology

1. **Specialist Training** Our staff both in-country and in Chicago are coordinating arrangements for the upcoming library specialist training in Boston. Participants have been identified, and the process by which they will be able to attend the program has begun. During the last week of April, specialists were flown to Amman, Jordan in order to obtain travel visas for this purpose. Library/technology specialists will visit Boston for a period of up to ten working days to participate in the annual meeting of the American Association of Law Librarians. They will also visit law college libraries within the Boston-area to observe law library operations in the United States.
2. **Construction** The project has created a committee at each of the partner institutions to review construction proposals and bids. Construction and renovation plans are being developed and bids will be taken during the next quarter.

Appendix A – Images from Iraq



Baghdad University Law Library



Baghdad University Law Library



Basra University Law Library



Baghdad University Lecture Hall



Baghdad University Lecture Hall



Baghdad University Lecture Hall



Baghdad University Lecture Hall



Baghdad University Faculty of Law



Baghdad University Faculty of Law



Baghdad University Faculty of Law Faculty



Baghdad University Law Library



Baghdad University Faculty of Law Entrance



Baghdad University Faculty of Law Clinic

Appendix B – Draft Schedule of First Rule of Law Schedule

Revised 4/9/04

CONFERENCE ON POST-CONFLICT JUSTICE IN IRAQ Baghdad, May 2004

Saturday, May 8

- 9:30-10:00 Welcoming Speeches by Prof. M. Cherif Bassiouni, Chief Justice of Supreme Court, Minister of Justice, and Judge Dara of the Governing Council.
- 10:00-11:30 Presentation by Prof. M. Cherif Bassiouni on *International Crimes and the History of International Investigations and Prosecutions*.
- 11:30-12:00 Break
- 12:00-1:00 General Discussion
- 1:00-2:00 Lunch
- 2:00-4:00 Panel discussion on MCB's morning presentation to be chaired by (a prominent member of the bar or a judge) with the following panelists:
- 1- Dr. Jamal Ibrahim Al-Haydari, Head of the Criminal Law Section at Baghdad University Faculty of Law
 - 2- Dr. Kareem Maza'al, Dean of Karbala University Faculty of Law
 - 3- Dr. Hasan Oudeh Za'al, Dean of Babylon University Faculty of Law
 - 4- Dr. Hatem Al-Mousawi, Doctoral candidate, International Law Section, Baghdad University Faculty of Law
- 4:00-4:30 Break
- 4:30-6:00 Continuation of panel discussion
- 6:00 Tea and adjournment

Sunday, May 9

- 9:30-10:15 Presentation of the report on the IST by Prof. M. Cherif Bassiouni (We will email you the document in Arabic and you will have it duplicated in Baghdad to be distributed)

10:15-12:00 Panel discussion on *the Relationship between International Criminal Law and Iraqi Criminal Law* to be chaired by Judge Dara with the following panelists:

- 1- Dr. Abdul Sattar Salem Al-Kibaisi, Lecturer at Baghdad University Faculty of Law (presenting on *the Principles of International Justice within the Framework of Domestic Criminal Courts*)
- 2- Dr. Taleb Noor Al-Shara, Teacher of law at Baghdad University Faculty of Law (presenting on *the International Justice Standards as they Relate to the Iraqi Code of Criminal Procedure*)
- 3- Dr. Dari Khalil Mahmoud, Lecturer at Baghdad University Faculty of Law (presenting on *the Complimentarily Between the National Criminal and International Criminal Jurisdiction of the Judiciary*)
- 4- Dr. Hasan Abd Ali Issa, Lecturer at Baghdad University Faculty of Law (presenting on *the Principal of Criminal Responsibility*)
- 5- Judge Fathi Al-Jawari, Investigatory Judge; Al-Sadr City, on the *Decree Establishing the IST*

12:00-12:30 Break

12:30-2:00 Continuation of panel discussion

2:00-3:00 Lunch

3:00-5:00 General discussion on the IST chaired by Judge Dara

5:00-6:00 Tea and adjournment

Monday, May 10

9:30-11:30 Discussion of truth commissions and compensation strategies. (

11:30-12:00 Break

12:00-1:00 General discussion of morning presentation.

1:00-3:00 Lunch

3:00-5:00 Convene a drafting committee to draft the final conclusions and recommendations

Tuesday, May 11

10:00-12:00 Public meeting.

12:00-3:00 Lunch

3:00-5:00 Meeting with key persons in the three universities to discuss our future rule of law conferences as well as our curriculum plan and summer program.