

Selezione fonti COI

- aggiornato al marzo 2023

CONTESTO		NOTE
Paese di origine	Egitto	N/D
QUESITO COI		NOTE
Tematica	Autorità statali	Polizia locale
Formulazione quesiti COI	<p>1. Informazioni sulla efficacia della polizia locale nel contrasto al crimine comune</p> <p>2. Atteggiamento della polizia nei confronti dei meccanismi tradizionali di risoluzione delle dispute in Egitto</p>	
<p>Nota metodologica</p> <p>1. Il presente elaborato indaga in maniera non esaustiva rispetto al ruolo della Polizia locale nel contrasto al crimine comune, senza dettagliare particolarmente la tipologia di crimine. In questo senso l'Ufficio resta a disposizione per analisi di maggiore dettaglio rispetto a singole fattispecie criminali;</p> <p>2. Similmente, non si è approfondito in maniera esaustiva il novero dei singoli meccanismi di risoluzione delle controversie, considerando le zone geografiche o specifici reati;</p> <p>3. Il presente Ufficio resta a disposizione per confrontarsi relativamente alle fonti e ai contenuti citati, oltre che per eventuali approfondimenti rispetto ai quesiti posti, le risultanze emerse e altre tematiche</p>		
		Roma 05/03/2023

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1. Informazioni sulla efficacia della polizia locale nel contrasto ai crimini comuni

Considerando in generale il ruolo e l'effettività della azione della polizia locale in Egitto, le fonti tendono a descrivere l'ente come inefficace, a causa dei salari mediamente bassi, la mancanza di addestramento ed equipaggiamento adeguato:

"...Professionalism varies across the police. The effectiveness of the police in general is limited by a shortage of equipment, a lack of training, low pay, and poor investigative skills, particularly in relation to investigating cases of sexual assault..."¹

1 DFAT Country Information Report, Egypt, 2019, available at: <https://www.dfat.gov.au/sites/default/files/country-information-report-egypt.pdf> , accessed on 5 March 2023

Ciò al netto di alcuni profili specifici di reato, come nei casi violenza di genere, rispetto ai quali la polizia tende direttamente a non intervenire² (se non addirittura assumendo essa stessa un ruolo prevaricatore nei confronti delle vittime):

“...Domestic violence, sexual harassment, and female genital mutilation (FGM) are still among the most acute problems in Egyptian society. The country has adopted laws to combat these practices in recent years, and FGM is reportedly becoming less common over time. However, the effectiveness of such laws is hindered by societal resistance, poor enforcement, abuses by the police themselves, and lack of adequate protection for witnesses, all of which deter victims from contacting authorities. Spousal rape is not a crime.”³

O come, similmente, nei casi di violenza e tensioni Inter-comunitarie e delle faide di sangue, dove la Polizia tende a lasciare alle comunità interessate la risoluzione delle stesse⁴:

“...The police have traditionally allowed tribal or ethnic feuds to be settled by the communities, on the understanding that there will be an equal number of deaths on each side and tribal elders will eventually step in to strike a truce. In Aswan last week, this approach yielded devastating results...”⁵

Considerando poi un generale livello di impunità per le forze dell’ordine:

“...According to human rights activists, impunity was a significant problem in the security forces. The Prosecutor General’s Office (for Interior Ministry actions) and the Military Prosecution (for military actions) are responsible for pursuing prosecutions and investigating whether security force actions were justifiable. ...”⁶

E in aggiunta un diffuso grado di corruzione , l’Egitto registra un alto tasso di sfiducia verso le forze di sicurezza, cui spesso gli stessi cittadini devono versare delle tangenti:

“...Corruption within Egypt’s security apparatus represents a high risk for companies operating in the country. Businesses report insufficient confidence in the reliability of the police services (GCR 2017-2018). The government lacks effective mechanisms to investigate and punish abuse in the

2 Specificatamente, sul punto, si notino gli sforzi del Governo di migliorare la risposta della Polizia nei casi di violenza di genere: “...In May 2015, the Ministry of Interior commenced a new policing strategy aimed at improving responses to violence against women, including through human rights training and the deployment of more female physicians to hospitals. Human rights groups report, however, that many women will not report crimes due to a lack of trust in the police...” DFAT Country Information Report, Egypt, 2019, available at: <https://www.dfat.gov.au/sites/default/files/country-information-report-egypt.pdf> , accessed on 5 March 2023

3 Freedom House, Egypt, available at: <https://freedomhouse.org/country/egypt/freedom-world/2021> , accessed on 5 March 2023

4 Ex multis, si vedano i fatti di cronaca riportati presso: Global Times, Upper Egypt’s village of “blood and fire” appeals for services, security, 2014, available at: <https://www.globaltimes.cn/content/879090.shtml> , accessed on 5 March 2023

5 The Christian science monitor, 2014, In Upper Egypt, police avert eyes from ethnic bloodshed , available at: <https://www.csmonitor.com/World/Middle-East/2014/0415/In-Upper-Egypt-police-avert-eyes-from-ethnic-bloodshed> , accessed on 5 March 2023

6 US Embassy in Egypt, Egypt 2021 Human rights report, available at: <https://eg.usembassy.gov/egypt-2021-human-rights-report/> , accessed on 5 March 2023

security forces; official impunity is a problem in the country ([HRR 2017](#)). Those investigations that do take place frequently end in acquittals (HRR 2017). Egyptians have a very low level of trust in the security apparatus due to several instances of abuse of power (Transparency International, May 2015). A quarter of citizens perceive that most or all police officers are corrupt (GCB 2017). However, of those who came into contact with the police in the preceding twelve months, more than two out of five indicate they had to pay a bribe (GCB 2017). The Egyptian Ministry of Interior, responsible for law enforcement in Egypt, is described as very opaque and its operations as void of any financial transparency and political oversight (Transparency International, May 2015)...”⁷

Similmente:

“...The state also provides the administrative infrastructure for the rule of law, but law enforcement is very selective, not least due to widespread corruption... [...]...Corruption thoroughly pervades all areas of any Egyptian’s life. At a low level, presents and small amounts of money are expected in return for most administrative acts or for avoiding trouble with the police, for example...”⁸

E ancora:

“..Corruption is widespread in Egypt and seemingly occurs at all levels of the state apparatus, including in law enforcement. Civil servants and officials receive facilitation payments or are bribed to block certain procedures or grant undue advantages. Foreign criminal actors in Egypt include nationals of Sudan, Libya and various countries in Asia and the Middle East...”

La sfiducia verso le forze di polizia risulta confermata da altre fonti, che mettono in luce, ad esempio, la difficoltà di ottenere un rapporto ufficiale da parte della polizia in caso di denuncia:

“...There is widespread distrust in the police force’s ability to deal with evidence, especially in respect of politically-sensitive cases. ‘It is legally possible to obtain a police report if a suspect is questioned but no charges are laid. However, DFAT understands that, in practice, the police usually prefer not to do this, and so will make it difficult for the report to be obtained. If a charge is laid, the Office of the Public Prosecutor will, as a matter of course, give the defendant a copy of the report. ‘Egyptian nationals may complain of mistreatment by the police to the Office of the Public Prosecutor. However, such an avenue of complaint is unlikely to lead to an outcome in favour of the complainant..”⁹

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2. Atteggiamento della polizia nei confronti dei meccanismi tradizionali di risoluzione delle dispute in Egitto

7 Gan Integrity, Egypt risk report, 2020, available at: <https://ganintegrity.com/country-profiles/egypt/#police> , accessed on 5 March 2023

8 BTI, Egypt Country Report 2022, available at: <https://bti-project.org/en/reports/country-report/EGY> , accessed on 5 March 2023

9 Home Office, 2015, Country Information and Guidance Egypt: Background information, including factors of protection and internal relocation. , available at: <https://www.refworld.org/pdfid/5564668d4.pdf> , accessed on 5 March 2023

Il tema della risoluzione “stragiudiziale” (non statale) in Egitto ha radici storicamente profonde, e prevede il coinvolgimento di autorità carismatiche locali, come nel caso dell’“Umda” (il capovillaggio). Le fonti segnalano che, sebbene (in via generale), il ruolo dei meccanismi di conciliazione tradizionale si sia ridotto negli anni (e teoricamente abolito nelle zone del Paese presenziate dalle forze dell’ordine locale), ciò non toglie che ancora esistano e che siano frequentemente attivati nella gestione delle dispute:

“...Non-state dispute settlement has a long tradition in Egypt, both in rural areas and in the cities.¹¹ Often those in charge of settling disputes have been powerful and charismatic locals, who through their position in the local communities, or by means of their personality, have been given the role of arbitrator in local disputes. The popular image of the arbitrary decision made by a village headman – ‘umda – springs to mind. The ‘umda was a central figure in the legal field, and was expected to enforce state law and secure order through his corps of guards, along with his other duties such as tax collection and, in Upper Egypt, ensuring that men were registered for drafting at a suitable age and were available for the forced common work in the maintenance of the dams, etc. Among the better-known obligations of the ‘umda was the duty to show hospitality to travellers, sustaining a “guesthouse”, and settling disputes through personal intervention.

Today this institution has lost much of its importance because of the expansion of the police, and the position is officially abolished in areas where a police station is found. But in those areas where it still exists, the ‘umda is most often involved in arbitrating disputes, and this may also be the case even in places where the position has officially been abolished. Often the families that once held the position still have political or economic influence, and are sought after as arbitrators...”¹⁰

In alcune circostanze, considerando il ruolo dei comitati di riconciliazione, alcune fonti sottolineano come talora siano le stesse forze dell’ordine a spingere per il ricorso alle forme di conciliazione tradizione (al fine di evitare fenomeni di vendetta e violenza postuma¹¹), promuovendo la rinuncia alla denuncia penale . In questi casi l’attivazione dei meccanismi di conciliazione comporta infatti la rinuncia alla azione legale statale, e la stessa Procura si attiva per estinguere il fascicolo criminale:

10 Authority, arbitration councils and civic society, Hans Christian Korsholm Nielsen, p. 187-206, <https://doi.org/10.4000/ema.1899>, 2005, available at: <https://journals.openedition.org/ema/1899> , accessed on 5 March 2023

11 Sul punto si noti come alcune fonti sottolineino come, nei casi di omicidio (anche colposo), anche dopo la eventuale condanna e pena statale la attivazione di un meccanismo di conciliazione inter-familiare veniva tendenzialmente considerato comunque necessario ad evitare possibili vendette e ritorsioni: “...*If a murder or accidental killing occurs, the accused is dealt with by the state judicial system and is tried and sentenced in the ordinary court. But after he has paid the penalty of his crime there is often a fear that the family of the victim shall demand the death of the accused or, in some cases, the death of one of his relatives. Therefore, both the local communities and the representatives of the official system attempt to contain the anger by trying to make the two families reconcile. The large councils dealing with killings and blood feuds are considered by many Upper Egyptians as the ‘real’ reconciliation councils, even though they convene as little as twice per year...*”Korsholm Nielsen, H. C. (2003). Settling Disputes in Upper Egypt. Isim Newsletter, 13(1), 12-13. Retrieved from <https://hdl.handle.net/1887/16905> , accessed on 5 March 2023

“..reconciliation committees are a form of traditional justice that authorities use to resolve communal incidents between Muslims and Christians. Reconciliation committees are particularly common in rural and poorer areas, where people may have no other form of access to justice. The reconciliation committee process typically involves victims of crimes accepting a negotiated apology and compensation and abandoning any claim to legal remedy. Authorities have strongly promoted the process, based on the belief that reconciliation committees are more likely than a formal judicial process to resolve issues at the local level, preventing revenge attacks and vendettas. Local sources report that authorities often pressure victims of crimes to abandon criminal complaints and participate in the process, regardless of the victim’s personal wishes. The Prosecutor-General generally accepts verdicts issued by reconciliation committees and closes the relevant legal files...”¹²

In questo senso, il tema della esautorazione del ruolo ed efficacia dello Stato di diritto (con conseguente compromissione del diritto al giusto processo), è particolarmente vero nel tema delle risoluzioni stragiudiziale delle faide e vendette Inter-comunitarie, in particolar modo tra Cristiani e Musulmani:

“...in general, sessions convened in connection with sectarian attacks have no established composition or universally recognized rules. When this is combined with the Public Prosecution’s readiness to accept the terms of these sessions in violation of the law and subsequently close investigations in most cases, it becomes clear that these reconciliations undermine the basic human right to a fair trial, enshrined in international law and the Egyptian constitution. ...”^{13 e14}

In questo senso non stupisce come le Chiese di solito tendano a rifiutare questi meccanismi di conciliazione:

“..The Church has thus come to reject this alternative mechanism because it effectively prevents the state from enforcing the rule of law through the police and judicial system. Reconciliation sessions might well be useful to follow up on and reinforce a court’s decisions in a community, but they can never replace a formal judicial process....”¹⁵

12 DFAT Country Information Report, Egypt, 2019, available at: <https://www.dfat.gov.au/sites/default/files/country-information-report-egypt.pdf> , accessed on 5 March 2023

13 EIPR, 2015, “Whose Customs? The Role of Customary Reconciliation in Sectarian Disputes and State Responsibility” Four years, four presidents, and 45 unjust customary reconciliations that violate the rights of Coptic citizens,, available at: <https://eipr.org/en/press/2015/06/whose-customs-role-customary-reconciliation-sectarian-disputes-and-state> , accessed on 5 March 2023

14 Concordemente: “...Government officials have often sought to downplay state sponsorship of reconciliation meetings by claiming that they occur in limited instances or that they are entirely optional when they do. However, the fact remains that the government continues to sponsor these sessions, sometimes tacitly and often openly. This is most commonly witnessed in cases when the public prosecutor relied on reconciliation sessions to halt criminal proceedings, despite being prohibited in the first article of the Criminal Procedure Code. Other times, members of parliament, governors, or military generals, participate as leading figures in the council. The result is that some minorities are left with no opportunity to seek redress in the formal judicial system...” The Tahrir Institute for Middle East Policy, Issue bried: Egypt’s reconciliation councils, 2016, available at: https://static1.squarespace.com/static/5947e4266a49635915ac0a31/t/59ee80eed7bdce4245e96c7c/1508802798737/IB_Reconciliation.pdf , accessed on 5 March 2023

15 Assafiarabi, In Egypt, a Parallel Justice System to Further Oppress Copts , 2017, available at: <https://assafirarabi.com/en/12515/2017/04/25/in-egypt-a-parallel-justice-system-to-further-oppress-copts/> , accessed on 5 March 2023

Quanto descritto sembrerebbe trovare un quadro di coerenza con il fatto che la polizia locale, soprattutto nelle zone rurali del Paese, risulterebbe soggetta alle pressioni sociali del luogo¹⁶, tendendo quindi a non compiere scelte incongruenti con la morale locale:

“...The report also noted ‘The Egyptian police is a reflection of the Egyptian population; the increasingly conservative nature of Egyptian society is mirrored in the police force. Further, particularly in rural areas, the police live in the community they are policing and are subject to local pressure to make choices that are congruent with dominant social mores. ...’¹⁷

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¹⁶In questo senso si noti come fonti (datate), sottolineano come gli ufficiali di polizia locale venissero arruolati tra la stessa popolazione del luogo di impiego, minandone la imparzialità: “...AA blood feud can become exacerbated if Muslims and Copts are involved, going from a simple family vendetta to a religious conflict (The Estimate 11 Feb. 2000). Since police officers are enlisted from the local area that they serve, confessional animosities between Muslims and Christians can influence police behaviour (ibid.)...” IRB, Response to Information requests, Egypt: Al-Tar vendetta feuds; underlying philosophy and principles; areas or groups that participate in it; how Egyptian law addresses it; reaction of authorities to violence committed in this tradition Direction des recherches, Commission de l’immigration et du statut de réfugié, Ottawa, 2004, available at: <https://www.justice.gov/sites/default/files/eoir/legacy/2013/11/07/EGY42420.E.pdf>, accessed on 5 March 2023

¹⁷ Home Office, 2015, Country Information and Guidance Egypt: Background information, including factors of protection and internal relocation, available at: <https://www.refworld.org/pdfid/5564668d4.pdf>

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