



International Electronic Contract Dispute Resolution

Bouamara Manal

manelbouamara@gmail.com

University Of Djelfa, (Algeria)

Received : 02/07/2023

Accepted : 05/08/2023

Abstract:

With the rapid spread of electronic commercial contracts, countries have attempted to keep up with their development by enacting laws to regulate them. International bodies have also approached this issue. However, they have not been able to fully understand all the details, leading to conflicts being subject to the conflicts of laws approach, which has been ineffective in addressing the advancements and the emergence of alternative rules to national laws. These alternative rules are represented by objective rules of international trade, which have manifested in the form of electronic objective rules. Their application has primarily been in arbitration rather than the judiciary. Furthermore, the proposal of the United Nations Commission on International Trade Law in 2017 introduced the technology of online dispute resolution through a computerized platform. Despite these efforts, electronic practices, particularly contracts, still lack comprehensive legal controls.

Keywords: Electronic objective rules, electronic contracts, computerized communication, computerized settlement platform.

introduction

Human rights principles and sources are considered to be one of the most important pillars of human rights law, the fundamental aim of which is to protect and promote respect for human rights.

The evolution of human values in societies and the development of relations between States have broadened the principles of human rights protection including other States , that's why many international treaties, declarations and covenants have been created to establish these rights in states , and its legislations should be based on uniform principles and laws designed to develop society and protect it from all abuses and violations that restrict its rights.

Human rights are the primary pillar of States, since they cannot be derogated from and must be applied in all States of the world, without distinction , these international sources are : international covenants, covenants, special covenants, and regional sources that are incorporated into laws to achieve many of the purposes and principles of the United Nations. They are divided into international instruments, namely international instruments, special instruments and regional, national and religious sources , in this chapter , we will discuss international sources.

We have divided this chapter into three topics :

The first topic: the Universal Declaration and human rights and its importance.

The second topic : International Covenant on Economic, Social and Cultural Rights.

The third topic : International Covenant on Civil, Political and Collective Rights.

The first topic: the Universal Declaration of Human Rights and its concept

The Universal Declaration of Human Rights is the common standard to be aimed at all peoples and nations so that each individual and every organ of society, always with this Declaration in mind, shall strive to strengthen respect for these rights and freedoms through education and education and through vigorous, interconnected societal action to ensure their universal and effective recognition and observance among Member States themselves and the peoples of regions under their jurisdiction.

This is as a principle of recognition of the roots inherent in all members of the human family of the will of peoples and States to observe and respect fundamental freedoms.

It was essential that the law should protect these rights, since the fear that the rights of individuals and groups would be undermined by the exercise of their personal and

collective freedom without insubordination or insurgence in barbaric acts that did not promote the development of relations within society or between States.

During the San Francisco Conference for the Drafting of the Charter of the United Nations, some delegations at the time proposed a Declaration Supplementary to the Charter on Fundamental Human Rights, which was not accepted at both conferences and was reiterated by Panama at the first session of the General Assembly in London in 1946 , then, the newly established Commission on Human Rights was tasked to prepare the international legitimacy of human rights that resulted in the emergence of the Universal Declaration of Human Rights. Khalil Hussain

The Declaration, adopted by the General Assembly of the United Nations on 10 December 1948, is the most important human rights document in the world, since it defines, defines and clarifies the rights to be enjoyed regardless of sex, colour or religion. Hussam al-Badrawi

The second topic : Protection of human rights within the framework of the Arab League

The first issue : Arab Commission for Human Rights

The first Section : Establishment of the Arab Commission for Human Rights in the Arab world have not received the attention of the regional group in the way hoped for, especially since the League of Arab States, founded in 1945, which presents itself as a sponsor, coordinator and developer of relations between Arab states, did not include any clarification of the League's role in promoting or protecting Arab human rights specifically, which prompted the League to establish the Arab Commission for Human Rights in 1968.

" The Arab Commission for Human Rights is the principal political body entrusted with the protection of human rights within the system of the League of Arab States; it has rarely expressed itself on other issues, although the number of ministerial councils has increased since the beginning of popular uprisings in the region.

Thus, this committee has done little to develop human rights mechanisms and protection in the Arab world, and while many Arab and foreign civil society organizations are emerging in Arab countries and increasing their development and role in the field of human rights, especially in the current Arab crises, they are trying to approach and work in cooperation with the Arab League, but so far the scope of this dream seems limited."

Second Section: Formation of the Arab Commission for Human Rights

Article 50 of the founding regulations approved by the Council of the League of Arab States stipulates that the Committee shall consist of representatives of member States, each State having one vote , it is a purely political formation in which all Arab member States of the League are represented on an equal footing, bearing in mind that the Secretary-General of the League is the link between the Arab Standing Committee for Human Rights and the member States.

The Commission shall consist of seven members elected by the States Parties to the Charter by secret ballot, provided that they have high experience and competence in their work, and that the members of the Committee shall serve in their personal capacity, impartially and impartially , the Commission may not consist of more than one person who is a national of the State Party and may be re-elected only once, for an election term of four years.

States parties undertake to guarantee the members of the Commission such immunities as are necessary in the course of carrying out their duties as members of the Committee.

In accordance with rule V of the rules of procedure, a chairperson of the Commission, from among candidates nominated by the States members of the University, shall be appointed for a renewable term of two years and shall have expertise and specialization , in the field of human rights, notwithstanding the provisions of rule 5, paragraph 3, of the rules of procedure of the Council of the University, the President shall, in accordance with the rules of procedure of the Council of the University, conduct the meetings of the Commission and shall act in this regard, In the absence of the Chairperson, the Committee shall elect a person to take his or her place and, in application of rule 6 of the Regulations, the Secretary-General of the University shall appoint a Human Rights Secretary in the Secretariat.

In application of rule 4 of the rules of procedure, the Arab Commission should be scheduled and the invitation extended at least six weeks before that date, and representatives of the majority of the Member States must be present , in accordance with rule 4, paragraph 3, of the rules, the meetings of the Commission shall be attended by the Secretary-General or his representative pursuant to paragraph 4 of this rule.

The fifth and sixth paragraphs of article 4 allowed for participation by the appendages and Arab organizations working in the field of human rights , but as an observer in the work of the Commission , the latter may , after consultation with the Secretary-General , to invite international bodies of a universal or regional, governmental and non-governmental, professional associations and natural persons active in the field of human rights to attend their meetings and discuss topics with them.

Third section: The terms of reference of Arab Commission for Human Rights

Like all the permanent committees of the League of Arab States, the Arab Commission for Human Rights prepares draft conventions in the area of its competence , during its second session on 26 April 1969, the committee developed a programme of action, which was approved by the university council aimed at promoting human rights within the framework of cooperation between Member States and the United Nations.

The Arab Commission for Human Rights has a number of terms of reference, the most important of which is the preparation of draft conventions relating to the protection of human rights , to submit them to the Ministerial Council of the League of Arab States, to study Arab conventions relating to human rights with a view to giving them an opinion on their compatibility with human rights standards and principles and to cooperating with international and regional human rights bodies and organizations.

Promoting a culture of human rights in the Arab world , participating in Arab, regional and international human rights symposia and conferences; and coordinating Arab positions on human rights issues in international conferences and fora, especially on draft international conventions .

It should be noted that the commission examined only human rights issues referred to it by the university council, the secretariat or a member State and made non-binding recommendations in that regard.

It is noted that the commission examines submissions by the Council of the University, the Secretariat or a member State , it is a human rights issue only, and makes non-binding recommendations in that regard.

The Arab commission for Human Rights operates under the auspices of the Ministerial Council of the League of Arab States ,it holds its meetings at the headquarters of the League of Arab States, in the presence of the Secretary-General of the League or his representative, in two regular sessions each year , It may convene in special session at the request of the Council of the University or the Secretary-General, or by a decision of it at a previous session , or at the request of one Member State and supported by two Member States, such a meeting shall be valid in the presence of representatives of most States members of the League of Arab States , in the event of a lack of quorum, the meeting shall be held after 24 hours, and the commission may also hold a joint meeting with one or more other permanent technical committees to discuss a particular subject

It should also be noted that the Secretariat-General of the League is responsible for preparing the agenda of the Arab Permanent Commission on Human Rights , it shall have the power to include in the agenda matters which the commission had previously decided upon; However, it would have been more appropriate for the commission to have the authority to set the agenda and determine the issues involved , the Secretariat, like any Member State, can request the inclusion of other matters, and the Secretariat

can finally decide the substance of the agenda, without having the power to accept or reject those matters that the Committee has previously listed.

The establishment of this commission is primarily marked by its political nature, as it is in fact a political body composed of representatives of member States of the University, not of persons carrying out their duties independently , Indeed, the activity of this commission focused on human rights in the occupied Arab territories and paid little attention to the subject of human rights in the Arab countries .

Pursuant to the resolution adopted by the Arab Regional Conference on Human Rights, held in Beirut from 2-10 December 1968, which stressed the need to convene a conference of experts on social affairs, the Permanent Arab Regional commission for Human Rights laid the groundwork for the preparation of an Arab Charter on Human Rights and set a date of six months for the preparation of the draft , on 10 September 1970, the Arab League Council decided to form a commission of Arab experts to prepare a human rights charter, and set the duration for the preparation of the draft at six months.

On 10 July 1971, the Committee of Experts met at the headquarters of the General Secretariat of the League of Arab States and adopted a draft charter which was to be submitted to the member States of the League for their views.

In early 1977, the Council of the League of Arab States approved a formal draft declaration, the Declaration on the Rights of Citizens in the Arab States and Countries, consisting of a preamble and 31 articles.

The preamble states that God Almighty has made the Arab world the cradle of religions and the home of civilizations that have honoured human beings and affirmed their right to a cherished life on the basis of the human rights to freedom, dignity and brotherhood , the enjoyment by the human person of freedom, justice, the rule of law and equal opportunity was the yardstick of the genuineness of any society...the Arab States have decided to codify the rights and freedoms of Arab citizens, wherever they may find themselves, which must not be infringed upon and which must always be described as a matter of full concern as the basis of any policy, administration or legislation.

It also provided that the enjoyment of those rights belonged to everyone, and was not limited to the nationality of a State party to the treaty , this right is enjoyed even by nationals of non-Arab States, to which the preamble of the Charter refers: "The Arab States members of the Charter guarantee to every human being in their territory the fundamental rights and freedoms which are inviolable and which must be fully respected"

Similarly, articles 5 (everyone shall have the right to liberty), 8 (all shall be equal before the courts), 9 (no person found insolvent shall be imprisoned) and 14 (members of each religion shall have the right to practise their religion).

It should also be noted that the Arab Charter on Human Rights, together with other international and regional instruments, permits the restriction of certain rights under certain circumstances but with conditions:

Provide them by law and are deemed necessary to protect national security, public order, public health or morals or the rights and freedoms of others.

Proclamation of a state of emergency which threatens the life of the nation and which is solemnly declared, in which case certain obligations under the Charter may be derogated from, subject to the strictest possible exception and for the shortest possible period of time.

The second issue : the Arab Human Rights Committee

The first Section: Establishment of the Arab Human Rights Committee

The Arab Human Rights Commission, or Charter Commission, was established under the Arab Charter on Human Rights approved by the Council of the League of Arab States in its resolution 270 of 23 May 2004, it was held at its sixteenth ordinary session and entered into force on 15 March 2008, two months after the date of deposit with the General Secretariat of the League of Arab States, pursuant to the second paragraph of article 49 thereof, namely: Algeria, Jordan, Bahrain, Syria, Palestine, Libya and the United Arab Emirates.

The Arab Charter consists of a preamble and four sections with 53 articles covering all human rights, civil, political, economic, social and cultural, and the working mechanism of the Charter, the Arab Human Rights Commission.

The Arab Human Rights Commission established the Charter Committee under article 45/1 of the Arab Charter on Human Rights, which is therefore a contractual mechanism, being the operational aspect of the Charter in the Arab context.

This committee replaced the committee of experts adopted by the previous text of the Arab Charter on Human Rights, however, it is one and the only one with regard to the implementation and monitoring of the implementation of the Charter, since, in reference to regional conventions, it has established special committees for human rights, with a view to strengthening the mechanism for the protection of human rights provided for in those conventions, which is not the case with the Arab Human Rights Commission.

It was necessary for the Arab regional group to establish a specialized committee to monitor Arab human rights in accordance with its needs, aspirations and concerns, which are not limited solely to the Arab-Israeli conflict, it is limited to the right of the Palestinian man to recover his land and its State and the right of the Arabs to restore the State of Palestine to the fold of the Arab world; The Arab Human Rights Committee was established to consider the reports of States parties on the measures they had taken to implement the rights and freedoms enshrined in the Charter.

On 23 May 2004, the Council of the League of Arab States at summit level, by resolution No.270 of the 16th ordinary session, approved the promulgation of the Arab Charter on Human Rights, which entered into force on 15 March 2008, two months after the date of the deposit of the seventh instrument of ratification with the General Secretariat of the League of Arab States.

This number is required for the Charter to enter into force pursuant to the provisions of article 49, paragraph 2, which states: "This Charter shall enter into force two months after the date of the deposit with the General Secretariat of the League of Arab States of the seventh instrument of ratification" : "The present Charter shall enter into force for each State two months after its entry into force on the date of the deposit with the Secretariat of its instrument of ratification or accession."

Thus, the Arab Human Rights Committee was established under article 45/*1 of the Charter, which states: "A committee to be called the Arab Human Rights Committee", hereinafter referred to as the Committee, shall be established under the present Charter.

This committee was established with the basic objectives of encouraging all Arab States to respect and protect human rights and of developing the functioning and effectiveness of the system for reviewing progress made in implementing the provisions of the Charter Follow-up on the implementation of concluding observations and recommendations to States parties before and after the submission of their reports Enhanced cooperation with United Nations human rights bodies, Relevant League bodies and organizations, established to monitor the implementation of the core human rights treaties and the protocols thereto, and to promote cooperation with relevant Arab and international human rights and civil society institutions.

The Committee also has several subsidiary objectives: to strengthen support for the preparation of reports submitted by States parties, to follow up on the Committee's concluding observations and recommendations, to develop and improve the management of documentation of the Committee's work in order to disseminate it more widely, to coordinate cooperation with human rights institutions in the Arab world and to cooperate with United Nations human rights commissions and regional commissions.

The second section : Formation of the Arab Human Rights Committee

According to article 45/1, article 2 and article 3 of the Arab Charter on Human Rights, the Arab Human Rights Commission is composed of seven members who are nationals of States Parties to the present Charter; the Commission may not include more than one person who is a national of States Parties, may be re-elected only once and shall respect the principle of deliberation; They shall be highly experienced and competent in their field of work and competence, and the members of the Committee shall serve in their personal capacity and in an impartial and impartial manner.

The members of the Arab Human Rights Committee are chosen by secret election; The members of the Commission shall be elected for a term of four years, and three of the members elected for the first time shall expire after two years, to be determined by lot in accordance with rule 45/4.

The same rule elaborates in its paragraphs 5 and 6 on how to elect the members of the Committee; The Secretary-General of the League of Arab States will request States parties to submit their candidates six months in advance of the election; The States parties shall do so within three months; The Secretary-General shall communicate the list of candidates to the States parties two months before the date of the election of the members of the Committee (rule 45/5)

After the submission and communication of the list of nominees, the Secretary-General shall invite the States parties to a meeting devoted to the election of members of the Committee to be held at the headquarters of the League of Arab States.

A quorum shall be considered for the meeting to be held in the presence of a majority of the States Parties; If there is no quorum, another meeting shall be convened by the Secretary-General, which shall be held in the presence of not less than one third of the States Parties, and if there is no quorum at such a meeting, the Secretary-General shall call a third meeting of any number of the States Parties present (rule 45/6)

Whoever obtains the highest percentage of the votes of those present shall be elected to the Committee. If the number of those obtaining the highest number of votes is more than the required number due to equality of votes among more than one candidate, the election shall be repeated among the equals again; and if the votes are equal, the required member or members shall be chosen by lot; and the election shall be held for the first time to the membership of the Committee not less than six months after the entry into force of the Charter Article (45/5).

With regard to the election of the Chairman of the Committee, rule 45/7 provides that: "The Secretary-General shall convene the Committee at its first meeting, at which it shall elect a Chairman from among its members for a two-year renewable term for a

similar term for one time. The Committee holds its meetings at the headquarters of the General Secretariat of the League of Arab States. It may convene its meetings in any country which is a Party to the present Charter at its invitation."

"The Chairperson shall be the legal representative and spokesperson of the Commission, and shall perform the functions conferred upon him or her by the provisions of the Charter and the rules of procedure, in particular:

(a) Representing the Committee in the General Secretariat of the League of Arab States and in any other body.

(b) Chairs the meetings and sessions of the Committee and conducts its discussions."

In accordance with article IV of the rules of procedure of the Arab Human Rights Committee, the functions of the Chairman of the Committee shall be assumed in his absence, by his Vice-Chairman (Vice-Chairman), who shall be elected by the Committee from among its members.

The Committee shall consist of seven members elected by the States Parties to the Arab Charter by secret ballot.

-Be nationals of States Parties

- To be experienced and highly competent in the field of human rights, provided that the members of the Committee work in their personal capacity and with impartiality and integrity.

It should also be noted that the Arab Charter on Human Rights requires States parties to undertake to guarantee the members of the Committee the immunity necessary to protect them from any form of harassment, moral or material pressure or judicial action on account of their positions or statements in the performance of their duties as members of the Committee.

The third Section: Terms of reference of the Arab Human Rights Committee

The Committee usually exercises its competence through a range of basic legal means, namely State reports, private personal communications and complaints by States against each other. These procedures differ in their use and application according to the respective conventions. However, the main and mandatory procedure for all these monitoring bodies concerns the submission of periodic reports by States parties to the Convention, while only some monitoring bodies have the right to consider and consider personal and private communications and complaints or complaints from States.

However, the Arab Charter on Human Rights has left little room for the Committee in terms of its terms of reference and mechanisms and limited its oversight and professionalism to the receipt of reports from States parties. Its exercise of this

mechanism is similar to that of most international and regional contractual committees, especially since the reporting mechanism is common to all committees.

The Arab Human Rights Committee has developed a set of reporting guidelines and guidelines to advise and advise States parties on the form and content of their submitted reports, with a view to facilitating the preparation of reports and ensuring that they are comprehensive so that States parties present them in a unified manner.

The Committee is an independent body whose primary function is to monitor the implementation by States parties of their obligations under the Charter. States parties have an obligation to report to the Committee according to a specified timetable: the first report shall be submitted within one year of the date on which the Charter enters into force for each State party, together with a periodic report every three years.

States shall send reports on the measures they have taken to give effect to the rights and freedoms set forth in the present Charter, whether civil, political or economic, social and cultural rights, and an indication of progress made thereon to the Secretary-General of the League of Arab States, who shall transmit them to the Committee for consideration.

- The Committee shall examine the reports, make its own observations and make such recommendations as it deems necessary.

- The Committee shall submit an annual report containing its observations and recommendations to the Secretary-General of the League of Arab States, who shall inform the Council of the League thereof.

Article II of the rules of procedure of the Arab Human Rights Committee states: "The Committee shall have the following functions:

1. To receive and discuss reports submitted by States Parties under Article 48 of the Charter and to issue concluding observations and recommendations to the State Party.
2. Interpret the Charter to ensure the optimal application of its provisions.
3. In order to perform its functions, the Committee may hold seminars, conferences and workshops on human rights issues and participate in activities related to its competences, in order to serve the purposes and purposes of the Charter.
4. In order to perform its duties, the Committee shall request any information from the League's organs and the various Arab labor institutions.
5. The Committee shall submit to the Council of the League of Arab States an annual report on its activities, including, inter alia, its concluding observations and recommendations on the report of each State Party.

6. The Committee shall establish guidelines and guidelines on how States parties to the Charter and human rights civil society organizations prepare reports to the Committee.

7. The Committee shall draw up its own organizational structure, indicating the functional units, and shall identify the incumbents of those posts and the description of those posts for them.

8- Any other tasks stipulated in the Charter or assigned to the Committee in accordance with the agreements, protocols, annexes or decisions issued by the University Council.

Accordingly, this Committee makes its observations and makes recommendations to be taken in accordance with the objectives of the Charter, and transmits to the Council of the League of Arab States an annual report containing its observations and recommendations through the Secretary-General. The Arab World, which are the main competencies adopted at the global level through the Optional Protocol to the International Covenant on Civil and Political Rights, adopted on December 16, 1966, and adopted by regional human rights instruments (the African Charter on Human and Peoples' Rights and the American Charter on Human Rights).

The third issue : Arab Court for Human Rights

First Section : Establishment of the Arab Court for Human Rights

The draft presented by the Siracusa meeting of an Italian city from 5 to 12 December 1986 at the invitation of the International Institute of Higher Studies in Criminal Sciences had included the establishment under the proposed Charter of a court to be called the Arab Court for Human Rights to operate under the Charter and the Statute; It provided that, in accordance with Article 56 of the Charter, the Court would be composed of seven judges to be elected by the representatives of the Parties to the Charter from among the persons nominated for that purpose.

At a meeting to that end, and with no more than one member from one party, the representatives of the parties would elect the members of the Court from among candidates by secret ballot.

Article 57 of the Charter of Human Rights stipulates that the term of office of the Court shall be six years and renewable, and that when judges are elected for the first time, three of them shall be cho The eighth Arab Conference of Arab National Human Rights Institutions, held in Doha in 2009, also called for the establishment of an Arab Human Rights Court modelled on regional courts, expanding the powers and functions of the Arab Permanent Committee of the League of Arab States to deal with the situation in the Arab regionsen for three years by drawing of lots.

The conference includes the presentation of the experiences of similar courts and Arab human rights organizations and institutions on the statutes of the Arab Court,

identification of the relationship between the Court and the human rights mechanisms of the League of Arab States, the role of national human rights institutions and civil society organizations in supporting the work of the Arab Court and evaluation of and follow-up to the recommendations of the 2013 Arab Conference on the Development of the Human Rights System of the League of Arab States.

The idea for the establishment of the Arab Court for Human Rights was seriously put forward at Olcher in 2011, at a time when the Arab world needed to complete the system of human rights protection mechanisms, such as the European Court of Human Rights under the European Convention on Human Rights (1959), the Inter-American Court of Human Rights (1979) under the American Convention on Human Rights and the African Court For the Protection of Human and Peoples' Rights (1998), established by the Protocol to the African Charter on Human and Peoples' Rights.

The proposal to establish a court is aimed at granting it jurisdiction over complaints of human rights violations, in accordance with the legal controls specified in the establishment agreement.

The Ministerial Council of the League of Arab States welcomed the initiative of the Kingdom of Bahrain to host a conference to discuss the establishment of an Arab Court for Human Rights, following Bahrain's request to include in the agenda of its regular session No. 137 an item entitled "Establishment of the Arab Court for Human Rights"; The Council decided to charge the Secretariat-General of the League of Arab States with preparing a study on the establishment of the Tribunal, using legal experts from Arab States and using regional experience as a guide, and to circulate the study to States members of the League for comments.

At the 24th ordinary session of the Council of Arab States held in Doha on 26 March 2013, the League of Arab States blessed the establishment of the Arab Court for Human Rights.

The Committee of Experts completed its consideration of the draft statute of the Tribunal, which was approved in principle by the Council of the League of Arab States at the summit level in Kuwait, pursuant to resolution 593 of 26 March 2014, and a high-level committee was appointed to study and finalize it; On 07/09/2014, the Ministerial Council of the League of Arab States adopted the rules of the Arab Court for Human Rights by means of resolution 7790 D. (142).

Second section : Formation of the Arab Court for Human Rights

On September 7, 2014, the Ministerial Council of the League of Arab States adopted Resolution No. (7790) (142) C3, containing the Statute of the Arab Court for Human

Rights, which will enter into force upon ratification by (7) member states of the League, and shall enter into force one year after the date of its entry into force.

The Court, based in Manama, will include (7) judges who are nationals of the States Parties, who are elected by the Assembly, while the Court may not include more than one judge of the same nationality.

The draft proposal for the establishment of the Arab Court for Human Rights calls for the latter to operate in accordance with the Charter and the statutes establishing the Court.

- The Court shall be composed of seven judges elected by the representatives of the Parties to the Charter from the list of persons nominated for this purpose, and each Party shall nominate two of them to the Court, and the Bar Associations shall nominate a third person, all of whom shall be eminent jurists, and the representatives of the Parties shall elect the members of the Court from among those candidates by secret ballot at a meeting held for this purpose, provided that more than one member of the Party shall be among them, and their number may be increased to 11 constructive judges. On the request of the court and the approval of the Assembly.

- Judges are elected for a term of four years, renewable only once, and are not dismissed and terminated except in exceptional cases where two thirds of the judges decide that one of them no longer meets the requirements and requirements of his or her post or the criteria on the basis of which he was chosen. However, the International Commission of Jurists and FIDH believe that consideration should be given to amending Article 8 of the draft Statute of the Court, in order to ensure that judges are elected for one long term, perhaps nine years, for example; this approach reflects the direction of best practices in international tribunals, as reflected in the Statutes of the International Criminal Court and the European Court of Human Rights, and would reduce inappropriate distortions and undue interference in the process of electing judges, and thus Enable them to exercise their judicial functions independently.

- In addition, judges of the Arab Court must be subject to dismissal on legitimate and predetermined grounds, including reasons and justifications linked specifically to incapacity or misconduct that make a judge unfit to perform his or her duties. The draft regulations do not provide for clear standards and procedures for the removal of judges. International standards confirm that judges may not be arrested or removed except for incapacity or for conduct that renders them unfit to perform their duties, following appropriate, appropriate, fair and pre-existing procedures that guarantee the rights of a judge in question to proper procedures covering all Guarantees of due process included in international standards and guarantees of fair trial.

- Under article 14 of the Statute of the Court, "its members shall enjoy, in the performance of their functions, the judicial and diplomatic privileges and immunities accorded to representatives of States members of the League of Arab States"; With civil society; Full consideration shall be given in nomination and appointment decisions to personal and legal qualifications, gender equality, and a fair balance between different legal systems, and judges shall exercise their functions in their personal capacity and not as representatives of their States, ensuring their job security.

Third Section: Jurisdiction of the Arab Court for Human Rights

It should be noted that the authority establishing the Court must provide for the acceptance of the Court's compulsory legal jurisdiction immediately upon accession or ratification; this means that the acceding States accept the Court's jurisdiction to hear individual complaints when national means and procedures have been exhausted, and that the Court is competent to rule on the responsibility of a State for human rights violations.

The Court's rulings cannot have any legal value if they do not make them mandatory for States, such as the implementation of measures that the Court may order, such as the payment of compensation and the obligation to amend certain national legislation in order to comply with any Arab Human Rights Convention in force.

Under Article 16 of the Statute of the Court, the Court shall have jurisdiction over all claims and disputes arising from the application and interpretation of the Charter or any other Arab human rights convention to which the disputing States are party, and under Article 19 of the Statute, a State Party whose national claims to be a victim of a violation of a human right shall have recourse to the Court; The jurisdiction of the Court is complementary to, and does not replace, national jurisdiction, and the case may be admitted only after the exhaustion of legal procedures in the States against which the complaint has been made, in a final judgement finalized in accordance with the national judicial system.

The Court also considers only acts committed after the entry into force of its Statute and may issue an advisory opinion on any legal question relating to the Charter or any Arab human rights convention. From the text of article 16, it is clear that there is no reference to international human rights law and standards in the Statute of the Court, and therefore this article and the rest of the Statute do not guarantee an interpretation of the Arab Charter on Human Rights in a manner compatible with the Court, and thus this article and the rest of the Statute do not guarantee an interpretation of the Arab Charter on Human Rights in a manner consistent with international law and standards; Article 43 of the Arab Charter on Human Rights expressly stipulates that the Charter may not be interpreted or interpreted in any way that contradicts international and

regional human rights instruments. This has raised concerns on the part of both the International Commission of Jurists and the International Federation of Human Rights regarding the inclusion of article 16 in the Statute of the Court, since it would give the Court jurisdiction to adjudicate cases involving obligations under international conventions, including but not limited to the nine human rights treaties and their optional protocols under the United Nations system, and regional conventions that are binding on a number of States. The League of Arab States, like the African Charter on Human and Peoples' Rights, believes that since the Court will effectively assume the same functions as the body established by the conventions to monitor the implementation of international obligations, there is a danger that the Court and these bodies will make conflicting and contradictory decisions on the interpretation and application of human rights conventions, which would adversely affect guarantees of legal certainty as to the scope and meaning of the application and interpretation of the legal obligations of States under those conventions.

Table of contents

- A. KOTEICHE Lama: "The Applicable Law to Electronic Commerce Contracts," Dissertation for the attainment of a Diploma in Advanced Studies in Internet Law and International Business Law, Faculty of Law and Political and Administrative Sciences, University of Beirut, 2005, p. 35.
- Salama Ahmed Abdul Karim: "Specialized Private International Law (Electronic, Tourism, Environmental)," Dar Al-Nahda Al-Arabiya, 2001 edition.
- Ibrahim Mamdouh Khaled: "Electronic Litigation, Electronic Lawsuit and Procedures before the Courts," www.kenanaonline.com.
- Law 18-05 of May 10, 2018 on electronic commerce
- Hisham Sadek: The Applicable Law in International Trade Disputes, Dar Al-Nahda Al-Arabiya, 1995 edition, p. 126
- Convention on the Law Applicable to Contractual Obligations, opened for signature in Rome on June 19, 1980/ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A41998A0126%2802%29>
- Mr. Hadad Hafidha: "The Concise Guide to Private International Law, Volume One: General Principles of Conflict of Laws," Halabi Legal Publications, Beirut, Lebanon, 2010 edition.
- Ahmed Abdul Karim Salama: "International Contract Law - International Contract Negotiations - Applicable Law and its Crisis," Dar Al-Nahda Al-Arabiya, Cairo, 2001 edition.
- Saleh Al-Minzlawi: "Applicable Law to Electronic Commerce Contracts," Dar Al-Jami'a Al-Jadida, Alexandria, 2006.
- Yousfi, Nour El-Din; Brook, Elias: "Application of the Conflicts of Laws Approach to Electronic Commerce Contracts," Al-Fikr Journal, Faculty of Law and Political Science, Mohamed Khider University of Biskra, Algeria, Volume 253, June 2018, First Volume, Issue 13.

- Ibrahim Ahmed Ibrahim: "Private International Law, Conflict of Laws," Dar Al-Nahda Al-Arabiya, 2002 edition.

- Saleh Al-Minzlawi: "Applicable Law to Electronic Commerce Contracts," Dar Al-Jami'a Al-Jadida, Alexandria, 2006, p. [page number].

Translation:

- Al-Zaabi, Abdulaziz: "Applicable Law to Electronic Commerce Contracts," available on the following website: <http://legalblog01.blogspot.com/2016/06/blog-post-81.html> (15/04/2017), p. 05.

- Mohammad Fawaz Al-Mutalaqa: "Concise Guide to Electronic Commerce Contracts (Elements, Proof, Applicable Law, Encryption, Electronic Signature)," Dar Al-Thaqafa Publishing, Amman, 2008.

- Hisham Ali Sadek: "Applicable Law to International Trade Contracts," Dar Al-Fikr Al-Jame'i, Alexandria, 2001.

- Yaqut Mahmoud Mohamed: "Freedom of Contracting Parties in Choosing the Applicable Law of International Contracts: Between Theory and Application," Ph.D. thesis, Alexandria University, Munaarat Al-Ma'arif, 2002.

- Abu Al-Hijaa, Mohammed: "Electronic Commerce Contracts," Dar Al-Thaqafa Publishing and Distribution, Amman, First Edition, 2004.

- Adel Abu Hishma: "Contracts for Electronic Information Services in Private International Law," Dar Al-Nahda Al-Arabiya, Cairo, 2004.

- Salama Ahmed Abdul Karim: "The Internet and Private International Law, Separation to Convergence," Conference on Law, Computers, and the Internet, Volume One.

- Mahmoud Sameer Al-Sharqaawi: "International Commercial Contracts, a Special Study of International Sale of Goods Contracts," Dar Al-Nahda Al-Arabiya, [no edition mentioned], 2000.

- A. KOTEICHE Lama: "The Applicable Law to Electronic Commerce Contracts," Dissertation for the attainment of a Diploma in Advanced Studies in Internet Law and International Business Law, Faculty of Law and Political and Administrative Sciences, University of Beirut, 2005, p. 35.

- Salama Ahmed Abdul Karim: "Specialized Private International Law (Electronic, Tourism, Environmental)," Dar Al-Nahda Al-Arabiya, 2001 edition.

- Ibrahim Mamdouh Khaled: "Electronic Litigation, Electronic Lawsuit and Procedures before the Courts," www.kenanaonline.com.