

# National Initiative to Rebuild the Police Force

## "A Police for the People of Egypt"

### Executive Summary

Several months after the revolution, the continuing absence of security in Egypt is testimony to the dysfunctional nature of its police force, and the need for the creation of a police force which can work in a new context governed by the rule of law and respect for human rights. If the Interior Ministry continues with its current structure and organisation, then this poses a grave threat to the revolution. There is a growing sentiment amongst Egyptians that the lack of security (or faults in security) is the most powerful weapon of the counter-revolution. The continuing chaotic security situation leads us to three principal conclusions:

1. The direct result is a continuing sense amongst citizens of a lack of security. This could lead to acceptance of a return to previous Interior Ministry malpractice, in exchange for the return of a sense of security.
2. Continuing disruption to the economy. The Minister of Industry and Trade has claimed that the lack of security is the biggest reason for this.
3. Continuing justification for the presence of the armed forces on the streets, interacting with citizens in maintaining security. This in some cases leads to friction, which in turn leads to increasing tension between the army and the people.

Limited reforms of the Interior Ministry are not enough; instead, what is necessary is a complete reorganisation and overhaul of the Ministry, that will change its image, its functions and the very philosophy of its work in society.

Our initiative was developed in light of the post-revolution situation in Egypt, in which citizens are suffering from an absence of security and from a continuation of the same repressive security practices during any encounter with any security apparatus. All this is proof that the Interior Ministry has not yet adopted a comprehensive strategy for a healthy relationship between the security forces and the people, governed by the principles of the rule of law and respect for human rights. With the exception of some individual actions worthy of respect on the part of some honourable officers and members of the police force, the measures taken have until now been fragmented and sporadic. The most we can expect out of such measures is a return to the state of affairs before the 25<sup>th</sup> January, but such limited actions will not change the overall approach which led to the collapse of the Interior Ministry on the 28<sup>th</sup> January.

Herein lies the importance of this initiative, which takes as its starting point a vision of security

that does not ignore the shortcomings within the police force. It can therefore establish a comprehensive security reform project to rebuild the police force, following an approach that will avoid the dysfunction and chronic failures of the past.

The initiative is founded on a set of principles which seek to achieve a number of objectives. These principles are as follows:

1. Clean up of the police, accountability and oversight
2. Emphasis on the civilian nature of the police force
3. Decentralisation: shift from a strong central administration to local administration
4. Political administration of the Interior Ministry
5. Moral responsibility
6. Real change, rather than mere reform

Based on these guiding principles, the initiative includes both short-term, urgent measures and long-term measures to be taken.

### **Summary of urgent measures**

The following measures represent the bare minimum of immediate, essential interventions. We call upon the relevant authorities to begin their implementation immediately in order to quickly restore security on the streets, with a new face which can win the trust and respect of citizens.

### **Firstly: the complete expulsion from the security forces of all leaders and other individuals involved in crimes against the people**

1. **Officer and individuals currently under investigation or trial:** as a precaution, we demand that the Interior Minister suspend them from their duties until the end of the investigation or trial. We also demand that the Ministry issue clear and explicit directives to those officers to refrain completely from any activity which could affect the conduct of trials, such as direct or indirect communication with the families of the martyrs and the wounded or the witnesses, in order to intimidate or coerce them.

We also demand that the Supreme Judicial Court and the heads of courts allow the filming of the sessions of these historic trials.

2. **Members of the Supreme Council of Police during the period from the 25<sup>th</sup> January to the 6<sup>th</sup> March, 2011:** we demand that the Interior Minister suspend them from their

positions and refer them to the Supreme Disciplinary Board.

3. **Deputy security directors, assistant security managers for General Security, directors of Criminal Investigations departments, directors of Central Security departments, directors of the security forces, directors of departments and branches of State Security in all governorates where killings and woundings occurred during the revolution:** we demand that the Interior Minister refer them all immediately to the Disciplinary Board, to take their share of the responsibility for the killing and wounding of demonstrators.
4. **Snipers affiliated with the Interior Ministry:** we call upon the Public Prosecutor to announce the findings so far of the investigations into this matter, as laid out in a report by the Fact Finding National Commission, and to publish the full report of the Commission.
5. **Officers who were convicted of crimes and spent their sentences, before returning to the Interior Ministry (before January 2011):** we ask the Interior Minister to refer them to the reserve forces, in the public interest, based on Article 67 of the Police Act.
6. **Officers and individuals who have violated the rights of citizens or who have been involved in any form of corruption:** we will cooperate with other human rights organisations to collect all relevant documentation and information and will submit these to the Public Prosecutor and the appropriate judicial authorities.

#### **Secondly: measures related to promotions and transferrals**

7. We call upon the Interior Minister to **transfer all officers and other members of the Criminal Investigations department nationwide from criminal investigations work to other police departments.** They should be replaced with officers known for their good conduct and behaviour, who should receive a period of intensive training.
8. We ask the Interior Minister to conduct a **broad and nationwide transfers movement, and an internal transfers movement in each governorate.** This is in order to change the face of security and thus win back the trust of citizens. Transfers should be based on the principle that officers be appointed in most cases from within their own governorate, and, within those governorates, from within the districts of the police station closest to their place of residence.
9. We call upon the Interior Minister to **increase the use of Central Security recruits in the work of security patrols in police districts nationwide,** as a temporary measure.

#### **Thirdly: measures for oversight, monitoring, and participation**

10. **We call upon the Interior Minister to set up a hotline to receive complaints. This must be clearly announced to the public and submitted to recording and monitoring.**
11. **We ask the Public Prosecutor and the Interior Minister to begin fulfilling their mandate of monitoring the work of the police force. There must be frequent and rigorous inspection, and reports of violations and abuses must be received and dealt with seriously.**
12. **We call on the Public Prosecutor and the Interior Minister to establish mechanisms to hold any security official accountable for any professional error or for security failures in a district under their responsibility.**
13. **Societal monitoring of police work:** the Interior Minister must allow representatives of civil society organisations (the Bar Association, Medical Syndicate, NGOs, etc.) to enter police headquarters at any time, without notice, to inspect places of detention and the condition of the detainees, and to access any information they require.
14. **Public participation:** we call upon the youth of Egypt to use the summer holiday period to activate the existing Popular Committees and to form new ones. These will contribute to guarding and securing streets, squares, shops, hospitals, and places of worship, as well as helping with traffic control and reporting violations, in collaboration with the existing police forces.

### **Summary of long-term measures**

The long term measures are a package of structural changes and legal amendments, around which genuine social dialogue will be built, for example through the organisation of evidence-based conferences to discuss various aspects of the issue, with the assistance of relevant research institutions. This would aim to arrive at a social consensus on these measures, thus making them the policy to be adopted by any government coming to power.

1. **A review of the mandate of the Interior Ministry:** we call for a radical treatment of the disorder that has affected the role of the police in both crime prevention and criminal investigations. Instead of crime prevention aiming at the prevention of crime before it happens, Egypt has witnessed an obsessive inflation of preventive security. Rather than fulfilling its purpose of guaranteeing the security and safety of citizens, the security apparatus has achieved the opposite result, intimidating citizens and instilling fear of the police. Instead of criminal investigations consisting of gathering evidence and arresting suspects, the police has exceeded its legal purpose and has usurped for itself the authority of the Public Prosecutor. It has accorded itself the power to investigate crimes through arresting unlawfully a large number of suspects, interrogating them, and forcing them to confess.

Therefore, a package of wide-ranging legal amendments must be adopted, which clearly define the role of the police and clarify the limits of the police's roles in 'crime prevention' and 'criminal investigations', drawing red lines not to be crossed, and establishing deterrent penalties for their violation.

2. **The post of Interior Minister:** we call for a minister from outside the police force, so that security matters are dealt with from a social and political perspective. The Interior Minister would lead the Ministry based on society's agenda and its security priorities, rather than the Ministry imposing its own priorities on society. Moving away from the reliance on a security cadre to lead the Ministry will also provide a broad political vision for managing security. Security work, which is currently biased towards the security establishment more than towards society, will be brought out of the confines of its narrow professional vision.
3. **Decentralization of policing:** we call for a transformation of the security forces from a highly centralised structure to local management, so that each governorate has its own police force. This will be accompanied by a system of elected governors, so that increased security becomes one of the elements of the electoral programs for governorate candidates. This will contribute to directing the security apparatus to serving citizens rather than the central authority. It will also allow for the existence of only one agency in the country with national jurisdiction to conduct criminal investigations which are beyond the capability of the local police.
4. **Police faculties and institutes:** we call for a radical amendment of the system of study in police faculties and institutes, including an emphasis on the civilian nature of the police and a move away from the militarization of the police. Article 14 of the Police Academy Law, which makes students subject to martial law and states that they are disciplined and punished in a military court, must be abolished. The system of compulsory residence in police faculties must also be abolished, and students should live at home or in university accommodation like all other civilian students. The intake of students should be limited to law school graduates, and their training in police work should be completed in a length of time consistent with their field of specialisation, with the creation of a number of police academies at the regional level. Measures must also be taken to ensure non-discrimination in admission to police faculties.
5. **Improving conditions of employment for the police:** we call for the adoption of a package of measures to guarantee an improvement in working conditions for all workers in the police force – staff and officers – as follows:
  - Amend Articles 19 and 71 of the Police Act, which stipulate that, after reaching the rank of colonel, promotions are by individual selection, and which allow the retirement of anyone in

the ranks of colonel, captain, or general.

- Establish a police union to defend workers' rights against the Interior Ministry. This will also be in the interest of security operations as a whole.
- Adopt the principle of non-discrimination between employees of the Interior Ministry, in relation to health care and social services.
- Raise salaries to ensure that security work is free from financial and political corruption.
- The development of a new code of ethics, through community participation, aimed at emphasising the civilian nature of the police force.
- Amend all articles of the Police Act which subject members of the police force to martial law in all matters relating to their service.

6. **Improving the efficiency of police work and introducing modern technology:** we demand an improvement in the professional competence of the police in both crime prevention and criminal investigation, through the use of scientific methods and advanced technology in the collection of evidence. Police stations must be modernised and equipped with modern technical tools, in order to improve the efficiency of their work and ensure monitoring of their quality of service. Among the most important examples of this are equipping police stations and places of detention within police stations with cameras for monitoring and recording, and equipping all police stations with computers for keeping records of files.

7. **Abolish the system of sending military recruits to perform their military service in the Interior Ministry:** we call for the cancellation of Ministry of Defence Decree no. 31 of 1981, which considers the Interior Ministry a military entity, and allows the performance of military service within it, thereby fully abolishing the system of enlisting military recruits to serve their military service in the Interior Ministry.

8. **Abolition of the Central Security Forces Department and the Security Forces Department, and their replacement with formations for rapid response and riot control:** we call for the abolition of these departments and the transfer of their functions to formations for rapid response and riot control, which will be part of each police station nationwide. These formations will be responsible for providing security support to officers when conducting raids or arresting dangerous suspects, and when facing and controlling fights and riots. A number of those working in these formations would be trained in securing gatherings and demonstrations, rather than preventing or blocking them. The law must be amended to criminalise the use of weapons against any public gathering unless the citizens themselves open fire.

9. **Structural reform of the National Security Apparatus:** we call for public participation in developing a new conception of the role of the national security apparatus, so as not to allow the return of State Security Investigations under a new name. This will be accomplished through the following measures:

- Dismantling the structure of the national security apparatus. Its powers related to combating terrorism will be transferred to departments attached to the local police in all governorates.
- Terrorist crimes and crimes of public security which are beyond the capabilities of the local police will be handled by a new agency which has nationwide jurisdiction. The fight against terrorism will therefore represent one department among others within this central agency, which will have a general jurisdiction.
- Amending the provisions of the Penal Code relating to 'felonies and misdemeanours causing internal harm to the government', and all other articles of the Penal Code relating to the same content, as they contain elastic formulations and vague, incriminating terms which allow anti-terrorism agencies to abuse them.

10. **Tackling organisational inflation of the Interior Ministry:** we call for the Interior Ministry to be stripped of all responsibilities not related to the essence of its security work, and which negatively impact on this basic work. Some examples (although this list is by no means exhaustive) include transferring its responsibility for drawing lots for the Hajj to the Ministry of Religious Endowments, transferring the Civil Status Department to the Ministry of Justice, and transferring the responsibility for issuing work permits to the Ministry of Manpower. Similarly, we call for the transferral of the responsibility for passports, immigration, and naturalisation to the Foreign Ministry, the responsibility of supervising prisons to the Ministry of Justice, and medical supervision in detention centres to the Ministry of Health.

11. **Reducing the security role in licensing and permitting different civil activities:** we call for a radical solution for the interference of security in various areas of civil society, whether related to employment or civil activities. Amendments must be made to the legislation and regulations governing, for example, the right to peacefully protest. Security interference in culture and the media must be abolished, as well as the pervasive need for security approvals in all government departments. Requests for security approvals, other than in the cases expressly required by law, should be criminalised.

12. **Transparency and accountability:** we call for the subjection of the Interior Ministry to all forms of financial and administrative oversight, like other ministries and state agencies, including the disclosure of the security allocations in the state budget and the detailed expenditure of those allocations.

13. **Legislative amendments:** a new Police Law must be drafted to ensure all aspects of this new vision are met. The legal definition of torture must be modified, so that it is consistent with its definition under international law.
14. **Changing the police's image:** with progress in all of the areas mentioned above, action must be taken to help create a new perception of the police. It must be firmly established in people's minds that the police force respect the rule of law and the rights of citizens. This could be accomplished by: changing the name of the Interior Ministry, rebuilding police stations according to a new design, and by changing uniforms of police officers.