

Cairo, 3rd November 2013

Recommendations on the Conference "Transitional Justice and Institutional Reform"

The Conference's events on **"Transitional Justice and Institutional Reform"** have been concluded. The conference is organized by **the Arab Center for the Independence of Judiciary and the Legal Profession (ACIJLP)** with the participation of 70 participants from the judges, public prosecutors, law professors, lawyers, experts in the field of political sociology and development and activists in the field of human rights.

The conference reached the following recommendations on programs and mechanisms of transitional justice and mechanisms of institutional reform, particularly judicial reform, including:

First, recommendations relevant to transitional justice:

1- speeding up the necessary measures to pass legislation, adopting programs and mechanisms of transitional justice as a safe method for transit from tyranny and its effects, which witnessed in the past era, to democracy and freedom which demanded by January revolution. This matter will have a great impact on the national reconciliation, according to the fair guarantees that based on accountability and non-recurrence of the above gross violations of human rights in Egypt, institutional reform, reparation for martyrs and Victims of the Revolution, and honor the memory of the martyrs and fact finding.

2- The need of agreement between the law of transitional justice and the international principles and standards for Transitional Justice, as an expression of the will of community in achieving national reconciliation in accordance with principles of justice and accountability and the embodiment of the will of people to turn the pages of the past and safe transition from dictatorship and the violation of human rights to democracy and the protection and activation of human rights.

3- Speeding up towards the establishment of an independent civilian body for fact finding and accountability composed of judicial elements to draw a complete picture of what happened , causes and extent of gross violations of human rights witnessed by Egypt in the past era and announcing the destiny of the victims of these abuses . In addition to assessing the possibility of granting amnesty to persons who disclose the facts relating to acts related to political goal committed in the context of the conflicts of the past period; giving the victims an opportunity to talk about the abuses they suffered ; taking measures aimed at granting compensation , rehabilitation and maintaining civil and human dignity to victims of human rights violations ; informing the nation of those violations and these victims ; and making recommendations aimed at the prevention of gross violations of human rights in the future.

4- The need to take immediate and urgent action at all levels of Egyptian state institutions whether governmental or non-governmental organizations to adopt standards of tolerance, reconciliation and rebuilding the political, social and human rights structure and establishing the foundations of national reconciliation to protect society from chaos and desire for revenge. This protection should be strict against everyone and should disseminate common spirit of tranquility, justice and stability, through the issuance of laws dealing with the current situation. These laws should stem from the interest and need people, and lay the foundations of democracy.

5- Developing media and human rights strategy related to creating the community that accept the idea of national reconciliation and build a culture of dialogue to be aimed at:

- Integrating all parties in the community process and its dimensions: political / civil, economic, social acceptance of pluralism or the so-called "cultural citizenship";
- Securing the feeling of all the Egyptians that the country is able to accommodate all on their differences on the basis of citizenship and its dimensions subject to historical acceptance based on national reconciliation and acceptance of the other and recognizing Egypt as civilized

, cultural and political multi-component . There is no life without consensus putting in mind that consensus does not at all mean that each team waives his conviction, but they must strive to make their difference from other as an advantage that should be added to civilization in the outcome especially because the socio - political thinking suggests that rejecting consensus means division which hinders the progress of the country and the achievement of the objectives of transitional justice.

- Calling upon the Egyptian authorities to avoid resorting to the use of any extraordinary measures or procedures that would prejudice safeguards and standards of fair and equitable trials or violates human rights and fundamental freedoms which Egypt has committed to respect over the ratification of the commitments and approval of the relevant international covenants.

Secondly, the recommendations relevant to institutional reform of justice:

1- Take urgent measures to build and activate the mechanisms of institutional reform, particularly for legal bodies to ensure rights and freedoms and achieving security and justice at the same time.

2- Issuing a law for the judicial Authority stands between the judges and everything political, without any prejudice to their right to freedom of opinion and expression in accordance with the standards and the international covenants relevant to the independence of the judiciary. This law should cause structural changes in the judiciary, particularly matters related to:

- Transferring the affiliation of the Judicial Inspection Department to the Supreme Judicial Council, as well as changing the jurisdiction of the Supreme Judicial Council to choose the heads of courts of first instance.
- Modifying the method of selection of the public prosecutor through the nomination of the general assembly of the Court of Cassation, as well as the courts of appeal to one judge or more than one judge in which the Supreme Judicial Council select from them. Moreover, the judge

that will be selected by the Supreme Judicial Council will be appointed by the President of the Republic.

- Modifying the formation of the Supreme Judicial Council by increasing the number of its members to 11 or 13 members, and the addition of new members nominated by the General Assembly of the Court of Cassation and the general assemblies of the courts of appeal. The candidate will assume the membership of the Council for a specified period and as full-timer.
- Reformation of Administrative structure and raising the efficiency of workers and trained and re-deployed them in order to take advantage of their efficiency and introducing modern management systems to the judicial work.
- Developing a way for appointment in public prosecution and judicial bodies, through the establishment of an Academy for the Judiciary which requires from the candidate to pass the tests in legal science and psychology, and the success points should be high points and determined by the Board of Trustees of the Academy. The candidates should be distributed to work in any judicial body in accordance with the graduation degrees.
- The Academy should conduct initial and continuing training to members of the judiciary and training them to deal with human rights issues.
- Promotion in judicial offices should be done according to tests developed by the Academy.
- The Academy should train and prepare the judicial assistant bodies such as experts and forensic doctors as well as members of the administrative body.

It should be noted that the ACIJLP has formed a committee composed of the participants in the conference on "transitional justice and institutional reform" in order to submit draft and proposals for judicial authority law consistent with international standards related to the independence of the judiciary, in particular the United Nations Basic Principles on the Independence of judiciary. The ACIJLP and the Committee will

present these proposals and drafts with parliamentarians and decision makers for enforcement.