seasoned criminals enlist younger “associates” who in turn recruit still younger ones for proscribed and hazardous acts, must be broken. Among the preventive approaches to gangs that should be more widely explored is their conversion from negative to positive groups, cooped into activities designed to develop pro-social goals. The quest for belonging and importance that often motivates gang membership could be furled in that manner, and the social approval gained could serve as added reinforcement. The encouragement of groups such as the “Guardian Angels” and-of youth in community improvement teams would serve this purpose. Even broader initiatives, such as a youth job corps, the possibility of police training for a law enforcement career (and service as a gang expert) and other meaningful initiatives could redirect the energies of youth to more desirable pursuits.

In order to mount more effective counter-strategies against gangs, both greater specificity and comprehensiveness of approach have been called for. The hegemony of gangs and their (literally) cut-throat tactics are making their prosecution more difficult. Victim intimidation torpedoes many criminal trials, especially when they occur in neighborhoods where many people are involved in gang activity, witness killings or drug sales and know the participants; even if in jail, gang members can count on those outside to do the gangs bidding and coerce potential witnesses.

It has also been suggested that, rather than engaging in causal analysis of why young people join gangs, the focus should be on what gangs actually do and on their differential impact, so that preventive and control measures can be better targeted. For that purpose, a threat analysis of contemporary urban gang crime has been developed as a systematic empirical way of assessing both the seriousness of threats posed and vulnerability. A Strategic Law Enforcement Plan to Deal with Gangs on that basis has been proposed, as has an International Survey on Gangs and Threat Groups, addressed to law enforcement and correctional authorities in various countries, and including both quantitative and

qualitative information

7. Policy implications

A comprehensive system response to juvenile criminality requires an array of approaches and dispositions that take due account of both community and individual needs, protect basic rights, provide appropriate referrals, collaborate closely with various service providers, rely on informed and committed personnel and try to evaluate the effectiveness of the interventions with different target groups. Scarce resources can then be better used, resulting in both financial and human savings.

The double role of many young people as both victims and offenders makes their situation particularly poignant. Some hardened young offenders may have been subjected to grievous abuse and/or neglect, which deadened their feelings as a survival tactic. Yet, they are rarely pitied. They must be salvaged before it is too late, and those at grave risk reclaimed. So must be the masses of children inhabiting city streets who are in serious danger. Imaginative and wide-ranging action must be taken to counter this problem and that of child victims, who may be delinquent without fault of their own.

Juvenile justice is under scrutiny and the juvenile court under fire, but by expert admission, the United Nations instruments for juveniles are still relevant. How their application can be enhanced is a pivotal question.

8. The Police Role

The most important function of the police is the impediment of crimes before their commission. This task is much more essential than that of apprehending criminals after the perpetration of their crimes.

That is why the first duty of the police is that of discovering each dangerous state to eliminate it before its transformation into a crime.

Therefore, the police must operate a peaceful settlement of any dispute. It must organize traps to stop any criminal attempt before it leads to a crime and proceed to patrols to insure public security.

A special feminine police for juveniles should be established as we said to pursue juvenile vagrants and fugitives from school. The Polish experience showed the success of this police.

The third task of the police in the field of prevention, is to pursue vagrants, beggars, drunks, addicts to drugs, those who exert commerce in the black market, the prostitutes and those who exploit them, usurers, those who are submitted to the police supervision and the constitutional delinquents whose new crimes should be avoided, and to control entertainment places in order to put into effect the restrictions established in favor of juveniles.

The fourth preventive task of the police is the discovery and dissipation of dangerous agglomerations which could threaten the public peace, whether they move masses or criminal gangs. In order to put end to these agglomerations, the police needs four kinds of knowledge:

1) The recognition of the circumstances that give rise to such agglomerations.
2) The recognition of practical methods of investigation which are suitable to the purpose of discovering lie and reticence as regards the membership in the agglomeration.
3) The recognition of the fermented idea in the minds of agglomeration members.
4) The discovery of the agglomeration head because his removal scatters and dissipates all the agglomeration members.

9 . The Role of Work Principals

The work center for those who prefer learning a manual work like the mechanical reparation of automobiles, represents for the apprentice what the

school does for a student. Therefore the principal of the work' should be honest in teaching the job to the apprentice, should transfer him to the gratuitous medical center when he is sick, or to the medical consultative pedagogical center if he is as juvenile affected by an anomaly or an irregular nervous state. He should not maltreat the apprentice.

10. The Role of The Army

The military service period is a good occasion for the treatment and correction of recruited juveniles.

As a matter of fact, the severe military life explores latent psychological defects while the habitual normal life does not permit their appearance, like for example neurasthenic, epileptic introverted, unnatural exaggerated self-esteem or imagined persecution tendency. These tendencies lead to acts of rebellion against military discipline and to different forms of delinquency; such as violent actions to be explained by the epileptic tendency. The last tendency induces to grave horrible crimes of violence called by the Italians "Misdeic acts" since Prof. Lombroso discovered in the Italian army the soldier Misdea who was a habitual killer.

The military life permits the discovery of constitutional delinquents inclined to commit violent crimes as well as thefts during their military service. The army should treat the latter in medical pedagogical establishments annexed to it or in its military prisons. This means that the army should be furnished with physicians who practice, especially the medicine of nervous and psychological diseases.

11. Prevention of Negligent Delinquency

The international congress of social defense held in Milan in 1956 noticed that while intentional delinquency tends to decrease or to maintain its numerousness, negligence delinquency, on the contrary increases continuously for the expanded use of machines and the extended labor and traffic accidents.

Therefore, the congress suggested the following methods:

1) The promulgation of accurate norms of traffic that should be taught to citizens since their childhood in primary schools. Juveniles should be trained in the application of such rules. In Holland children are charged with the guidance of traffic in certain days of the year Egypt does the same during summer vacation.
2) The organization of the traffic according to those rules after having diffused them among the citizens through all methods of propaganda and publicity, and the assignment of a sufficient staff of policemen to their application.
3) The exertion of any dangerous activity should be submitted to the delivery of a license that could not be conceded unless after an accurate medical and psychological examination which proves that the applicant is skillful and deserves to assume that activity, whether it is the driving of vehicles or another risky activity. Some persons, although their long training, reveal a lack of ability and should not assume the activity in question. That is why it is not sufficient to make a test of their driving and they must undergo an integral medical and psychological test.
4) A renovation of the license must take place now and then, must be preceded every time by a complete medical and psychological test, as the personal ability is exposed to debility with the advance of age.
5) In the case of a dangerous behavior, even if it didn't cause any accident, such as the attempt of surpassing a vehicle without paying attention to what exists in the surrounding spot, the rushing in a curve without sufficient prudence, or the driving with excessive speed in a crowded street, the traffic policeman should write a marking in the driver's license, and in the case of recidivism, the license could be retired.
6) As the drinking of alcohol or the consumption of a narcotic even of a little quantity causes an euphoria that increases the indifference of the drinker or the drug consumer and his love of adventure, many traffic laws as in Egypt and France submit both the doer and the victim in all accidents due to dangerous activity, to a

medical biological and chemical test in order to verify if there is alcohol or narcotic in their intestines or blood and to aggravate the penalty of the doer whose drinking alcohol or drug consumption in the time of the accident, is ascertained.

Chapter Two

Some Aspects of The Criminal Policy

1.Procedural Legality Guarantees in all Stages of Criminal Proceedings

Egyptian jurists have adequately provided guarantees for the rights of the person under criminal proceedings in all the stages, specifically, his rights during the pre- trial, trial, and subsequent rights.

1.1. Guarantees During the Inquisition

The period of fact collection, or the inquisition administered by a judicial officer, is of paramount importance to the case, since it initiates criminal proceedings. In actual practice, the manner in which the incident is reported in the process verbal of facts and its legal interpretation affects the course of proceedings during the examination and the court trial. The rights of the suspect therefore must be guaranteed during this stage.

The judicial officer administering inquisition, does not conduct investigation. He collects the facts to describe the conditions under which the offense took place. The inquisition report is then presented to the examining authorities. The facts collected do become evidence except after they have been duly verified by the final investigation undertaken by the court and thereafter become grounds for the court to issue its judgment. The law has placed no limitations on the freedom of judicial officers in detecting offenses and collecting information. However, they are limited by the respect due to the rights of the person, the privacy of his residence, general discipline and good manners.

The judges of the Court of Cassation have established the practice whereby the judicial officer inquires the suspect if he has committed the offense under inquisition. The judicial officer does not examine the suspect, but registers

his reply. The process verbal of facts is one of the elements of the case, which the public prosecution may use as it deems fit. The process verbal of facts may be used by the court as one of the supporting documents. Once the contents of the process verbal have been ascertained by the court, as true and reflecting reality, the court may use the same in the case.

A suspect apprehended and detained awaiting trial, may remain silent. His silence may not be construed as implying factual evidence of guilt. It is established that the suspect has the right to speak in defense of himself in the manner he chooses.

1.2. Guarantees During Examination

Examination refers to the set of procedures undertaken by the competent authority in accordance with substantive and procedural rules prescribed by law. Examination aims at the collection and inspection of all the elements of evidence in the light of which it is decided to pursue court proceedings or to discontinue the criminal claim. Examination has a twofold purpose: to prove the responsibility of the suspect for the offense and to take into consideration the guarantees of personal freedom as set out by the law.

Egyptian law has prescribed a number of substantive guarantees for the examination of suspects. The examination guarantees provide inter alia for confidentially, a written process verbal of facts and the presence of the litigants. The litigants are entitled to accompany at all times their lawyers at the examination. The law has established that unjustified refusal to permit the litigant or his lawyer to read the examination report, would render the examination null and void, since one of the guarantees related to the general system has not been fulfilled.

Search of persons and residences is also subject to rigorous controls enshrined in the Constitution and emphasized in the procedures. Article 4 of the

Constitution declares that personal freedom is a natural right which should not be violated. With the exception of being caught in the very act, no person may be arrested, searched, detained or in any manner deprived of his freedom or his right to move freely except by an arrest writ duly issued for the purposes of the examination and the maintenance of public order. The writ is issued by the competent judge or the public prosecution in accordance with the provisions of law. The law fixes the period of detention pending investigation.

Article 44 of the Constitution adds to the foregoing, stating that a judicial writ is needed for entering or searching residences. Pursuant to this provision, the Supreme Constitutional Court ruled that article 47 of the criminal procedures is unconstitutional. The grounds for is this ruling is that it empowers the judiciary officer, if the suspect is caught in the very act in crimes and misdemeanors, to search the residence and confiscate papers or other objects which serve in uncovering the truth if he has good grounds to believe so.

The Supreme Constitutional Court, however, ruled that in all cases, search writs are necessary, as a measure to avoid unnecessary measures which undermine the privacy of residences.

1.3. Guarantees During Interrogation

Article 42 of the Constitution states that any person who is arrested, detained or deprived of his freedom shall be treated with due respect to his human dignity. Such person may not be exposed to any physical or moral injury, nor detained in any place except that specifically determined by law for such purposes. Any information given by a suspect under any of the foregoing conditions of compulsion shall be considered null and void and not dependable. Examination procedures therefore must be applied in accordance with the major guarantees defined in the Constitution.

In view of the substantial importance of the interrogation, it is not as a

rule entrusted to judiciary officers except in cases where there is fear of loss of evidence. The interrogation which has been reserved by the law to the examining magistrate alone relates to the confrontation of the suspect with different evidence, and engaging him in a detailed discussion of such evidence, so that he would either confess or deny the charge.

According to Egyptian law, interrogation must be orally administered and registered in writing. The oral condition is meant as a guarantee that the words of the suspect and others, are accurately reported in writing.

The suspect is not required to take oath the assumption being that no person is expected to testify against himself. The suspect has the right to remain silent or to choose any other means for his defense. If he lies during interrogation, he would not be accused of false testimony.

The interrogation must be conducted under conditions which do not compromise his will nor his freedom to speak or defend himself. The interrogator must refrain from posing suggestive questions or resort to deceitful ways which would nullify the interrogation or the confrontation and subsequent actions built thereon.

Article 124 of the Law of Criminal Procedures confirms the suspect's right to seek the services of a lawyer. The article provides that except in cases where the suspect is caught in the act itself, or there be fear of loss of evidence, the interrogator in a criminal proceeding may not interrogate the suspect nor confront him with other suspects or witnesses except in the presence of his lawyer if he has one. The lawyer must be permitted to have access to the examination report one day before the interrogation or confrontation takes place unless the judge decides differently.

1.4. Guarantees During Detention Pending Investigation

The arrest of a suspect creates a new legal status whereby he is deprived of his freedom to move and communicate for a specific period of time. During this period, he undergoes examination by the competent authority which decides oil the stage after. Criminal Procedures regulations limited conditions necessitating detention, to conditions of urgency to administer investigation or where there is need to protect the society from further criminal behavior by the suspect. It is usually difficult to administer the investigation on the same day of arrest, hence unless the suspect is acquitted immediately, he is sent, within twenty-four hours, to the competent public prosecution, which determines his arrest or release.

If the interrogation reveals strong evidence; against the suspect if the suspect escapes (in criminal and misdemeanor cases punishable by more than three months prison), the examining magistrate has the right to issue a detention pending investigation writ.

Any person arrested or detained must be immediately informed of the charge on account of which he is arrested or detained. He is entitled to communicate with others and inform them of his detention and seek the services of a lawyer.

The law has placed time limits on the periods of detention pending investigation in order to minimize the periods of deprivation from freedom.

1.5. The Principle of Procedural Legality as Guarantees During Trial

Subsequent to the preliminary investigation, the trial procedures are initiated. It is a universally accepted rule, that it is in the interest of all the litigants to guarantee a fair trial. The requirements of fairness necessitate a legally constituted court, established in accordance with the law, enjoying appr9priate jurisdiction in all aspects; judges should be provided with the rightful guarantees

against outside influence, and immunity against unjustified legal action and arbitrary dismissal or transfer of post. Thus the freedom of judges from all and any influence is secured save the dictates of their own consciences.

Egyptian law adopts the principle of the presumption of innocence until proven guilty through a fair trial adequately provided with self defense guarantees. The task of proving guilt is the responsibility of the public prosecutor. The defendant is entitled to be informed of his charge in a language he understands, or else through an interpreter. He is provided with a lawyer and is entitled to present evidence and to have access to all documents in the case. He has the right to take part in the trial and to appeal court rulings.

Article 32 of the Criminal Procedures prescribe that the judge shall rule according to the opinion he has formed of the case freely and unrestrictedly. He may not build his opinion on any evidence that was not presented to court. Any confession by the defendant or testimony by the witnesses delivered under compulsion or threat of compulsion is invalid. In expounding the implications of this principle, the Supreme Constitutional Court ruled that the presumption of innocence constitutes a fundamental principle in all stages of criminal proceedings. On the premise of the presumption of innocence, an innocence decision may not be revoked except by the presentation to court of conclusive evidence. It is for the court to examine such evidence and form its opinion. The court shall in no way be influenced by any interpretation of the evidence save its own interpretation of the entire evidence upon which it forms its opinion. No body or authority shall impose its interpretation of any specific piece of evidence. The court shall at all times rely on its own opinion formed on the basis of the facts of the case unrestricted by the opinion of the public prosecution or that of the defense regarding the facts.

Within such controls, criminal proceedings during the trial are strictly defined. The court must inform the defendant of the charge against him. The

case is registered under the name of the defendant and the subject.

It is the normal practice for the court to carry its proceedings orally as a hearing. The elements of the case are discussed by the court in the presence of the litigants. The judge shall not rule in a case depending on a procedure which has not been disclosed to the litigants, nor having availed them of the opportunity to duly discuss the proof upon which the ruling is built.

The defendant is entitled to speak or to be silent, to abstain from replying to questions. Confession obtained under compulsion and likewise evidence acquired through illegal procedures implying the violation of rights and guarantees provided for by the Constitution and the law, are considered invalid.

The Constitution crowns the principles cited above by prescribing in Article 57 that Any act considered as a violation of the freedom of the individual, or interferes with his privacy or violates any of his rights and freedoms guaranteed by the Constitution or the law, is an offense -in both criminal and civil proceedings. Such offenses do not lapse, and the State guarantees a fair indemnity to the person that has been wronged."

1.6. Guarantees During the Post Trial Stage

According to general consensus of contemporary jurists, rehabilitation of the offender is set out as one of the fundamental principles of punishment. The explanatory note on the Prison Regulations describes the treatment accorded to prisoners as covering remedial, moral, spiritual and educational aspects enabling the person to become law abiding person when he resumes his life in freedom.

With the view to the rehabilitation of prisoners, prison procedures in prisons have been identified as follows: examination, classification and rehabilitation of prisoners by the application of modern techniques.

2. The Egyptian Penal System

Prisoners are first examined to determine the suitable type of penalty or other disciplinary measure in implementation of the sentence.

- Examination: is undertaken by a number of specialists to assess the biological, mental, psychological and social condition of the prisoner. The information collected is used to classify the prisoners. Examination focuses on the detection of personality characteristics which have instigated the offense.
- Classification: the different categories of prisoners are kept in separate institutions. They are further divided within the same institution into categories in accordance with the type of treatment to be administered to each. The c1assification may be modified at the detection of any sudden personality changes which in some cases may necessitate the transfer of a prisoner from one institution to another.

In its provisions regarding the structure of the prison system, Egyptian law has acknowledged the separation of categories of prisoners. Jails have been established for new inmates where they are classified. A register is kept for every prisoner. Personal data entered in the register includes a complete case study covering the physical and psychological condition of the prisoner.

3. Techniques for the Execution of Freedom Depriving Penalties

In the execution of penalties necessitates certain techniques. Since punitive action aims primarily at rehabilitation, remedial, educational, moral and spiritual methods used in the treatment of the prisoners are themselves rehabilitation techniques.

4. Remedial Measures for Insane and Mentally Disturbed Prisoners

Persons who are found to be insane are not detained in prisons, but

removed to mental institutions where the appropriate treatment is provided for them. Such persons are not released until cured.

However, Egyptian law has not provided for the abnormal prisoner, hence it is left to the discretion of the judge to determine the extent to which such a prisoner is responsible for his actions, and whether he is totally incapable of " discretion or volition" being extenuating circumstances.

5. After Care

After care is the normal extension of the endeavors for good disciplining and rehabilitation administered during the execution of the freedom depriving penalty.

The "crisis of release" is the term used to describe the conditions of a prisoner resuming his life in freedom. Negative feelings of alienation from his environment especially in cases of long prison terms, rejection by his community and the sense of. being left out while his peers have moved forwards are common. In addition, a released prisoner may have no home, clothes, work or money to lead a self sustaining and law abiding life in freedom.

Egyptian law has therefore given due consideration to such aspects, providing released prisoners with due care. Rehabilitation starts in prison at least two months prior to release. Prisoners are provided with clothes before they leave the prison premises.

Half the amount of the remuneration due to a prisoner on account of his labor in prison is saved and handed to him at his release. Prison social workers, are assigned with the after care. Treatment of prisoners awaiting to be released has been provided for by the law.

Prisoners who have spent more than four years in detention, are accorded

special treatment during the transitional period. The length of the transitional period is fixed in proportion to the length of the prison sentence, at a rate of one month per year in prison, with a minimum of six months and a maximum of two years. The privileged treatment during the transitional period includes removal to an institution with more relaxed discipline. During the transitional period, prisoners are accorded equal treatment to persons detained pending investigation in terms of visits and correspondence, and even allowed 48-hour holidays outside the prison.

6. The Judiciary in the Execution of Penalty

Contemporary penal systems emphasize the role of the judiciary in the execution of the penalty. On the grounds that rehabilitation is the objective of criminal legislation, and such objective is not realized by merely pronouncing the sentence in court, the jurisdiction of the judiciary extends to the execution of the penalty. The execution of the penalty should not imply the violation of the rights of the prisoner, the safeguarding of which being the essence of the role of the judiciary.

While Egyptian law has not established an “executive judiciary”, it has granted judiciary officials jurisdiction to visit prisons and check that the sentences are served in a manner that does not violate the law. However, an “executive judiciary” is provided for juvenile institutions. The draft Criminal Procedures currently under review will introduce the system of executive judiciary.

Provisions for the Extradition of Offenders and International Cooperation in Egyptian Law

Provisions for the Extradition of Offenders in Egyptian Law:

Extradition has been exercised in Egypt from ancient times. We are told that an extradition agreement was concluded between Ramsis II and the

Hittites in 1300 A.D. Each party in the agreement pledged to arrest and extradite offenders from the other country fleeing to its own territory.

The practice of extradition was introduced in contemporary Egyptian legislation by the Memorandum of the Ministry of Justice No 8 dated 8 March 1901. The decree provided for the delivery of offenders to the countries requesting them.

Provisions for the extradition of offenders in Egyptian law are subject to constitutional prescriptions. The prescriptions relate to human rights guarantees and freedoms enshrined in Chapters 3 and 4 of the Constitution. In addition the Constitution contains provisions prohibiting the expulsion of citizens (Article 51), recognizes the right of political asylum and prohibits the extradition of political asylum seekers (Article 53). On the other hand, Article 151, paragraph 1 of the Constitution, confirmed the binding force of agreements signed by Egypt, including extradition agreements. The said article recognizes that once concluded, ratified and published, extradition agreements have the same binding force as any law in effect in Egypt. As a consequence, extradition agreements are incorporated into the structure of the legal system in Egypt, and takes effect same as any other law. Recognizing the importance of organizing the provisions governing the extradition of offenders, keeping in step with the significant improvements in extradition practice at the local, regional and international levels, and as a result of interrelationships at the international level, the ease with which offenders can move between countries and across international borders, a chapter on extradition is currently under review for its incorporation into Egyptian Criminal Procedures.

7. Management and Improvement of Police Systems

Noting that the police is the first authority to which any victim of an offense would promptly contact, and that the police constitutes the law enforcing authority to ensure stability and social control, the Egyptian Constitution of 1971 has

stipulated in article 184 that, The Police System is a statutory civil body, presided by the President of the Republic, entrusted with the task of serving the people, ensuring their safety and tranquility, diligently watching over the observance of law, order and good conduct, discharging its duties as prescribed by relevant laws and regulations as set forth by the law.

The same meaning is emphasized in Article 1 of Law 109 of 1971 concerning the Police System. By virtue of the Constitution, the police system in Egypt is a civil institution presided by the President of the Republic who is the head of the executive authority in the state.

The Police in Egypt is a centralized system under the jurisdiction of the Minister of the Interior. The Ministry of the Interior formulates the general policy, sets out policy objectives and the means for their implementation.

The police are a hierarchical structure headed by the Minister of Interior. The Ministry of -Interior is divided into specialized sectors, further divided into a number of administrations. The police forces are distributed among geographical areas, each area comprises a number of governorates. The governorate is divided into police precincts established in urban centers, and police precincts are further divided into police stations. Specialized police squads are responsible for law enforcement in specific areas including national security, crime, juveniles, ‘drug trafficking, public funds, vice squads, tourism, electricity, etc...

The law of criminal procedure confers the functions of judicial officer on several police categories specifically, regular officers, constables and their assistants, heads of police stations and precincts, functionaries in the Central Information Agency and in the Department of Public Security as prescribed in Article 23 of the Criminal Procedures Law. Police members are duly empowered by the law to perform their duties in the detection of crimes and the prompt seizure of offenders under the control and supervision of the general prosecution.

The strategy of the police is designed to realize the following objectives:

(1) To combat all forms of crime and to cleanse the society of wrongdoers.
(2) To protect the national security against elements which seek to undermine legality and the rule of law.
(3) To protect individual safety and to safeguard his personal freedom, rights and property.
(4) To protect and safeguard institutions and public facilities.

The strategy is based on the following foundations:

(1) To protect the society against crime, harmful and subversive conceptual trends, and deviate behavioral patterns.
(2) To modernize law enforcement organs by upgrading their mechanisms, improving their cadres and providing them with up to date technical facilities.
(3) To adopt scientific methods in police operations, to develop police techniques and support scientific research in relevant specialized areas.
(4) To increase the effective involvement of the population in addressing crime, and to secure their support of policemen in performing their duties.
(5) To promote regional and international cooperation and to establish mutual security relations in order to develop social control mechanisms, upgrade human capabilities and benefit from the exchanges of experiences with other countries for combating crime.

7.1. Security and Social Control

The police is entrusted with ensuring the safety and security of the people, thus allowing them to pursue their lives peacefully. In fulfilling its task, the police strives to prevent all forms of crime whether threatening national security such as sabotage, civil strife, or violating general norms and standards such as the crimes of murder, theft, etc... The police participates in emergency situations such as fire fighting, providing relief to victims of floods, earthquakes, collapsed

buildings, etc.. The Egyptian police played an effective role during the earthquake that hit Cairo in 1992, and the floods which killed and stranded large numbers of people and destroyed hundreds of rural houses in 1994. Police normally perform their tasks by a diversity of methods including patrolling, vigilance, ambush, surveillance of criminals and drug traffickers, etc... The Egyptian police is developing its abilities through training and rehabilitation.

Police authorities have exerted relentless efforts in addressing and combating the wave of terrorism and violence in Egypt. The society has been intimidated by deviate groups who claim to be religious but in fact nourish criminal ideas and are greedy for power. In confronting the danger of extremist groups, the police has applied state of the art techniques in crime fighting, scientific planning and training. The criminal groups have shed innocent blood, inflicted suffering on society and sought to tarnish the name of Islam, the religion of compassion, and tolerance.

7.2. Law Enforcement Function

The police is responsible for the enforcement of laws and regulations which foster social order and security. The National Security Department undertakes the. planning and coordination of efforts to combat crime in governorates. The police collects, tabulates, analyzes and compares statistical data, about criminals, their features and methods of operation, keeps an eye on major feuds and hostilities and seeks to effect reconciliation.

7.3. Crime Detection, Pursuit and Arrest of Offenders

The police applies all the necessary measures to discover crimes and to arrest criminals in accordance with the regulations for criminal procedures. The measures used may be summarized as: investigation, collection of evidence by using up to date methods and mechanisms for .the detection of crimes, verification of evidence as preliminary for the investigation of the crime by the public prosecution.

7.4. Emphasis on the Role of the Police in Society

The Ministry of the Interior has recently established within its organizational structure, a social security unit to administer the social aspects of security. The social unit supervises the following departments: the prison department, the drug control department, the juvenile department, vice squads, rehabilitation department and the civil affairs department. In discharging its functions, the social unit engages in activities to curb drug trafficking, organized crime, prostitution and trade in pornographic and illicit materials, juvenile crime, search for runaway juveniles from social institutions to accommodate them with foster parents, to provide rehabilitation and reintegration services for persons released from prisons and to cater to the needs of their families.

7.5. Promoting Social Development

The Ministry of Interior has established an economic security unit to address the various forms of economic crimes particularly after Egypt's adoption of a free market economy. Economic crimes evidently affect social stability.

In view of the radical changes which the society has undergone over the past few years, the emergence of new types of crimes, and the changes in crime patterns at the international level, the Egyptian police established a number of administrations to address offenses related to public funds, rationed food supplies, tax evasion, domestic trade, tourism, antiquities, transportation and communication, electricity and water bodies. Police administrations are also responsible to address corruption in the government machinery and to monitor irresponsible activities which pollute the environment.

7.6. Greater Involvement of the Civil Population in Support of Police Efforts

The police is concerned with alerting the population on the dangers of crime and soliciting community support for addressing crime, terrorism, and all forms of deviate behavior. The police organs provide accurate information

about the criminal situation, highlighting the role of the public in buttressing the police efforts to detect crime and arrest offenders. In this respect, the Ministry of Interior has adopted the following:

- A strategy was formulated to address violence, terrorism and crime through the media.
- A modern information center was established, the center is well equipped with facilities for communication with the media at the domestic and international levels with the view to building an effective communication system for the rapid exchange of data. The data is used for drawing a security strategy, combating crime and maintaining social order.
- Producing television material for raising public awareness of the dangers of drug abuse and addiction, urging drug victims to give up their habit and join centers for drug therapy and rehabilitation.
- Undertaking scientific studies and public opinion surveys on various social strata in order to produce inputs for the formulation of a media plan to combat crime and deviate behavior.

Chapter Three

Penal Treatment

The science of treatment indicates how to deal with delinquents after the commission of their crimes in order to obviate their recidivism.

In the following part, we shall speak about the determination of culprit's degree of dangerousness, the distinction between penalty and security measure, the items of ideal treatment policy, the methods of treatment in a closed prison, the treatment of juvenile offenders, the treatment in open establishments , the treatment of negligent offenders, the exclusion of some convicts from the field of treatment and the schedule of different offenders and of the way of treating each.

1. The Degree of Dangerousness

Criminology expertise as it has been defined previously, determines the degree of the culpable dangerousness and of the probability of his future delinquency so that the judge is enabled to fix the quantity and quality of his penal treatment that obviates his recidivism

The experts study the character of the delinquent, his motives, his precedents, his life prior to his delinquency, his behavior concomitant or consecutive to the execution of his crime, and the circumstances of his individual familiar and social life.

The report that the criminology expert presents to the judge about the culprit's degree of dangerousness must have a conclusion which indicates to what extent the culprit's future crime is expected.

When the culprit proves to be emended by the instruction and trial procedure in such a way that a future crime on his part is not to be expected

at all, the expert excludes his dangerousness and the judge concedes to him a suspended penalty or a judicial pardon.

The expert in the other cases, must indicate, to what extent, as we said, the culprit's volition is tree from the pressure of internal constrain which is the criminal constitution. In the case of this constrain, the penalty appears useless and hence it will by replaced by a security measure (internment of the multi-recidivist in a work establishment).

If the freedom of volition is not seriously diminished, because it is not subject to an inner force such as the criminal constitution, then the expert indicates that the culprit deserves a penalty.

If the freedom of will is completely suppressed by an inner force such as madness or semi-madness or childhood, the penalty will be replaced by the security measure too (internment in a mental hospital for the mad and semi-mad and in a social establishment for the child).

The following equations illuminate the result of criminology expertise:

1) Crime + free will + dangerousness = penalty (occasional delinquent and simple recidivist)
2) Crime + suppressed or seriously diminished will + dangerousness = security measure (mad, semi-mad, multi-recidivist, and child).
3) Crime + free will + lack of dangerousness = suspended penalty (occasional repentant delinquent).

An accused individual whose guilt is not yet established should not be subject to criminology expertise otherwise, there will be a dangerous sacrifice of human liberty personal dignity and presumption of innocence.

That is why nobody should be submitted to criminology expertise unless his guilt is proved. The international congress of penal law held in Rome on 1969 recommended the scission of the penal process into two phases one is dedicated to prove if the crime belongs or not to the suspected person. The second phase could not be opened unless the first one is terminated by the guilt of the suspected person, pronounced by the judge. Only then the guilty will be submitted to the criminology expertise. If the suspected person is declared innocent the process procedure stops and there will be no place for that expertise.

2. Penalty And Security Measure

Penalty is a method of treatment in which the psychological pain prevails over medical treatment.

This pain consists of the loss of liberty by the internment in jail. On the contrary, security measure is a method of treatment in which, medical treatment prevails over psychological pain or in which precaution is equal to this pain.

For example, penalties are the imprisonment, the hard labor, the reclusion, as well as death penalty.

The security measure is either a curative or precaution measure. The curative one is the internment in a mental hospital or in a work establishment. The precaution one is for example the supervision of the police or the probation.

In the precaution measure of security, there is a psychological pain but it does not prevail over the nature of the measure as the part of precaution in the latter is equal to its part of pain.

The insane delinquent is irrefutably sent to the mental asylum.

But the semi-mad delinquent is differently treated by the penal codes

of many countries, because according to them, he enjoys a diminution of the penalty accompanied by the internment in mental hospital. In my opinion this accompaniment is faulty, because if we start, in the treatment of the semi-mad, with the imprisonment his medical treatment will be not only retarded but also complicated. if we start with the medical treatment, its beneficial effect will be spoiled by the subsequent imprisonment. That is why all delinquents who deserve a diminution of penalty such as -in addition to the semi-mad, the deaf mute, and those who are affected by a chronic intoxication from alcohol or drugs- should be interned in special establishments which combine the loss of liberty with the medical treatment.

As regards the multi-recidivists who deserve an aggravated penalty it would be erroneous to submit them successively to this penalty and after that to the work establishment, because it will not be suitable to insist with them on the application of imprisonment while it has been useless. That is why the Egyptian penal code submit them to the work establishment instead of imprisonment or hard labor.

But if the combination of penalty and curative security measure is not advisable because of their different nature, it is admissible on the contrary to combine a penalty with a precaution security measure, as when a counterfeiter is submitted to the police supervision after the execution of his penalty,

3. Primordial Principles of Ideal Criminal Policy

3.1. The Purpose of Criminal Sanction is The Emendation of The Criminal.

After a long historical evolution, a primordial principle became established namely the sufficiency of the loss of liberty as the only admissible pain to inflict on the delinquent, without any unnecessary supplement of suffering.

The abolition of hard labor in England, France and Germany is due to this

principle. On the other hand, machines actually assume the hard labor instead of men. For example the crane lifts now the heavy weights. That is why those three countries have maintained only the imprisonment whose duration depends on the gravity of guilt.

3.2. The Individualization of Treatment

The penal codes should provide for different penal establishments according to the individuality of each criminal, namely according to his kind of man, whatever can' be the kind of crime. In addition to mental hospital for mad men or semi-mad, an establishment should be founded for each group of criminals: juveniles, psychopaths, drunkards, addicted to narcotics multi-recidivists, deaf, mutes etc... Meanwhile, if the specialized establishment could not be constructed, specialized compartments could be annexed to available ordinary jails.

The most important function of the police is the impediment of crimes before their commission. This task is much more essential than that of apprehending criminals after the perpetration of their crimes.

That is why the first duty of the police is that of discovering each dangerous state to eliminate it before its transformation into a crime.

Therefore, the police must operate a peaceful settlement of any dispute. It must organize traps to stop any criminal attempt before it leads to a crime and proceed to patrols to insure public security.

A special feminine police for juveniles, should be established as we said to pursue juvenile vagrants and fugitives from school. The Polish experience showed the success of this police.

3.3. Methods of Treatment in Jail

We have yet exposed the rights recognized in favor of prisoners after the success of prison reform efforts.

Now we summarize the methods of treatment in jail1 stressing upon the following means:

1) The medical treatment and the religious education
2) The instruction and professional training.
3) The maintenance of prisoners' relation with relatives, friends, work principals, and the exterior social life, under the control of jail officers.
4) The suspension of sexual stimulant through suitable medicaments and sports.
5) The group psychotherapy which consists of organized meetings of prisoners where each one is invited to tell in presence of his fellows the history of his own criminal career and to admit during his tale an identification that makes himself feel his personal fault. This psychological phenomenon is called catharsis which means the self realization of personal guilt.
6) The attenuation of liberty restrictions to prepare the prisoner's release and return to free life.
7) The post-care after release.

3.4. The Treatment in Open Establishment

This establishment has been suggested by the first international congress of the United Nations on the prevention of crime and the treatment of offenders (Geneva 1955).

Such establishment is characterized by the fact that it is deprived of any precaution against flight. It has no iron barriers, no walls, no locks, no armed guards.

In it the convict count upon himself to practice agriculture or industry according to his choice, till the end of his penalty.

To the Open establishment could be assigned those convicts whose emendation is expected in it more than in other one, after a physical and psychological examination and a social investigation.

The convict could be assigned to that establishment since the beginning of his conviction or after having been interned in a traditional jail for a certain period.

In the oasis of Siwa, a similar establishment has been founded to receive prisoners who should pass their transitory period of treatment before their release.

The assignment to such establishment is a security measure rather than a penalty.

The Egyptian Siwa experiment confers to each convict at the expiration of his penal sanction a piece of the desert land to exploit and obtain its fruits for himself. The exploitation of desert lands in Egypt is the purpose of this method of treatment.

4. The Problem of Short-Term Prisoners

We mean by short term prisoner, the convict who is punished with six months or less imprisonment.

As this short term imprisonment exposes the convict to a mixture with prisoners more dangerous than him, the first international congress of the United Nations on the prevention of crime and the treatment of offenders, recommended the assignment of the short term prisoner to an open establishment.

5. The Treatment in The Field of Negligent Delinquency

Every negligent convict who causes the death or the hurt of a victim must be condemned to the retirement of his driving license.

In order to obtain a new license after a certain period of time, he must be submitted to a medical psychological examination.

In the case of recidivism, his license must be definitely retired forever.