

Yearbook of Islamic

and

Middle Eastern Law

Volume 16
2010-2011

GUEST EDITOR
Adel Omar Sherif

General Editors
Ruggero Corsini
Margie Litt

Contents

Preface ix
List of Contributors xi

PART I

ARTICLES

The Post Egyptian Revolution's Constitutional Crisis: An Ongoing Anarchy with a Ray of Hope <i>Adel Omar Sherif</i>	3
Alter the Revolution: Sovereign Respect and the Rule of Law in Egypt <i>Ellis Goldberg and Hind Ahmed Zaki</i>	17
Caught in the Cross Fire: Egypt's Judiciary in a Revolutionary Age <i>Nathan J. Brown</i>	33
The End of "One Hand": The Egyptian Constitutional Declaration and the Rift between the "People" and the Supreme Council of the Armed Forces <i>Kristen Still</i>	43
From Aisha bint Abu Bakr to Asmaa Mahfouz: The Legacy of Muslim Women in Populist Revolutions <i>Engy Abdelkader</i>	53
A New Constitution for South Sudan <i>Dr. Daniel Gruss and Katharina Diehl</i>	69
The Bahrain Independent Commission of Inquiry: As One Season Ends, Does Another Begin? <i>Pete Weatherby and Sally Longworth</i>	91
Hopes, Frustrations and Hypocrisy in Palestine <i>Dr. Anis Al-Qasem</i>	111
Positive Trends in Jordan: Constitutional Amendments of 2011 <i>Dr. Ibrahim Aljazy and Lath Nasrawi</i>	117
The Role of the Council of Guardians in the Islamization of Iranian Law <i>M.A. Ansaripour</i>	127
The Islamic <i>Mahr</i> in German and in English Courts <i>Diana Schawlowski</i>	147

PART II
COUNTRY SURVEYS

Egypt (Kosheri, Rashed & Riad)	169
Syria (Jacques el-Hakim and Taymour Harding)	179
Iraq (Faris Nasrallah)	197
Jordan (Hamza Haddad)	209
Lebanon (Nader Iskandar Diab and Tamer Mallat)	215
The United Arab Emirates ("UAE") (Phillip Punwar and Maria Musika)	229
Qatar (Louis El-Sherif)	237
Saudi Arabia (Hani Zedan)	241
Oman (Trowers & Hamlins LLP)	247
Yemen (Judge Nageeb Shamin)	255
Iran (M.A Ansaripour)	271
Morocco (Michèle Zirari-Devif)	289
Tunisia (Salsabil Klibi)	303
Algeria (Radidja Nemar)	315
Malaysia (Umni Hanî Binti Maso'od)	345

PART III
SELECTED DOCUMENTS

<i>Palestine</i> Application of Palestine for admission to membership in the United Nations, including two letters signed by Chairman of the Executive Committee of the Palestine Liberation Organization, Mahmoud Abbas	353
Full text of the Agreement between Fatah and Hamas in Cairo, 3 May 2011	358
<i>Egypt</i> The Provisional Constitution of the Arab Republic of Egypt, adopted on the 30th March 2011 by the Egyptian Supreme Council of the Armed Forces (SCAF) pending appointment of a Constituent Assembly to draft a new Constitution	361

<i>Libya</i> Draft Constitutional Charter for the Transitional Stage, issued on the 3rd of August 2011 by the Libyan National Transitional Council (NTC) pending appointment of a Constituent Assembly to draft a new Constitution	375
A Vision of a Democratic Libya, issued on the 29th of March 2011 by the Libyan National Transitional Council (NTC) outlining vision for a democratic State in Libya	386

PART IV
SELECTED CASES

<i>ECHR/Jordan</i> Case of Othman (Abu Qatada) v. The United Kingdom (App. 8139/09) [2012] with a case note by <i>Cristina Hoss</i>	393
<i>Pakistan</i> Contempt of Court Case <i>Martin Lau</i>	489
<i>Qatar</i> Case of Omara v. Al Mal Bank LLC (Case no.0001/2010), at the QFC Civil and Commercial Court	505

PART V
BOOK REVIEWS

Rex J. Zedalis, <i>Claims Against Iraqi Oil and Gas: Legal Considerations and Lessons Learned</i> , Cambridge University Press: New York, 251 pp. <i>Faris Nasrallah</i>	525
Mohamed Ramadan, <i>Hassamien, United States Bilateral Trade Agreements: Consistencies or Conflicts with Norms in the Middle East</i> , Kluwer Law International, 289 pp. <i>Faris Nasrallah</i>	529
Index	531

Yearbook of Islamic and Middle Eastern Law

Volume 16
2010-2011

Guest Editors
Adel Omar Sheriff

General Editors
Ruggero Corrado
Martin Larm

Contents

Preface	ix
List of Contributors	xi
PART I	
ARTICLES	
The Post Egyptian Revolution's Constitutional Crisis: An Ongoing Anarchy with a Ray of Hope <i>Adel Omar Sheriff</i>	3
After the Revolution: Sovereign Respect and the Rule of Law in Egypt <i>Ellis Goldberg and Hind Ahmed Zaki</i>	17
Caught in the Cross Fire: Egypt's Judiciary in a Revolutionary Age <i>Nathan J. Brown</i>	33
The End of "One Hand": The Egyptian Constitutional Declaration and the Rift between the "People" and the Supreme Council of the Armed Forces <i>Kristen Still</i>	43
From Aisha bint Abu Bakr to Asmaa Mahfouz: The Legacy of Muslim Women in Populist Revolutions <i>Engy Abdelkader</i>	53
A New Constitution for South Sudan <i>Dr. Daniel Gruss and Katharina Diehl</i>	69
The Bahrain Independent Commission of Inquiry: As One Season Ends, Does Another Begin? <i>Pete Weatherly and Sally Longworth</i>	91
Hopes, Frustrations and Hypocrisy in Palestine <i>Dr. Anis Al-Qasem</i>	111
Positive Trends in Jordan: Constitutional Amendments of 2011 <i>Dr. Ibrahim Aljazy and Laila Nasrawi</i>	117
The Role of the Council of Guardians in the Islamization of Iranian Law <i>M.A. Ansaripour</i>	127
The Islamic <i>Mahr</i> in German and in English Courts <i>Diana Schawkowski</i>	147

PART II
COUNTRY SURVEYS

Egypt (Kosheri, Rashed & Riad)	169
Syria (Jacques el-Hakim and Taymour Harding)	179
Iraq (Faris Nasrallah)	197
Jordan (Hamza Haddad)	209
Lebanon (Nader Iskandar Diab and Tamer Mallat)	215
The United Arab Emirates ("UAE") (Phillip Punwar and Maria Musika)	229
Qatar (Louis El-Sherif)	237
Saudi Arabia (Hani Zedan)	241
Oman (Trowers & Hamlins LLP)	247
Yemen (Judge Nageeb Shamiri)	255
Iran (M.A. Ansaripour)	271
Morocco (Michèle Zirari-Devif)	289
Tunisia (Salsabil Khibi)	303
Algeria (Radidja Nemar)	315
Malaysia (Ummi Hanî Binti Maso'od)	345

PART III
SELECTED DOCUMENTS

<i>Palestine</i>	
Application of Palestine for admission to membership in the United Nations, including two letters signed by Chairman of the Executive Committee of the Palestine Liberation Organization, Mahmoud Abbas	353
Full Text of the Agreement between Fatah and Hamas in Cairo, 3 May 2011	358
<i>Egypt</i>	
The Provisional Constitution of the Arab Republic of Egypt, adopted on the 30th March 2011 by the Egyptian Supreme Council of the Armed Forces (SCAF) pending appointment of a Constituent Assembly to draft a new Constitution	361

<i>Libya</i>	
Draft Constitutional Charter for the Transitional Stage, issued on the 3rd of August 2011 by the Libyan National Transitional Council (NTC) pending appointment of a Constituent Assembly to draft a new Constitution	375
A Vision of a Democratic Libya, issued on the 29th of March 2011 by the Libyan National Transitional Council (NTC) outlining vision for a democratic State in Libya	386

PART IV
SELECTED CASES

<i>ECHR/Jordan</i>	
Case of Ohman (Abu Qatada) v. The United Kingdom (App. 8139/09) [2012] with a case note by <i>Cristina Hoss</i>	393
<i>Pakistan</i>	
Contempt of Court Case	489
<i>Martin Lau</i>	
<i>Qatar</i>	
Case of Omara v. Al Mal Bank LLC (Case no.0001/2010), at the QFC Civil and Commercial Court	505

PART V
BOOK REVIEWS

Rex J. Zedalis, <i>Claims Against Iraqi Oil and Gas: Legal Considerations and Lessons Learned</i> , Cambridge University Press, New York, 251 pp. <i>Faris Nasrallah</i>	525
Mohamed Ramadan, Hassanien, United States Bilateral Trade Agreements: <i>Consistencies or Conflicts with Norms in the Middle East</i> , Kluwer Law International, 289 pp. <i>Faris Nasrallah</i>	529
Index	531