



The Arab Center For The Independence Of
The Judiciary And The Legal Profession

Legal Guarantees For The Accused In The Stage Of Arrest And Detention

SUMMARY & CONCLUSIONS

- Egyptian constitutional legislations and others include many legal guarantees for detainees that are stipulated in international covenants.
- Regarding the rights of the defendants in the pre-investigation detention stage, there's also a lot of deficiencies that permeate these legislations such as preventing the defendants from contacting their families or their lawyers, and the lack of places designated in police stations to meet detainees with those who legally represent them or provide them with legal advice.
- Some legislations prolong the duration of detention in police custody without referring to the competent prosecution offices, if not pushing for this, such as in the case of arrest in accordance with the emergency law, and detention in accordance with the provisions of the Terrorism Law, taking into account the potential of physical or psychological abuse detainees would be subjected to, not to mention their fear from men of public authority.
- Some officers, police secretaries, and other policemen have an undeniable pattern of arrest that works without relying on legal texts, or fabricate a case that doesn't exist to justify the act of arrest.





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SIXTH: RECOMMENDATIONS

- It is important for Egypt to have a strong police apparatus that is qualified to face dangers facing the country, capable of protecting security- citizen's security - ensuring their protection and preserving their gains, rights and freedoms. There's no contradiction in that; we must build mutual trust between citizens and those in charge of their security. This trust begins when the citizen feels secure in confronting security men, when the citizen calls to report a crime, or when he/she goes himself/herself to report.
- Amending the Code of Criminal Procedure and related laws to include reducing detention periods or adopting non-custodial measures - whenever possible - and enabling real, not false or on-paper-only, contact and communication between detainees and their families or lawyers.
- Amending the penal code to include penalties that represent a real deterrent to everyone in charge of law enforcement who goes beyond the legal limits in arresting, detaining, or physically or psychologically harming people. The current penalties are weak and often accompanied by mitigation for reasons such as the officer's young age, or for the sake of preservation his/her future, etc. the thing that has nothing to do with criminal justice in anything.
- Activating the role of oversight bodies in the Ministry of Interior to periodically inspect police stations and detention centers, and follow up on any violation to the law or assault on the rights and freedoms of detainees and those arrested.
- Intensifying trainings, raising policemen awareness regarding dealing with those under arrest or in custody, stressing the priority of protecting human rights, emphasizing that decent treatment does not mean weakness or disability, but rather respect for the law and its sovereignty.
- Activating the role of public prosecution in inspecting police stations, ensuring the protection of detainees personal freedom, making sure there is no violation committed by law enforcement officials on those in their custody.