

Egyptian criminal law and procedures are primarily based on British, Italian, and Napoleonic law. Islamic legal and social patterns have significantly affected criminal court procedures in Egypt so much that it has deflected courts from forming in a manner similar to that of British, Italian, and Napoleonic courts; sometimes making the application of Egyptian law difficult. The Criminal Procedure Code of 1950 provides basic guidance for the conduct of investigations and criminal trial procedures.¹

The criminal code listed three main categories of crime: 1. Contraventions, minor offenses; 2. Misdemeanors, offenses punishable by imprisonment or fines; and 3. Felonies, offenses punishable by penal servitude or death.² Lower courts handle the majority of cases that reach adjudication and assign fines as punishment in about nine out of ten cases. At their discretion, courts can suspend fines or imprisonment, so long as the sentence did not exceed one year. At the village level, an *umdah* (village headman) representing the central authority was responsible for maintaining order.³ The *umdah* could also adjudicate some minor offenses and impose short prison sentences.⁴

Capital crimes for which the courts could possibly issue a death sentence include murder, manslaughter occurring in the commission of a felony, arson or the use of explosives that caused death, rape, treason, and endangerment of state security. However, few convictions for capital

¹ Constitution of Egypt Arts. 165-168.

² "Egyptian Criminal Law." *Attorney Lawyer Directory Articles*. July 17, 2012.

<http://www.attorneylawyerdirectory.org/law/54-criminal-law-egypt.html>

³ "Egypt-Judicial System." *Encyclopedia of the Nations*. July 17, 2012.

<http://www.nationsencyclopedia.com/Africa/Egypt-JUDICIAL-SYSTEM.html#b>

⁴ "Egypt-Judicial System." *Encyclopedia of the Nations*. July 17, 2012.

<http://www.nationsencyclopedia.com/Africa/Egypt-JUDICIAL-SYSTEM.html#b>

crimes actually result in execution. The Supreme Court, the *mufti* of Egypt, and the president review each death sentence.⁵

The investigation of a crime begins with a preliminary trial, and the results of such investigation determine the outcome of the case. The Office of the Public Prosecutor, an institution under the Ministry of Justice, conducts investigations.⁶ After police investigation, the public prosecutor decides to drop a case if the charges are not serious enough to warrant a trial.

Egyptian law requires that a detained person be brought before a magistrate and formally charged within forty-eight hours or else will be released. The accused is entitled to post bail and has the right to be defended by legal counsel. Searches cannot be conducted without a judge-signed warrant. Trials are open to the public, but the court maintains discretion to hold all or part of the hearing in camera "in order to preserve public order or morals."⁷ According to the United States Department of State's *Country Reports on Human Rights Practices*, Egypt's judiciary acts independently, carefully to observe constitutional and protects legal safeguards in arrests and pretrial custody.⁸ The Emergency Law of 1958 outlined special judicial procedures for some cases; the law enabled authorities to bypass the increasingly independent regular court system when suspects were charged with endangering state security.⁹ The law applied primarily to

⁵ In 1987, Egypt executed six individuals for murder and two others for abduction and rape. "Background paper on the Egyptian police and post-Mubarak recommendations for restructuring and reorganization." *Dr Adly Hassanein: We Need a New Breed of Police in Egypt*. July 17, 2012. <http://adlyhassanein123.blogspot.co.uk/2011/05/v-behaviorurldefaultvmlo.html>

⁶ "Egypt-Judicial System." *Encyclopedia of the Nations*. July 17, 2012.

<http://www.nationsencyclopedia.com/Africa/Egypt-JUDICIAL-SYSTEM.html#b>

⁷ "Egypt- A Country Study." *Federal Research Division, Library of Congress*. July 17, 2012.

<http://www.scribd.com/doc/72541399/Area-Handbook-Egypt>

⁸ "2010 Human Rights Report: Egypt." *US Department of State*. July 17, 2012.

<http://www.state.gov/j/drl/rls/hrrpt/2010/nea/154460.htm>

⁹ Williams, Daniel. "Egypt Extends 25-Year-Old Emergency Law". *The Washington Post*. July 17, 2012.

Islamic radicals but also covered leftists suspected of political violence, drug smugglers, illegal currency dealers, striking workers, pro-Palestinian student demonstrators, and relatives of fugitives.¹⁰

The Emergency Law of 1958 also authorized the judicial system to detain people without charging them or guaranteeing them due process while police conducted an investigation.¹¹ After 30 days, a detainee could petition the State Security Court to review the case. If the court ordered the detainee's release, the minister of interior had 15 days to object. If the minister overruled the court's decision, the detainee could petition another State Security Court for release after 30 more days. If the second court supported the detainee's petition, it released the detainee. The minister of interior could, however, simply re-arrest the detainee. The government commonly engages in this practice in cases of Islamic extremism.

The State Security Courts bar secret testimony in trials, gives defendants' rights to be represented by an attorney, and gave attorneys access to the prosecution's investigations.¹² Convicted persons can appeal judgments to the Court of Cassation. In most cases, detainees are released after a period of interrogation and are never brought to trial. In mid-1989 the Minister of Interior stated that a total of 12,000 individuals had been detained under the Emergency Law of 1958.¹³ As of early 1990, the government was detaining 2,411 individuals, 813 of which were being held on political charges.¹⁴

¹⁰ "2011 Country Reports on Human Rights Practices – Egypt." *United States Department of State*. July 17, 2012. <http://www.unhcr.org/refworld/docid/4fc75aa3c.html>

¹¹ "Egypt." *Crime and Society: A Comparative Criminology Tour of the World*. July 17, 2012. <http://www-rohan.sdsu.edu/faculty/rwinslow/africa/egypt.html>

¹² "Egypt." *Jurist Legal Intelligence*. July 17, 2012. <http://jurist.law.pitt.edu/world/egypt.htm>

¹³ "Egypt." *Crime and Society: A Comparative Criminology Tour of the World*. July 17, 2012. <http://www-rohan.sdsu.edu/faculty/rwinslow/africa/egypt.html>

¹⁴ "Egypt." *Crime and Society: A Comparative Criminology Tour of the World*. July 17, 2012.

In 1980, the government created a separate judicial institution, the Court of Ethics, together with its investigating arm, the Office of the Socialist Prosecutor, to investigate complaints of widespread corruption in government.¹⁵ The court was charged with trying offenses against "socialist values," which included corruption and illegal business practices. The Office of the Socialist Prosecutor serves to protect government officials abuse of the system, approves the credentials of candidates for office in the trade union movement, professional syndicates, and local government councils, and performs security checks on senior government appointees.¹⁶

<http://www-rohan.sdsu.edu/faculty/rwinslow/africa/egypt.html>

¹⁵ "Arab Judicial Structures: A study Presented to the United Nations Development Program." *United Nations Development Programme*. July 17, 2012.

<http://www.undp-pogar.org/publications/judiciary/nbrown/egypt.html>

¹⁶ "Egypt-Judicial System." *Encyclopedia of the Nations*. July 17, 2012.

<http://www.nationsencyclopedia.com/Africa/Egypt-JUDICIAL-SYSTEM.html#b>