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12 August 1983

NEAR EAST/SOUTH ASIA REPORT

No. 2801

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STANDARDIZED ARAB PERSONAL STATUS CODE ENVISAGED

Doha AL-RAYAH in Arabic 2 May 83 p 3

[Interview with Prof Muhammad M'siko: "Within the Framework of the Decisions by the Arab Ministers of Justice to Standardize Arab Legal Legislation: How Is Work Proceeding on the Preparation of the Standardized Arab Personal Status Code?"; date and place of interview not specified]

[Text] Laws are basically related to the life of an individual and his society. If most of these laws impose general precepts and punishments and hold rights and duties in high esteem, this is primarily in order to enable them to bring about harmony between people and their lives and to show the way for individuals and societies to pursue a peaceful life.

There are many laws which are closely linked to our life. One of these laws is the personal status law or code which regulates family life within the framework of a sound society.

Although this type of law is an important one, we find that it varies in many points and aspects from one Arab country to another. But work is proceeding with the preparation of a standardized Arab personal status code, and this report by AL-RAYAH concerns the various stages of the preparation of the anticipated law and its most important fundamental features.

The initiative taken to issue this law falls within the framework of the plan approved by the Arab ministers of justice to issue standardized Arab legal legislation and to form technical committees composed of specialized experts from the various Arab nations who are to participate in carrying out this plan.

It is within this framework that work is proceeding on the preparation of the above-mentioned code, in addition to a uniform Arab criminal code; a uniform Arab code has the aim of moving in the direction of achieving unity in Arab legislation, the doctrines of which would be derived from Islamic Law.

Sound Interpretation in Favor of the Individual and Society

The chairman of the committee of experts entrusted with the job of formulating the text of the standardized Arab personal status code is Prof Muhammad M'siko, head of a chamber of the Supreme Court in Morocco and director of legal affairs in the Moroccan Ministry of Justice. We had the following interview with him in which we discussed this personal status code, the establishment of which is anticipated:

[Question] When did the idea of preparing standardized Arab legislation crystallize?

[Answer] The Arab ministers of justice, in their first conference which they held in Morocco, approved the "Rabat declaration." This declaration called for a continuation of the work and coordination of the efforts being expended throughout the Arab world to bring about standardized Arab legislation which would be based on Islamic Law as its original source or authority--in view of the fact that Islamic Law is the foundation of the Arab nation and represents the epitome of its glory, greatness, and noble nature, and in view of the fact that Islamic Law is the real and effective link between individuals and their societies in the Arab world.

In light of this, the "Rabat declaration" considered that unity of legislation in the Arab world was a pan-Arab goal, the realization of which should be striven toward and that the soundest and most useful path to follow in order to achieve this goal was to adhere to the provisions of Islamic Law--in view of the principles, provisions, and interpretations contained in Islamic Law which have been considered to have been an enlightening landmark in the history of human and Islamic thought and since Arab jurisprudence has been, and still is, capable of rendering sound interpretations of the law which favor the individual and society.

Fundamental Principles of the Standardized Legislation

[Question] How did this idea come to be implemented, and what are the fundamental principles that it is based on?

[Answer] In their second conference, which was held in Yemen, the Arab ministers of justice approved the Sanaa plan concerning the standardization of Arab legislation and the formulation of the basic principles according to which the legislation would be codified and standardized so that it would be in accordance with the following two fundamental approaches:

1. Reliance upon--as sources for the standardized codification--the Holy Qur'an and the Sunna [sayings and doings] of the Prophet Muhammad and the Islamic legal consensus, analogy, and absolute interests derived from the Qur'an and Sunna of the Prophet, without being restricted to a particular Islamic legal school of thought, as well as reliance upon principles of justice which do not conflict with the provisions of Islamic Law.

2. Following the principle of gradualism in the process of standardizing this legislation. In order to put these decisions into actual practice, they have placed special emphasis on the standardization of legislation dealing with personal status in view of the role it plays in reinforcing the [basic family] units in society and creating the sound conditions and circumstances necessary for high morals to prevail in society.

For this reason it was decided to form a specialized technical committee of seven experts who would have the job of preparing the text of the standardized Arab personal status code.

The Text of the Code

[Question] Could you furnish our readers with some idea of the work which the committee has accomplished so far?

[Answer] So far the committee has held three sessions. The first of these sessions was devoted to establishing the structural make-up of the text of the code, which the members of the committee decided should be as follows: Book I--Marriage, Book II--Separation of Spouses, Book III--Legal Capacity of Parentage, Book IV--Wills and Testaments, and Book V--Inheritance.

The committee has already formulated the articles in the code which concern marriage and the consequences of marriage as well as separation and the consequences of separation, with the exception of child custody. These articles have been put in their final form along with their accompanying introductory remarks.

We would like to take this opportunity to point out that, during its three sessions, the committee has achieved quite a few results, and they are results which will be beneficial to the science of Islamic jurisprudence and to Arab families.

The Arab League and Standardization of the Legislation

[Question] In your view, how important is it to have joint Arab legislation issued?

[Answer] Standardization of Arab legislation is one of the goals which the Secretariat General of the League of Arab Nations has had in mind ever since it was founded. At first the focus of interest was on standardization of legal terms. The reason for this is that it was noticed that, in many cases, different terms were used in the codes of the different Arab nations to refer to the same things even though Arabic was the official language of all of these nations. Consequently the Arab League, on 12 November 1953, made the decision to request the governments of the Arab nations to designate some juristic, legal, and legislation experts--that is, specialists in the various branches of law--to take part in discussing a plan to standardize legal terms.

On 18 December 1954, at the headquarters of the Secretariat General of the Arab League in Cairo, a meeting was held by a committee called the Commission of Legal Experts for the Standardization of Legal Terms. The committee decided to form the following three subcommittees: (1) the Common Legal Terms Committee; (2) the Commercial Civil Code and Special Commercial, Civil and International Procedures Committee; and (3) the Criminal Code and Criminal Procedure Committee.

These committees finished their work in 1968 and completed the formulation of standardized terms for the civil code, administrative judiciary, and public administration.

A Starting Point for Achieving the Desired Pan-Arab Unity

[Question] This is how things stand as far as standardization of legal terms is concerned. How about activity undertaken by the Arab League as far as standardization of legislation is concerned?

[Answer] Standardization of the legal terms is considered to be the principal point of departure for the standardization of the legislation provisions. It was decided to issue a recommendation approved by the Arab League Council on 31 March 1965 which included approval for the formation of a committee of legal experts from various Arab nations to look into the matter of standardizing Arab legislation. One thing which the committee was supposed to do was to look into what the legal terms committee had already accomplished, and in addition to this this committee of experts was also supposed to begin to study the standardization of the civil code in view of the fact that civil codes constitute the basic law governing relations between people.

The committee entrusted with the task of accomplishing this important work is, in fact, still wholeheartedly engaged in its work within the scope of the options that it determined for itself by agreement with the Secretariat General [of the Arab League].

After that, another point of departure was reached with the Rabat declaration and the Sanaa plan for achieving standardization in the fields of personal status law and penal law.

I would like to make it clear that this historic report clarifies previous [legal] procedure, and it is well known that the achievement of standardized Arab legislation is something that would be the basic point of departure for achieving unity in views and approaches and would achieve crystallization of the pan-Arab unity which we are seeking to achieve both in the field of economic integration and in the field of standardizing legislation. This is something which would bring about unity of thought [among the Arabs], and this--God willing--would be followed by the achievement of pan-Arab unity which would promote the public welfare.

[Question] The personal status codes in the Arab nations differ from one country to another in accordance with the particular situation in each country. What are the most significant difficulties which confront the committee in its efforts to achieve standardization of these codes?

[Answer] The Arab countries could be divided into three groups with regard to how their present personal status codes have been formulated, and these three groups are the following:

A. The group of nations possessing no written code in which the legal provisions have been recorded in writing and the actual applications of the law have been assembled in the form of comprehensive legal writings.

B. The group of nations which have limited themselves to putting into writing the principles of Islamic jurisprudence within the scope of a particular school of thought and only occasionally go beyond this school of thought.

C. The group of nations which have codified this legal point of view without confining themselves to a particular school of thought, with their principles being generally derived from Islamic Law and its noble aims.

Our committee decided to make use of all laws related to the subject. I can assure you that the difficulties which stand in the way of the work done by the committee are ordinary difficulties which any lofty and important project would encounter, especially since the committee is working within the scope of the options which the Arab ministers of justice have determined for themselves. In its work, the committee is adhering to the Qur'an, the Sunna, Islamic consensus, Islamic analogy, and absolute interests, but it is not restricting itself to a particular legal school of thought. Also, it is restricting itself to the principles of justice which are not in conflict with Islamic Law. Although every Arab nation adheres to one or more particular legal schools of thought, there is no doubt about the fact that all of these legal schools of thought are primarily derived from the Holy Qur'an and the Sunna of the Rightly-Guided Prophet.

[Question] What is the importance of issuing a standardized Arab personal status code, and what are the most important consequences that will result from it?

[Answer] If we standardize the Arab family code, this will mean the standardization of the most important unit of society's structure. It is no secret that the family constitutes the basic unit and primary cornerstone of the edifice of society. As Shaykh Abu Zahrah has said, this is a means of drawing the Islamic legal schools of thought closer together and will result in the disappearance of this depressing aversion which the representatives of the various legal schools of thought have felt toward each other. When this happens, Muslims will draw closer to each other rather than farther apart from each other, their hearts

will be united, and they will worship God together and together they will seek to gain His favor. It is clear that, if we standardize the legal provisions which regulate family life in the Arab world, then we will have achieved a gigantic step in the direction of creating a unified religious-legal doctrine, the true essence of which will be derived from the Holy Qur'an and the Sunna of the rightly-guided Prophet. This is an achievement, the benefit of which would be realized by every Arab Muslim who is committed to Islam and to the Muslim world.

Less Than a Year For the Complition of the Text of the Law

[Question] In conclusion we would like to know how long you expect it to take to complete the writing of the code and could you also give us a brief description of the way the work is being done?

[Answer] God willing, we expect the project to be finished by the end of this year or, at the latest, by the beginning of next year, and we have set up a careful program designed to achieve this goal. Our method of work consists of having each member of the committee entrusted with the job of writing a particular section of the text of the code, and then the members of the committee have a dialogue and discussion concerning each section of the text that has been written. The material is then sent to the Secretariat General of the Arab Ministers of Justice, which then sends it to the members of the committee before the session is held so that they have a chance to make comments concerning it and have a chance to either approve it, object to it, make deletions in it, make additions to it, or modify it.

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CSO: 4504/390

ELECTIONS BILL CRITICIZED

Cairo AL-AHALI in Arabic 13 Jul 83 p 1

["New Law Affirms Dictatorship of Ruling Party"]

[Text] It is expected that the People's Assembly will reconvene next Saturday when it considers a new Bill which calls for election of People's Assembly members through the proportional party list.

The new bill, prepared by Dr Kamil Laylah at the request of the National [Democratic] Party, requires that each list secure at least 10 percent of the votes, otherwise it forfeits the right to obtain a seat in the People's Assembly.

AL-AHALI has learned that the new bill was the focus of the meeting which took place last week between Dr Kamil Laylah and President Mubarak.

It is expected that passage of the new bill will ignite a new political crisis between the opposition and the government.

Opposition circles point to the fact that none of the states which have adopted the proportional list system invalidate the will of a tenth of the voters and that the majority of states in the world do not prescribe a minimum [of votes] with the exception of a few states such as Israel (1 percent), Finland (2 percent) and West Germany (5 percent). They also point out that raising the percentage in the Egyptian bill to 10 percent is a return, in one form or another, to the absolute party list system and the one party system. On the other hand, the opposition parties believe that establishment of elections with the proportional party list, along with curtailment of the right to form parties, would exclude effective political forces, and the existing restrictions would prevent them from forming independent parties.

An authorized source in the National Progressive Unionist Grouping Party stated that the government has resorted, as usual, to sidestepping the demands of the opposition to hold elections by the proportional list of all parties, groupings, political forces and independents. "They formulated two

restrictions which divested the proportional list of all its meaning. One was when the right to run for the elections was restricted to the existing parties-- a strange thing. Then they proposed a minimum percentage of votes of somewhere between 5 and 10 percent.

AL-AHALI has learned that the haste in preparing a bill for elections to the People's Assembly approximately 10 months before they are slated to take place has as its objective the attempt to pacifying of the political forces which boycotted the elections to the local assemblies because the government is to hold them according to the absolute list system. This gave rise to a political crisis of wide-scale repercussions since the general consensus among the NDP rank-and-file and some of its mid-level leadership is to reject the absolute list. The Office of the President of the Republic had received a flood of telegrams beseeching President Mubarak to refrain from holding local assembly elections according to the absolute list.

Informed sources noted that the security assessment was behind the insistence on holding local assembly elections according to the absolute list, since some government circles believe that Egypt's security situation does not permit the holding of party elections 2 years in a row.

Those in party circles expect the Office of the President to reassess the situation once the opposition has announced its boycott of the local elections. It is expected that the new assessment of the situation will result in an amendment of the law, which will be issued by President Mubarak during the People's Assembly recess according to which local elections will be conducted by the proportional list.

CSO: 4504/514

OPPRESSION OF JOURNALISTS, INTELLECTUALS BY AL-QADHDHAFI

Nicosia FALASTIN AL-THAWRA in Arabic No 461, 11 Jun 83 pp 36, 37

[Article: "Terrorism Against Journalism and Journalists in Libya; The Author of the "Green Book" Hates "Her Highness" and So Assassinate Her--al-Qadhdhafi Imposes His Ignorance on the Heritage, and So He Burns Libraries and Imprisons and Assassinate Journalists."]

[Text] Since al-Qadhdhafi took over power in the coup of 1969, from the very first he has discovered any role played by journalism and writing, and any importance accruing to journalists and writers. He has come to be afflicted by a fear of journalism and those who work in it, not only on the level of the role which they can play against him, if they are allied to his enemies, say, but because of the underdevelopment of his social and cultural consciousness and his feeling that his own level is very inferior in comparison to any Libyan journalist. What must things be like for him, now that he has become a president and must meet with famous and brilliant personages from the foreign press!

This sense and this feeling have created an enmity in him against journalism and journalists which has touched Libyan intellectuals, poets, writers, and journalists first.

One of the first and most prominent things which al-Qadhdhafi did was to strangle freedom and clamp down on expression, in effect forbidding the expression of any opposing view and allowing only those that sing his praises day and night.

He closed all the newspapers and gave various journalists and writers show-trials under the charge of misleading public opinion. Despite the fact that these newspapers were not separable from the previous, reactionary monarchist regime's base, they nevertheless possessed some possibilities for expressing opposing opinions and exposing some of the practices current at that time. Despite everything, they were a channel for some nationalist currents, though within very narrow limits.

In the first years of the al-Qadhdhafi coup, he set up what he called "The Council of Revolutionary Thought," which was no more than a cheap attempt to expose patriotic and nationalist currents opposed to the

concepts of al-Qadhdhafi, just as it was a center for some skinny pens which showed a readiness to decorate the face of the dictatorial regime of al-Qadhdhafi and his gang.

In less than 3 years, approximately, al-Qadhdhafi and his ignorant minions were able to burn down the Libyan heritage, while claiming that it "was the work of sick and ignorant people, and was put together by the enemies of the people for the benefit of the former kings." In April, al-Qadhdhafi gave a speech, later known as "Preaching to his guests," in which he laid out five points. In it, he called for attacks on bookstores and the confiscation of their contents. His secret police forces burned books in various plazas with the excuse that "they are destructive thought." In that speech, he cancelled the laws and called for the arrest of all the nationalist university professors, lawyers, journalists and writers, as well as others, under the pretext that they were sick men who needed to stay in prison until they got well, even if that took 50 years.

His police forces confiscated the libraries of those who were arrested and tossed the books into the flames, where the effort of the thinkers and philosophers of the world for ages burned.

Faulty Understanding

In a memorandum sent by the Libyan Nationalist Movement's political office (the movement is opposed to al-Qadhdhafi and supports Iraq) to the Seventh Conference of the General Union of Arab Journalists, which was held in Baghdad on 28 May 1983, it was stated that Col al-Qadhdhafi "denies any role that can be played by words in the service of the masses by exposing the varieties of exploitation, oppression and defamation, if these things are not in the area in which the particular journal specializes or included within its expressive means."

Col al-Qadhdhafi wanted to rid himself of the feeling of inferiority he had regarding his cultural level. Therefore, he wrote his "Green Book," in which he offered a "different concept of journalism and called for what he falsely referred to as vocational and specialized journalism. He decided that no one should write outside the newspapers of his own trade, the administration of which was of course controlled by his followers from the "popular committees" and the "revolutionary committees" thereafter. In accordance with this idea, no doctor, lawyer, student, teacher, etc., should express his opinion in any newspaper. Moreover, they should not deal with issues outside their specialties. Therefore, he closed the door to all opinions and systems of thought, which took refuge in silence and were satisfied with watching what happened in the way of deceit and the falsification of their will and their legitimate points of view in a country which became a place where people talked about the cutting down of trees as a crime..."

The Libyan regime, with al-Qadhdhafi at its head, lives in a constant state of fear, like any dictatorial regime (one which is sustained by the power of weapons), of any intellectual or literary current. It is

openly hostile to anyone who is opposed to its various thoughts. Therefore, its agencies, on its suggest-on, arrest writers and journalists from time to time under the pretext of "organizing the party." However, this lie no longer fools anyone, so often has it been said by the regime's agencies and propaganda tools.

Indeed, al-Qadhdhafi's enmity toward culture and thought pushed him to chase some Libyan intellectuals who were able to flee from his prisons. He worked to have them physically liquidated in the capitals of the world. The lists of the Human Rights Organization are full of black evidence concerning al-Qadhdhafi's crimes and terrorism.

Anyone who follows the journalism and publications of the Libyan regime notes the extent to which national and pan-Arab issues are falsified, as well as the extent of its open enmity toward the dreams of the masses of the Arab nation, not to mention the extent to which these media knowingly mislead people and adorn al-Qadhdhafi's trivialities, which have managed to survive in their millions all these years. However, yesterday's allies have become today's enemies. Al-Qadhdhafi has no firm ally. Someone who is held to be far left by al-Qadhdhafi's press and agencies then comes to be considered far right, etc.

This is all not more than a drop in the sea of darkness in which Libya dwells. Astronomical sums of Libya's wealth are squandered on spreading the dictatorial notions and theories of al-Qadhdhafi. The money spent on translating, printing and distributing the "Green Book" and on those "conferences" which are more like circuses, in addition to what is spent for "buying the cheap consciences of some writers" for propaganda purposes, is beyond all imagining. However, anyone who pays attention to the names of those who participate in the so-called "Green Thought" conferences feels a sense of relaxation and belief in the thinkers of our Arab nation, since no writer or journalist of consequence in the world of journalism or Arab thought will attend such a conference, except for some hirelings whom no one knows except for advertising agents and the owners of first-class hotels.

In the face of all this wealth being wasted on this stupidity, al-Qadhdhafi's press is calling on the sons of Libya to "tighten their belts" and exert themselves in the call to do without many materials, so many, in fact, that the crisis has now come to comprise the citizen's basic necessities which touch his daily life. No one is unaware of the deficit faced by the regime's budget. The regime has found no other way to pay its debts than by granting many companies and countries bases at cheap prices.

Moreover, the regime does not hesitate to abundantly provide the preconditions which we believe will lead to the breakdown and fragmentation of the Palestinian revolution.

One can say that the al-Qadhdhafi regime has confiscated all types of intellectual and journalistic freedom. Upon all the noble, creative persons from among Libya's sons silence has been imposed, if the prisons

have not swallowed them or the poles of the gallows choked them. We realize the extent of the decline which Arab culture in Libya has suffered. In the years of al-Qadhdhafi's rule, we have not read a single creative work in the official Libyan media which could add a thing to the Arab library.

Indeed, Libya today is like a stone forest in which no echo can be heard save from the cries of al-Qadhdhafi, which pour foul curses on everything that has to do with human dignity, freedom and nobility.

The Libyan nationalist movement has wanted the journalists and writers of the Arab nation to honorably oppose the oppression, terrorism, massacring of journalists, falsification of truth and confiscation of the practical understanding of the word "journalism" in Libya which the regime has undertaken. In addition, it wants them to do their duty by uncovering and exposing the Libyan regime's enmity toward the values of goodness and justice, as well as its attempts to destroy the national unity of the Palestinians and its plotting against the Palestinian nationalist cause as a mainstay of the Arab-Israeli conflict. For al-Qadhdhafi does not want the PLO to remain a powerful opponent of the Zionist enemy, because that embarrasses him, and the PLO puts him in a corner with regard to the big slogans he uses.

Moreover, the Libyan nationalist movement also wanted the noble journalists of the Arab nation to confront al-Qadhdhafi's bloody theory of "exporting" the terrorism which the sons of Libya are suffering from first and foremost.

At the end of its memorandum, the Libyan nationalist movement begged the Arab journalists to show solidarity with the noble Libyan intellectuals and journalists by doing the following:

--adopting the cause of the Libyan people in Arab journalism and dealing with the reality of what is happening on Libyan soil with honesty and objectivity;

--by pressing for the freeing of the imprisoned writers, literati and journalists who are packed into al-Qadhdhafi's prisons, as well as the political prisoners;

--by condemning al-Qadhdhafi's practices vis-a-vis freedom of the press and intellectual freedom, and by resisting and isolating him intellectually, politically, and in the area of the media, as well as by exposing his maneuvers and claims on all levels;

--by resisting al-Qadhdhafi's destructive role and exposing him on the level of pan-Arab issues, especially the Palestinian question;

--by challenging his repeated attempts to hurt the Arab nation in its relationships with peoples and international organizations, as well as to distort its media image; in addition, the roles he played in splitting the Organization of African Unity and the Organization of Non-Aligned States must be challenged.

Hostility toward al-Qadhdhafi is for the sake of life itself because in the beginning one must start with the word.

All these things bear witness to the nature, reality, and content of al-Qadhdhafi's regime, which exports its serious domestic problems by stirring up conflicts with the PLO.

They are, indeed, an act of witness by Libyans concerning the reality of their country, for "the people of Mecca know best its mountain paths."

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CSO: 4504/446

GOVERNMENT PLANS MILITARY DRAFT

London AL-SHARQ AL-AWSAT in Arabic 12 Jun 83 p 3

[Article: "System of Compulsory National Military Services Enforced in Sudan in Order To Strengthen Army, Increase Its Capabilities"]

[Text] Since last April, a program has been set up to mobilize and prepare public opinion in the matter of applying a compulsory draft system for service in the Sudanese Army. Indeed, the security and national defense committee of the Sudanese National People's Assembly, under the leadership of Staff Gen Babakr 'Abd-al-Rahim, has assumed responsibility for work on drawing up the laws which will organize the draft operation for national service. The basic consideration is that this matter is one of vital importance for the future of the Sudan in the phase of political and administrative changes and developments which has accompanied the application of decentralization and the division of the country into six geographical provinces, as well as the inception of the subdivision of the south into three provinces instead of one.

However, the most important thing, in the view of the Sudanese leadership, is to protect the land of the Sudan from foreign dangers which threaten it as a result of the conspiracies by international powers. These powers have been named in more than one speech by President Numayri and his first vice president, Staff Gen 'Umar Muhammad al-Tayyib: The Soviet Union and the states which it uses as a talon to achieve its world strategy as a great power.

The Sudan is a country of 1 million square miles which has borders with 8 African nations. Its borders are huge and are in need of guarding, protection, and strong border crossing and search points, so as to prevent infiltration by inimical powers from the countries bordering on the Sudan. Often, mass migrations into Sudan's territory have occurred as the result of civil wars and out of fear of pursuit by the warring forces.

In Darfur Province, armed sabotage attempts have been made by elements trained in a neighboring country. Indeed, there is a threat from someone called 'Abdallah Zakariya and a group of separatists to detach Darfur Province from the united Sudanese state.

The matter of this man was brought up in the Sudanese People's Assembly last March. At that time, members demanded that action be taken to protect Sudanese territory in accordance with a strong defense plan. Recently, there was a rebellion in the Southern Province by some southerners and elements that still dream of separating the south completely from the Sudan, who are supported in their efforts by some foreign parties.

All these circumstances pushed the compulsory military service bill to the floor of the People's Assembly, where it was approved on the second reading during the 16 May session. The Sudan became for the first time in its modern history ready to apply the draft for military service, after having depended only on individuals volunteering to be inducted into the ranks of the armed forces.

Since it was set up during the Joint Condominium, the Sudanese Army has been limited in number. In this form, it is incapable of bearing the great burden of defending the country's borders in the shadow of new international changes and sizable developments in weaponry. Therefore, compulsory draft will give it excellent human strength comprising young men from the age of maturity to the fourth decade of life. It will be possible to depend on their remaining in the service for 36 months. After their military service is over, they will form a strategic reserve force, trained to use the most modern weapons, which can be called up in emergency situations and wars.

This is the essence of what President Numayri said to the officers and soldiers of the Sudanese Armed People's Forces when he expounded the necessity of applying national military service for the sake of raising the level of the armed forces both academically and practically, so that the Sudan will have a reserve of highly qualified soldiers.

Therefore, the Sudan, according to this law, will begin to call up youths to perform national military service in the People's Armed Forces and in the other regular forces, as well as in fire brigades, the police, the central reserve, the prisons, and the departments and offices possessed of a military character which are defined by the minister of defense. The period of service for those who graduate from the universities and higher institutes will be only 18 months, while it will be 24 months for those who get secondary school diplomas. There will be an opportunity for draftees lacking academic or scientific qualifications to acquire technical knowledge during the period of national service at military trade schools like the Driving School, the Maintenance School, the medicals schools, the military clerk schools, the typewriter institutes, and other military vocational training centers, whose expansion is planned in order to prepare the intermediate vocational cadres which the country needs in growth and development operations and so that the instructional level in the Sudan is raised.

12224

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NEW EFFORTS TO INCREASE PORT SUDAN WATER SUPPLY DETAILED

Khartoum AL-AYYAM in Arabic 29 May 83 p 6

/Article by Faysal 'Abd-al-Latif: "The Summer Months and the Search for Water in Port Sudan, the Gift of the Arba'at"/

/Text/ As the Greek historian Herodotus said, Egypt is the gift of the Nile--had it not been for the Nile, Egypt would not have existed. The Nile means life for Egypt and the Egyptians. Water is the artery of life. This expression could be applied to Port Sudan, the town of the gap, following the changes. You can say that Port Sudan is the gift of the Arba'at; had it not been for the Arba'at, Port Sudan would not have existed. The days and months of summer prove this statement. Port Sudan, the national city and our sole seaport, is threatened by drought this summer, which from the beginning has given warning of a water shortage.

In many sections, pipes have forgotten what water looks like. Their throats have gone dry.

In other sections, buckets and jerry cans are forming lines before pipes that yield up drops, after having been deepened.

Port Sudan, the town which is witnessing unremitting activity and rapid development, is suffering from a water shortage.

The town of Port Sudan depends on 19 artesian wells in the Arba'at area 22 kilometers from the town for its portable water supplies. The water is conveyed by pumps which have been installed on four main lines. The town of Port Sudan consumes 32,000 cubic meters of water, of which the Arba'at wells produce around 23,000; the water deficit is made up by the "excess" water which runs down into large basins and descends to the low land in the town, to be purified as soon as it enters the pipes that convey it.

Therefore Port Sudan depends for its water on the Arba'at, in terms of both wells and springs. The Arba'at is fed by rains and floods which descend from the Khawr Awrus area northeast of Sinkat. The more the rain that falls, the greater the water in the springs becomes, the more the water level in the wells rises, and the greater the withdrawal by the pumps is, and vice versa.

With this preliminary, very important information, we approached Mr 'Abd-al-Rahim Muhammad 'Abd-al-Rahim, the manager of the General Electricity and Water Authority in Port Sudan.

Question Port Sudan's water problem is well known. It seems that next summer will be severe and hot. Have you made preparations to cope with this summer? Now that we have learned that electricity problems will be solved in November, what about the eternal problem of water?

Answer Rain has not fallen in large volumes to feed wells and springs the last 10 years, especially the past 3. For many years we have not seen floods surging forth, not to destroy houses but rather to flood the Arba'at. We need floods for a period of at least a week.

Mr 'Abd-al-Rahim went on, "The paucity of rain constitutes a threat to the town of Port Sudan. The town is developing rapidly, and its population is increasing every year. The destructive drought is threatening the inhabitants of the town, who are threatened with a lack of water. This summer in particular, a water shortage is anticipated because the output of the wells and springs has been lower due to the fact that rain did not fall last year. Port Sudan is now consuming the water in reservoirs, which is diminishing every day, and the withdrawal by pumps is diminishing with it."

Question How can one get out of this grave shortage and pressing problem, in the short term?

Answer We have thought of drilling three new artesian wells. The governor of the Eastern Region has directed that they be completed quickly. In spite of the urgency of this problem, and the importance of these wells, which can alleviate the burdensome nature of the shortage, we have not received financial allocations. The drilling of the wells and the cost of the pumps will come to about 7,000 pounds. Imagine, because of red tape and dawdling, the town is dying of thirst!

Another attempt will be made. If the rains are sparse and the sky strangles the town more than this, and we are compelled to do so, we will put a prohibition on citizens who share Arba'at water for farming and will divert it to filtration.

The United Nations is now about to complete a project to build the new filtering plant where excess water runs off, and it is expected that the output from the excess will come to 25,000 cubic meters. However, this will all depend on rains; it will be of no use unless there are rains, and the project will remain at the mercy of the sky.

Question Mr 'Abd-al-Rahim, here we are in the month of May. The Red Sea to the east has started to give off its steam, and the searing simoom winds have started to cross over the hills by the sea to the west, descending to the town of the gap. At this point factories and homes will increase their consumption of water and electricity. Naturally all the solutions which you have presented depend on rain-fall. Are there no emergency measures to cope with the summer?

/Answer/ We have all the solutions at our disposal, but unfortunately nothing more than that is available to us. In order for the Khawr Barakah project to be carried out, I call upon our people in Port Sudan to use water sparingly, and God is called upon to bestow his bounty upon us.

Mr 'Abd-al-Rahim asserted, "It is possible to control the shortage somewhat by guiding consumption, avoiding wasting water when that is not necessary, and not fill up tanks so that water seeps out and fills the streets. I call upon the citizens to help themselves by guiding water consumption?"

The manager of the Port Sudan General Electricity and Water Authority cited an example:

"In the summer of 1976 I was in London, and there was a drought in Britain whose likes had not occurred for 100 years. Britain depends on rain and melted ice for drinking water, because the rainwater is very polluted. The government directed a warning to the citizens, explained the problem to them and appealed to them to guide consumption. The British did indeed stand in lines to wait for the hydrants in the streets to open at specific times, so they could take water in buckets and go up the stairs to the buildings. This is a very advanced country, which had fallen prey to a "jam," and there was no solution except for the sky to be generous. Its citizens accepted the problem without edginess. Why can't we be like them, so that we can solve our problem for good?"

/Question/ But how and when can the problem of water in Port Sudan be resolved?

Mr 'Abd-al-Rahim said, "The radical problem to Port Sudan's water problem is to carry out the Khawr Barakah project, that is, to bring water from Barakah by pump via pipelines. The project is basically to supply the new port of Suwakin and the expansion that resulted from that with about 30,000 cubic meters a day, as well as supplying Port Sudan with 20,000 cubic meters. It is expected that it will be in 1985."

AL-AYYAM adds its voice to that of the manager of the authority and calls on the people of Port Sudan to guide water consumption, not waste it, and overcome the problems that might arise from the scanty rains, so that the problem will be solved for good. It also calls upon the bodies concerned to work to carry out the Barakah project.

11887

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PROBLEM OF FINANCING, PROLIFERATION OF BANKS REVIEWED

London AL-SHARQ AL-AWSAT in Arabic 22 May 83 p 7

/Article: "Banking Problems: The Sudanese Banks and the Financing of Failing Plants"/

/Text/ With the increase in banking institutions in the Sudan and the opening of a number of foreign and joint private sector banks, a controversy is being raised in banking circles in Khartoum on the feasibility of having such a tremendous number of banks established at a time when some domestic banks are suffering from problems of indebtedness to the Central Bank, with their deposits depleted to the point where the indebtedness of one of these banks came to more than 100 million Sudanese pounds.

A decree was issued recently merging the People's Cooperative Bank, one of the domestic banks operating in the Sudan, with the Bank of Khartoum, the biggest domestic bank, in the wake of the involvement by the People's Cooperative Bank in the financing of projects that were failing. As a result of that, the bank's indebtedness with the Bank of the Sudan (the Central Bank) rose to more than 150 million pounds. The sector of industry, especially the textile industry, in the Sudan, had started absorbing a high level of the deposits in this bank, at the expense of other commercial activities yielding a rapid payout, reaching, by the end of 1982, 163.78 million pounds, 75 percent of the total facilities of the bank, while the sums invested in other activities came to about 55 million pounds, or the equivalent of 25 percent of total facilities. The money given to a single client active in the textile industry sector came to 139.5 million pounds, which was equivalent to 85 percent of the money the bank invested to finance industries. It also equalled 55 percent of total investment, and this includes bank interest of 47.9 million pounds.

Since the payout from industry is slow and takes a long time, it was normal that the financing for these industries should be turned into longterm financing, which led to a loss of liquidity for the bank and the confrontation of dangers which had not been calculated in a sound banking fashion.

Merger policy is a well known economic program, especially in the context of the difficult economic circumstances the Sudan is going through. Indeed, it is

considered the best method for reducing public spending and lowering expenses, especially in the area of Sudanese commercial banks, which are owned by a single body, the government, and are governed by a single group of principles and policies.

The Merging Banks

From another standpoint, the merging of these banks strengthens their capital, giving them the strength that will enable them to stand on an equal footing with foreign banks, which have massive resources, and their competition. It also enables them to distribute their investments and facilities in a sound manner.

Merger policy is not a new one with Sudanese banks. Numerous studies were carried out in this regard after the nationalization of the banks in 1970, in order to reorganize the banks on a basis of mergers and numerical reduction. The Banks of the Two Niles and the Red Sea were merged, as were the Bank of Juba and the National Bank of Omdurman, whose name was changed to the Union Bank.

A former senior official in the Central Bank says, "The decree merging the People's Bank with the Bank of Khartoum is a sound economic one. Indeed, it was late in coming. That could be explained by the fact that there was a shortage of competent persons who could manage banking activity properly in the People's Cooperative Bank, whereas the Bank of Khartoum, the biggest Sudanese bank, had such competent persons and had a proved history in this field, on top of the deposits it had with the Central Bank, which were close to 200 million pounds."

Studies

One member of the Union of Sudanese Banks said, "A number of studies have been prepared for this matter, and they could have been consulted, especially since recommendations were issued at the fourth national conference of the Sudanese Socialist Union, to help find more positive solutions than mergers, in this regard."

He summarized these alternatives as the following:

1. Execution of the recommendations of the fourth national conference.
2. Consideration of the indebtedness of the People's Cooperative Bank to the Bank of the Sudan as a long-term loan to be recouped through easy installments while putting the accumulated interest in a separate account, to be paid off by easy installments at a low rate of interest.
3. The possibility of offering a loan to the People's Cooperative Bank through the Bank of Khartoum, paralleling the indebtedness of the People's Bank to the Central Bank, at a rate of interest to be agreed upon, with guarantee from the government and the factories for this indebtedness.
4. The possibility of distributing the indebtedness of the People's Cooperative Bank in the form of a loan to be distributed among the commercial banks owned by the public sector.

5. The entry of the government as a participant in these factories to an amount equal to 50 percent of their value, with the government's share to be offered as bonds for general subscription in three areas (insurance companies, operating banks and the public)--bonds which will be guaranteed by the government.

6. The acquisition of foreign loans by the Ministry of Finance, especially since offers have been presented to the bank by European financing institutions.

7. The appropriation or takeover of these factories by the bank, and their sale to any entity.

Private Sector Financing

One banker asserts, that the problems of financing the industrial private sector, and the textile industry in particular, continues to constitute a heavy burden on the money invested in commercial banks, and if they continue in this manner they will be a source of real danger to the survival of these banks in coming years. That will lead to their insolvency and consequently their liquidation, especially with the economic liberalization policy and the opening up of scope for foreign and joint private sector banks. The approvals issued by the Bank of the Sudan (the Central Bank) in the last 3 years for banks to engage in activity without being compelled by the government to take part in the financing of industries came to 14. This put them in a position of strength in dealing with public sector banks, which started to dwindle with the decree merging the People's Bank into the Bank of Khartoum.

Above and beyond that, the establishment of new foreign banks is meeting with reservations in Sudanese banking circles. Some people state that the inevitable result of the establishment of the new or foreign banks will be that these new foreign banks will take the place of the banks owned by the government, whose role is expected to diminish gradually, ultimately abandoning the stage to competition among the foreign banks alone.

11887

CSO: 4504/430

TEXT OF ILL-GOTTEN GAINS LAW

Khartoum AL-AYYAM in Arabic 17 Jun 83 p 5

[Text] In the name of God, the Beneficent, the Merciful.

The 1983 Law to Combat Ill-Gotten Gains.

Acting on the principles of the constitution, the People's Assembly, with the agreement of the President of the Republic, has issued the law whose text follows:

First Section

Prefatory Provisions

The name of the law and the date on which it will come into force:

1) This law is called the Law To Combat Ill-Gotten Gains of 1983. It will come into force on the date on which it is published in the Official Gazette.

Analysis

2) The terminology of the law:

By "public employee" is meant anyone who occupies a permanent or temporary post in the central or provincial organs of the state, or in local popular government, or in the organs of the Sudanese Socialist Union, or in public institutions and organizations or companies, or in companies in which the government possesses at least half the capital.

By "public statutes" is meant the laws or regulations or decisions or all other executive or administrative measures which control the flow of work in public office.

By "ill-gotten gains" is meant any money which is acquired:

a) from public money without compensation or by abominable fraud and in a fashion that conflicts with the public statutes,

b) by exploiting the authority of public office or its influence in a way in which it is made to deviate from legitimate purposes and the public interest,

c) by means of a considerable gift or order given to a public employee by an individual who has an interest tied up with the position in question or who works with that position, with the exception of a relative or a close friend who will not excite the suspicion that such a gift will influence the way the employee acts in his position.

Dubious Wealth

This means any money which comes into the possession of a public employee after he take over his office, if he cannot show he got it in a legitimate way.

Liability Statement

By this is meant a statement of all owned capital, in cash or kind, as well as all periodic or sudden income, with a statement of its source and cause.

Investigative Committee

By this is meant the committee which investigates ill-gotten gains and which is composed in accordance with article 4 of this law.

Inquiry Committee

By this is meant the committee which inquires into financial statements and is composed in accordance with article 14 of this law.

Cancellation

3) (1) The 1966 law on combating ill-gotten gains is canceled

Second Section

Dubious and Ill-Gotten Wealth and the Investigative Committees

The investigative committee

4) (1) The public prosecutor will form an investigative committee which will investigate any public official of whom it is suspected that he has acquired dubious or ill-gotten wealth.

(2) The investigative committee will send a report on the result of its investigation to the public prosecutor, so that he can take whatever action he feels is necessary.

The authority of the investigative committee

5) (1) The investigative committee will have the following powers during the course of the investigation:

- a) the power to compel any person it thinks might be of help or aid in the investigation to appear before it and answer questions
- b) the power to compel any person to produce any papers or documents which the committee thinks are consistent with the goals of the investigation
- c) the power to order that any place be searched in order to look for any money, documents, or anything it thinks is connected with the goals of the investigation
- d) the power to order that any money which it seems likely is part of the ill-gotten wealth to be sequestered for the investigation.

2) Any individual who refuses to appear before the investigative committee or to give any information, or who refuses to surrender any papers or documents in accordance with clause (1) of this article, will be punished with imprisonment for a period not to exceed one year, or with a fine, or with both punishments.

Ill-Gotten Wealth

6) Anyone who has acquired ill-gotten wealth will be punished by imprisonment for a period not to exceed five years, or with a fine, not to exceed twice the amount of the wealth involved, or by both punishments together.

Participation, Incitement, Initiating, Agreement, and Concealment

7) The crimes which can be punished in accordance with this law are subject to the provisions of the fifth, sixth, seventh and eighth sections and to article 179 of the Law of Punishments. In all cases, the punishment will be the same punishment which is prescribed for the crime in question.

Sequestering and Returning Ill-Gotten Wealth

8) The court can sequester ill-gotten wealth. It can also, when a conviction is reached, order that it be confiscated for the sake of the state.

Dubious Wealth

9) Once the court becomes sure that some wealth is dubious, it can order that it be confiscated in the interests of the state.

Firing Someone Who Acquires Ill-Gotten or Dubious Wealth

10) Anyone convicted of the crime of acquiring ill-gotten wealth or dubious wealth will be relieved of his office.

Disassociating Oneself From Ill-Gotten or Dubious Wealth

11) (1) Anyone who has acquired ill-gotten or dubious wealth may disassociate himself and the members of his family from it at any stage prior to the actual charge being leveled against him. Anyone who does so will not be faced with any criminal or administrative measures.

(2) This can be done by returning the dubious or ill-gotten wealth or by sending a memorandum to the inquiry committee or to the investigative committee.

Third Section

Financial Statements and the Committees of Inquiry

Application:

12) The provisions of article 31 of this law are to be applied to:

a) the president and vice-presidents of the republic and the speaker and members of the National People's Assembly and the Provincial People's Assembly (and the members of the executive office), as well as ministers, ministers of state, vice-ministers, members of the legal board, the public comptroller and the district governors

b) those holding high leadership posts in the state in the manner made clear in article 2 of the 1973 Public Service Law

c) officers of ranks in the regular forces, or those in positions regarding which the President of the Republic decides that those holding them will submit to the provisions of this law

d) those holding any other public positions and about whom the president of the republic decides that they will submit to the provisions of this law.

Presenting Financial Statements

13) Every individual to whom the provisions of article 21 apply must present:

a) a statement, sometime during the first three months after this law comes into force or after he joins the service, of his liability and that of his spouse, unless the spouse is also someone to whom this law applies, as well as the liability of his minor children

b) a yearly statement of similar kind to be presented during the last month of the year which has elapsed since the previous statement was presented

c) a similar statement to be presented during the three months following the end of his service.

Composition of the Inquiry Committee

14) The inquiry committee consists of two divisions set up in the following fashion:

- a) the first division: the public prosecutor, as president;
- b) four members, to be appointed by the president of the republic, after consultation with the public prosecutor
- c) if an inquiry is being made into a financial statement by the president of the republic or the public prosecutor, the presidency of the circle will be taken over by the chief justice.

2) The second division:

- a) the administrative chief for combating ill-gotten wealth in the public prosecutors' council, which is to be composed in accordance with article 17 of this law, will be president
- b) four members, to be appointed by the public prosecutor.

The Competency of the Inquiry Committee

15) (1) The first division, which is mentioned in article 14-1 of this law, has the following competency:

- a) to investigate financial statements in relation to the individuals mentioned in article 12 a, b and c of this law, as well as to make sure of the correctness of what is reported in these statements
- b) to investigate the circumstances of any individual, in order to obtain more clarification
- c) to prepare reports and submit them to the president of the republic via the public prosecutor concerning the situation of any person who the division calculates may face legal measures. If the president of the republic is the person in question, then the report will be sent to the People's Assembly.

2) The second division, which is mentioned in article 14-2 of this law, has the following competency:

- a) to investigate financial statements with respect to the individuals named in article 12-d of this law, as well as to make sure of the correctness of what is reported in these statements
- b) to investigate the circumstances of any person, in order to obtain more clarifications
- c) to prepare reports and submit them to the public prosecutor concerning the situation of any person who it has been decided will face legal action.

Failure To Present Financial Statements

16) Anyone who refuses to submit financial statements or who confirms statements which he knows to be false will be punished by imprisonment for a period not to exceed six months, or by a fine, or by both punishments together.

Administering the Fight Against Ill-Gotten Wealth

17) An administrative body is to be set up within the public prosecutor's office which will be called the Office for Combating Ill-Gotten Wealth when it undertakes its duties.

Accusing the President and Vice-Presidents of the Republic and the Ministers

18) No accusation may be made under this law against the president or vice-presidents of the republic, the members of the executive office, the ministers, ministers of state, the members of the legal board, the public comptroller, or the officers of the regular forces without informing the president of the republic.

Accusing the Speakers of the National and Provincial People's Assemblies or Their Members

19) No accusation can be made under this law against the Speaker of the National People's Assembly or of the Provincial People's Assembly or against their deputies or against any of their members without informing the concerned people's assembly.

Issuing and Executing Orders

20) Any order or measure issued under the provisions of this law which has been signed by the head of the investigative committee and sent to the responsible police officer must be executed like any other order or measure issued by a criminal judge under the Criminal Procedures Law of 1974.

The Duty of Governmental and Semi-Governmental Agencies To Supply the Committees With Information

21) All vice-ministers, directors of government departments, governors, heads of public corporations and concerned public officials must provide the inquiry committee and the investigative committee with all information and documents they may request in order to complete their work in the most comprehensive fashion.

Regulations

22) The public prosecutor is permitted to issue the regulations necessary for the implementation of this law. Without violating the broad sense of the above, he can, in the said regulations, decide on the following:

a) the models to be used in establishing them

b) the organization of the modes of operation, files and records, as well as all other documents

c) the organization of the work of the inquiry and investigative committee.

The Concerned Court

Any person violating the provisions of this law or any regulation issued under it will be tried before a criminal court of the first class, which is to say a higher court.

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