

جامعة الأمريكية بالقاهرة

THE AMERICAN UNIVERSITY IN CAIRO
FORCED MIGRATION AND REFUGEE STUDIES

المركز العربي لاستقلال القضاء والمحاماة
THE ARAB CENTER FOR THE INDEPENDENCE OF THE
JUDICIARY AND LEGAL PROFESSION (ACIJLP)



المنظمة العالمية للقضاة العاملين في قوانين اللاجئين
INTERNATIONAL ASSOCIATION OF
REFUGEE LAW JUDGES



SEMINAR ON REFUGEES FOR JUDGES FROM ARAB LEAGUE STATES
CAIRO
10-14 JANUARY 2003

Sponsored by the Forced Migration and Refugee Studies Program (FMRS), American University in Cairo (AUC), the International Association of Refugee Law Judges (IARLJ), and the Arab Center for the Independence of the Judiciary and Legal Profession (ACIJLP)

Funded by The Ford Foundation and the Canadian Government

Friday, January 10th

17:00 – 18:00 Registration

18:00 -- 19:00 Opening Ceremony

Introductions: Justice Assem Abdel Gabbar, Vice President, Egyptian Court of Cassation

Welcome The Provost, Professor Tim Sullivan, American University in Cairo

Keynote Speeches

His Excellency Amr Moussa, Secretary General of the League of Arab States, represented by Mr. Mahmoud Rached, Head of the Human Rights Department

Ambassador Yousef Al Sharkawy, Assistant to the Minister of the Foreign Affairs and Head of the NGOs Department

Ms. Ana Liria-Franch, Representative, UN High Commissioner for Refugees, Cairo

Ms. Emma Bonino, the International Criminal Court on behalf of FMRS/AUC

Speeches by Representatives of Sponsoring Organizations:

Professor Enid Hill, FMRS/AUC
Judge Geoffrey Care, IARLJ
Nasser Amin, ACIJLP

19:00 – 21:00 Reception – Oriental Hall

Saturday, January 11th

09:00 – 10:15 Logistics of the Seminar Kasia Grabska, FMRS

‘Refugees and Arab Civilization’

Mr. Haytham Mann’a, Secretary General, Arab Commission for Human Rights, Paris
delivered by Mr. Atef Shahat Said Hanna, ACIJLP

Discussion

10:15 – 11:00 ‘Refugees in Arab League Countries’

Karim Atassi, UNHCR Cairo, Public Information Officer

Discussion

Chair: Professor Bahgat Korany, Department of Political Science, AUC

11:00 – 11:30 Tea/Coffee

11:30 – 13:30 ‘The International Context of the Refugee Convention, 1951’

Rodger Haines, QC, IARLJ

Chair: Mr. Nasser Amin, ACIJLP

13:30 – 14:30 Lunch Break

14:30 – 16:00 ‘The International Human Rights Framework’

Judge Eugene Cotran, IARLJ

Chair: Rodger Haines, QC, IARLJ

16:00 - 16:30 Tea/Coffee

16:30 – 18:00 ‘The Organisation of African Unity Convention on Refugees’

Judge Geoffrey Care, IARLJ

Chair: Professor Barbara Harrell-Bond, FMRS/AUC

Sunday, January 12th

09:00 – 11:00 ‘The Nature of the Refugee Status Determination’

Mr. Rodger Haines QC, IARLJ

Chair: Mr. Richard Stainsby, IARLJ

11:00 – 11:30 Tea/Coffee

11:30 – 13:00 ‘Convention Refugee Definition – Inclusion Clauses’
Mr. Richard Stainsby, IARLJ

Chair: Judge Eugene Cotan, IARLJ

13:00 – 14:30 Lunch Break

14:30 – 16:00 ‘Convention Refugee Definition - Inclusion Clauses’ *continued*
Mr. Richard Stainsby

Chair: Atef Shahat Said Hanna, ACIJLP

16:00 - 16:30 Tea/Coffee

16:30 – 18:00 ‘Exclusion and Cessation Clauses’
Mr. Rodger Haines QC, IARLJ

Chair : Judge Geoffrey Care, IARLJ

Monday, January 13th

09:00 – 11:00 ‘The Legal Protection of Refugees’
Justice Farouq Kylany, Jordan

Chair : Judge Ehab Maher Elsonbaty, Judge South Sinai

11:00 – 11:30 Tea/Coffee

11:30 – 13:00 **Case Studies from Arab Region**

Refugees in the Sudan - Dr. Safia Safwat, Sudan
Palestinians in Egypt and Jordan - Ms. Oroub Al-Abed , Researcher, FMRS/AUC
Refugees in Iraq - Mr. Ghannem Jawad, President, Association of Al Eman Alkhao’y

Chair: Dr. Amin M. Medani, OHCHR, Lebanon

13:00 – 14:30 Lunch Break

14:30 – 15:00 Presentation and explanation of CD Rom teaching materials to all participants
Motaz Hefny

15:00 – 16:00 **Presentations by participants**

Algeria
Bahrain
Djibouti
Egypt

Jordan
Lebanon

Chair: Professor Salah El-Din Amer, Faculty of Law, Cairo University

16:00 - 16:30 Tea/Coffee

16:30 – 18:30 **Presentations by participants, *continued***

Libya
Mauritania
Morocco
Qatar
Somalia
Syria
Tunisia
United Arab Emirates
Yemen

Chair: Professor Salah El-Din Amer, Faculty of Law, Cairo University

Tuesday, January 14th

09:00 – 10:30 Moot Court: High Court of ‘Rouritania’
Judges for the High Court – Judge Cotran, Judge Care, Justice Gabbar
Counsel for the State – Rodger Haines, QC
Refugee – Judge Ehab Maher Elsonbaty
Counsel for the Refugee – Richard Stainsby

10:30 – 11:00 ‘Forced Migration on Line’
Martha Plettner, Director, Library Technology Services, FMRS/AUC

11:00 – 11:30 Tea/Coffee

11:30 – 13:00 The Way Forward: Recommendations

Chairs: Justice Assam Abdel Gabbar, Vice President, Egyptian Court of Cassation
Judge Geoffrey Care, IARLJ

13:00 – 14:30 Lunch

Afternoon Break

19:00 - 21:00 Reception and Closing of the Seminar
British Ambassador’s Residence

ABOUT THE SPEAKERS

Oroub Al Abed (MSc. School of Oriental and African Studies, London University) is an associate researcher at the Forced Migration Refugee Studies Program at the American University in Cairo and an affiliate of CERMOC, a French research institute in Jordan. She has conducted a research on Palestinian statelessness in Jordan and on their livelihoods in Egypt and is teaching a course of Palestinian Refugee at AUC. She has previously worked for Jordan's Department of Palestinian Affairs where she was in charge of fundraising for development projects. Ms. Al Abed has also worked in Iraq as an international observer for the United Nations World Food Program in the 'Oil for Food'.

Karim Atassi has been working with UNHCR for the last 12 years. He first started as Head of Field Office, Rafha in Saudi Arabia in 1991. After which he was reassigned as Senior Liaison Officer in Abu Dhabi in 1994 and stayed there till 1999 before coming to Cairo in the capacity of Senior Regional External Relations officer. Mr. Atassi was graduated from the Ecole Nationale d'Administration in France and acquired a Master degree in International Law, a Master Degree in Political Science and a B.A in Journalism & information, from the Universite de Paris II.

Emma Bonino, former head of the European Community Humanitarian Office, is a very special Distinguished Visiting Professor at Forced Migration and Refugee Studies, AUC. Promoter of international campaigns in favor of a special tribunal on war crimes in the former Yugoslavia, she has been a prime mover in the establishment of a permanent international criminal court, a moratorium on the death penalty, and measures to combat AIDS. Ms. Bonino was chair of the Radical Party from 1991 to 1993 and was elected secretary from 1993 to 1994. She was an active supporter of an anti-prohibition and harm-reduction policy on drugs, through parliamentary, referendum and civil disobedience campaigns in 1991. She was also promoter of international human, civil and political rights campaigns in the countries of Eastern Europe. Visits in her humanitarian role included Iraq, Bosnia, and the African Great Lake Region. She was arrested in Afghanistan in 1997. There her party of journalists and officials were held at gunpoint after taking photographs of women health workers, yet with her considerable diplomatic skills she was able to ensure a safe passage home. Bonino received her degree in foreign languages and literature from the Bocconi University of Milan (1972).

Ghanim Jawad Ali Human Rights Advocate, previously a Telecommunications Engineer, formed the Organisation of Human Rights in Iraq, which was based in Syria. He is also a founding member of the Coalition For Justice in Iraq, working closely with the UN Special Rapporteur on Human Rights in Iraq. He has authored a number of articles, dealing with general and specific issues in the human rights field, for the Arabic " Al - Hayat ". Mr. Jawad has produced and presented a number of programs concerning the issue of human rights as well as current Islamic and political affairs. In addition, he has carried out a number of research projects focusing on a variety of issues including the development of human rights within Islam, historical perspective at the Shia religious clerics, violence and civil war in the Arab world.

Safia Safwat (LLM and PhD. University of London) is Immigration and Human rights Lawyer. Founding member of the Union of Arab Jurists, she has worked as a lawyer in the Sudan and England. She has worked extensively on human rights issues in the Middle East. Previously, Dr. Safwat worked in the Sudan as a Senior Legal Counsel at the Attorney General Chambers, Ministry of Justice, where she represented the Chambers at the Ministry of Interior, Nationality and Immigration Department.

She has also taught and lectured extensively in human rights, immigration issues and Islamic law. She is the author of "Offence and Penalties in Islamic Law". Currently she works as a Telecommunication Lawyer in England and is a Senior Vice-President of the Regulatory Affairs for Africa and the Middle East, Worldspace Corporation.

Judge Geoffrey Care (LL.B and LL.M, University of London) was Founder and President of the International Association of Refugee Law Judges from 1995 - 2002. He has worked as a lawyer in England and Wales, Zambia and Botswana and was President of the Law Society of Zambia, 1961-63. He became State Counsel in Zambia in 1972 and a Judge of the High Court in 1973. He was head of the Department of Law, University of Jos, Nigeria (1977-9), a lecturer at the University of London (1985), and chairman, Social Security Appeals Tribunal (1985-1991). He has served as Deputy Chief and Acting Chief Adjudicator (1991-1996) and has been part-time Chairman of the Immigration Appeal Tribunal from 1994 to date. He has also authored a number of books and articles in his field.

Judge Eugene Cotran is a Circuit Judge in England and a visiting Professor of Law at the School of Oriental and African Studies, University of London and the Chairman of the Centre of Islamic and Middle Eastern Law at the School. He was formerly a High Court Judge in Kenya and has practiced widely in the Courts of England and the Commonwealth. He has extensive publications in the fields of African Law, Middle Eastern Law, Immigration and Refugee Law and Humanitarian Law. He is the General Editor of the Yearbook of Islamic and Middle Eastern Law; the Series Editor of the CIMEL Book Series; and has edited (with Judge Adel Omar Sherif) "The Role of the Judiciary in the Protection of Human Rights" (1997) and "Democracy, the Rule of Law and Islam" (1999), all published by Kluwer Law International. Since the Oslo Accords, he has advised the Palestinian National Authority in relation to the Constitution and Laws of Palestine and has written extensively on the subject (see the *Arab Israeli Accords: Legal Perspectives*, edited with Chibli Malat, Kluwer Law International 1996, *The Palestinian Exodus 1948-1998*, edited with Ghada Karmi and *The Rule of Law in the Middle East and the Islamic World: Human Rights and the Judicial Process*, edited with Mai Yamani, IB Tauris 2000) Judge Cotran sits as a Legal Chairman of the Immigration Appeal Tribunal in England and is the General Editor of Butterworths Immigration Law Service and Butterworths Immigration Law Handbook. He is on the Editorial Advisory Board of Tolley's Immigration, Asylum and Nationality Law.

Rodger Haines QC (B.A., LL.B., Auckland) is Deputy Chairperson of the New Zealand Refugee Status Appeals Authority. After working eleven years at the Auckland Crown Solicitor's Office representing the Crown, he commenced practice as a barrister specializing in Administrative Law. When the New Zealand refugee determination system was set up in 1991, he was one of the original three appointees to the Refugee Status Appeals Authority and has written many of the Authority's principal decisions. Since 1993 he has lectured in Immigration and Refugee law at the Faculty of Law, Auckland University and in the Fall term 2000 he co-taught Comparative Asylum Law with Professor James C Hathaway at The University of Michigan Law School, Ann Arbor. Mr. Haines QC is the author of the paper *Gender-Related Persecution* commissioned by the United Nations High Commissioner for Refugees as part of the UNHCR's Global Consultations on International Protection in the lead up to the 50th anniversary of the 1951 Convention relating to the Status of Refugees.

Richard Stainsby (BA Sociology 1973, York University; LL.B.1977, Diplôme des Études Supérieures in public international law 1979) worked with the Canadian Refugee Status Advisory Committee in Ottawa, 1980-83. From 1983 to 1993, he worked as a Senior Legal Advisor with the Office of the United Nations High Commissioner for Refugees. Mr. Stainsby served in Australia, UNHCR Headquarters in Geneva and Venezuela. Much of the work dealt with individual status determination

and training programs for Government officials. Mr. Stainsby authored the UNHCR training module on Refugee Status Determination and gave training courses on this subject to Government officials in Australia, Canada, Ecuador, Hong Kong, Indonesia, the Philippines, and Venezuela. Since 1993, Mr. Stainsby has been with the Immigration and Refugee Board of Canada, first as an Assistant Deputy Chairperson and more recently as a Director General, responsible for professional development. His Branch co-ordinates an intensive training course for new Board Members appointed to the Refugee Protection Division (RPD) or the Immigration Appeal Division (IAD). It also oversees the development and delivery of an ongoing training program for all Members and some staff in each of the Board's five Offices across the country. The ongoing monthly program includes skills development, country of origin sessions (RPD) and updates on jurisprudence.