

## ADVANCE UNEDITED VERSION

### Annexe II

#### Fiche de renseignements sur les candidats postulant à des organes créés en vertu d'instruments internationaux relatifs aux droits de l'homme

**Nom et prénom:** M. Mohammed AYAT

**Date et lieu de naissance :** 1<sup>er</sup> January 1950 à Rabat (Morocco)

**Langue(s) de travail :** French / Arabic / English

#### Situation/fonction actuelle :

- \* **Senior Legal Advisor in the Office of the Prosecutor, UNICTR** (1997 to date, more than 10 years)
- \* **Professor of Law**, at Mohammed V University, Faculty of Law, Rabat (from 1979 to date, currently on leave of absence)

#### Principales activités professionnelles<sup>1</sup> :

- \* **Attorney at Law before the Moroccan Supreme Court** (belonging to Rabat Bar Association)
- \* **Former Vice-Dean of the Faculty of Law, Fes**, from 2/2/1987 to 31/3/1991 (more than 4 years).
- \* **Former Head of Private Law Department** (10 years, elected position, each term two years mandate)
- \* **Judge** and subsequently, **Deputy Prosecutor**, (from 1971 to 1975 (4 years).
- \* **Deputy Inspector of Finance** (Ministry of Finance) (1968 to 1971 (3 years).
- \* **Legal consultation to the Institute of Higher Studies in Criminal Science in Syarcusa, Italy**,
- \* **Legal consultation to the DePaul University, Institute of Human Rights, Chicago**,
- \* **Consultation to Geneva Initiative, The Netherlands**
- \* **Consultation to the UN Programme for Drug control (based in Vienna)**
- \* **Consultation to the Conseil Consultatif des droits de l'Homme (Morocco)**
- \* **Consultation and Expertise to the Moroccan Ministry of Justice (on Moroccan Penal Reforms)**

#### Etudes :

- \* **Doctorat d'Etat en droit** (mention très honorable). (**PHD in Law with highest distinction**), from Université des Sciences Sociales, Faculté de droit, Toulouse, France. June 1979,
- \* **Diplôme d'études approfondies en Sciences Criminelles**, (**Master in Criminal Justice**), 1976, same University
- \* **Diplôme d'études approfondies en Sociologie**, (**Master in Sociology**) from Université Toulouse le Mirail. Toulouse, France, 1982..
- \* Capacité pour exercer le métier d'avocat 1970.
- \* Diplôme de formation de l'**Institut des Etudes Judiciaires** à Rabat, 1971.

## **Autres activités principales dans le domaine intéressant le mandat de l'organe conventionnel auquel postule le candidat :**

I attended a multitude of National and International Conferences in several Countries (notably at Syracuse, Italy at the International Institute of Criminal Science and constantly cooperated with Professor M. Cherif Bassiouni President of the Association internationale de droit penal and at Oxford, UK in Cable College)

I am periodically solicited by the IBA (International Bar Association) to train lawyers. I notably did it in Uganda, in the Arab world (Dubai) and in the UK (London and Stratford)

I am contributing to training Rwandan Prosecutors on International Criminal Law and Justice (training organized by the ICTR and funded the EU)

I collaborated in the discussion of the drafting of the Code Transitional Code for Post Conflict Criminal Justice to give insight on the position of Arab and Islamic Law

I am cooperating with a group of experts in drafting a code for post conflict justice based on Chicago Principles, sponsored by the Institute of Higher Studies in Criminal Science in Syracusa, Italy, and Paul Chicago University.

I am currently representing the Office of the ICTR Prosecutor before the Rwandan Government and diplomatic Community accredited in Rwanda. I am also occasionally mandated by the ICTR Prosecutor to represent him in International *Fora* (lately I represented him in Washington at the American University, Washington College of Law) in a forum on Fugitives.

I am also member of several national and international legal Associations and amongst the founders of some of them in Morocco.

## **Liste des publications les plus récentes du candidat dans ce domaine :**

\*"Manuel de procédure pénale" (Tome I) Babel Editions Rabat 1991 (312 p.) (in Arabic)

\*"Manuel de procédure pénale" (Tome II) Babel Editions Rabat 1991 (330 p) (in Arabic)

\* "A la recherche des racines biopsychologiques du crime" in « Savoir criminologique » Collection (edited by Mohammed Ayat) n° 3 Editions Almaarif Al Jadida Rabat 1998 (208 p.)

\* "Le crime" in « Savoir criminologique » Collection (edited by Mohammed Ayat) n° 1 Ennajah AlJadida Casablanca 1997 (126 p.) (in French)

\* "Crime et société" in « Savoir criminologique » Collection (edited by Mohammed Ayat) n° 2 Editions Almaarif Al Jadida Rabat 1997 (192 p). (in French)

\* "Cours de terminologie juridique" Textbook, 190 p. (1995) (in French )

\* "Droit pénal marocain" Textbook, 1997 (180 p.). (in Arabic)

*Articles: (around 60 articles published in national and international specialized law journals, most of them written in Arabic or French. Some written in English)*

\* « **Transitional Justice: The Moroccan Experience of the Equity and Reconciliation Instance** » Report sent to the **Institute of Higher Studies in Criminal Science in Syracusa, Italy, November 2007, to be published by the Institute in Revue internationale de droit pénal (Journal of Association internationale de droit pénal)**

\* « **Justice Internationale pour la paix et la réconciliation** » International Criminal Law Review, the Hague, 2006, vol. 7 2007 pp. 391-424. (in French)

\* Book Review « **Direct Application of International Criminal Law in National Courts** » International Criminal Law Review, The Hague, 2006, pp. 303-306. (in English)

\* "**Le droit de l'accusé d'être informé des faits qu'on lui reproche et de leur qualification juridique aux tribunaux pénaux ad hoc des Nations Unies**" Revue de droit international de sciences diplomatiques et politiques, Genève, vol. 79 n° 3, September-December 2001 pp. 303-338 (in French)

\* "**Immunity of Heads of States in Office in International Criminal Justice**" in « Terrorisme et responsabilité pénale internationale » 5 février 2002, Assemblée nationale française. (in French)

\* "**Universal Jurisdiction between Moroccan Penal Law and International Conventions**" in « Crimes internationaux et juridictions nationales, valeurs, politique et droit sous la direction de Antonio Cassese et Mireille Delmas-Marty Presses Universitaires de France, Paris, mai 2002, p. 417-434. Also published in « Les conventions internationales et la loi interne à travers la jurisprudence » Centre de documentation d'information et de formation en Droits de l'Homme » Royaume du Maroc, Ministère des Droits de l'Homme 2001 ( article in

French)

- \* **"Le silence prend la parole : émergence du droit au silence en droit international pénal "** in la Revue de Politique criminelle comparé, Dec. 2002. (in French)
- \* **"Silence is Golden : The Right to Remain Silent in International Criminal Law"** Revue de droit international de sciences diplomatiques et politiques, Genève, Vol 79/n° 3 Sep-Dec. 2001 303-338 (in English)
- \* **"Independence of the Judiciary in Morocco"** la REMALD (Revue marocaine de sciences administratives) 1<sup>st</sup> term 2000. pp. 2-9. (in Arabic)
- \* **"Crime and Society: Conflicts of Cultures Theory"** Revue de La Police Nationale (2000) n° 205 (in French )
- \* **"La criminologie sociologique du passage à l'acte criminel : théorie de l'association différentielle"** Revue de La Police Nationale (2000) 40<sup>ème</sup> année (année 2000) n° 202 (in French)
- \* **"Crime is a Relative Notion"** Revue de La Police Nationale (2000) n° 201 (in French)
- \* **« Social Criminology »** in La revue de la Sûreté Nationale n° 200, 1999 (in French)
- \* **« The Roots of Violence »** in La revue de la Sûreté Nationale n° 199, 1999 (in French)
- \* **"The Features of Crime"** Revue de La Police Nationale Jan. Feb.(1999) n° 197 (in French)
- \* **«International Cooperation and the Fight against Organized Crime »** in a Colloquium on Organized Crime, Onâti Spain, 3-6 June 1997 Published in Revue Al Ichaa Kénitra, Maroc, 1998 (in French).)
- \* **«Introduction to an Understanding of Criminal Behaviour»** in La revue de la Sûreté Nationale n° 198 1998 (in French)
- \* **« Testimony in Moroccan Penal Procedure»** in La revue de la Sûreté Nationale n° 190, 1997. (in Arabic)
- \* **« Reflection on Acquittal Based on Doubt »** in Al moulhak alkadai n° 32 April 1997 pp. 75-78 (in Arabic)
- \* **« Psychiatry and Criminology »** in Al moulhak alkadai n° 32 April 1997 pp. 3 - 7 (in French)
- \* **" Book Review of Pr. Amzazi's Book: La peine "** in Al Ichaa n° 15 January 1997 pp. 61- 67 (in Arabic)
- \* "Opening Report of the Colloquium **"Procedure before Administrative Courts"** in Revue marocaine de l'administration et du développement local n° 9 Sept. 1996 pp. 11-14 (in Arabic)
- \***"The Protection and assistance provided to former detainees"** in Al Moulhak Alcadai n° 31 June 1996 pp.23-37 (in Arabic)
- \* **"Reflection on Fair Trial"** Published in Al Alam 29/6/1996 and 11/7/1996 and Al Itihad Al Ichiraki 30/6/1996. Also published by Al ichaa n°15 January 1997 (in Arabic)
- \* **"Defence Lawyer's Role during the Interview of Suspects by the Prosecutor: in light of the 30 /12 / 1991 Reform"** in Al Ichaa 7<sup>th</sup> year n° 13 Dec. 1995 pp. 105-116. (in Arabic)
- \***"Outline of the Moroccan Criminal Justice System"** Paper presented at Saint Cloud University Minnesota, USA, 24 pages. (in English)
- \* **" Articulation de la responsabilité pénale dans les jugements du TPIR"** (to be published by the Institute of Strategic Studies, Amman, Jordan) (in French)

-----

---

1 Il y a lieu de noter que les membres du Comité pour l'élimination de la discrimination à l'égard des femmes doivent participer chaque année à deux ou trois sessions d'une durée de trois semaines chacune et participer à tour de rôle à la fin de chaque session à un groupe de travail de présession d'une semaine.