

**PUBLIC PROSECUTOR'S OFFICE – EGYPT**  
**UNITED NATIONS DEVELOPMENT PROGRAMME**



**Launching Meeting**  
**Programme on "Strengthening the Rule of Law in the Arab States – Project**  
**on Modernization of Public Prosecutor's Offices"**

**Explanatory Note**

**Introduction**

In 2002, the United Nations Development Program (UNDP) / Programme on Governance in the Arab Region (POGAR) launched a unique initiative designed to develop and modernize public prosecutors' offices work in the Arab Region, and which aims at improving the role of public prosecutors in strengthening the rule of law. The preparatory phase of the initiative has already been completed and resulted in the recommendations that were made at the Marrakech conference, which was held on the 12 – 13 March 2004. The preparatory phase successfully converted this initiative into a development project, with clear focal points and objectives, and built upon a comprehensive working plan. This plan will be discussed and will be launched in a meeting that will be held in Cairo, Egypt on the 17 – 18 May 2005. Public prosecutors from those Arab countries that will be participating in this project, as well as representatives of the donor countries, of international organizations and of United Nations agencies, including the UNDP / POGAR, which will be responsible for implementing the project, will participate in this meeting.

**Backdrop and Perspectives**

Since the mid-20<sup>th</sup> century, the Arab region has undergone a series of transformations that have had a lasting effect on Arab society and on the nature of economic and political relations. The internal environment was also affected by external transformations, whether economic or political.

With this situation as a backdrop, Arab institutions have remained, with only few exceptions, at a distance from development and modernization, particularly in relation to the judicial sector. Very little consideration was given to the effect that institutional development was going to have on the process of human development. An additional burden was placed on the Arab governance structure by globalization's political (expanding ideas of democracy and human rights) and economic effects (the global transformation towards free market). Arab governments are already weighed down by an

accelerating population growth rate, urban expansion, and the emergence of social behavior patterns that affect the security, safety and stability of society.

There is no doubt that public prosecutors in the Arab region are at the frontline of this drastically changing environment. They are being required to adapt to a fast-changing internal environment, which is increasingly being affected by new concepts and ideas, as well as external factors.

This institution therefore has to bear an enormous burden as it has to manage a huge amount of facts simultaneously, regardless of the effect that the public prosecution has on forming people's opinion and judgment towards the State and its institutions, especially the judicial body, through its practice and the performance of its mission.

A survey of the efforts that were made in some Arab countries to develop the judiciary and judicial institutions revealsthat little attention has been paid to public prosecutors' offices, despite the fact that they clearly suffers from weaknesses in terms of its technical, practical and human capacity as well as their work methods . They also face various obstacles that prevent them from modernizing their mission, whether with regard to crime fighting, particularly modern or transnational crimes, or with regard to protecting human rights at more than a level.

This is the basis on which public prosecutors' offices, as a component of the criminal judicial system, were selected to serve as the focal institution for this initiative and subsequently as the object of its modernization and development project. The existence of a strong, independent and transparent public prosecutors' offices is an essential prerequisite in ensuring that justice, respect for the rule of law, citizen's security and human rights are guaranteed.

In addition, establishing a modern concept of the role of public prosecutors and their mission in the Arab region, will result in creating a harmonious and complementary association of its mission as a protector of human rights and its role in crime fighting, through a cooperation with civil society organizations with an interest in human rights, judicial integrity, as well as criminality.

The preparatory and preliminary phase of this project, which consisted primarily of studies and investigations, and which were carried out by the UNDP (POGAR) within this initiative, covered Egypt, Morocco, Lebanon, Jordan, and Yemen. Such preliminary works helped in identifying the focal issues of the project and in adopting a working plan which will be implemented in some Arab countries, thus serving as pilot countries, whose successful expertise can be extended to the rest of the Arab countries.

### **Project Focal Areas**

The project will address three main areas of focus:

- 1- Capacity building.
- 2- Partnership between public prosecutors and civil society.

### 3- Regional and international cooperation.

The first area deals with the modernization and development of the mission and role of public prosecutors, in support of strengthening the pillars of public security, in compliance with preserving and protecting human rights. This area will also deal with deepening knowledge and spreading awareness and concern, and improving the ability to lay down policies and to adopt a viable approach in fighting the expansion of criminality, as well as dealing efficiently with modern and transnational crimes.

The second area relates to building cooperation and interaction between civil society organizations that deal with human rights and fight criminality, and public prosecutors. This cooperation will be supported by a positive and transparent liaison mechanism, which will lead to increasing confidence in the judicial system. This confidence will be the main pillar that will provide to the judiciary sufficient power and efficiency to deal with disputes and ensure public security and apply the rule of law.

The third area will deal with creating networks of regional and international cooperation among those concerned with the issues of public security of the citizens and the state.

The above project focal areas and its objectives shall be achieved through a group of activities and works implemented within each of the participating Arab countries, as well as through regional activities connected and complementary to what has been achieved in each country.

### **Implementation Mechanism**

The project activities will be implemented in three phases:

- Phase 1: This phase will last for 8 months, during which the working units, which will implement the project's activities on the national and regional levels, will be created. During this phase, the national strategies for each concerned Arab country will be set. National workshops will also be held in each concerned Arab country, and the creation of a website for the project will be prepared. Finally, the preparation for the creation of the Arab Center for Criminal Studies, including the preparation of its statutes and protocol of cooperation with the hosting country (Jordan), will be accomplished during this phase.
- Phase 2: This phase will last for 24 months, during which the implementation of the activities and projects which have been prepared during phase 1 (studies, applications and software, etc.), will start, in addition to starting to hold training sessions for trainers, and pursuing the organization of seminars and national workshops. The launching of the project internet website on the one hand, and the Arab Center for Criminal Studies on the other, including setting the working

strategy and working plan for the projects to be undertaken by the Center, will take place during this phase.

- Phase 3: This phase will last for 4 months, during which the preparation for a regional conference and the implementation of the Arab Center for Criminal Studies projects will take place. The internet website of the project will be updated and developed during this phase; publications related to this subject will be prepared and disseminated. Finally, there will be a transfer of the expertise acquired through this project to the Arab Center for Criminal Studies in order to allow all the Arab countries to benefit from the obtained results.

### **Cairo Meeting**

On 17-18 May 2005 a meeting will be held in Cairo, Egypt in order to launch the implementation phase of the project.

During this meeting, the details of the project will be set out along with its objectives, and the implementation working plan, along with its three phases, will also be discussed. This meeting will focus mainly on the following issues:

- the modernization of the concept of public prosecutors and the reform of criminal justice in the Arab region: the topics which will be addressed are (i) the modernization of the role of public prosecutors and their missions, (ii) the reform of criminal justice through the modernization of criminal law and criminal procedural law for the purpose of keeping up with the latest developments relating to the respect for human rights.
- Building capacities and activating the role of public prosecutors: discussion will focus on building the capacities and abilities of public prosecutors by organizing specialized training courses for public prosecutors and judicial clerks, developing the capacities to treat the information, introducing mechanization to the public prosecution departments and sections, etc.
- Increasing cooperation between public prosecutors and interested civil society organizations: discussions will focus on the importance of spreading awareness in Arab society with regard to the role of public prosecutors in ensuring stability and security through the rule of law and the human rights. The question of the importance of improving interaction among public prosecutions and civil society organizations and creating a transparent link between them will also be introduced; while laying emphasis on the role of the civil society organizations in the field of crime prevention and crime fighting.
- The role of the criminal studies centers in building knowledge and capacities of the public prosecutions: a presentation of the role and the tasks of the Arab Center

for Criminal Studies which will be created by this project will be made. In addition, the nature of the criminal studies and strategies to be prepared within the Arab countries in view of limiting the criminal status and preventing crime will be discussed.

- Cooperation between the Arab region and the international community for fighting organized crime through fighting national crime: this issue will deal with strengthening the cooperation between public prosecutors in various Arab countries, as well as between international organizations concerned with this matter and the international community on more than a level.