



**2022 - 2023**

**Model Arab League  
BACKGROUND GUIDE**

**Arab Court of Justice**

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**National  
Council  
on US-  
Arab  
Relations**



**Original draft by Amneet Bagga, Chief Justice of the Arab Court of Justice at the 2023 National University Model Arab League, with contributions from the dedicated staff and volunteers at the National Council on U.S.-Arab Relations**

Honorable Delegates,

My name is Amneet Bagga, and I feel incredibly honored to serve as this year's Chief Justice for the Arab Court of Justice. I am a junior at Northeastern University, where I am majoring in Biology with a minor in Political Science and Computer Science. This will be my third year participating in Model Arab League, and I look forward to seeing both new and familiar faces this year.

The Arab Court of Justice is different from all the other committees Model Arab League has to offer. It's the only committee where you get to use international law to create your own argument or deconstruct others. I do think it is the hardest committee, but it is also definitely the most rewarding. I honestly really enjoyed participating last year, and hopefully, you all will this year.

I'd like to take this space in my letter to just remind people that the Arab Court of Justice is probably the most important committee for meeting deadlines. Not only do I have to read over your argument, but so does your opposition, so that they can prepare their memorials, arguments, and questions. In order for a good conference experience for everyone, please meet the deadlines we set.

At the end of the day, we're all just students. This is a learning experience for everyone involved and should be treated as such. Delegates should participate in character fully, but remember there's a person behind the character on the other side of the table. Remember to attack the argument, not the person.

If you have any questions at all, feel free to reach out to me at [bagga.a@northeastern.edu](mailto:bagga.a@northeastern.edu). Good luck with your research and preparation, and I will see you all at NUMAL!

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## **The League of Arab States (Represented by Saudi Arabia) v. Egypt:** Regarding the Egyptian deportation of Eritrean citizens seeking refuge.

### **General Background**

Saudi Arabia has brought suit before the Arab Court of Justice seeking to force Egypt to take responsibility for and cease their practice of deporting Eritrean citizens seeking refuge. As a signatory to the 1951 Refugee Convention, Egypt is violating international law that they have agreed to by refouling refugees back to a home country where they may face torture, ill-treatment, arbitrary detention, or many similar fates. Several of those deported have not been seen or heard from since their return to Eritrea and are believed to have been arrested. Because of Egypt's well-known violations of international law, Saudi Arabia has seen an increase in refugees traveling across the Red Sea to seek refuge within their borders.

In order to escape the tyranny of the Eritrean government, which has been a unitary one-party presidential republic since its independence in 1993, Eritreans have been fleeing in large numbers. This is disproportionately young Eritreans, as they are trying to avoid the mandatory military service that the Eritrean government makes them serve indefinitely. Seeking refuge in other nations, migrants often don't reach their destination, as many fail to cross the Sinai Peninsula. Those that do make it through to Israel are often sent back to Egypt and detained. Eritrean migrants that are detained by Egyptian forces are often sent back to Eritrea. While Egypt has stayed mostly silent on this issue, Egypt claims that its current situation and the welfare of its own citizens are a priority and that the Egyptian government and economy cannot sustain or absorb the large number of Eritrean refugees entering its borders.

### **Resources to Review**

"Convention and Protocol Relating to the Treatment of Refugees." United Nations High Commissioner for Refugees. Web. <http://www.unhcr.org/3b66c2aa10.html>

"Egypt: Don't Deport Eritreans." Human Rights Watch, 28 Oct. 2020, <https://www.hrw.org/news/2011/11/15/egypt-dont-deport-eritreans>

"Egypt: UN Experts Condemn Expulsions of Eritrean Asylum Seekers despite Risks of Torture, Arbitrary Detention and Enforced Disappearance." OHCHR, United Nations, 13 Apr. 2022, <https://www.ohchr.org/en/press-releases/2022/04/egypt-un-experts-condemn-expulsions-eritrean-asylum-seekers-despite-risks#:~:text=Since%20October%202021%2C%20Egyptian%20authorities,at%20their%20return%20to%20Eritrea>

## **The League of Arab States (Represented by Tunisia) v. Morocco:** Regarding the arrest and sentencing of journalist Omar Radi.

### **General Background**

Tunisia has filed suit before the Arab Court of Justice on behalf of the League of Arab States to force Morocco to release journalist Omar Radi and guarantee him a fair trial. Omar Radi was detained on July 29, 2020, on espionage and rape charges. While human rights organizations recognize the importance of holding perpetrators of sexual assault responsible, they are also very concerned with the weaponization of sexual crime accusations to discredit and even imprison dissidents. With Omar Radi's case, it falls into a pattern Morocco has had, where journalists are known for unearthing Moroccan corruption or governmental abuse get charged with sex crimes. Even if Omar Radi isn't innocent, he deserves a fair trial.

This is not the first time Omar Radi has been arrested. In 2019 he was detained for tweeting critically of a Casablanca magistrate, but after a campaign in his support, he was released on bail. Before his arrest in 2020, he was summoned before the National Judicial Police Brigade for questioning. Accusing Omar Radi of espionage, Morocco claimed that he had links with a foreign country and received financial support. Later that month, he was arrested. That December, he appeared before a judge on those charges along with charges of sexual assault. The hearing only lasted 15 minutes. 6 months later, in July 2021, Radi was sentenced to six years in jail, and in Radi's March 2022 appeal, the sentence was upheld.

Human rights organizations claim trials were filled with violations of fair trial standards, including not allowing a witness to speak in favor of Radi and not allowing his lawyers to examine witnesses brought forward by the prosecution. Tunisia wishes to examine the proceedings of the trial, as well as Moroccan law and international law that Morocco is subject to, in order to see if the Moroccan government is overstepping its legal bounds in Omar Radi's trial.

### **Resources to Review**

"Moroccan Journalist Appears before Judge on Espionage Charge." *AP NEWS*, Associated Press, 24 Dec. 2020,  
<https://apnews.com/article/north-africa-journalists-africa-morocco-espionage-dfc73199e85669b74b14f5f317ae86ab/>.

“Morocco.” *Criminal Defense Wiki*, International Bridges to Justice,  
[http://defensewiki.ibj.org/index.php/Morocco#cite\\_note-94](http://defensewiki.ibj.org/index.php/Morocco#cite_note-94).

“Morocco: Journalist in Prison after Unfair Trial.” *Human Rights Watch*, Human Rights Watch, 25 Nov. 2021,  
<https://www.hrw.org/news/2021/11/25/morocco-journalist-prison-after-unfair-trial>.

“Morocco's New Tactic to Punish Journalists: Charge Them with Sex Crimes.” *Committee to Protect Journalists*, Committee to Protect Journalists, 18 Mar. 2021,  
<https://cpj.org/2021/03/moroccos-new-tactic-punish-journalists-charge-sex-crimes/>.

“Universal Declaration of Human Rights.” *United Nations*, United Nations,  
<https://www.un.org/en/about-us/universal-declaration-of-human-rights#:~:text=Article%2010,any%20criminal%20charge%20against%20him>.

## **Sudan v. Egypt:** Regarding the status of Borders and Territorial Governance concerning the historically disputed territory of the Halaib Triangle

### **General Background**

This case revisits the historic dispute over the Halaib Triangle. Following the independence of Sudan in 1956, both Sudan and Egypt claimed sovereignty over the region. For a while, it was considered a part of Sudan, and was considered part of their most northeastern state, the Red Sea state, and even participated in Sudanese elections until the late 1980s. Until 1992, Egypt and Sudan had joint control over the area, but conflict arose when Egypt objected to Sudan giving a Canadian oil company exploration right for the waters off the triangle.

Leading up into 1994, Egypt ramped up military and administrative incursions into the area. Sudan filed memoranda in 1993 and 1994 to the United Nations Security Council, the Organization of African Unity, and the Arab League, complaining about their dispute, as Egypt took firm control of the area. In 1999, the two countries issued a joint communique pledging to solve the dispute together, but in 2000, Sudan formally withdrew its forces from the area. Since then, Egypt has had an administrative hold on the region.

Egypt has been avoiding discussion and denying arbitration on this topic for around 25 years. Sudan will be looking to settle this decades long dispute in front of an impartial group of justices and look to prove that Egypt overstepped its legal rights in enforcing its administration in the region.

### **Resources to Review:**

Briney, Amanda. "The Halayeb Triangle." *ThoughtCo*, Dotdash Meredith, 10 Apr. 2019, <https://www.thoughtco.com/halayeb-triangle-1435449>.

Hassan, Khalid. "Land Dispute Continues to Threaten Egypt-Sudan Ties." *Al Monitor*, Al-Monitor, LLC, 10 Apr. 2017, <https://www.al-monitor.com/originals/2017/04/sudan-expel-egyptians-halayeb-shalateen-triangle.html>.

Mohyeldeen, Sherif. "The Egypt-Sudan Border: A Story of Unfulfilled Promise." *Carnegie Middle East Center*, 11 June 2020, <https://carnegie-mec.org/2020/06/11/egypt-sudan-border-story-of-unfulfilled-promise-pub-81995>.

## **The League of Arab States (Represented by Bahrain) v. the United Arab Emirates:** Regarding the mistreatment and trafficking of workers under the Kafala system.

### **General Background**

The Kafala system was introduced in the 1950s as a system to control migration into Arab countries. Since then, it has been the system that regulates the relationship between employers in the GCC and other middle eastern countries. Its main purpose is to provide cheap and temporary labor that can be easily expelled in less prosperous times. Workers are not considered migrant workers, but temporary contractual workers with no real way for permanent settlement.

This system has created an unregulated recruitment industry. Preying on people in regions with intense poverty, they attempt to recruit workers who are desperate to support their families. Many who have made it out of the Kafala system tell stories about how they are held hostage with the confiscation of their passports and forced into inhumane living and working conditions. In many cases, with women especially, workers were even human trafficked, physically abused, or forced to work excessively long hours. The United Arab Emirates especially is a country where high numbers of migrant workers get targeted. Nearly 90 percent of the UAE's current population consists of migrant workers.

Bahrain, which also uses the Kafala system, has a few extra regulations to protect workers under the Kafala system. Domestic workers are more protected, employees are permitted to change or quit their jobs without permission after one contract year, and have freedom to negotiate the contract, which are all not allowed in the UAE's system. Bahrain is filing suit, on behalf of the League of Arab States, in an effort to force the UAE to take more measures to protect its workers under the widely used system.

### **Resources to Review**

Alobaid, Maysan. "The Middle Eastern Consensus on the Kafala System." *PennLaw*, University of Pennsylvania Carey Law School, 3 Sept. 2021,  
<https://www.law.upenn.edu/live/blogs/99-the-middle-eastern-consensus-on-the-kafala-system>.

Lori, Noora. "Temporary Workers or Permanent Migrants? the Kafala System and Contestations over Residency in the Arab Gulf States." *IFRI*, French Institute of International Relations, Nov. 2012,



<https://www.ifri.org/en/publications/notes-de-lifri/temporary-workers-or-permanent-migrants-kafala-system-and-contestations>.

“I Already Bought You.” *Human Rights Watch*, 11 Nov. 2020,

<https://www.hrw.org/report/2014/10/22/i-already-bought-you/abuse-and-exploitation-female-migrant-domestic-workers>.

## **The League of Arab States (Represented by Tunisia) v. Libya:** Regarding strict new cybercrime law in Libya.

### **General Background**

The League of Arab States has filed suit before the Arab court of Justice in an effort to push back on Libya's new cybercrime law, which has been deemed to be in violation of international human rights standards. This law was passed under the pretext of protecting intellectual property and fighting terrorism, but it has the power to repress free speech.

On October 26, 2021, the Libyan House of Representatives passed a 'Cybercrime Law'. It blatantly restricts freedom of expression in cyberspace by using vague language and allows for extreme action on the part of the Libyan government. Generalized language leaves judges with a lot of room for interpretation and tons of discretionary power. In practice, this law only serves those in power, by legitimizing government censorship. This could stifle political opposition in the country, allowing the Libyan government to imprison, torture, and kill human rights defenders.

### **Resources to Review**

"Legislating Repression: Libya's New Cybercrime Law." *Global Voices*, Advox, 30 Nov. 2021, <https://globalvoices.org/2021/11/20/legislating-repression-libyas-new-cybercrime-law/#:~:text=Under%20the%20new%20Libyan%20Cybercrime,absence%20of%20any%20judicial%20authorization.>

Mnejja, Kassem. "Libya's Cybercrime Law: A Threat to Freedom of Expression." *Access Now*, 18 Nov. 2021, <https://www.accessnow.org/libya-cybercrime-law-threat-to-freedom-of-expression/>.

Tzabiras, Marianna. "Libya: Cybercrime Law Threatens to Restrict Free Expression." *IFEX*, IFEX, 16 Nov. 2021, <https://ifex.org/libya-cybercrime-law-threatens-to-restrict-free-expression/>.