The Role of the Judiciary in the Protection of Human Rights

edited by

Eugene Cotran and Adel Omar Sherif

CIMEL Book Series No. 5

Kluwer Law International
London – The Hague – Boston
# TABLE OF CONTENTS

**DEDICATION**

VII

**FOREWORD**

*Awad Mohamed El-Morr*

IX

**PREFACE**

XI

**ACKNOWLEDGMENTS**

XV

**BIOGRAPHICAL NOTES**

XVII

## PART I

**THE ROLE OF THE SUPREME COURT OF EGYPT IN THE PROTECTION OF HUMAN RIGHTS**

1. Judicial Sources for Supporting the Protection of Human Rights
   *Awad Mohammed El-Morr*  
   5

2. Unshakable Tendency in the Protection of Human Rights: Adherence to International Instruments on Human Rights by the Supreme Constitutional Court of Egypt
   *Adel Omar Sherif*  
   35

3. The Supreme Constitutional Court of Egypt and the Protection of Human Rights
   *Abd-El-Rahman Nosseir*  
   47

4. Recent Judgments of the Supreme Constitutional Court of the Arab Republic of Egypt Upholding Human Rights
   *Hatem Aly Labib Gabr*  
   61
5. The Supreme Constitutional Court of Egypt and Vicarious Criminal Liability
   Adel Omar Sherif

6. The Application of International Human Rights Instruments by the Judiciary in Lebanon
   Georges J. Assaf

7. The Rule of Law in Palestine: Building Legal Institutions
   Eugene Cotran

8. The Role of the Judiciary in the Protection of Human Rights in the Sudan
   Ismail Attia Musa, Farida Ibrahim Hussien, and John Wuol Makec
   with a note on: Religion and Universality of Human Rights
   Farida Ibrahim Hussien

9. The Role of the Judiciary in the Protection of Human Rights in Lesotho (Section 1)
   George W.K.L. Kasozi
   The Role of the Judiciary in the Protection of Human Rights in Lesotho (Section 2)
   J. K. Guni

   Michael E. Hartmann
11. The Role of Judicial Independence and Judicial Leadership in the Protection of Human Rights  
   *James G. Apple*  
   197

12. The Role of the Judiciary in the Protection of Human Rights: the Irish Experience  
   *Ronan Keane*  
   219

13. The Role of the Judiciary in the Protection of Human Rights: the British Experience  
   *Keir Starmer*  
   227

14. The Independence of the Judiciary and the Rule of Law  
   *Dieter C. Umbach*  
   241

15. Jurisdictional Protection of Fundamental Rights in the Brazilian Juridical Order  
   *Carlos Mario da Silva Velloso*  
   257

**PART IV**  
**INTERNATIONAL AND COMPARATIVE EXPERIENCES OF JUDICIAL REVIEW AND PROTECTION OF HUMAN RIGHTS**

16. The Emergence of Constitutional Courts and the Protection of Individual and Human Rights: a Comparative Study  
   *Mohammed I. M. Aboul-Enein*  
   283

17. Establishing the Doctrine of Judicial Review in Egypt and the United States  
   *Enid Hill*  
   323

18. The Right of Private Individuals and Groups to Enforce Laws Through Privatization of Administrative Authority  
   *Adel A. Khalil*  
   335
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Author</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>Supra-Legislative Norms and Constitutional Courts: the Case of France and Egypt</td>
<td>Baber Johansen</td>
<td>347</td>
</tr>
<tr>
<td>20</td>
<td>Techniques of Constitutional Analysis in Egypt and the United States</td>
<td>John S. Murray</td>
<td>377</td>
</tr>
<tr>
<td>21</td>
<td>A Comparative Note on the Judicial Protection of Basic Rights: Some Theoretical and Practical Issues</td>
<td>Chibli Mallat</td>
<td>393</td>
</tr>
<tr>
<td>22</td>
<td>The Freedom of Expression</td>
<td>Hanafy Aly Gibaly</td>
<td>401</td>
</tr>
<tr>
<td>23</td>
<td>Minorities, Moralities, and the Judiciary</td>
<td>Sheldon Leader</td>
<td>431</td>
</tr>
</tbody>
</table>

**INDEX** 441