



AMIDEAST

EDUCATION AND TRAINING FOR MIDDLE EAST DEVELOPMENT

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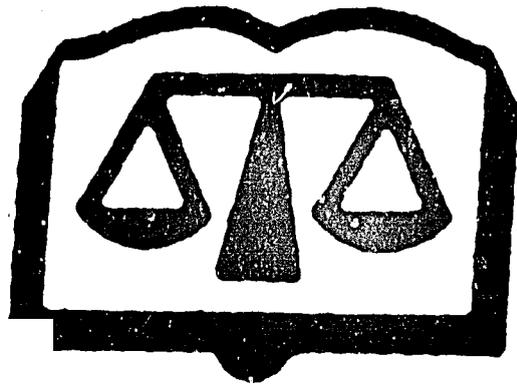
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LET

Legal Education and Training



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I. SUMMARY

The "moderate" Arab countries of the Middle East are a crucial counterbalance to both the extremes of conservatism and radicalism that exist in the region. In these countries proponents of progress and social liberalization compete with hostile elements for influence in the development process. Some fledgling democratic institutions have emerged and have often been greeted with enthusiasm at the grass roots level, even when tradition or political events have inhibited their rapid development. However in these countries the notions of human rights and the rule of law still have only a fragile hold on the framework of public institutions and on social values. These principles, human rights and the rule of law, and their proponents, need to be supported and reinforced if they are to continue playing a leading role in the development process.

The Legal Education and Training Project (LET) is a collaborative initiative based on a Cooperative Agreement between AMIDEAST and the Agency for International Development (A.I.D.). Its strategy was formulated to address many of the broad themes articulated in A.I.D.'s "Policy Determination" PD-12 (Human Rights, 9/26/84). Specifically the project seeks to encourage;

1. research and discussion of civil and political rights.
2. awareness of civil and political rights.
3. adherence to the rule of law through a legal framework conducive to civil and political rights.
4. development of democratic principles and institutions that promote human rights.
5. development of human rights organizations.
6. increased access of women and ethnic groups to the judicial system and to the political process.

In the two years since the first project workplan was submitted AMIDEAST has sought to utilize education and training as instruments for overcoming social, political and cultural barriers to improved human rights practices in Egypt, Jordan, Morocco and Tunisia. Using a very small staff in Washington and its field office network in the region, AMIDEAST has to the greatest extent possible tried to "emphasize activities that originate in the developing countries themselves, and that directly involve the people of those countries" (page 1, Annex to PD-12).

As a private American educational organization dependent upon the hospitality of the host country governments, AMIDEAST has had to adopt a cautious strategy, avoiding controversy and any posture overtly challenging those governments. While appreciating the contribution of organizations whose promotion of human rights is confrontational and demands government accountability, AMIDEAST has chosen to emphasize "activities which will have a positive, rather than adversarial, influence on governmental human rights policies" (page 1, Annex to PD-12).

Given its modest scope AMIDEAST considers the LET Project to have been successful thus far in moving toward the achievement of its project objectives. Furthermore AMIDEAST is confident that the project, in meeting these objectives, will contribute to the achievement of the long-term societal goals of widespread respect for human rights and the rule of law. Positive trends are evident in the project countries, and as it is A.I.D.'s policy to "encourage improving trends in human rights conditions" (PD-12, page 3) AMIDEAST submits this report as the basis for continued A.I.D. support of its human rights activities.

II. PROJECT OVERVIEW

The Legal Education and Training Project (LET) was initiated by AMIDEAST in September, 1983, with funds provided by the Agency for International Development, under Section 116(e) of the Foreign Assistance Act of 1961 (as amended).

Since the beginning of Fiscal Year 1984, AMIDEAST, through the LET Project, has been identifying, developing and implementing activities which promote greater understanding and protection of human rights, and encourage positive regional and national developments in the human rights field in Egypt, Jordan, Morocco and Tunisia. The long-term societal goals of the project (Fig. 1) correspond to the general philosophy of A.I.D. PD 12 ("Human Rights", 9/26/84). Although these long-term goals cannot be achieved within the context of the present project alone, the LET project is one component among many which cumulatively may lead to such comprehensive societal developments.

FIG. 1

LONG-TERM SOCIETAL GOALS

1. PROMOTE BETTER UNDERSTANDING OF MEANING AND IMPORTANCE OF HUMAN RIGHTS.
2. FURTHER THE OBSERVANCE OF HIGH REGIONAL AND NATIONAL STANDARDS OF HUMAN RIGHTS PRACTICES.
3. FOSTER CONCERN FOR HUMAN RIGHTS IN THE REGULAR OPERATION OF THE LEGAL SYSTEM AND IN GOVERNMENT PROCEDURES IN GENERAL.

The immediate project objectives (Fig. 2) were developed in consultation with the A.I.D. Project Officer, and constitute the modalities of contributing to the achievement of the long-term societal goals. The rationale underlying these modalities recognizes the superior efficacy of building on indigenous elements, both institutional and philosophical, in promoting human rights in a non-western cultural context.

Following a brief administrative start-up period the project began with a legal training "needs assessment" of each of four "moderate" countries of the Near East, Egypt, Jordan, Morocco and Tunisia, taking into consideration their legal sources and traditions, relevant cultural and political considerations and cost efficiency. The surveys were conducted by highly qualified technical consultants, and their findings were submitted by May, 1984.

FIG. 2

LET PROJECT OBJECTIVES

1. ENHANCE THE QUALITY OF RELEVANT LEGAL EDUCATION AND TRAINING.
2. ESTABLISH REGIONAL NETWORK WITH POTENTIAL FOR FUTURE REGIONAL INITIATIVES.
3. STRENGTHEN INSTITUTIONAL FRAMEWORK OF PROGRAMS THAT CONTRIBUTE TO AWARENESS, PROTECTION AND PROMOTION OF HUMAN RIGHTS.
4. INCREASE THE COMMITMENT OF BOTH THE LEGAL AND ACADEMIC COMMUNITIES TO IMPROVED HUMAN RIGHTS PRACTICES.

An Advisory Committee composed of senior legal and human rights experts with broad experience in the Arab world was appointed to provide ongoing advice on project strategy and activities. The members of the Advisory Committee (Fig. 3) who convene twice annually to discuss the project, also provide advice and assistance on an individual basis. They provide an invaluable service and constitute a unique resource, both in project planning and implementation.

Based on the recommendations contained in the "needs assessment" reports, and in consultation with the Advisory Committee, a one-year project plan was adopted. Pilot activities were experimented with and routine operating procedures were established. Ad hoc contacts were cultivated into a regional network including representatives of the academic, legal, judicial and official communities of the region.

FIG. 3

LET PROJECT ADVISORY COMMITTEE

1. Professor Charles Abernathy; Georgetown University
2. Professor M. Cherif Bassiouni; Depaul University
3. Kenneth Crawford, Esq.; Federal Judicial Center
4. Professor Mary Gray; American University
5. Hurst Hannum, Esq.; Procedural Aspects of International
Law Institute
6. Professor W. Thomas Mallison; George Washington University
7. Dean Jeswald Salacuse; Fletcher School of Law and Diplomacy
8. The Honorable Marshall Wiley; Sidley and Austin
9. Professor Don Wallace, Jr.; Georgetown University

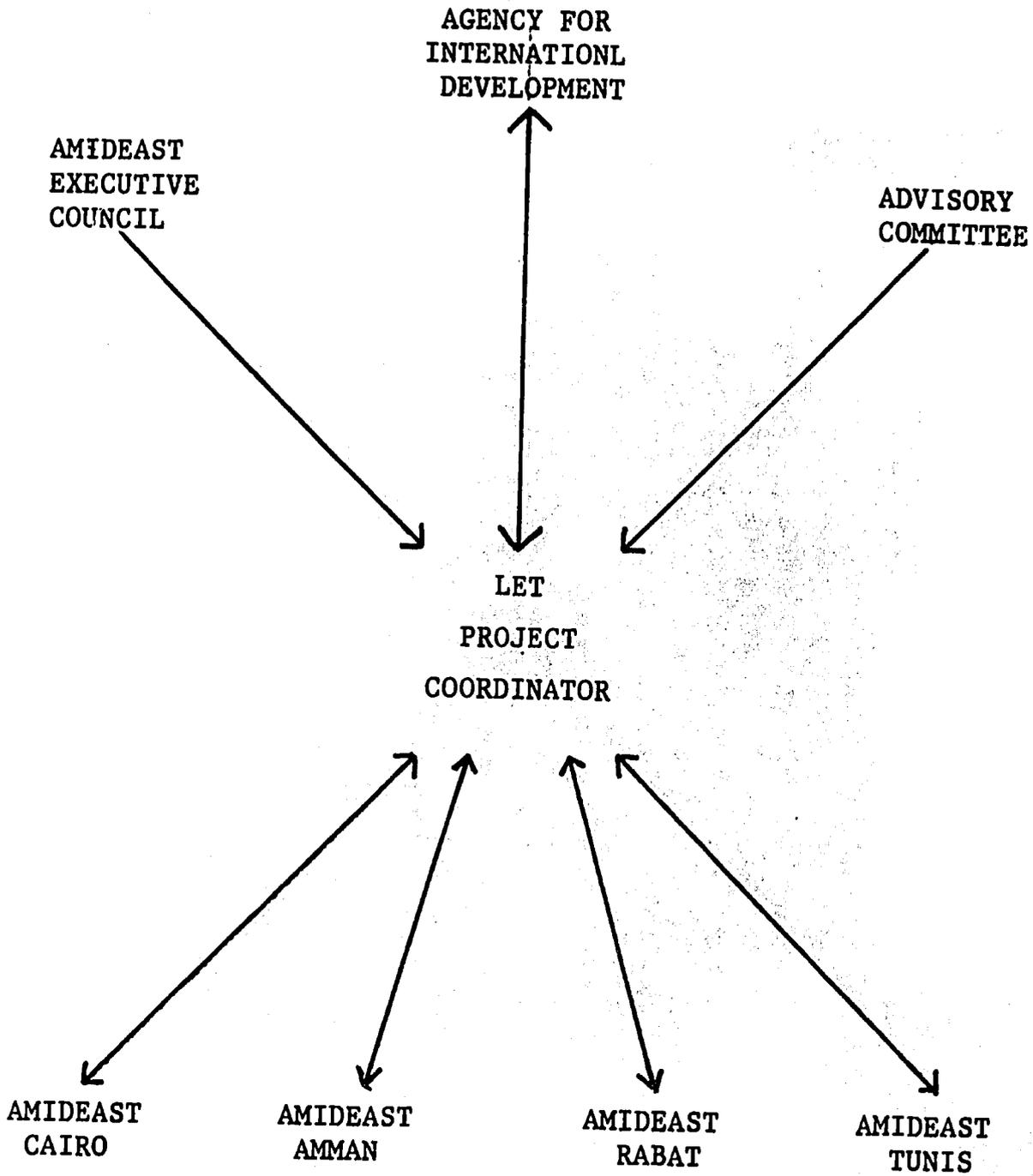
A. Administration

The Project Coordinator, based at AMIDEAST headquarters in Washington, D.C., is the only staff person allocated to the LET Project on a full-time basis. His responsibilities include all aspects of project administration, budgeting, planning, implementation and monitoring. In fulfilling his responsibilities he makes use of AMIDEAST's administrative infrastructure, including office, telex, postal and courier service, computerized budget management system, and in-region field office network. The Project Coordinator is also responsible for all liaison between A.I.D./Washington, AMIDEAST staff (both headquarters and regional), and the Advisory Committee, as well as for coordinating the overall project strategic effort (Fig. 4). Communications are maintained in Washington with numerous educational organizations and institutes in the United States and throughout the world concerned with the promotion of human rights, the rule of law, and the independence of the judiciary.

The Project Coordinator is advised by the Cognizant Project Officer at A.I.D., the Advisory Committee, and AMIDEAST senior executive staff. He serves as the conduit for this advice to the Field Office Directors. The Field Office Directors in turn advise AMIDEAST/Washington of developments in the field, of the feasibility and implementation of project activities, and of the general environment for activity development.

FIG. 4

PROJECT ADMINISTRATION



B. Regional Administration

In each of the four project countries, project activities are overseen by the AMIDEAST Field Office Director. These individuals are long-term AMIDEAST employees with substantial experience living and working in their host country. They are responsible for gauging the social and political environment within their country in order to maximize the impact of project activities. They are also responsible for ensuring that activities are carried out with a maximum of cultural sensitivity, and for coordinating and implementing all activities within their country.

Each AMIDEAST Field Office Director is in turn advised by a Local Advisory Board. These groups work on an informal basis, and consist of respected members of the local legal and academic communities who have demonstrated a commitment to areas of concern to the project. They assist in the selection of project participants, and in developing project activities.

In consultation with the Local Advisory Boards AMIDEAST field offices are able to develop activities in collaboration with a wide variety of educational organizations and institutions in the region. These form the core of a regional network with potential for future regional initiatives (Fig. 5). This network is strengthened through various project activities, and it is envisioned that the full regional membership of the Local Advisory Boards will convene at least once during Fiscal Year 1987 in the context of a regional initiative associated with one of the project activities.

C. Project Activities

All activities undertaken under the auspices of the LET Project are designed to strengthen local institutions and reinforce indigenous cultural traits favoring human rights. The rationale determining the design and development of various categories of project activity, is to focus on those activities which, through a multiplier effect, maximize the impact of project disbursements, and lead to a broader rate of "literacy" concerning human rights, and legal rights in general (Fig. 6).

FIG. 6

CRITERIA FOR LET ACTIVITIES

1. INSTITUTION BUILDING
2. MULTIPLIER EFFECT
3. TANGIBLE OUTPUTS
4. LEGAL LITERACY

In the project's short history several mechanisms have emerged for achieving project objectives (Fig. 7).

1. Funded Participant Human Rights Training

Through the LET Project AMIDEAST fields applications from potential participants in several prestigious regional and international short-term study programs focusing on human rights, the rule of law and the judiciary. AMIDEAST screens these applications and, in consultation with the Local Advisory Boards, selects the most qualified candidates for scholarships. Programs thus far include the International Institute of Human Rights (annual seminar in Strasbourg, France), the Center for the Study of Human Rights/Columbia University (annual symposium in New York), the Salzburg Seminar on "American Law and Legal Institutions" (held annually in Salzburg, Austria), and the Southwestern Legal Foundation's "Academy of American and International Law" (held annually in Richardson, Texas). Beneficiaries of these scholarships are asked to cooperate with AMIDEAST in their home countries in identifying ways of extending the impact of such participation to colleagues and the local population through follow-up activities designed to generate a "multiplier effect"

2. Library/Curriculum Development

In order to promote the teaching of human rights and encourage research on the subject in Arab universities the LET Project has initiated a curriculum development activity with eight

FIG. 7

LET ACTIVITY INVENTORY

1. FUNDED PARTICIPANTS
2. LIBRARY/CURRICULUM DEVELOPMENT
3. CONFERENCES AND CONFERENCE SUPPORT
4. TECHNICAL ASSISTANCE
5. SEMINAR ORGANIZATION/SUPPORT
6. RESEARCH SUPPORT
7. DEVELOPMENT OF EDUCATIONAL MATERIALS

academic institutions in the region. Based on recommendations from a bibliographical research study commissioned by AMIDEAST, texts and reference works in English, French and, to the degree possible, in Arabic, together constituting a core human rights library, are being assembled for distribution to the eight institutions. The United Nations Information Center in Washington, D.C., and the U.N. Office of Public Information in New York are providing a valuable service by identifying and assembling relevant United Nations documents in Arabic, English and French, to add to the collections. The American private sector, represented by over 30 commercial and academic publishing companies, has been extremely generous in contributing to this effort by offering valuable discounts on book orders. These materials will be donated to the respective institutions in the region, in connection with visits from American scholars, expert in the fields of human rights and law, who will provide advice concerning the incorporation of the subject matter of these texts into the existing curriculum whenever possible.

3. Conference Organization and Conference Support

AMIDEAST has sponsored two regional conferences on human rights in the Arab world. One, in Cairo, organized under the auspices of the Center for International Legal and Economic Studies (CILES) of Zagazig University, was on the subject "Collective Human Rights". The second, held in Sicily at the International Institute for the Higher Study of Criminal Science, was on the theme, "Criminal Justice; Education, Reform and Human Rights Protection in

the Arab World". These attracted numerous participants from throughout the region, helping both to strengthen Arab institutions (i.e. CILES), to cultivate the regional network of individuals working in the human rights field, and to encourage research in the region on human rights and related legal topics. In addition to these two AMIDEAST sponsored conferences, the LET Project supported the 1984 Annual Conference of the Tunisian Human Rights League, and assisted members of that organization in attending other international conferences on human rights.

4. Technical Assistance

In order to maximize the impact and efficacy of indigenous efforts to promote and protect human rights in the region, certain local institutions require expert advice on a wide variety of issues. Through the LET Project AMIDEAST has identified expert advisors for consultations with appropriate institutions in the region. Consultative fields range from the strictly academic to administrative areas. Current consultations also concern video production and video material use for educational purposes.

The most notable instance of Technical Assistance in the project thus far involves the proposed center for advanced legal and judicial training in Amman, Jordan. The concept of this center evolved from a locally perceived need to upgrade the quality of legal preparation for both judges and lawyers in Jordan, and to standardize legal and judicial practices throughout the country. AMIDEAST, acting as a planning consultant in cooperation with the Jordanian planning committee, has arranged technical assistance in

such areas as administration, resource analysis, curriculum and faculty development, as well as substantive legal and judicial areas. The successful establishment of this center will contribute significantly to a higher standard of justice and to the wider rule of law in Jordan.

5. Seminar Organization and Support

By far the most valuable resource available to the project is the participants themselves, and AMIDEAST looks upon beneficiaries of project activities as a unique asset in respect to the follow-up activities they can generate. One extremely cost-efficient follow-up activity is the LET Participant-led in-country seminar. Having completed a short-term educational or training program, or study visit, the participant, whether from the academic, judicial or legal community, is in a position to share the educational content with his or her colleagues. Each LET Project participant is now asked to organize and conduct a seminar upon completion of the participant program, based on the subject matter covered in the program. This can be either formal or informal, and will generally be addressed to the project participant's colleagues. This category of activity effectively meets many project performance criteria; it is cost-efficient; relies on a "multiplier effect"; encourages, develops and utilizes indigenous expertise; and is relatively simple in format and easy to organize.

6. Research Promotion

Throughout the region research in the field of human rights must be encouraged in order to ensure a better understanding of these rights and to generate fresh approaches to strengthening the rule of law. Research is needed to develop innovative strategies for adapting the value system inherent in international human rights standards to the local cultural and social environment. To this end the LET Project assists in developing research concepts and provides financial support for that research. The project has provided support for research on "collective" human rights, protection of minorities, safeguarding human rights within the criminal justice system, and methods of teaching human rights in legal education.

7. Development of Educational Materials

In view of the general paucity of educational materials in Arabic focusing on human rights, and to meet certain project specific objectives, AMIDEAST has had occasion to develop certain resources for use in project activities. The following are examples of materials developed to meet project objectives;

As a supplement to educational video programs on judicial administration, civil rights, jury trials, and federal habeas corpus, AMIDEAST developed a companion set of program notes in Arabic summarizing the substance of the programs. This resource is approximately 60 pages in length.

To further disseminate the resolutions of the LET sponsored conference on "Criminal Justice; Education, Reform and Human Rights Protection in the Arab World", AMIDEAST has contributed to the publication of a pamphlet on the conference and its resolutions.

Other materials are being considered for development through LET Project activities. These, and their publication in a resource document, are discussed below as part of the FY'87 workplan.

D. Highlights of FY'86

1. Egyptian Jurists U.S. Study Visit (9/16 - 10/4)

Six distinguished Egyptian judges and law professors visited the U.S. for three weeks, on a program organized by AMIDEAST specifically for the LET Project. The study program was designed to demonstrate to the participants the means by which human and civil rights safeguards are structurally incorporated into the legal and judicial system of the U.S. An additional objective was to familiarize the participants with the American system of legal education, emphasizing its concern for human and civil rights. A comprehensive report on this activity was submitted to A.I.D. on 11/22/85, and can be found in Appendix 1.

2. Conference on "Human and Peoples' Rights"

(Cairo, 11/24-11/28)

In order to support the work of the Center for International Legal and Economic Studies of Zagazig University, the first academic unit of its kind in Egypt dealing specifically with human rights questions, AMIDEAST sponsored the Center's second regional conference. The topic, selected by the officers of the Center and the members of the Faculty of Law at Zagazig University, is an important part of the human rights agenda of many developing countries. While it is not a priority topic for the purposes of the LET Project, the independent value of strengthening the Center, both in terms of its national importance and regional profile, justified LET Project support.

The conference received very high level attention, with several current and former government ministers in attendance during various plenaries. This contributes to the elevation of concern for human rights within the national context, while demonstrating the degree of high level official interest within Egypt to the non-Egyptian participants. Such exposure undoubtedly strengthens the reputation and institutional base of the Center (one of the major concerns of the LET Project).

Further vindicating the decision to support the conference is the fact that in terms of convening human rights and legal specialists from throughout the region, the conference was successful. During the course of the conference there were as many as 100 participants attending the various sessions. The conference provided a forum for a regional dialog on a difficult topic within

the field of human rights, while providing an opportunity to develop regional contacts and help further establish an informal regional network. This category of activity is vital in strengthening the regional network of concerned individuals and organizations. A comprehensive report on the conference was submitted to A.I.D. on 2/20/86, and can be found in Appendix 2.

3. Conference on "Criminal Justice, Education, Reform and Human Rights Protection in the Arab World"
(Siracusa, Italy; 12/1 - 12/7)

The purpose of this LET sponsored and organized conference was to engage law professors, judges, and lawyers from throughout the region, in a dialog on the role of the criminal justice system in protecting human rights and on various models of legal education from other parts of the world. The theme was developed specifically to address LET Project concerns. Papers investigated the vital connection between the fields of criminal law and human rights, and the conference resolutions constitute a concrete contribution toward identifying methods and means of strengthening the protection of human rights through the criminal justice system and through criminal justice education.

The conference drew participation from eleven Arab countries, including deans and professors of law, chief justices and other judges, cabinet level ministers, lawyers and journalists. They did engage in a frank discussion of problems of regional concern pertaining to human rights, legal education, and the potential of various institutions to improve human rights standards in the

region. A comprehensive report on the conference was submitted to A.I.D. on 1/14/86, and can be found in Appendix 3. This conference was very successful in terms of the dissemination of its deliberations, and AMIDEAST is extremely pleased with the initiatives taken by certain conference participants in publishing the conference's resolutions in various media. The conference resolutions were published in the Journal of the Judges' Syndicate (Egypt), in Sabah el-Hir magazine (Egypt), and as a separate pamphlet. Copies of these are submitted as attachments to this report.

4. Library/Curriculum Development

The process of procuring the resources constituting the core human rights library began in earnest during the month of January, 1986. As of this writing over \$13,000 equivalent of books have been purchased for distribution to eight academic institutions in three of the LET Project countries, Egypt, Jordan and Morocco. To the degree that it is possible in countries where curriculum is a matter determined by government ministries of education, and nation-wide standardized examinations are the rule, the subject matter contained in the texts concerned will be introduced into the existing curriculum. In addition AMIDEAST will endeavor to encourage the use of these collections as a research resource for scholars, students and others.

A bibliography of the collection, as currently constituted, is appended as Appendix 4.

5. Funded Participant Program

During 1986 the LET Project, through this activity, has given 15 individuals, from academia, the judiciary, and the legal profession, the opportunity to participate in prestigious international educational programs focusing on law and human rights.

The programs thus far included in this activity are;

- Annual Symposium of the Center for the Study of Human Rights at Columbia University (4 participants: 2 Egypt 2 Tunisia)
- Salzburg Seminar on American Law and Legal Institution (3 participants: 1 Jordan; 1 Morocco; 1 Egypt)
- International Institute of Human Rights Seminars (7 participants: 3 Morocco; 2 Egypt; 2 Jordan)
- Academy of American and International Law (1 participant; Egypt)

The individual participants were selected on the basis of their potential to benefit and contribute substantively to the programs themselves; their demonstrated interest in issues of concern to the LET Project; their record of professional and academic achievement; their willingness and ability to contribute to the ongoing efforts of the LET Project to generate follow-up activities; and their ability to disseminate and share the informational content of the programs with colleagues.

6. Video Training Materials Development Project

During the first six months of 1986 a significant effort was undertaken to introduce the use of video educational materials into the instructional methodology of legal training in Jordan. In collaboration with the Federal Judicial Center in Washington, D.C., AMIDEAST has provided over 30 hours of video taped lectures by distinguished American legal scholars and members of the federal judiciary on such topics as;

- Judicial Management
- Jury Trials and Jury Use
- Civil and Criminal Rights (Section 1983 Actions and Federal Habeas Corpus)
- Issues in American Constitutional Law
- Rules of Evidence

While the video tapes are in English AMIDEAST has developed a companion instructional resource, composed of outline notes summarizing the main principles and salient issues discussed in the video tapes. These have been translated into Arabic providing a unique teaching document to be used in conjunction with the video materials.

The premise is not that these issues presented in an American legal context offer a transferrable model for the Jordanian judiciary and legal system. Rather it is that the taped lectures, seminars and documentaries demonstrate innovative responses to judicial and legal problems that are universal and constitute real challenges to any legal system, regardless of national or cultural

traditions. This exposure to facets of the American legal, judicial and constitutional system is appropriate at a time when the Jordanian judiciary itself evinces considerable interest in reform and self-improvement. The collection of video tapes and companion materials is envisioned as being a vital part of the resources developed for the proposed center for advanced legal and judicial studies in Jordan.

III. WORKPLAN FOR FISCAL YEAR 1987

A. Situation Analysis

Profound political and cultural diversity within the Middle East continues to render any broad generalizations misleading. Conflicting region-wide cultural, political and religious trends make for a volatile social environment throughout the region. The last few years however have seen a ferment among many members of academia, the legal profession and the judiciary characterized by growing concern for internal respect of political, civil and economic rights.

Political disincentives to improved human rights practices in some countries of the region are not likely to dissipate in the present generation despite the courageous efforts of those working in-region for the promotion and protection of human rights. The category of human rights abuses which falls within the administration of judicial practice and criminal justice, however, is one in which substantial improvements can be realized in many countries of the region, including those of concern to the LET Project. This category continues to be an appropriate focus for projects such as the present project, and explains AMIDEAST's inclination to follow this direction in the development of project activities.

Continued strategic conflict in the region and American involvement render it virtually impossible for the U.S. Government or any agency thereof to take an active overt role in the promotion or protection of human rights. A perceived hostility toward Arab interests mitigates the influence and persuasiveness of American

social models of justice and law, despite profound admiration for the efficiency and quality of American judges, lawyers, and laws. Therefore, to the degree that the U.S. Government maintains an ongoing serious commitment to improved international human rights practices it is essential that it continue to do so through contract arrangements with private, non-governmental organizations.

1. Egypt

Egypt continues to be the most challenging country in the region in terms of influencing its social and legal practices. While the government generally seems to have charted a course toward improved human rights practices, and most flagrant, systemic and brutal abuses of human rights appear to have been eliminated, certain economic and political factors still work against this government sponsored trend. The recent security police riots remind us that social violence and upheaval, conditions engendering repressive governmental behavior and universal contempt for civil liberties and fundamental rights, are not far from the surface in Egypt.

Nonetheless there is ground for optimism. As the State Department's "Country Reports on Human Rights Practices for 1985" observes, "Egypt's human rights record in 1985 reflected the steady progress toward political liberalization achieved under Mubarek's leadership" (Country Reports on Human Rights Practices for 1985, page 1206).

Respect for the rule of law and for the legal profession is the general rule in Egypt. The judiciary is a strong force

protecting human rights and civil liberties and "enjoys an unprecedented degree of independence" (Country Reports, page 1209). The various branches of the judiciary, led by the Supreme Constitutional Court, the Council of State, and the Court of Cassation, can be further mobilized to champion the cause of human rights protection and promotion and are a primary target group for the LET Project.

Within the academic community there also is strong evidence of growing concern for human rights. Having set the standard by being the first to establish a human rights unit in its law faculty, Zagazig University has recently been joined by Alexandria University as a focus for academic interest in human rights. A new unit established within Alexandria University's law faculty is concerned more directly with the national dimension of human rights practices. Similar units are contemplated at Cairo University and Mansureh University.

It is one priority of the LET Project to encourage the proliferation of organizations and institutions dedicating some part of their agenda to improved human rights practices in Egypt. AMIDEAST believes that the strategy most likely to succeed has two tracks; first to facilitate the coordination of the activities of these various organizations by providing opportunities for their representatives to meet and discuss mutual concerns and respective efforts; second to continue providing representatives of these organizations with opportunities to establish regional and international institutional linkages with organizations of similar character.

Fig. 8

LET Priorities in Egypt

- * Further mobilize judiciary as force protecting and promoting human rights
- * Encourage the proliferation of organizations and institutions active in promoting and protecting human rights through material support when possible
- * Provide forum for convening representatives of the academic and judicial communities and from the legal profession (practicing bar) to discuss strategies of combining resources and joining efforts
- * Provide opportunities for members of groups active in promoting and protecting human rights to establish regional and international linkages

2. Jordan

Despite the fact that Jordan has been under Martial Law since 1967, its small, relatively homogenous population enjoys considerable liberty in terms of civil and human rights.

Recent trends have been favorable. The increased opportunities for women in all areas of life, the continued importance given to the rule of law and an independent judiciary, the gradual maturation of Parliament, and recent fair and open elections have contributed to an improving human rights picture. (Country Reports on Human Rights Practices for 1985, page 1279)

This optimistic State Department assessment essentially corroborates AMIDEAST's own judgement that in Jordan the prospects for success in promoting and protecting human rights are quite favorable.

AMIDEAST continues to focus its attention on the efforts of the judiciary toward reform of legal and judicial training, and toward national judicial standardization. These efforts clearly have the full endorsement of King Hussein and Crown Prince Hassan.

Honorable members of the Upper House, Honorable members of the Chamber of Deputies,

"My government attaches special importance to the judicial system in the area of legislation, law courts, judicial independence, administration, and judicial inviolability. This stems from our faith that justice is a basic pillar in the structure of Jordanian society. My government is increasing the number of law courts in various parts of the country. It is also formulating amendments to existing laws pertaining to the work of the law courts, including a draft law for the Bar Association, which has already passed its constitutional stages, the law of civil judicial procedure, the law of criminal proceedings, the penal code, the Law of Execution, the Notary Public Law, the law on the inspection of courts for the benefit of the

citizens and reformulation and updating of Jordanian laws to meet the needs of the modern age. A draft law is presently being drawn up for the establishment of a law institute to fill the needs of the judiciary and the lawyers' association". (Speech of King Hussein to the Jordanian Parliament, 11/2/85)

This official endorsement of the modernizing efforts of members of the judiciary and the legal profession is extremely encouraging from the point of view of the LET Project. AMIDEAST's involvement in this evolution at the initial stages has allowed it to take an important if humble role in the modernization process. The law institute referred to in the quotation above is that which AMIDEAST has been actively promoting and supporting since the inception of the LET Project. The Local Advisory Board for the LET Project in Jordan is also the Planning Committee for the institute. AMIDEAST views the establishment and development of this institute as a seminal event in the achievement of improved human rights standards and the inviolable rule of law. AMIDEAST also recognizes its potential regional impact, and is actively supportive of its cultivating a regional profile and regional activities. (Fig. 9) A translation of an article from a Jordanian daily newspaper, *Dustour* (11/5/85), containing the draft legislation for the establishment of this institute is included as Appendix 6.

Judicial institute legislation expected to upgrade legal profession in Jordan

By Josephine Zananiri
Special to the Jordan Times

AMMAN — Draft legislation recently drawn up by some of Amman's eminent legal figures concerning the establishment of a Judicial Institute is expected to have a far reaching effect on Jordan's legal profession. The original impetus for reform came from His Royal Highness Crown Prince Hassan who proposed the establishment of the Judicial Institute for the express purpose of upgrading the educational standards of both Jordan's lawyers and judges and creating uniform understanding of Jordan's existing legal system.

Several of Jordan's most respected legal figures have been involved in the creation of the institute, including Judge Rateb Al Wazzani and Judge Fouad Khoury, both members of the Court of Cessation — the Jordanian equivalent of the High Court. Professor Mohammad Hammoury, dean of the Law Faculty at the University of Jordan and Mr. Hussein Mejjely, head of the Jordanian Bar Association.

Judge Khoury, who has a long and distinguished career in Jordan's courts, explains the origins of the legal system in the Kingdom. The present criminal and civil legal codes he says are based upon two sources. The French law introduced into Jordan during the Ottoman era and the British law which was incorporated into the East Bank system after it amalgamated with the West Bank.

In Jordan, says Judge Khoury "the civil and criminal laws apply to everyone. Religious law is applicable to personal status, for Muslims there is Sharia law and Christians have their own ecclesiastical courts depending upon their sect."

Legal system

The Jordanian court system is similar to many international systems, says Judge Khoury. The lowest court, the magistrates court, is empowered to hand down decisions on civil matters between the value one dinar and five hundred dinars and handles criminal cases and misdemeanours with

prison sentences not exceeding three years. The District Court hears cases of greater significance. Anyone sentenced by either of the lower courts can make an appeal against its decision in the Court of Appeal. The Court of Cessation is the equivalent of the High Court or Supreme Court and as Judge Khoury points out, "it is concerned with points of law or weighing evidence in which an individual believes his sentence to be unfair."

The establishment of a Judicial Institute will complement the already existing legal system by reforming the training of young lawyers and judges and enhancing their knowledge of Jordanian law.

At present, explains Professor Hammoury, "law graduates serve an apprenticeship before being allowed to practise as either lawyers or judges". Young lawyers serve a two year training period with a registered lawyer whilst judges or magistrates are employed by the Ministry of Justice for a three to four year period as court scribes. As Professor Hammoury points out, the apprenticeship system was an internationally accepted one. However, with the growing sophistication of legal principles, international reform has largely swept away what he calls "these guilds of the Middle East."

Apprenticeship training

Dr. Hammoury points out that with the apprenticeship system, the development of students is uneven. "Older lawyers each have their own way of training the young and some give more time and attention than others," he says.

"For Jordan, the problem was more complicated," he continues, "as students graduate from all over the world and their knowledge of the objective rules of the court (that is the points of law) and of court procedures as practised in Jordan are limited."

Both Judge Khoury and Professor Hammoury point out that several Arab countries, including Iraq, Egypt, Morocco and Lebanon, have already established Judicial Institutes and that Jordan has sought their advice and stu-

died their institutions. Professor Hammoury adds that similar institutes in Europe and the United States will also be looked at.

Amideast, an American-based educational promotion group has given much valued assistance to the project says Judge Khoury. Mrs. Janine El Tel, director of Amideast in Amman, adds that the organisation will provide the institute with research material, books as well as scholarships and grants for study abroad or to attend conferences.

The final form of the Judicial Institute is as yet undecided as it must pass through the "necessary constitutional steps before being legalised," says Dr. Hammoury.

However, it is likely to be controlled by the Ministry of Justice, the Bar Association and the University of Jordan. The course offered by the institute will be for two academic years and will be obligatory for all newly graduating law students before they are allowed to practise their professions as either lawyers or judges.

Judge Khoury and Professor Hammoury say that studies at the institute will concentrate on three areas. First of all the laws of Jordan in both their procedural and subjective applications, secondly on case histories with students being given previous court cases and asked to determine the verdict and the third area of training will take place within Amman's courts where students will actually see legal proceedings first hand.

The courses offered to the institute's scholars are to be in Arabic, says Professor Hammoury, but it has been suggested that some training be carried out in English, as much legal material has been written in that language. Eminent lawyers and judges will be asked to lecture at the institute.

The Judicial Institute will probably be housed within the University of Jordan grounds, says Judge Khoury, but its exact status in regard to the university is as yet undecided.

Both judges hope the institute will be operational within two years and they see it as not only related to the training of freshly graduated lawyers and judges but to their profession as a whole.

JORDAN TIMES
30 DEC 85

Fig. 10

LET Priorities in Jordan

- * Establishment and development of center for advanced legal and judicial studies with strong human rights orientation

- * Contribute to the maturation of the law faculties at the two younger Jordanian universities in Irbid and Mu'tah

- * Identify and support private organizations with potential to promote improved human rights practices

3. Morocco

Morocco's human rights record is ambiguous. It is AMIDEAST's concern to develop "activities that will have a positive, rather than adversarial, influence on governmental human rights policies" (page 2, Annex to PD-12, A.I.D.). In view of this concern it would apparently not be suitable to work directly with local non-governmental organizations, such as the Moroccan Association of Human Rights, or the Moroccan League for the Defense of Human Rights. The government's tolerance of these groups is limited; "In 1985, several (of these groups') leaders were questioned by the police. Earlier, several...leaders were detained for human rights activism" (Country Reports on Human Rights Practices for 1985, page 1331).

On the other hand the academic community enjoys a considerable degree of freedom. Scholars conduct research and publish on a virtually unlimited range of topics including politics and religion. Recognizing this AMIDEAST has focused its efforts on establishing cooperative activities with several of the university law faculties. Scholars evince considerable interest in human rights issues, and this interest should be encouraged. The LET Project provides a means for them to establish regional and international contacts.

Another sector of the community that shows promise of becoming instrumental in the promotion and protection of human rights is the judiciary. While not as prominent or as independent as in Egypt, "The Moroccan judicial system is generally considered fair and is in most respects independent of political control" (Country Reports, page 1326).

FIG. 11

LET Priorities in Morocco

- * Enlist the judiciary in the promotional effort for improved human rights practices
- * Establish a forum whereby judges, legal scholars and lawyers can exchange views on human rights
- * Provide continuing opportunities for the establishment of individual and institutional linkages, both in-region and internationally
- * Encourage and cultivate intellectual interest in human rights and related aspects of law within the academic community

4. Tunisia

Tunisia has established the basic legislative groundwork for a high standard of human rights practices, however its political and economic vulnerability, coupled with the government's unpredictable and sometimes harsh reaction to adverse developments inhibit more rapid, permanent progress. National security concerns are the justification for episodic governmental derogations of minimum standards of police behavior and of civil and criminal rights.

The Tunisian League of Human Rights operates openly and appears to have the respect of the government. More importantly the League's access to government officials allows it to play an instrumental role in the struggle to improve national human rights practices.

The Tunisian League of Human Rights has met repeatedly with the highest government officials to discuss arrest and detention procedures. The League publishes a bulletin which details reported human rights abuses. It holds national meetings without hindrance. (County Reports on Human Rights Practices for 1985, page 1406)

This degree of influence on the government is surprising and to some extent an indication of the potential for improvement in national human rights practices.

Unfortunately rather harsh governmental resistance has prevented the Tunisian judiciary from taking a stronger stance in support of human rights, or even its own independence. It is conceivable that regional or international linkages among the judiciary would enable it to take a more active role.

To some extent, the university community in Tunisia is captive

to political events and the overall national security environment. It continues however, even in periods of adversity, to show interest and even determination to examine controversial issues of a political nature including human rights. The Department of Political Science within the Faculty of Law at the University of Tunis is planning to hold a conference early next year on humanitarian law and human rights. To the extent possible such initiatives will be encouraged through the LET Project.

Tunisia continues to be a stage for a dialectical tension between political aspirations and political events. The government appears to have an ambivalent attitude concerning human rights. On the one hand it is responsive to criticism of certain practices (Country Reports, page 1402). Its unequivocal opposition to any form of terrorism sensitizes it to humanitarian issues. However circumstances both internal and external, not the least of which is the continuing problem of the succession to the presidency, continue to litter the path toward significant, permanent improvements in human rights practices.

FIG. 12

LET Priorities in Tunisia

- * Enlist the support of the judiciary in the overall project effort
- * Provide opportunities for members of the judiciary to establish regional and international contacts
- * Encourage the interest of the academic community in human rights and humanitarian law
- * Provide support when possible to the efforts of the Tunisian League of Human Rights

B. Proposed Fiscal Year 1987 Activities

1. Funded Participant Human Rights Training

AMIDEAST has encountered widespread interest in educational programs focusing on human rights, comparative law and international public law, such as those of the Salzburg Seminar, the International Institute of Human Rights, Columbia University, and the American Academy of International Law. These programs are popular among scholars, lawyers and members of the judiciary. They allow the participants to establish regional and international contacts while becoming familiar with other models of human and civil rights protection than their own. The demand for such exposure has only begun to be met.

In consultation with the Local Advisory Boards in each of the project countries, AMIDEAST is able to choose the best qualified candidates from a pool of applicants representing the academic, legal and judicial communities. This proposal envisions an increase in the number of participants enrolled in such programs, through the LET Project, to 20 in FY'87. An effort will be made to identify additional programs.

In addition to these regular educational programs, AMIDEAST will organize a study visit to the U.S. for 10-12 high court judges from the four project countries, based on that arranged for the Egyptian jurists visit in September-October, 1985. The participants will be selected with considerable input from the A.I.D. missions in the region. The projected timeframe for this activity is spring, 1987.

2. Library/Curriculum Development

The "needs assessments" which initiated the project in early 1984 underlined the paucity of bibliographical resources available to support research or study of human rights in the region. This deficiency is particularly severe in the universities, where advanced research students must conduct their research abroad, often losing touch with the critical local issues left behind. In addition training institutes for the judiciary and for civil servants have only limited access to documentation and bibliographical resources reflecting current progressive thinking on human rights and related issues. One frequent consequence of this dearth of information and resulting lack of research is an inadequate understanding of the meaning of human rights and the rule of law, and a defensive attitude to these concepts on the part of governments in the region.

The LET Project has begun to correct this problem by distributing basic reference texts and documents to eight academic institutions in the region. It is herein proposed that this activity be expanded in FY'87 in two directions. First, AMIDEAST proposes to increase the number of beneficiary institutions in this activity from eight to twelve; second, to dramatically expand the collections being donated to those institutions where new innovative programs with a strong human rights orientation are being formulated. While the collection as it now stands is a significant contribution, it still only touches the surface, and there are still many additional institutions expressing interest in developing a human rights curriculum.

3. Conference Organization and Support

In the closing plenaries of the LET sponsored conference on "Criminal Justice; Education, Reform and Human Rights Protection in the Arab World" the participants expressed the desire to articulate a high standard for human rights practices in the Arab countries. While conventions and declarations in themselves cannot guarantee any particular level of observance they can at least serve as an independently established standard specifically appropriate to a particular cultural, social or religious environment. During the late 1960's and 1970's the Arab countries, under the auspices of the League of Arab States, were actively engaged in the pursuit of a regional standard comparable to those established by the Organization of American States, the Council of Europe, and eventually by the Organization of African Unity. By 1982 however a decade had passed since the completion of the first draft of an Arab Charter of Human Rights with no further progress ("The League of Arab States", Butros Butros-Ghali, in Vasak, The International Dimension of Human Rights, UNESCO, 1982, p. 579). However, as noted by Butros-Ghali, Egyptian Minister of State for Foreign Affairs, "the interest shown by the Arab League as a whole and by each of the Arab states individually in the problems of human rights is a sign that the process of establishing a Pan-Arab legal system to protect the rights and freedoms of Arabs is under way. It will be difficult to reverse this process" (Ibid., p.581). Plans are being made to hold a conference next December (1986) for the purpose of picking up this effort to draft an Arab Charter of Human Rights, where it left off. The conference will be held in Siracusa, Italy, at the International Institute for the Higher

Study of Criminal Science.

In addition AMIDEAST proposes to contribute significant support to a conference, to be held at the University of Tunis, on human rights and humanitarian law in January, 1987 (conference outline in Appendix 7). This will undoubtedly broaden the dialog in Tunisia on human rights, and promote research and study of the subject.

4. Technical Assistance

The primary technical assistance effort for the LET Project will continue to be directed at the center for advanced legal and judicial study planned for Jordan. Expert technical consultants have already been identified and arrangements are currently being made for their visits to Jordan in August and December, 1986. Subjects of the consultancies continue to be both technical (relating to institutional organization and administration) and academic (concerning substantive subjects of law).

In addition AMIDEAST is continuing its efforts to identify suitable technical consultants for assignments at the Institut National d'Education Juridique and the Law Faculty at Universite Mohammed V in Morocco. The objective of such consultations would be to develop a comparative approach to human rights and related aspects of law, respectively of both Morocco's traditional sources of law and legislation, as well as western and international standards of human rights practices.

5. Seminar Organization and Support

This activity will have two dimensions in FY'87. AMIDEAST is

taking a leading role in the organization of a regional seminar entitled "The Constitutional Administration of Justice", to be held in Amman in spring 1987. Senior jurists from throughout the Arab world will be invited to this seminar, which will have a faculty composed of leading international scholars. Naturally, a large Jordanian contingent is expected to participate as well. The organization of this seminar is expected to provide an incentive for continuing enthusiastic government support for the proposed center for advanced legal and judicial studies. AMIDEAST has planned the timing of this seminar so that it may serve as an inaugural regional activity for the new center.

The second dimension of the seminar organization and support activity is the routine organization of informal seminars led by participants in other LET Project activities, such as the human rights training programs. These can be conducted with a minimum of expense and logistical work. As quite a few of these are envisioned throughout the year however, AMIDEAST considers it a major component of the FY'87 workplan.

6. Research Support

In order to promote a more thorough understanding of human rights in the region, and instigate a greater research emphasis in the field of human rights, AMIDEAST proposes to support as many as 15 research projects throughout the region. These will be designed to meet specific research objectives of the LET Project, as adopted from the guidelines established by A.I.D. Policy Determination, PD-12 (Human Rights, 9/26/84). Research proposals will be accepted by AMIDEAST field offices, and selected for support by AMIDEAST in

consultation with the Local Advisory Boards. It is envisioned that many of the products of this activity will constitute worthy subjects for development as educational resources with a lasting value in the region.

7. Development of Educational Materials

This proposal envisions, among other possibilities, the production of an Arabic language source book on human rights in the Middle East region. This will include several of the research efforts already undertaken as part of the LET Project, and will include others as they are completed. The proposed document would constitute a unique resource, satisfying a need widely perceived throughout the region. Among the possible components of this source book are the bibliography commissioned by AMIDEAST on human rights issues of specific relevance to the development process in the Middle East; a directory of organizations in the region involved in the promotion or protection of human rights; the resolutions of the various LET sponsored and organized conferences; research commissioned by the project; and documentation on international developments in the field of human rights.

In addition work will continue on the companion document to the video materials prepared for the planned center for advanced legal and judicial studies in Amman, adapting the text for maximum regional applicability.

IV. BUDGET

In budgetary matters the LET Project has been managed in an extremely cautious and conservative manner. This partially reflects the controversial nature of the project's concerns, but also an institutional frugality on the part of AMIDEAST. The LET Project is very "labor intensive" in character, without a great deal of labor to implement it. Given this, it is quite surprising that the fraction of project expenditures supporting project administration is only 29%, with next year projected at 25%.

The evolution of a multi-year project plan has taken place during the last 12 months. It was inevitable that the early months of project activities would be quite tentative, however as the mechanisms have now been set in place, AMIDEAST is able to both respond more rapidly to opportunities, and to implement several activities simultaneously and on a larger scale. The project can be seen as gradually building up in pitch, toward its climax in FY'87.

At every stage of each activity savings have been emphasized and counterpart support sought. The result has been significant economization thereby extending the impact of every government provided dollar.

AMIDEAST understands that, as in the past, budget figures presented are for illustrative purposes, as exact costs cannot be projected with complete confidence. Significant modifications of budgetary allocations will be made in consultation with the A.I.D. Project Officer, as in the past. Figures proposed in this report are therefore understood to be targets reflecting an appropriate distribution of project funds, rather than fixed costs.

BUDGET PROPOSAL
(7/1/86 - 9/30/87)

Activity Costs

-Funded Human Rights Training			
International Travel; 20 x 1,000	20,000		
9 x 2,000	18,000		
Tuition; 20 x 500	10,000		
Subsistence; 20 x 50 x 14 days	14,000		
9 x 100 x 20 days	<u>18,000</u>		
			80,000
-Library/Curriculum Development			
Materials	13,000		
Shipping	<u>2,000</u>		
			15,000
-Conference Organization & Support			
International Travel; 30 x 1,000	30,000		
Subsistence; 30 x 50 x 6 days	9,000		
Translation	6,000		
Honoraria & Registration	<u>5,000</u>		
			50,000
-Technical Assistance			
International Travel; 5 x 1,500	7,500		
Consultant Fees;			
5 x 200 x 13 days	13,000		
Subsistence; 5 x 81.25 x 16 days	<u>6,500</u>		
			27,000
-Seminar Organization & Support			
International Travel; 20 x 1,000	20,000		
Subsistence; 20 x 75 x 20 days	30,000		
Materials	10,000		
Honorarium	2,500		
Miscellaneous	<u>2,500</u>		
			65,000
-Research Support			
15 Research Fellow x 1,000/yr			15,000
-Development of Educational Materials			
Translation	14,000		
Typesetting	2,000		
Production	13,000		
Video Tape Duplication	<u>1,000</u>		
			30,000
=====			
Sub-Total Activities			282,000

Sub-Total Carried From Previous Page 282,000

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Administrative Costs

-Salaries:

Project Coordinator 31,300
Field Office Directors (10%) 14,900

46,200

-Fringe Benefits (@ 25%) 11,550

57,750

-Overhead (@ 32%) 18,480

-Other Direct Costs:

International Travel 2,500

U.S. Travel 500

Telephone 500

Telex 500

Postage/Courier 500

Reproduction 500

5,000

81,230

-General and Administrative (@ 22%) 17,870

99,100

TOTAL 381,100

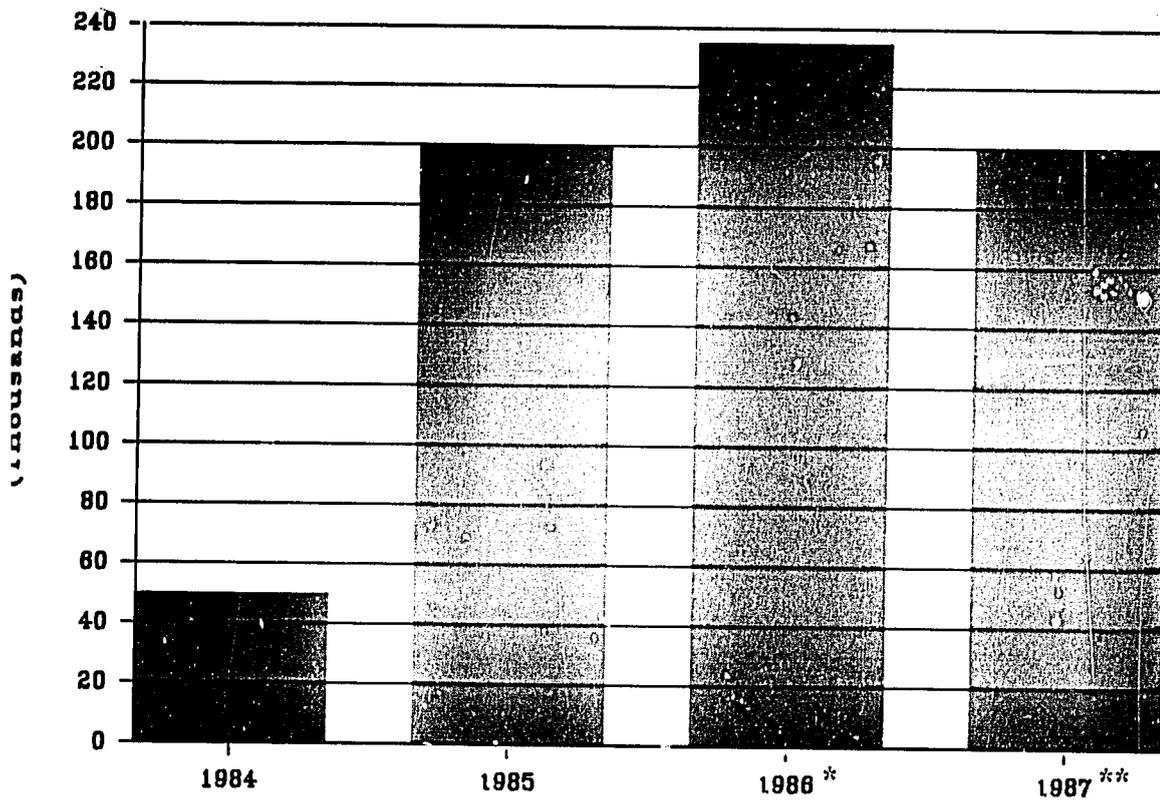
(Of Which Already Obligated) (181,100)

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TOTAL FISCAL YEAR 1987 REQUEST 200,000

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PROJECT BUDGET BY YEAR

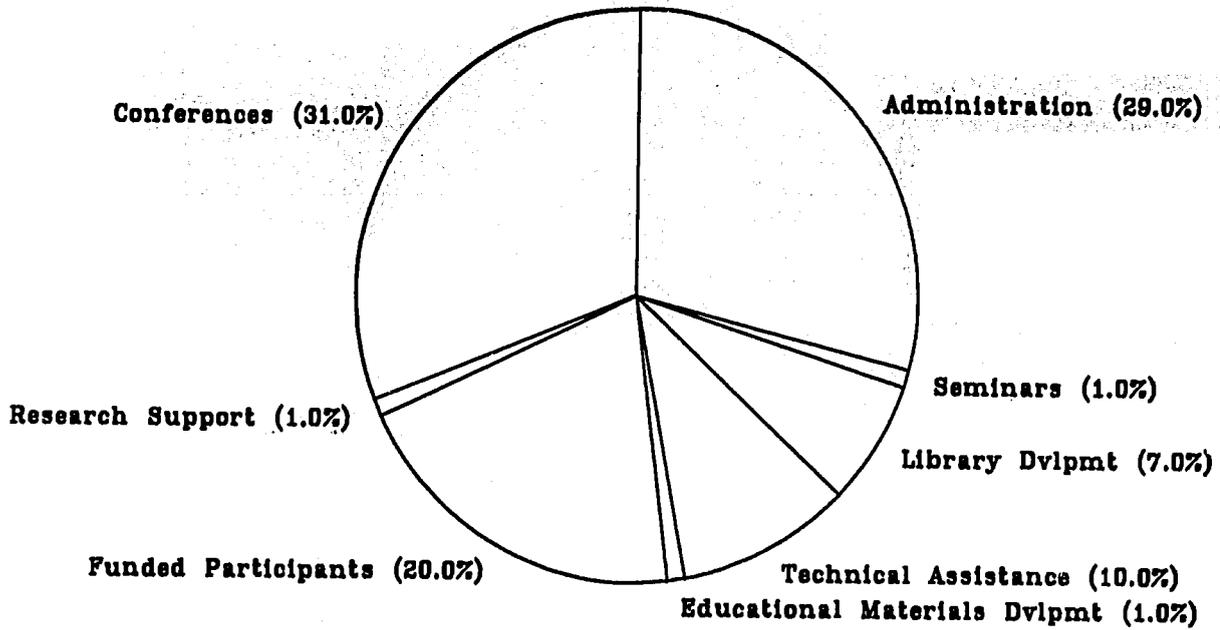


* Including special \$35,000 supplement for additional USAID requested activity

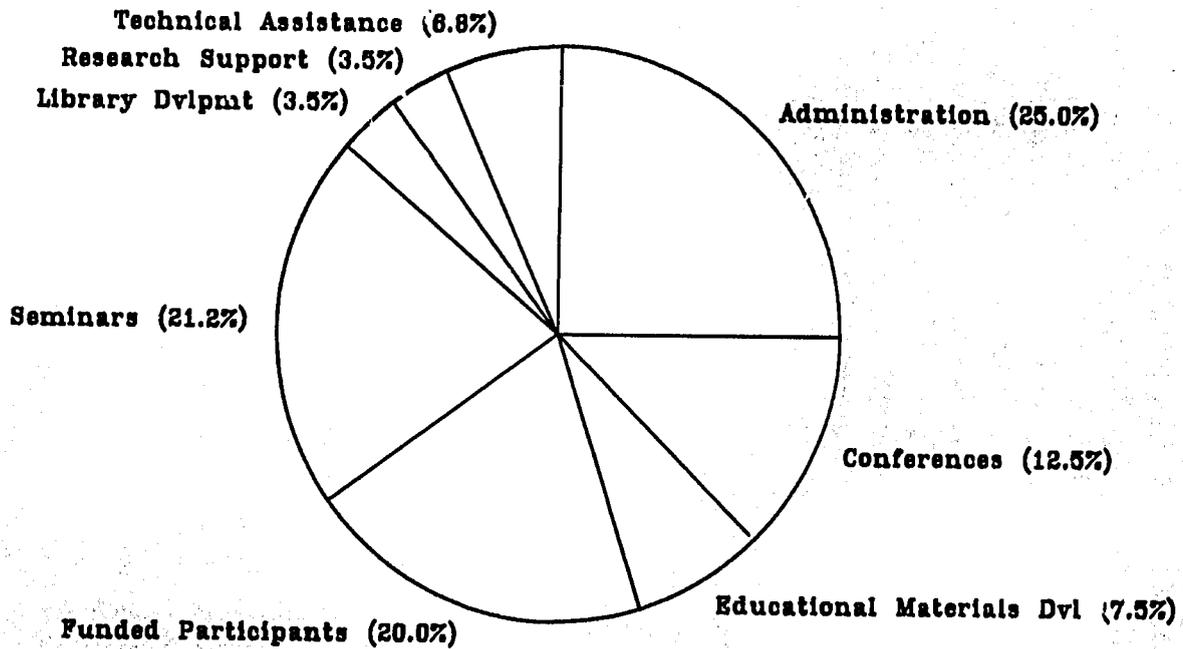
** Authorized but not yet obligated; contingent upon AMIDEAST request

EXPENDITURES BY CATEGORY

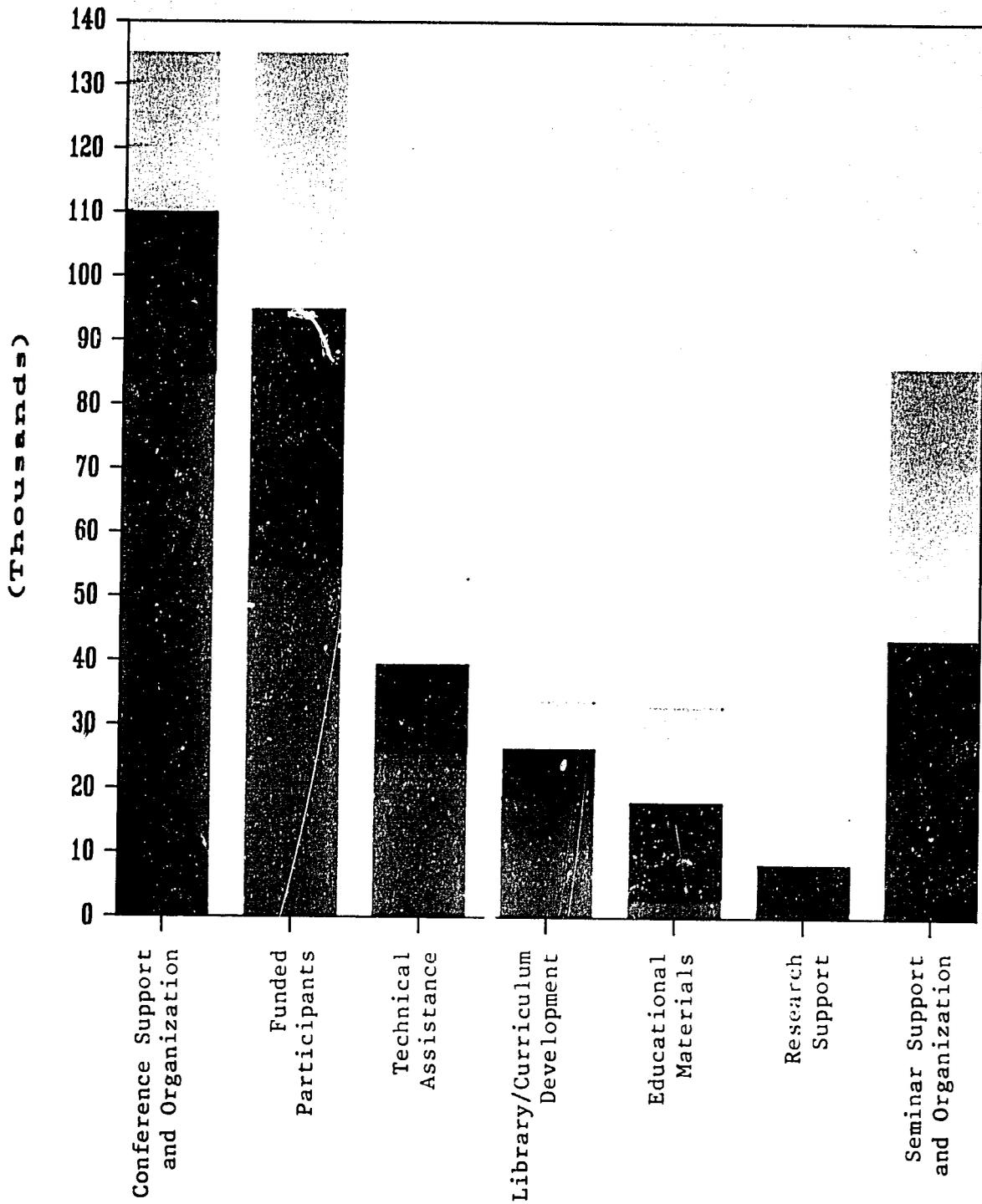
Project to Date



6/1/86 - 10/1/87 (Proposed)



EXPENDITURES BY ACTIVITY



BLUE: Obligated Spent
 RED: Obligated Unspent
 GREEN: Authorized; not yet Obligated

EXTERNAL CONTRIBUTIONS

- * DOMESTIC AND INTERNATIONAL PUBLISHING COMPANIES, BOTH COMMERCIAL AND ACADEMIC; \$3,300 EQUIVALENT IN BOOKS
- * SOUTHWESTERN LEGAL FOUNDATION; \$3,000 EQUIVALENT IN TUITION WAIVERS
- * COLUMBIA UNIVERSITY GRADUATE SCHOOL OF JOURNALISM; \$1,500 EQUIVALENT VIDEO TAPE DUPLICATION RIGHTS
- * INTERNATIONAL INSTITUTE FOR THE HIGHER STUDY OF CRIMINAL SCIENCE; \$3,700 TOWARD PUBLICATION COSTS OF RESOLUTIONS OF CONFERENCE ON "CRIMINAL JUSTICE: EDUCATION, REFORM AND HUMAN RIGHTS PROTECTION IN THE ARAB WORLD"
- * INTERNATIONAL INSTITUTE FOR THE HIGHER STUDY OF CRIMINAL SCIENCE; STAFF SUPPORT FOR CONFERENCE ON "CRIMINAL JUSTICE: EDUCATION, REFORM AND HUMAN RIGHTS PROTECTION IN THE ARAB WORLD"
- * FORD FOUNDATION; \$15,000 GRANT TO SUPPLEMENT AMIDEAST SUPPORT FOR CONFERENCE ON "CRIMINAL JUSTICE: EDUCATION, REFORM AND HUMAN RIGHTS PROTECTION IN THE ARAB WORLD"
- * UNITED NATIONS; COPIES OF 12 U.N. DOCUMENTS ON HUMAN RIGHTS, IN ENGLISH, FRENCH AND ARABIC, FOR EACH PARTICIPANT AT CONFERENCE ON "CRIMINAL JUSTICE: EDUCATION, REFORM AND HUMAN RIGHTS PROTECTION IN THE ARAB WORLD"
- * COUNCIL OF EUROPE; NUMEROUS DOCUMENTS ON HUMAN RIGHTS AND CRIMINAL LAW FOR EACH PARTICIPANT AT CONFERENCE ON "CRIMINAL JUSTICE: EDUCATION, REFORM AND HUMAN RIGHTS PROTECTION IN THE ARAB WORLD"
- * UNITED NATIONS; TIME AND EFFORT IN IDENTIFYING AND PROVIDING U.N. DOCUMENTS (MANY OF WHICH ARE "SALE" ITEMS) IN SUPPORT OF CURRICULUM/LIBRARY DEVELOPMENT ACTIVITY
- * FEDERAL JUDICIAL CENTER; DUPLICATION RIGHTS FOR 30 EDUCATIONAL VIDEO TAPES ON VARIOUS SUBJECTS OF LAW AND JUDICIAL ADMINISTRATION
- * INTER-AMERICAN COMMISSION ON HUMAN RIGHTS; NUMEROUS DOCUMENTS IN SUPPORT OF CURRICULUM/LIBRARY DEVELOPMENT ACTIVITY
- * CENTER FOR INTERNATIONAL LEGAL AND ECONOMIC STUDIES AT ZAGAZIG UNIVERSITY; STAFF SUPPORT FOR CONFERENCE ON "HUMAN AND PEOPLES' RIGHTS"

EGYPTIAN JURISTS U.S. STUDY VISIT

9/16/85 - 10/5/85

LEGAL EDUCATION AND TRAINING PROJECT
Michael Miklaucic
Project Coordinator

EGYPTIAN JURISTS U.S. STUDY VISIT
9/15/85 - 10/5/85

SUMMARY

PARTICIPANTS

Mohammed Ali Baligh; President of the Constitutional Court
Hillal Khassim; President of the Council of State
Farouk Rateb; Undersecretary of State for Legislation and Justice
of the Court of Cassation
El Sayed Omar; Legal Advisor to the Ministry of Planning and
Economics and Justice of the Council of State
Anwar el-Hawary; Dean of Law, Zagazig University
Ahmed Fathi Sorour; Dean of Law, Cairo University

PURPOSES

The objectives of this study visit were to acquaint these six leading members of the Egyptian legal community with the American legal system, with particular regard to the way in which the system reflects the structural incorporation of human rights guarantees and protection. Also to acquaint them with the the way in which human rights law is treated in American legal education.

PROGRAM

The three week study visit consisted of meetings and discussions with leading figures of the American legal community, and site visits to major legal institutions (agencies, courts, universities, and organizations) in the United States. The visit was divided into three components; first in Washington, D.C., then New York, and finally San Francisco, Los Angeles and Reno, Nevada.

BACKGROUND

The Legal Education and Training Project seeks to promote greater awareness of and commitment to the principles of human rights in the legal communities in general and in institutions of legal education in the Arab world. It is hoped that this study visit will build upon the strong tradition in Egypt of an independent judiciary and respect for the rule of law. The participants were selected on the basis of their achievements, prestige and influence within the Egyptian legal community. It is anticipated that by providing first hand experience of the profound commitment to the principles of human rights in the American judicial system and in legal education, the study visit will contribute both directly and indirectly to an enhanced awareness of and commitment to these principles in Egypt. While the long-term impact of this activity will be difficult to measure, an initial reading can be taken from the follow-up activities that have been proposed. These include curriculum development projects and special human rights seminars at Cairo and Zagazig University Law Schools, as well as a judicial exchange program, a second study visit by Egyptian judges, and an advisory panel for LET Project activity identification and judicial participant selection for existing LET Project activities.

EGYPTIAN JURISTS

U.S. Study Visit Itinerary

Washington, D.C.

- Monday, 9/16
- AMIDEAST (orientation)
 - Working Luncheon (Cosmos Club)
 - Mr. Edison Dick - Executive Director; International Legal Exchange Program (American Bar Association)
 - H.E. El Sayed Abdel Raouf el-Reedy - Ambassador of Egypt
- Tuesday, 9/17
- Judge Abraham Sofaer - Legal Advisor to the State Department
 - Mr. Leo Moser - Acting Assistant Secretary of State for Human Rights
 - Mr. Stephen Snow - Human Rights Officer for Near East and South Asia
 - Mr. Howard Fry - Legal Advisor to the Agency for International Development
- Wednesday, 9/18
- Justice Sandra Day O'Conner - U.S. Supreme Court
 - Mr. Mark Zimmer - Federal Judicial Center
 - Professor Cherif Bassiouni - Professor of Law (DePaul University)
- Thursday, 9/19
- Father Robert Drinan - Professor of Law (Georgetown University)
 - Professor Charles Abernathy Professor of Law (Georgetown University)
 - Professor Don Wallace - Director; International Law Institute
 - Judge Ruth Ginsburg - Circuit Court for District of Columbia
- Friday, 9/20
- Mr. George Naifeh - President; American-Arab Affairs Council
 - Dr. Edmundo Vargas-Carrillo - Director; Inter-American Commission on Human Rights

New York

Monday, 9/23

Mr. Paul Martin - Executive Director; Columbia University
Center for the Study of Human Rights

Professor Lou Henkin - Professor of Law (Columbia University)

Professor Jack Greenberg - Vice Dean of Law (Columbia University)
and former Legal Counsel for the NAACP Legal Defense Fund

Professor Oscar Schachter - Professor of Law (Columbia University)
and former Legal Advisor to the United Nations

Dr. Stephen Marks - Ford Foundation

Tuesday, 9/24

Mr. Steven Schapiro - Attorney for the American Civil Liberties
Union (ACLU)

Wednesday, 9/25

United Nations - General Assembly: 8th Plenary Meeting Address
by H. E. Mohamed Hosni Mubarek, President of Egypt

Honorable Nagendra Singh, President of the International Court
of Justice

Dr. Riyadh M.S. Al-Qaysi - Chairman of 6th (Legal) Committee
of the General Assembly of the U.N.

Mr. Roy Lee - Principal Officer; U.N. Office of Legal Affairs

Mr. Tom McCarthy - U.N. Centre for Human Rights

Mr. Satya N. Nandan - Undersecretary General of the United
Nations for the Law of the Sea

San Francisco

Friday, 9/27

Dr. Bert Prunty - Dean; Hastings College of Law
Justice Stanley Mosk - Supreme Court of California
Justice Joseph Grodin - Supreme Court of California
Professor Stefan A. Riesenfeld - Professor of Law (University
of California - Boalt Hall)
Meeting with Students of Hastings College of Law

Reno

Monday, 9/30

Dr. John W. Kern - Dean; Judicial Training College
Professor Joseph M. Kelly - Professor of Law (Old College
of Law)
Meeting with students of Old College of Law

Los Angeles

Wednesday, 10/2

Mr. Wahid Boktor - President; Arab American Television
(interview)

SUMMARIES OF SELECTED MEETINGS

Judge Abraham Sofaer
Legal Advisor to the U.S. Department of State
9/17

Topics discussed

- *Role of the U.S. courts in interpreting the Constitution
- *Role of the U.S. courts in maintaining the legal separation between Church and State
- *"Personal Status" a matter of civil law in the U.S.
- *Application of religious law in Egypt, particularly in field of personal status
- *Process of judicial review
- *Role of the Bar in process of judicial oversight
- *Role of the electorate in judicial oversight, through election of state judges, and right to impeach federal judges
- *Double jeopardy vs. dual sovereignty
- *Finite nature of constitutional rights — these are limited by the overarching framework of the "public good"
- *Religious freedom also limited by conditions set by the framework of the "public good"

Mr. Leo Moser
Acting Assistant Secretary of State for Human Rights
a/17

Topics discussed

- *Human rights constitute a valid topic of discussion in diplomatic dialog
- *Concern for human rights is international in scope, and therefore invoking such concerns is not a challenge to national sovereignty
- *U.S. accepts concept of "customary" weight of human rights law
- *State Department reporting of human rights practices is regrettably, but inevitably uneven
- *Human rights concerns are one of several competing groups of concerns instrumental in the formulation of U.S. foreign policy
- *A strong or improving human rights record is one basis for improved ties with the U.S.
- *In U.S. foreign policy an attempt is made to keep human rights practices at the forefront of bilateral agenda
- *State religion is not an obstacle to good and improving national human rights practices
- *U.S. encourages the emergence of universally accepted standards of national human rights practices

Professor Cherif Bassiouni
Professor of Law, Depaul University
Mr. Mark Zimmer
Federal Judicial Center
9/18

Topics discussed

- *Hierarchy of U.S. Courts and pyramidal structure of system
- *Jurisdiction and competence of three basic levels of federal courts
- *Non-integration of parallel federal and state court systems
- *Direction of appeals in habeas corpus cases
- *Pragmatism guides practice of accomodating appeals
- *Principle of binding nature of decisions of higher courts
- *Political/appointed judiciary vs. professional judiciary
- *Fluidity of components of American legal community; lawyers, prosecutors, judges and professors often interchange

Father Robert Drinan
Professor of Law, Georgetown University
9/19

Topics discussed

- *U.S. has uneven record on interantional human rights issue
- *Sovereignty is major factor in U.S. hesitance to ratify various international human rights instruments
- *International consensus on abolition of torture
- *1974 U.S. Congress began taking pro-active role in promotion of human rights
- *How can the international community exert pressure on systematic abusers of human rights?
- *Lawyers must clarify terminology and expand jurisdiction of World Court
- *More regional and international organizations needed to address human rights issues
- *Thus far all concentration has been on political rather than economic rights
- *More attention needed from lawyer/activists on economic rights
- *Human rights now universally accepted as legitimate international concern; differences are in how to proceed from this point
- *Need for U.N. High Commissioner for human rights
- *Importance of private sector and NGO's in promoting international human rights

Professor Charles Abernathy
 Professor of Law, Georgetown University
 9/19

Topics discussed

- *Horizontal separation of powers between branches of government
- *Vertical separation of powers between federal and state governments
- *Original structure of federal government vs. current structure
- *Evolution of structure has resulted in "law making" capability of both the Executive (through its agencies) and the Judicial branch of government (through its interpretation of the Constitution and application of "common law")
- *Original structure of state/federal separation of power vs. current structure
- *Originally federal government had only limited powers defined in Constitution, all other non-specified powers defaulting to the states
- *Now federal government has assumed authority over almost all aspects of law leaving states supreme authority over virtually nothing
- *Federal courts however choose to exercise supreme power over limited number of major issues
- *Most aspects of daily life still governed by state law
- *Constitution has few guarantees for individual rights, which is why the Bill of Rights was created
- *Equal protection of law and due process of law are two cherished, but ambiguously articulated principles of the Constitution
- *U.S. Constitution is "old fashioned" in sense that rights are established by virtue of restrictions preventing the government from infringing
- *Many new constitutions include "positive" rights, such as economic rights, and the rights to education and welfare
- *Many American state constitutions, written in the 20th century, incorporate positive rights
- *Supreme Court has no authority to promote "positive" rights through budgetary allocations
- *Such allocation are prerogative of legislature and executive agencies, which in fact guarantee certain rights outside of the constitutional system
- *Compelling government or public interest allows the restriction of normally guaranteed rights
- *Bases for "equal protection" are continually being established by the courts
- *The Constitution does not specify what rights are entailed by guaranteeing liberty and the pursuit of happiness

Professor Louis Henkin
 Professor of Law, Columbia University
 9/23

Topics discussed

- *Human rights as constitutional law
- *Individual rights constitute a large portion of constitutional law
- *Rights of individuals vs. "rights of states"
- *Tension between rights of individuals and the public interest
- *International security as a function of the public interest
- *Habeas corpus is the only human right suspendable in times of national emergency
- *U.S. system starts from viewpoint of individual; ie the case to abrogate individual rights must be proven by the state
- *Individual rights rank very high in the "hierarchy of rights" and therefore the limitation of those rights is harder to justify than the granting of those rights
- *Political rights have much higher degree of sanctity and higher position than social and economic rights
- *The incorporation of international human rights law into U.S. law
- *U.S. policy incorporates "customary" international law if it is "self-executing"
- *"Self-executing" vs. non-self-executing treaties
- *"Self-executing" treaties equal in status to congressional legislation
- *International law rarely used in human rights cases in the U.S. as Constitution is sufficient in vast majority of cases
- *U.S. has ratified very few international human rights instruments so in any case very few apply
- *A small area of international "customary" law deals with human rights (eg that part prohibiting racial discrimination, torture, genocide)
- *International law can fill in gaps in constitutional law (eg dealing with illegal immigrants in extended detention)
- *Customary law does not depend on treaties or other formal agreements
- *Filartega vs. Pena

Professor Jack Greenberg
Vice Dean of Law, Columbia University
9/23

Topics discussed

- *Systematic incursion of individual rights violates the rights of states in as much as the state is composed of those individuals among others
- *Miranda Rule provides that defendant has right to legal counsel during any interrogation
- *Many important civil rights decisions are part of the legacy of slavery in the U.S.
- *There can be no discrimination against racial minorities or women in the selection of juries
- *In U.S. system the balance is struck heavily in favor of the defendant
- *Criminal justice system operates in a political context
- *The level of political stability determines the environment for criminal justice
- *Restraint on police is reflected in requirement to establish probable cause in order to issue a warrant

Professor Oscar Schachter
 Professor of Law, Columbia University
 9/23

Topics discussed

- *United Nations serves as a source of law, norms and attitudes, as well as a means of pressure, in human rights issues
- *Human rights were originally given only secondary attention at the U.N., and it is thus ironic that it is in the human rights field that the U.N. is considered to have accomplished the most
- *Prior to the U.N. domestic practices were exclusively within the jurisdiction of domestic law
- *The 1948 Universal Declaration of Human Rights was a statement of aspirations
- *Reports required under various instruments force states to address the issue of human rights
- *U.N. Human Rights Committee "experts" serve in their capacity as individuals, although they are nominated by state members
- *Governments are not anxious to lodge human rights complaints against other governments for fear of reciprocity
- *Due to the political context of human rights practices governments must decide on political grounds whether or not to adhere to conventions
- *When governments receive complaints originating from other governments they must consider the credibility of the complaints in terms of possible political motivations of the complaints
- *Three generations of rights (political and civil, economic and social, and collective)
- *Can second or third generation rights be enforced by courts or be anything more than aspirations?
- *Developing countries often adhere to different sets of priorities leading them to emphasize economic and social or collective rights
- *Covenant on Economic and Social Rights requires merely a commitment to action, within context of reasonable allocation of resources
- *Both major U.N. human rights covenants have as first article a commitment to the right of "self-determination"
- *Some tension between individual and collective rights is inevitable
- *Who must third generation rights be protected against?
- *Do collective rights imply subordination of individual rights?
- *Right of self-determination has been accepted in so much as there is a definable collective entity with distinct international status

Mr. Stephen Schapiro
Staff Attorney for ACLU
9/24

Topics discussed

- *ACLU seeks to defend rights of individuals against the U.S. government
- *Focuses on principles of the Constitution and the Bill of Rights
- *Particular attention to "freedom of speech" issues
- *Represents more cases before Supreme Court than anyone other than the Department of Justice
- *Defends right of anyone - non-partisan - therefore receives criticism from all points on the political spectrum
- *Active role in segregation and racial discrimination cases
- *Provides free legal assistance to anyone including both serving as counsel and filing amicus curiae briefs
- *Major public education role
- *Non-profit, public interest law firms, including ACLU, are allowed to solicit clients in order to pursue a matter of public interest; this is not the case for profit oriented law firms - this distinction has been established by the Supreme Court
- *Mediation role in trying to resolve disputes in pre-trial negotiations
- *ACLU currently arguing for rights of foreign nationals to receive visas into U.S. upon invitation of U.S. organizations, regardless of their political beliefs
- *Principle of "judicial nullification" makes forum for ACLU work effectively

Mr. Tom McCarthy
U.N. Human Rights Center
9/25

Topics discussed

- *Achieving agreements on international human rights documents
- *Responsibility for seeing that comprehensive principles of human rights are applied in reality
- *Expert reporting procedure - effective by dissemination to judicial sector
- *Political (ie government) representatives have accountability
- *Ad hoc committees on special human rights issues began to proliferate in the U.N. after 1975
- *Human Rights Commission composed of 43 member state representatives

Mr. Roy Lee
Legal Officer for U.N.
9/25

Topics discussed

- *Constitutional issues related to competence of various organs of the U.N.
- *Questions concerning competing jurisdiction (ie U.N. vs. regional organizations)
- *Uniformity of procedural issues
- *Uniform application of immunities
- *Peace-keeping activities of the U.N.
- *Codification of progressive development of international law

Mr. John W. Kern
Dean, National Judicial College
9/30

Topics discussed

- *General judicial jurisdiction - judicial problems
- *Judicial discretion
- *Judicial jurisdiction in civil law cases
- *Medical and scientific evidence

Center For International Legal & Economic Studies
 ZAGAZIG University, ZAGAZIG, A.R. Egypt

Second International Conference
 People's Rights
 Cairo 25 - 28 November 1985

List of the members attended to the conference

A) From A.R. of Egypt	105	
B) From Arab countries	11	
C) From other countries	19	

Total Attended	135	members

Zagazig University
Center for International Legal and Economic Studies

Conference
on "Peoples' Rights"
25 - 28 November 1985

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Recommendations

The second International Conference of the Center was held at the invitation of the Center for International Legal and Economic Studies, Zagazig University, on the subject of "Peoples' Rights", in Cairo, from the 25th to 28th of November 1985.

A group of Experts from Arab, African, European and American Countries, concerned with human and peoples' rights has participated in the conference .

The Conference dealt with the different researches and papers presented on the following subjects :

- The relation between the individual human rights and the collective Peoples' Rights.
- The Peoples' Rights to self determination.
- The Peoples' Rights to development.
- The Peoples' Rights to peace.
- The Peoples' Rights to a suitable environment.

After discussing these subjects, the Conference issued the following recommendations :

First : To emphasise the close relation between the individual human rights and the peoples' rights . The conference emphasised the need for more researches to determine the definition and the dimension of collective rights, with a reminder that collective rights are in the end individual rights.

- Second: To assure the Peoples' rights to self-determination taking into consideration their rights for sovereignty as long as they respect their own social elements . The conference specially mentioned the Palestinean, Namebian and South African people's rights for self determination in accordance with International Society Acknowledgement.
- Third: The conference has stressed on the peoples' rights to economic and social development, reminding that it is a right and an obligation at the same time . The International Society is entitled to assist the developping countries overcome the obstructions of practicing their rights. They should also try their best to achieve development for these countries and ensure that the fruits of this development reaches the right owners by guaranteeing their economical, social and cultural rights
- Fourth: The conference stated that the rights of the individual and peoples' to peace is a natural right approved by all legislations and is a bases for all other rights . The conference requested that the international societies should, through their governments and international organisations, take effective steps to face agression and terrorism to preserve the rights to peace.
- Fifth: The conference emphasises the individuals and peoples' rights to live in a suitable environment and their right to determine the legal definition of a suitable environment and the conditions of conformity between this right and the right to development
- Sixth: The conference recommends the African States governments to approve the African Charter for Human and peoples' Rights, to establish organisations and set the necessary rules for legalising the protection of individual and peoples' rights in Africa.

Seventh:

The conference recommends the issuing of Internal legislations and establish legal frames which would entitle the individuals and the peoples' rights to effectively claim all their rights and enjoy them.

Center for International Legal & Economic Studies
Zagazig University, Zagazig, A.R. Egypt.

Second International Conference
Peoples Rights
Cairo 25 - 28 November 1985

List of the Communications presented to the Conference

List of the Communications Presented to the Conference 1985

1. Mr Backe, Mohamadou Mokhtar, Conseiller à la cour Suprême du Sénégal, Agent Judiciaire de L'Etat du Sénégal :
"Introduction à la creation régionale de la Charte africaine des Droits de L'Homme et des Peuples".
2. Mr Backe, Mohamadou Mokhtar, Conseiller à la cour Suprême du Sénégal, Agent Judiciaire de L'Etat du Sénégal :
" Introduction à la creation régionale de la Charte, problèmes posés par l'application de la Charte".
3. Mr Bekhechi, Mohamed Abdel Wahab, Université d'Oran:
"L'Algérie et le droit des peuples à disposer d'euxmêmes (Théorie et pratiques)".
4. Dr Lammers, Johan G., Legal Department Ministry of Foreign Affairs, Netherland:
"The duty of States to co-operate with regard to transboundry natural resources and Environmental interferences" .
5. Dr Perrakis, Stelio, Maître de Conférence, Université de Thrace, Grèce:
"Le droit de bénéficier du patrimoine commun de l'humanité comme droit de solidarité".
6. Dr Ramadan, Medhat, Maître de Conférence à la Faculté de Droit de L'Université du Caire:
"Le procureur général socialiste et les libertés individuelles dans le système judiciaire Egyptien".
7. Dr Rummel, Bulska, Iwona (Mrs), United Nations Environment Programme (UNEP), Environmental Law Unit, Nairobi:
"Human Right to a Decent Environment".
8. Dr Juliën, Pierre, Professeur à la Faculté de Droit de L'Université de Nice, Doyen honoraire, Directeur de L'Institut d'études judiciaire, France:
"Droits de l'Homme et Droit a l'auto-détermination ".
9. Mr Seck, Moustafa, Batonnier, Dakar, Senegal:
"Considérations sur la relation entre les droits individuels et les droits des peuples ".

A list of the Researches presented at the Second International Conference for Peoples' Rights (in Arabic):-

(Egypt)

1. Mr. Assad Mohamed Khali. Masters in African Studies (Economy) - Cairo. "Peoples' Rights to development".
2. Prof. El Azhar Bar-Unee. Manager of teaching & research, Department of Rights - Faculty of Law, Political & Economics Sciences - Tunisia .
"The right to development in the light of the charter for economic work & The strategy of the Joint Arab Economic Activity".
3. Dr. Gaafar Abdel Salam. Professor & Head of Department of International Law (Azhar University) at Cairo - "The Peoples' Rights to development".
4. Dr. Hussein Mostafa Negm El Din. Head of Economics Department, Zagazig University - Faculty of Law -
"The Crisis of debts for under developed countries as a restriction on the rights to development".
5. Colonel Dr. Adel Mohamed El Feki. Tourism & Archaeology Police at Cairo - "The Right to self-determination".
6. Dr. Adel Mohamed El Feki. Tourism & Archaeology Police at Cairo - "Relation between Human individual rights & Peoples' Rights".
7. Dr. Abdel Rahman Ismail. Assist. Prof. of Political Sciences - Institute of Production Sufficiency - Zagazig University, Egypt.
"The Right to self-determination African point of view".
8. Dr. Abdel Rehim Sedki. Faculty of Law - Dept. of Criminal Law - Zagazig University, "Definition of International Criminal Politics & Peoples' Rights".
9. Dr. Abdel Rehim Sedki. Faculty of Law - Cairo University - Criminal Law Section. "The Role of Criminal Law in the Consolidation of Peoples' Rights to Security & Peace".

10. Dr. Abdel Kader El Kadry Prof. of General International Law - Mohamed El Khamis University. Rabat - Morocco. "Human Rights & Peoples' Rights in the International Order".
11. Dr. Essam El Din Basseem Police Academy - Police Academy Cairo. "The Role of African Unity Organisation in the Care of Human Peoples' Rights".
12. Dr. Essam EL Din Basseem Police Academy - Cairo Police Faculty - "Peoples' Rights in Africa".
13. Dr. Fatma Ahmed El Sherbeeney Professor of Economics the High Institute of Production Sufficiency Zagazig University - "The Right to development in the Under developed Nations from a Traditional manufacturing specimen in a specimen of satisfying essential needs".
14. Dr. Maher Abdel Hadee Assist. Prof. Faculty of Law - Zagazig University . "Remarks on the Rights of the Palestenian & Israeli Nations to Equality".
15. Lieutenant Colonel Dr Mohamed El Said Roshdy Prof. of Civil Law at Cairo Police Faculty. "The Right to a suitable Environment".
16. Dr. Mohamed Shata Abu Saad Councillor at the Appeal Court at Beni Suwaif "The Right of Self-Determination between individual rights & Peoples' Rights, a study and application on the Palestenian Nation".
17. Councillor Mohey Shawkee Ahmed Assist. Councillor at the Cairo State Council. "The Right to development, its content & means to realize it".
18. Mr. Mohey Shawkee Ahmed Assist. Councillor at the Cairo State Council . "The Human Rights to Peace & Security".
19. Councillor Mohamed Eshry Councillor in Cairo - "Legal Basis to the Peoples' Rights in Self-Determination with an application on the Palestenian Nation".
20. Prof. Mohsen Aly Gad Masters in Law from Cairo - "The Right to Peace, a view of the African Charter for Human & Peoples' Rights"

21. Dr. Mohamed Mostafa
Mohamed
Faculty of Arts, Assiut University.
"Human Rights & means to accomplish
the right to development".
22. Brigadier Dr Mohamed
Moenes Moheb El Din
Researcher at the Center of Police
Academy - Ministry of Interior,
Egypt. "Terrorisme & Peoples'
Rights to Peace".
23. Prof. Nagat Aly Said
Attorney, Institute of Production
Sufficiency, Zagazig University -
Egypt. "Introduction on the Right
to Peace and its conformity to
African reality through some Inter-
national Constitutions & Charters".
24. Prof. Nabil Ahmed
Hilmy
Head of General International Law
Section - Faculty of Law - Zagazig
University and Executive Director
of the Center (in Egypt).
"Peoples' Rights & Environment".

From The Arab Republic Of Egypt:

1. Mr, Ibrahim Taha Issa
Announcer & Manager of Cultural Programes in the second Channel Broadcasting.
2. Major General Aboul Foutouh Salama.
Assistance of the Minister of Interior & Manager of Police research Center.
3. Prof. Ahmed Abu El Wafa Mohamed
Professor of the Faculty of Law - Cairo University.
4. Prof. Ahmed Hafez Atteya Negm
Professor of the Faculty of Law - Zagazig University.
5. Prof. Ahmed Abd El Hamid Ashush
Asst. Prof. and Head of the Section for the special International Law - Faculty of Law - Zagazig University.
6. Prof. Ahmed Abdel Aziz El Alfee
Prof. at the Faculty of Law - Zagazig University.
7. His Excellence Ambassador Ahmed Ezzat Abdel Latif.
Head of the Diplomatic Institute.
8. Prof. Ahmed Aly El Magdub
Councillor at the National Center for Criminal & Social Research.
9. Prof. Ahmed Mohamed Refaat
Prof. of Public International Law - Faculty of Beni Swaif - Cairo University.
10. Mr. Adeeb Naguib
Journalist
11. Brigadier Assad Mohamed Khalil Ewais
Brigadier at the State Security Police - Cairo Branch.
12. Prof. Ismail Abdel Rehim Shalaby
Asst. Prof. for Economic Studies - Faculty of Law - Zagazig University.
13. Prof. El Ahmedy Aboul Noor.
Minister of Wakfs.
14. Councillor El Sayed El Sayed Omar
State Council Delegate.
15. Mr. El Sayed Mohamed Sayed El Gamal
Announcer of the A.R.E. Broadcasting
16. Mr. El Sayed Mostafa Khidr.
Teacher
17. Mr. Alfi Khalil Bebawi
Lawyer

- | | | |
|-----|-----------------------------------|---|
| 18. | Mr. Emam Salem | Reporter at Middle East Newspaper. |
| 19. | Mrs. Omayma El Sayed Mohamed Emam | Lecturer at the Faculty of Commerce - Tanta University. |
| 20. | Prof. Anwar Ismail El Hawary | Dean of the Faculty of Law - Zagazig University. |
| 21. | Prof. Botros Botros Ghaly | Minister of State for Foreign Affairs. |
| 22. | Prof. Bakr El Abany | Prof. at Faculty of Law - Cairo University. |
| 23. | Prof. Bahgat Mahmoud Sabet | Prof. at Azhar University. |
| 24. | Prof. Dr Gaafar Abdel Salam Ali | Prof. & Head of Public International Law - Azhar University. |
| 25. | Prof. Gehad Oda | Expert at the Strategie & Political Studies Center. |
| 26. | Dr. Hassan Mahmoud Rabei. | Police Officer & Doctor in Law |
| 27. | Prof. Hussein Negm El Din. | Head of Economy Department - Faculty of Law - Zagazig University. |
| 28. | Prof. Khaled Mohamed Fahmy | Prof. Expert at the National Planning Institute. |
| 29. | Dr. Khairat Ismail | Announcer at the Second Channel. |
| 30. | Prof. Raqaee Hussein El Sheteiwy | Doctor in the International Law - Police Faculty. |
| 31. | Dr. Sami Ahmed Abdeen. | Police Officer. |
| 32. | Dr. Sami Mohamed Shoukry. | Prof. at the Police Academy. |
| 33. | Dr. Saad Aziz | Manager of School Journalism. |
| 34. | Dr. Said Salem Geweily | Police Officer and Doctor in Law - Police Academy. |
| 35. | Prof. Soltan Abu Aly | Minister of Economy & Foreign Trade. |
| 36. | Prof. Soheir Montasser | Head of Civil Law Department - Faculty of Law - Zagazig University. |
| 37. | Prof. Salwa Tawfik Bakeer | Prof. at the Faculty of Law - Zagazig University. |

38. Mr. Salah El Safty
General Manager at the President's Office.
39. Prof. Salah Abdel Badaei Shalaby
Prof. Public International Law - Azhar University.
40. Prof. Aisha Rateb
Ambassador at the Ministry of Foreign Affairs .
41. Dr. Adel Mohamed Essa El Feky.
Police Officer
42. Prof. Abbas Mahdy El Sherazee.
Dean of Faculty of Commerce - Zagazig University.
43. H.E. Ambassador Abdel Hamid Abdel Ghany.
Former Ambassador.
44. Mr. Abdel Hakeem Morsy
Lawyer.
45. Prof. Abdel Rafea Morsy
Prof. of Commercial Law - Faculty of Law - Zagazig University.
46. Prof. Abdel Rahman Ismail El Salhee
Asst. Prof. of political Science & Head of Section of Economical Science at the Institute of Sufficiency - Zagazig University.
47. Prof. Abdel Rahman Essa Allam
Prof. of Criminal Law at Faculty of Law - Zagazig University.
48. Dr. Abdel Reheem Sedky
Member of Teaching Staff - Cairo University.
49. Councillor Abdel Reheem Amer
Judge.
50. Prof. Abdel Azeem Morsy Wazeer
Faculty of Law - Mansoura University.
51. Prof. Abdel Kareem Aly El Shwal
Prof. at the National Planning Institute.
52. Dr. Abdallah El Sayed Mohamed
Deputy of Court Martial
53. Councillor Abdel Moez Ahmed Ibrahim
Councillor at the Cairo Appeal Court & Legal Advisor at Zagazig University.
54. Prof. Abdel Moez Abdel Ghafer Negm
Asst. Prof. at Faculty of Law - Assiut University.
55. Prof. Abdel Moneim Mahfuz
Head of Public Law Department at Faculty of Law - Zagazig University.
56. Prof. Abdel Hady Aly El Naggar
Dean of Faculty of Law - Mansoura University.

57. Prof. Adnan Abdel Hamdy Zeidan Prof of Criminal Law - Faculty of Law - Zagazig University.
58. Dr. Essam Ahmed Abdel Latif Committee Member of International Law at Police Academy.
59. Prof. Essam El Dine Basseem Prof. of Public International Law at the Faculty of Police.
60. Mr. Essam Galal Hussein Ahmed Editor & Translator at the General Organisation for Information.
61. Mr. Aly Hassan Fahmy Advisor at the National Center for Criminal & Social Researches.
62. Mr. Aly Mahmoud El Batrawy Secretary General of Zagazig University.
63. Mr. Awad Wasfy Photographer Reporter.
64. Mrs. Faiza Abu El Naga First Secretary at the Office of Foreign Affairs Minister.
65. Prof. Faiza Hassan El Abeed. Lawyer
66. Prof. Foad Abdel Moneim Riyad Prof. & Head of Department of Private International Law - Cairo University.
67. Prof. Fatma Ahmed El Sherbeeney Hassan Professor of Economy, Institute of Production Sufficiency - Zagazig University.
68. Prof. Ferhad Mohamed Aly El Ahdan Prof. of Economics & Dean of Advanced Studies at the Sadat Academy.
69. Prof. Maher Mostafa Abdel Hady Asst. Prof. at Faculty of Law - Zagazig University.
70. Mr. Mohsen Aly Hussein Announcer
71. Mr. Mohsen Aly Mohamed Gad Police Officer
72. Colonel Dr Mohsen Mohamed El Abudee Colonel Doctor in Law - at the Police Academy.
73. Prof. Mohamed Onsee Kasseem Gaafer Head of Department of Public Law & Vice Dean of the Faculty of Law at Beni Suwaif - Cairo University.
74. Prof. Dr Mohamed El Sayed Roshdy Prof. of Civil Law - Police Academy
75. Prof. Mohamed El Shahat El Gondy Prof. at Faculty of Law - Tanta University.

76. Dr. Mohamed Refaat
Elsabany Lecturer of Civil Law at the Faculty
of Law - Tanta University.
77. Prof. Mohamed Sami
Abdel Hamid Prof. & Head of Public Internatio-
nal Law Department at the Faculty
of Law, Alexandria University.
78. Dr. Mohamed Adel
Abdel Rahman Lecturer of Civil Law at the Faculty
of Law, Zagazig University
79. Mr. Mohamed Abdel
Aziz Badran Engineer
80. Prof. Mohamed Abdel
Latif. President of Zagazig University
81. Dr. Mohamed Abdel Wahab
Elsaket Consultant at the Arab League
82. Dr. Mohamed Farouk Rateb
Assist. Minister of Justice for
Legislation.
83. H.E. Ambassador Mohamed
Fouad El Badawy Secretary of the African Unity.
84. Dr. Mohamed Moeness
Mahed El Din. Criminal Law at the Police Academy.
85. Prof. Mohamed Mostafa
Mohamed Habashy . Prof. of Sociology at the Faculty
of Literature, Assiut University.
86. Councillor Mohamed Aly
Balegh Councillor, President of the
Supreme Constitutional Court.
87. Prof. Mohamed Mahmoud
Ibrahim Head of Pleading Department, at
the Faculty of Law, Zagazig Univer-
sity.
88. Mr. Mahmoud Mohamed
Ibrahim Assistance Lecturer African Studies
Institute, Cairo University.
89. Councillor Mohey Shawky
Ahmed. Councillor at State Council.
90. Prof. Medhat Abdel Halim
Hassan Ramadan Prof. at the Faculty of Law, Cairo
University .
91. Prof. Mostafa Ahmed
Fouad. Prof. at the Faculty of Law, Tanta
University.
92. Prof. Mostaf Kamel
El Sayed Ibrahim Member at the Peoples' Assembly
& Former Minister.
93. Prof. Mostafa Mahmoud
Afify Prof. of Public Law at the Faculty
of Law, Tanta University.

94. Mrs. Mealy Mahmoud Riad
General Manager of the Conference Department, at the General Information Organisation.
95. Prof. Mofeed Mahmoud Mahmoud Shehab
Prof. Head of Public International Law Department, Cairo University.
96. Mr. Mamdouh Hassan Ahmed Riad
Police Officer
97. Prof. Mansour Mohamed Mansour El Hefnawy
Head of Islamic Legislation Section at the Faculty of Law, Zagazig University.
98. Prof. Nabil Ahmed Hilmy
Executive Director of Center for International Legal & Economic Studies & Head of public international Law Department at the Faculty of Law, Zagazig University.
99. Prof. Nabeeh Mahmoud Hamouda
Assist. Prof., Faculty of Law, Zagazig University.
100. Prof. Nagaty Sayed Ahmed Sanad
Prof. at the Faculty of Law, Zagazig University.
101. Mrs. Nagat Aly Mohamed Said
Attorney at Zagazig University.
102. Mr. Haroon Shaker Mostafa
News Delegate at the radio.
103. Prof. Wafaa Ahmed Helmy Abu Gameel.
Faculty of Law, Zagazig University.
104. Mr. Waly El Din Shafeek Sabry
Police Officer.
105. Prof. Yehia El Sheemy Aly
Attorney & Expert at the Political Studies at El Ahram Newspaper.

**Center For International Legal & Economic Studies
ZAGAZIG University, ZAGAZIG, A.R. Egypt.**

B] Members from Arab Countries Attended to the Conference 1985

- | | | |
|-----|---|--|
| 1. | Dr. Al Kadiri, Abdel Kader
(Morocco) | Professor of International Law,
Faculty of Social and Economic
& Legal Sciences, Rabat University. |
| 2. | Dr. Al Azhar, Buony,
(Tunisia) | Professor of International Law,
Faculty of Law, University of Tunis |
| 3. | Mr. Al Oteibi, Sobhi Gabr
Mohesn, (Jordan) | General Director of the Center
for Studies and Information, Amman. |
| 4. | Dr. Bakhishi, Mohamed Abdel
Wahab
(Algeria) | Professor of International Law,
Faculty of Law, University of
Oran. |
| 5. | Mr. Berahtou, Ali Mohamed
Said,
(Erytria) | Chairman of Erytorean lawyers Asso-
ciation, Erytria. |
| 6. | Dr. Fadel'Allah, ALi Soliman,
(Sudan) | Lecturer & Head Department of
International Law, University of
Khartoum. |
| 7. | Dr. Hadi, Riad Aziz,
(Iraq) | Professor of Political Sciences
& Law, University of Baghdad. |
| 8. | Dr. Mohamed, Abdallah Idris,
(Sudan) | Dean of Faculty of Law, Universi-
ty of Khartoum. |
| 9. | Dr. Mo'tassim, Mohamed,
(Moroco) | Professor of International Rela-
tions, Rabat University. |
| 10. | Dr. Nyot Kok, Peter,
(Sudan) | Lecturer of Constitution Law &
Investement Law, University of
Khartoum. |
| 11. | Dr. Sharakassi, Ahmed Hekmat
(Jordan) | General Director of the Ministry
of Culture, Amman. |

Center for International Legal & Economic Studies
Zagazig University, Zagazig, A.R. Egypt.

C) Members Coming from African, European and American Countries
attended to the Conference 1985.

1. Prof. Abi-Saab, George
(Egypt) Professor of International Law,
Hautes Etudes Internationales
Institute, Geneva, Switzerland.
2. Dr. Judy Barsalou
(U.S.A.) Program Officer at Ford Foundation
3. Prof. Edward, Ratushny,
(Canada) Professor of Law, Director of
Human Rights Center, Ottawa Unive-
rsity.
4. Dr. Ennals, Martin,
(England). President of Human Rights Interna-
tional Documents system (Huridocs),
London.
5. Prof. Julien, Pierre.
(France). Professor of Droit Judiciaire Prive
Faculte de Droit, Universite de
Nice.
6. Prof. Kumado, Kofi.
(Ghana) Lecturer of Constitutional Law,
University of Ghana, Legon.
7. Dr. Lammers, Johan.
(Netherlands) Member of the Legal Department
of the Netherlands Ministry of
Foreign Affairs, The Hague.
8. Mrs. Levin, Leah.
(England) Director of Justice (British
Section of International Commission
of Jurists), London.
9. Dr Marks, Stephen.
(U.S.A.) Jurist of International Human
Rights Ford Foundation, New York.
10. Dr. Marie, Jean,
Bernard. (France) Directeur CIEDHU, Institut Inter-
national de Droits de L'Homme,
Strasbourg.
11. Mr. Milklauck, Michael,
(U.S.A.) Political Scientist, Washington.
12. Prof. Morand, Deviller,
Jacklin . (France). Professor of Public Law and Politi-
cal Science, Dean of Faculty of
Law, Paris XII.
13. Dr. Mumtaz, Soysal.
(Turkey). Professor of Constitutional Law,
Faculty of Political Sciences,
Ankara University.

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R E P O R T
Conference
CRIMINAL JUSTICE: TEACHING, REFORM
AND PROTECTION OF HUMAN RIGHTS IN THE ARAB WORLD

Siracusa, 1-7 December 1985

1. The Conference was held at the seat of the Institute in Siracusa, December 1-7, 1985 according to the attached program (Appendix I)
2. It was attended by 76 persons of which 55 from 10 Arab States and one participant from the West Bank and Gaza. List of participants attached (Appendix II)
3. The participants were present during all the panel presentations and ensuing discussions, and were active in the work of the four workshops indicated in the program.
4. The workshop reports were presented to the Conference in a plenary session which reformulated these reports in the nature of draft resolution.
5. A Committee of the Chairpersons and Rapporteurs of the four workshop was elected by the Conference to formulate an integrated set of resolutions.
6. The integrated resolutions were submitted and discussed by the Conference in a plenary session who adopted them unanimously in the form of "Resolutions". The text was in Arabic and is attached (Appendix III), and an edited translation in English was prepared and is attached (Appendix IV).
7. The Conference urged the publication and wide dissemination of the "Resolutions" in Arabic and English, and that work is in progress.
8. The Conference also urged the publication of the reports and debates (which were registered) in Arabic for wide dissemination in the Arab world. Because of the costs involved this project will depend on the availability of funding.
9. The cost of publishing the "Resolutions" is expected to be between \$ 3000 and \$ 4000. The cost of publishing the full proceedings is expected to be between \$10.000 - \$ 12.000

10. The costs of the Conference exceeded \$60.000 agreed so.
Of these Amideast contributed \$45.000 of which \$25.000 were received
and the balance of \$ 20.000 is expected in accordance with the attached
accounting presented in triplicate.



M. Cherif Bassiouni
Dean

INSTITUT SUPERIEUR INTERNATIONAL DES SCIENCES CRIMINELLES
INTERNATIONAL INSTITUTE OF HIGHER STUDIES IN CRIMINAL SCIENCES
ISTITUTO SUPERIORE INTERNAZIONALE DI SCIENZE CRIMINALI
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SIRACUSA - ITALIA
Indirizzo telegrafico: ISISC - Siracusa



Conference

CRIMINAL JUSTICE: EDUCATION, REFORM
AND HUMAN RIGHTS PROTECTION IN THE ARAB WORLD

Siracusa, 1 - 7 December 1985

P r o g r a m

Sunday, December 1

Arrival of Participants

Monday, December 2

9,30 - 10,00

Welcome Remarks

10,00 - 10,30

Introduction to the Conference

Professor M. Cherif Bassiouni, Dean ISISC;
Secretary General, International Association
of Penal Law; Professor of Law, De Paul University.

10,30 - 11,00

HUMAN RIGHTS AND CRIMINAL JUSTICE: A U.N. PERSPECTIVE

Dr. Munzer Ababtawi, Chief Advisory Services, U.N. Human
Rights Center; Former Professor of Law, The University
of Amman

11,00 - 11,30

Break

11,30 - 12,00

CRIMINAL JUSTICE AND HUMAN RIGHTS: THE ROLE OF
THE COUNCIL OF EUROPE

Dr. Ekkehard Muller-Rappard, Director, Division of
Crime Problems, Council of Europe

12,00 - 12,30

CRIMINAL JUSTICE AND HUMAN RIGHTS: AN ARAB
PERSPECTIVE

Professor A. Fathi Sorour, Professor of Criminal Law,
Former Dean, Faculty of Law; Vice President, University
of Cairo; President, Union of Egyptian Jurists;
Deputy Secretary-General AIDP (Egypt)

12,30

Lunch Break - 94 -

- 4,00 - 7,00 **A COMPARATIVE SURVEY OF CRIMINAL JUSTICE AND HUMAN RIGHTS EDUCATION IN SELECTED LEGAL SYSTEMS**
 Chairperson: The Honorable Mohammed Ridha Ben-Ali, Minister of Justice of Tunisia (Tunisia)
- 4,00 - 4,45 **CRIMINAL JUSTICE EDUCATION IN THE UNITED STATES**
 Professor Leonard Cavise, Associate Professor of Law, De Paul University, College of Law (USA)
- 4,45 - 5,15 General Discussion
- 5,15 - 5,45 Break
- 5,45 - 6,30 **INTERNATIONAL HUMAN RIGHTS EDUCATION AND THE FRENCH MODEL**
 Dr. Jean-Bernard Marie, Director, International Center for Human Rights Education, International Institute of Human Rights, Strasbourg (France)
- 6,30 - 7,15 General Discussion
- 9,30 P.M. Viewing of Video Film on U.S. Criminal Case
- Tuesday, December 3

Continuation of Session

- Chairperson: The Honorable Amal Osman, Minister of Social Affairs of Egypt; Professor of Criminal Law, The University of Cairo (Egypt)
- 9,30 - 10,15 **CRIMINAL JUSTICE AND HUMAN RIGHTS EDUCATION IN GERMANY**
 Professor Joachim Herrmann, professor of Criminal Law, the University of Augsburg; Former Dean, Faculty of Law; Vice President, University of Augsburg (F.R.Germany)
- 10,15 - 10,45 General Discussion
- 10,45 - 11,15 Break
- 11,15 - 12,00 **CRIMINAL JUSTICE EDUCATION IN THE SOCIALIST EASTERN EUROPEAN COUNTRIES**
 Professor Zelco Horvatic, Professor of Criminal Law, Dean of the Faculty of Law, Rijeka University, Zagreb (Yugoslavia)

12,00 - 12,30 General Discussion

4,00 - 7,00 THE ISLAMIC MODEL

Chairperson: The Honorable Zakaria El-Berri,
Former Minister of WAQF of Egypt; Professor of
Sharia, the University of Cairo (Egypt)

4,00 - 4,45 Panel:

1. Dr. Ghaouti Ben-Melha, Adjunct Professor of Law,
the University of Algiers (Algeria)

5,30 - 6,00 Break

6,00 - 7,00 General Discussion

Wednesday, December 4

9,30 - 12,30 CRIMINAL JUSTICE AND HUMAN RIGHTS EDUCATION IN THE
ARAB WORLD

Chairperson: The Honorable Mohamed Ali Baligh,
Chief Justice of Supreme Court (Egypt)

1. Professor Mohammed Nacer Benjalloun, Professor of Law,
University of Mohammed V; Judge, Court of
Cassation (Morocco)
2. Judge Fuad Khoury, Court of Cassation (Jordan)
3. Professor Anwar El-Hawary, Professor of Criminal
Law and Dean of the Faculty of Law, the University
of Zagazig (Egypt)
4. Professor Riad El-Khani, Professor of Criminal Law,
the University of Damascus (Syria)

Afternoon

Excursion and Free Time

Evening

Organizational Meeting of Workshops

Thursday, December 5

9,30 - 12,30

Meeting of Workshops

4,00 - 7,00

Michael Miklaucic, Amideast, Workshop Coordinator

I Legislative Reform

II Education and Research in Law Schools

III Education, Training and Research in Specialized Institutes

IV Human Rights Education in Criminal Justice

N.B.

(Each workshop will have a Chairperson and a Rapporteur to be designated at the Conference.

Each workshop will prepare a report on its deliberations and a draft resolution, both to be presented, discussed and approved at the plenary).

Friday, December 6

9,30 - 12,00

Presentation of the Workshop Reports and Resolutions

Chairperson: Professor M.Cherif Bassiouni, Dean ISISC; Secretary General International Association of Penal Law; Professor of Law, De Paul University

9,30 - 10,30

Panel I Legislative Reform

10,30 - 11,00

Break

11,00 - 12,00

Panel II Education and Research in Law Schools

12,00 noon

Break

Room will be made available for Friday prayer (Salat)

4,00 - 7,00

Presentation of Workshop Reports and Resolutions

4,00 - 5,00

Panel III Education, Training and Research in Specialized Institutes

5,00 - 5,30

Break

5,30 - 6,30

Panel IV Human Rights Education in Criminal Justice

6,30 - 7,00

Closing Remarks

Professor Pierre Bouzat, Honorary Professor and Dean, the
University of Rennes; Honorary President IAPL;
President ISISC (France)

8,30

Closing Banquet

Saturday, December 7

Departure of Participants

APPENDIX 4

BIBLIOGRAPHY OF CORE HUMAN RIGHTS LIBRARY

- Abraham, Freedom and the Court
- Amnesty International, Annual Report; 1985
- Amnesty International, Torture in the Eighties
- Andrews, Human Rights in Criminal Procedure
- Bassiouni, The Islamic Criminal Justice System
- Bello, African Customary Humanitarian Law
- Bowett, The Law of International Institutions
- Brownlie, Basic Documents on Human Rights
Principles of Public International Law
- Buchheit, Secession; The Legitimacy of Self-Determination
- Cassese, UN Law; Fundamental Rights
- Columbia University, Human Rights; A Topical Bibliography
- Dept. of the Sec. of State of Canada, CEDAW Reference Document
- Esposito, Women in Muslim Family Law
- Flanz, Comparative Women's Rights and Political Participation in Europe
- Forsyth, Human Rights and World Politics
- Freidman, Human Rights; An International and Comparative Law Bibliography
- Gastil, Freedom in the World
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- Goodwin-Gill, The Refugee in International Law
- Grahl-Madsen, Territorial Asylum
- Hannum, Guide to International Human Rights Practices
Materials on International Human Rights and American Constitutional Law
- Hassan, The Concept of Law and State in Islam
- Henkin, International Bill of Rights
- Hevener, International Law and the Status of Women
- Humphrey, Human Rights and the United Nations
- Inter-American Commission on Human Rights, Annual Report, 1984-1985
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- International Commission of Jurists, Development, Human Rights and the Rule of Law
- International Labor Organization, International Labor Conventions and Recommendations
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- Jones, Law, Bureaucracy and Politics
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- Meghdissian, The Status of Arab Women
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- Parnell, Legal Status of Women
- Plattner, Human Rights; Theory, History, Policy
- Ramcharan, Human Rights: 30 Years After the Universal Declaration
International Law and Fact Finding in the Field of Human Rights
Humanitarian Good Offices
- Robertson, Human Rights in the World
- Rotunda, Six Justices on Civil Rights
- Said, Human Rights and World Order
- Seighart, The International Law of Human Rights
The Lawful Rights of Mankind
- Swinarski, Studies and Essays in Honor of Jean Pictet
- Sigler, Minority Rights; A Comparative Analysis

Szabo, Cultural Rights

UNIPUB, The Islamic Concept of Human Equality

United States, Department of State, Country Reports on Human Rights
Practices for 1985

Valticos, International Labor Law

Van Dyke, Human Rights; Ethnicity and Discrimination

Vasak, The International Dimension of Human Rights

Vierdag, The Concept of Discrimination in International Law

Weiss, Nationality and Statelessness in International Law

Welch, Human Rights and Development in Africa

White, Rights

APPENDIX 5

Video Tape Series

I. Judicial Administration

- A. "Effects of Judicial Administration on Case Flow", Joseph L. Ebersole, Esq.
- B. "General Principles of Judicial Administration", Hon. Hubert L. Will
- C. "Management of Civil Case from Filing to Trial", Hon. Sherman G. Finesilver
- D. "Judicial Administration; One Approach to Case Management" Hon. Gerhart A. Gesell

II. Jury Trials

- A. "Trial of the Civil Jury Case", Hon. Charles B. Renfrew & Hon. George N. Leighton
- B. "Effective Jury Utilization", Hon. C. Clyde Atkins
- C. "Trial of the Criminal Jury Case", Hon. Robert R. Merhige
Hon. Donald S. Voorhees
- D. "Jury Trials", Gerald S. Litvin, Esq.

III. Civil and Criminal Rights

- A. "Section 1983 Cases", Prof. Leon Friedman
- B. "The Theory and Practice of Federal Habeas Corpus for State Prisoners", Prof. Ira Robbins

IV. Issues in American Constitutional Law

- A. "Equal Justice Under Law";
 - 1. Marbury v. Madison
 - 2. Gibbons v. Ogden
 - 3. McCulloch v. Maryland
 - 4. United States v. Burr
- B. "The Constitution; That Delicate Balance"
 - 1. Affirmative Action and Reverse Discrimination
 - 2. National Security and Freedom of the Press
 - 3. Criminal Justice and a Defendant's Right to a Fair Trial
- C. "Is Moral Theory Constitutional Law?", Prof. Ronald Dworkin

V. Evidence

- A. "Overview of the Federal Rules of Evidence", Hon. James H. Hancock

Dustour Newspaper
11/5/85

TEXT FOR THE LEGAL PLAN OF THE INSTITUTE FOR ARAB LAWYERS AND JUDGES

Establishment of a training institute for lawyers and judges at the University of Jordan. Statement of the Institute regarding working conditions in the judicial corps and the legal profession.

Special administrative agencies have completed a legal plan for the Institute of Arab Judges and Lawyers. This plan aims at supporting the legal profession, according to the instructions of His Majesty King Hussein, through the efforts of qualified lawyers and judges able to secure the path of justice within the Kingdom of Jordan.

The text follows;

Article 1. An institute for lawyers and judges is to be established (and named the Institute for Arab Judges and Lawyers) and based at the Faculty of Law at the University of Jordan.

Article 2. The following terms will bear a special meaning unless specified otherwise in context;

The Institute = The Institute for Arab Judges and Lawyers
The Board = The Board of Trustees of the Institute
The President = President of the Board of the Institute
The Dean = The Dean of the Institute

Article 3. The Institute is independent, both financially and administratively, and must perform accordingly, as it has the right to own, sell, mortgage, loan and accept loans such as waqfs, scholarships, wills, grants, and to appoint to judicial positions from among the public prosecutors or otherwise qualified persons.

Article 4. The Institute aims at training suitable judges and lawyers to take on judicial positions and to practice law and to broaden the knowledge and expertise of those active in the legal and judicial fields as well as in the legal departments of official and semi-official national organizations.

Article 5. The Institute is directed and headed by a Board, consisting of the Minister of Justice as President, the President of the Court of Cassation as Vice President, the Chairman of Lawyers as member, along with one of the judges of the Court of Cassation appointed by the Supreme Judicial Council, the Dean of the Faculty of Law at the University of Jordan, a member of the Association of Lawyers, one of the professors of the Faculty appointed by the Board of the University Deans, and the Dean of the Institute.

Article 6. The Council will meet once a month at least, by invitation of the President, and it is incumbent upon the President to convene if he is asked to and if five or more of the members of the Board request it. The session is not considered valid unless it is attended by at least five members and decisions will be taken on the basis of absolute majority vote of those present, with the President's voice prevailing in the case of a tie vote. In the absence of the President, the session will be chaired by the Vice President.

Article 7. The Board will assume the responsibilities for keeping records of the general policy of the Institute and in these following areas in particular:

- general supervision of all Institute affairs.
- establishing the necessary guidelines to organize matters of the Institute and to supervise these guidelines as they are applied.
- all applied and theoretical subjects studied at the Institute, and their modification whenever necessary.
- fixing starting and finishing dates of study at the Institute along with class schedules and holiday breaks.
- determining exam regulations and setting dates along with guidelines to carry out and supervise exams.
- releasing exam results and classification.
- establishing clear rules between the students of the Institute and those working in it.
- fixing the cost of study at the Institute and debating and fixing its yearly fees.
- studying and determining all financial matters dealing with the Institute.
- fund-raising, equipment, material necessary to achieve the goals of the Institute.
- determining the compensation for those in charge of teaching and training the student body.
- issuing special educational instruction to ensure discipline and good conduct.

Article 8. The administration of the Institute will be entrusted to a Dean appointed by the Board of Trustees, with no less than 20 years of practical legal experience or who has obtained a Doctorate of Law from one of the universities. He will be in charge of the following;

- implementing the decisions of the Board.
- representing the Institute at official and non-official agencies with the right to delegate this task to one of the representatives of the Institute.
- referring members of the teaching staff in the Institute to the Board to come to an agreement over their assignment and referring appropriate issues regarding the Institute to the Board so they may be discussed and appropriate action taken.
- compiling a yearly report on the Institute and submitting it to the Board.
- the Dean is to carry out all other appropriate tasks entrusted to him by the Board.

Article 9. An appropriate number of representatives in the Institute will be assigned to deal with matters regarding reports, privileges, rewards, holidays, and all functional and financial issues in accordance with Institute directives.

Article 10. Whoever studies at the Institute will have to satisfy the following conditions;

- that he be of Jordanian nationality, although the Institute retains the right to accept students from other Arab countries.
- that he not have been convicted of any crime or immoral conduct.
- that his age not exceed 40.

- that he have a law degree from a university recognized by the Hashemite Kingdom of Jordan.
- that he not have been previously dismissed from the Institute.
- that he commit himself totally to studying at the Institute throughout the academic year, till graduation.

Article 11. The course of study at the Institute will be two full years to prepare judges and lawyers, and the Board is to issue special announcements for the courses at the Institute.

Article 12. That whoever undertakes to teach at the Institute be from among the prominent judges and lawyers in his field, that his practice be no less than 25 years of experience, or that he has obtained a Doctorate of Law from one of the established universities. If needed the Board can authorize that a teacher be accepted at the rank of assistant professor.

Article 13. A graduate of the Institute is awarded a "Certificate in Legal Studies", from the Institute of Judges and Lawyers, testifying to the completion of all academic requirements, along with his successful passing of the final exam, his general grades, the date of graduation, and all other clarifying information deemed relevant by the Board.

Article 14. Effective from the date this decree is passed;

1. Only those who have a certificate from the Institute can be admitted on the register of Professors of Law, with the exception of;

A. Previous judges on condition that they have no less than two years of experience, as approved by the Law of the Independence of the Judiciary.

B. Trained lawyers who completed or started their training before this law was passed. This clause fulfills the conditions of training in accordance with the law under the auspices of which the Register was established.

C. Those who have a Doctorate of Law from the Jordanian universities or universities recognized by the Hashemite Kingdom of Jordan.

2. No one can be appointed to a judicial position recognized by the Law of the Independence of the Judiciary as a first appointment, except those who have obtained the Certificate of the Institute, with the exception of;

A. Lawyers who have fulfilled the conditions stipulated in the Law of the Independence of the Judiciary.

B. Those who have obtained a Doctorate of Law from Jordanian universities, or universities recognized by the Hashemite Kingdom of Jordan.

3. No one can be appointed legal advisor to any of the national bureaus, or official or semi-official institutions other than those who have obtained the Certificate of the Institute, with the exception of the categories laid down in sections A and C of the first paragraph, and section A of the second paragraph, relevant to this matter.

4. The legal provisions are annulled whenever they conflict with the precepts of this decree.

Article 15. Exempt from the first academic year at the Institute are those who;

A. have obtained a Doctorate of Law from one of the universities recognized by the Hashemite Kingdom of Jordan.

B. graduates of Arab or foreign legal institutes recognized by the Hashemite Kingdom of Jordan.

C. those who have a teaching certificate of law from one of the foreign or Arab nations, providing that their training to obtain this certificate be no less than two years.

D. the Institute will organize a special study program and an exam for students accepted to it from the above-mentioned categories.

Article 16. The Board of the Institute is to offer informative programs and hold assigned courses which must include all that is new in the study of law and its theories, from other countries. Judges and officials from the official or administrative organizations who have various legal areas of expertise may benefit from such programs and courses. The Board is to hold training courses for court officials to improve their job performance.

Article 17. The Institute has a special separate budget determined by the Dean and discussed and decided upon by the Board.

Article 18. Control and supervision of the Institute's finances are to be handled by the Bureau of Accounting, unless the Board considers appointing an Inspector of Legal Finances, for this task. In this case the Finance Inspector's fees are to be decided by the Board.

Article 19. Travel, per diems, and allowances for the members of the Board, the Dean and all officials of the Institute will be determined according to instructions given by the Board.

Article 20. No legal text is operative if it opposes the regulations of this law.

Article 21. The Prime Minister and the Ministers are responsible for the legal execution of this law.

**NOTE RELATIVE A L'ORGANISATION D'UN COLLOQUE
MAGHREBIN POUR LA DIFFUSION DU DROIT INTERNATIONAL
HUMANITAIRE ET DES DROITS DE L'HOMME**

Ce colloque sera organisé à Tunis au mois de janvier 1987 et ouvert aux pays du Maghreb francophone, les travaux devant se dérouler en langue française. Il pourra donc accueillir essentiellement des participants de Tunisie, d'Algérie, du Maroc et de Mauritanie.

Les participants ainsi que les thèmes à traiter seront choisis de telle manière qu'on puisse mêler à la fois le niveau académique et le niveau pratique et passer de l'un à l'autre insensiblement.

Le nombre des participants sera limité à une quarantaine de personnes dont une vingtaine de tunisiens et une vingtaine de non-tunisiens, soit 7 par pays qui proviendraient de l'Université, des Sociétés nationales, ainsi que des Ministères de l'Intérieur, de la Santé, de la Justice, de la Défense Nationale et des Affaires Etrangères.

Tous ces participants devraient être pris en charge entièrement (voyage et séjour) et choisis quasiment et d'une manière indirecte, "intuitu personae" de façon à garantir un niveau élevé au colloque et lui assurer les conditions de succès. Si on y arrive, on pourra prévoir d'organiser d'autres séminaires périodiquement (tous les deux ans par exemple).

Les travaux du colloque pourront durer cinq jours, ce qui permettrait de traiter une quinzaine de sujets à raison de trois sujets par jour (voir liste des sujets ci-jointe). Les conférenciers proviendront des Universités des pays participants ainsi que du CICR, de l'Institut Henry Dunant, de la Ligue, ainsi que de la Commission indépendante sur les questions humanitaires.

Le séminaire sera organisé conjointement par le Croissant-Rouge tunisien et la Faculté de Droit de Tunis, avec la collaboration du CICR et de l'Institut Henry Dunant. Il pourra être ouvert et clôturé par des Ministres tunisiens, et peut-être par Monsieur le Premier Ministre, membre de la Commission indépendante sur les questions humanitaires.

Un projet de budget est joint à la présente note.

Professeur Habib SLIM

**LISTE DES THEMES POUVANT ETRE
RETENUS ET PROPOSES AUX CONFERENCES
(Projet)**

1. - Introduction au DIH.
2. - Droits de l'Homme et DIH.
3. - Le droit d'initiative humanitaire du CICR.
4. - Tensions ou troubles intérieurs et DIH.
5. - Médecins volontaires et médecins militaires.
6. - Droit musulman et DIH.
7. - Rôle et activités de la Ligue des Sociétés de la Croix-Rouge et du Croissant-Rouge.
8. - Protection de l'emblème et sanctions des abus.
9. - Les apports des protocoles additionnels de 1977.
10. - La mise en vigueur des protocoles de 1977.
11. - La protection de l'environnement et le DIH.
12. - Les principes de protection générale dans le DIH.
13. - Application du DIH aux forces armées.
14. - Détention politique et troubles intérieurs.
15. - Coopération entre le CICR et les Sociétés nationales.
16. - Activités du CICR et de la Ligue.
17. - Diffusion du DIH.
18. - Protection des biens culturels dans les conflits armés internationaux.
19. - Initiative humanitaire et lutte contre les disparitions d'origine politique.
20. - Guerres de libération et DIH.
21. - Le DIH et la sauvegarde de l'individu.
22. - La sanction des infractions au DIH.
23. - Le contrôle de l'application du DIH.
24. - Le Combattant dans les conflits armés.
25. - Droit des réfugiés et DIH.
26. - Journalistes et DIH.

NB : La présente liste est proposée à titre indicatif et reste pour le moment ouverte à toute suggestion. La liste définitive des thèmes sera établie ultérieurement après consultation et fixation du nom des participants.