



The Tunisia Constitutional e-Forum

Program 2012

Opening Address

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Chairman

RIGHT TO NONVIOLENCE

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Presentations



Professor Chibli MALLAT is the Chairman and Founder of Right to Nonviolence. He is a law professor and a practicing attorney, and an active defender of human rights, constitutional law, and judicial accountability. He is Presidential Professor of Law at the University of Utah and EU Jean Monnet Professor of European Law at Université Saint Joseph in Lebanon. He was the 2011 Custodian of the Two Holy Mosques Visiting Professor of Islamic Legal Studies at Harvard Law School, and will be Visiting Professor at Yale Law School in the fall of 2012 teaching war and human rights, and Islamic and Middle Eastern law. Mallat has published and edited over thirty-five books, including *Introduction to Middle Eastern Law*, OUP 2007; and *Iraq: Guide to Law and Policy*, Kluwer 2009.

➤ **Opening Address**

Chibli MALLAT

Chairman

RIGHT TO NONVIOLENCE



Professor Alaya ALLANI is a prominent historian and researcher on Islamism in the Maghreb. He is the Associate Professor in Contemporary History at the Faculty of Letters, Arts and Humanities at the Monouba University in Tunis. He is also a member of the Research Unit “Society and Parallel Society” and has published his thesis on Islamism in Tunisia. His research interests include Islamism in the Maghreb, The Protest Movements in Tunisia and International Relations. He has published a significant number of articles in academic journals in Arabic, French and English.

➤ **Islamism and Salafism after the Arab Spring (article)**

Alaya ALLANI

Historian and researcher on Islamism in Maghreb

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Since March 1991, BsiLi ADEL has been the General Counsel of the Committee on Social Affairs, the Committee on Education, Culture, Information and Youth and the Committee on Equipment and Services of the Chamber of Deputies. From November 2011 to January 2012, he has been Advisor to the Committee on Internal Regulations and since February, Advisor to the Committee on the Magistrature Judiciaire, Administrative, Financial and Constitutional Affairs for the National Constituent Assembly (ANC). Fascinated by parliamentary law, he maintains, since 2007, a blog dedicated to issues related to law, drawn from the Tunisian experience.

➤ **Les Aspects Techniques du Processus de la Rédaction de la Constitution (power point presentation)**



Nathan J. Brown, a professor of political science and international affairs at George Washington University, is a distinguished scholar and author of six well-received books on Arab politics. Brown brings his special expertise on Islamist movements, Palestinian politics, and Arab law and constitutionalism to the Endowment. In 2009, Brown was named a Carnegie Scholar by the Carnegie Corporation of New York; for the 2009–2010 academic year he is a fellow at the Woodrow Wilson International Center for Scholars. In addition to his academic work Brown has served on advisory committees for Human Rights Watch and the committees drafting the Palestinian and Iraqi constitutions. He has also served as a consultant to USAID, the United Nations Development Program, and several nongovernmental organizations.

➤ **Islam and Constitutionalism in the Arab World**

Nathan BROWN

Professor of Political Science and International Affairs

GEORGE WASHINGTON UNIVERSITY

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Dr Mohammed Chafik SARSAR is a lecturer at the Faculty of Law and Politics in Tunis. He is also the Director of the Department of Political Sciences at the Faculty of Law and a member of the Committee of Experts of the High Commission for the Realization of the Objectives of the Revolution, Political Reform and Democratic Transition. He is a Lecturer in Human Rights and Public Freedoms at the Higher Institute of the Judiciary. He has written a number of articles, the most recent of which is titled “Les instances constitutionnelles dans l’avant projet de l’Assemblée” in Journée d’étude organised by the Tunisian Association of Constitutional Law.

- **Role of the Judiciary in the Constitutional Protection of State Law (*powerpoint presentation*)**
- **Elements of the Electoral System (*article*)**

Mohammed CHAFIK SARSAR

Professor of Constituent Law

MEMBER OF THE HIGH COMMISSION FOR THE REALIZATION OF THE OBJECTIVES OF THE REVOLUTION IN TUNISIA



Barбора Bukovska is a Senior Director for Law and Policy at ARTICLE 19, a leading international freedom of expression organization. In this capacity, she leads on development of ARTICLE 19 policies and provides legal oversight and support to all legal work of the organization. Barбора has an extensive experience working with various organisations on a range of human rights issues, including protection from discrimination, access to justice, deprivation of liberty, reproductive rights and community development, including litigation at the European Court of Human Rights. She graduated from the Law School of Charles

University in Prague and has earned a doctorate degree in law in Slovakia and an LLM degree from Harvard Law School. In 1998 and 1999, she was a visiting scholar at the Columbia University Law School in New York. Barbora has published widely on human rights issues and is qualified to practice law in the state of New York and in the Czech Republic.

➤ **TUNISIA: Freedom Demanded, Freedom Required. The Illegality of Anti-Blasphemy Laws (article)**

Barbora Bukovská

Senior Director for Law and Policy

ARTICLE 19



Since 2011 Chéma GARGOURI has been acting as Country Director for the Institute of International Education e-mediatic and then Women Enterprise for Sustainability; MEPI (US State Department) funded programs that aim at enhancing the strategic use of social media by Tunisian NGOs and the empowerment of women leadership and entrepreneurship. Ms. Chema Gargouri is the manager and major shareholder of the Centre for Applied Training, a business development private company established in 1998. Her areas of expertise are project design and management, SE Business Development, and institutional and capacity building

services.

➤ **The Role of Civil Society in Tunisia's Democratic Transition: Public Participation and Consultation (video)**

Chema GARGOURI

Tunisia Country Director

WOMEN ENTERPRISE FOR SUSTAINABILITY



Omar Ould Dedde Ould Hamady is a Research Fellow at the Max Planck Institute for Comparative Public Law and International Law where he focuses on the Middle East and North Africa. He holds a Master degree in Public international and European Law from Université Paris XI, and a Master in Diplomacy and International organization from the same university. He is a PhD candidate in Public International Law at the University Paris II Panthéon-Assas researching on "The exercise of powers of the UN Security Council under Chapter VII since the end of cold war". He has authored articles in many international law journals as well as in the Max Planck Encyclopedia of Public International Law.

➤ **Constitution-Making in Tunisia: Issues and Challenges (article/video)**

Omar HAMADY

Research Fellow, Coordinator North Africa Projects

MAX PLANCK INSTITUTE FOR COMPARATIVE PUBLIC LAW AND INTERNATIONAL LAW



Wafa Ben Hassine is a JD candidate at the University of Denver, Sturm College of Law, pursuing international legal studies. She holds a BA in political science and public law from the University of California, San Diego. Wafa has worked as a parliamentary attaché at the

National Constituent Assembly in Tunis, and as a freelance writer and translator. Her research interests include sustainable development (social and environmental) in the global south - particularly in the Maghreb - and studying the legal framework that is emerging in post-Ben Ali Tunisia.

- **The Role of Women in Partisan Development in Post-Ben Ali Tunisia** (*article*)

Wafa BEN HASSINE

International Law student

Human rights activist



Bassem KARRAY was a Lecturer in Public Law at the Sfax Faculty of Law until 2011 and now is a Senior Lecturer in Public Law at the Higher Institute of Legal Studies of Gabès, Tunisia. He is a member of the Fiscal Studies Center and Doctoral School of the Sfax Faculty of Law, an associated member of the European Law Laboratory of the Faculty of Legal, Political and Social Science of Tunis and a member of a regional transnational research group (2002-2004) formed by University of Malta and European commission (theme: integration and cooperation between European Union and euro Mediterranean countries). He has taken part in a number of International seminars and has written a host of articles in French and English.

- **Acts Organising Provisional Tunisian Public Authorities, Legal Analysis and Political Extension.** (*article*)
- **The National Constituent Assembly, Historical Lessons and Contemporary Stakes.** (*article*)

Bassem KARRAY

Senior Lecturer in Public Law

THE HIGHER INSTITUTE OF LEGAL STUDIES OF GABES

- **The Risks of Semi-Presidentialism in Emerging Democracies** (*article*)



Duncan PICKARD is a constitutional specialist with Democracy Reporting International, where writes on political development in Egypt, Libya, and Tunisia. He is also a non-resident fellow at the Rafik Hariri Center for the Middle East and a constitutional advisor at Harvard Law School. He has worked in Tunis with the National Constituent Assembly and the International Foundation for Electoral Systems. He is a graduate of Tufts University and Harvard's Kennedy School of Government. He is based in Berlin.

Duncan PICKARD

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and



Noah Feldman is the Bemis Professor of International Law at Harvard University as well as a Senior Fellow of the Society of Fellows. He is a contributing writer for the *New York Times Magazine* and the *Bloomberg View* as well as a Senior Fellow of the Society of Fellows at Harvard University. In 2003 he served as senior constitutional advisor to the Coalition Provisional

Authority in Iraq, and subsequently advised members of the Iraqi Governing Council on the drafting of the Transitional Administrative Law or interim constitution. He served as a law clerk to Justice David H. Souter of the U.S. Supreme Court (1998 – 1999). He received his A.B. summa cum laude in Near Eastern Languages and Civilizations from Harvard University in 1992, finishing first in his class.

Noah FELDMAN

Professor of International Law

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Dr. Riddhi DASGUPTA is involved in a comparative constitutionalism project, drafting a proposal for the new constitution of Tunisia, on behalf of an international law and policy consortium. He will deliver a TED lecture on this topic soon. Dr. Riddhi Dasgupta completed his Ph.D. in international law at the University of Cambridge in February 2012. His doctoral topic, “Expropriation in International Investment and Property Regimes,” concerns the cross-pollination of expropriation-related standards across international dispute settlement. The dissertation will be published as a book in 2013. Dr. Dasgupta will clerk on the U.S. Court of Appeals for the Fourth Circuit in the near future.

- **An Anti-Corruption Amendment in the Tunisian Constitution: Fool's Errand or a Real Tour de Force? (podcast)**

Riddhi SOHAN DASGUPTA

Senior Advisor, Tunisia Constitution Project

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