

EGYPT

Definition and Prosecution of Terrorist Acts

Recent legislation includes terrorist acts in Egypt's criminal law as serious crimes. "Terrorism means any use of force or violence or any threat or intimidation to which the perpetrator resorts in order to disturb the peace or jeopardize the safety and security of society and which is of such nature as to harm or create fear in persons or imperil the lives, freedoms or security; harm the environment; damage or take possession of communications; prevent or impede the public authorities in the performance of their work; or thwart the application of the Constitution or of laws or regulations." "Egyptian law does not concern itself solely with the criminalization of terrorist acts committed in Egypt or directed against Egyptian nationals, but also extends the scope of criminality to terrorist acts committed anywhere in the world, irrespective of the nationality of the injured party or parties."

Article 86(a) of the penal code provides the penalty of execution or a life sentence of hard labor for the "supplying of groups, gangs or other terrorist formations with weapons, ammunition, explosives, materials, instruments, funds or information that assist them in carrying out their aims." The code also establishes penalties for anyone who invites another to join in an agreement aimed at the commission of a crime in connection with terrorist activity, even if such an invitation is not accepted, and for anyone who has knowledge of the existence of a plan to commit a terrorist act and fails to notify the proper authorities.

Article 40 of the Egyptian Penal Code enumerates various forms of complicity in an offense, whether incitement, conspiracy or assistance, including: (a) Any person who incites others to commit the act constituting the offense, if such act occurs as a result of the incitement; (b) any person who conspires with another to commit the offense, where the offense is committed by the conspiracy; (c) any person who knowingly provides the perpetrator or perpetrators with a weapon, implement or any other object used in the commission of the offense or assists them in any other way in acts preparatory to, facilitating or completing its commission." Finally, the Egyptian Penal Code penalizes an attempt to commit an offense. Article 45 defines this as any undertaking for the purpose of committing a serious or less serious offense which is halted for reasons independent of the will of the perpetrator. Thus, the Egyptian Penal Code covers attempted offenses and complicity, including incitement, conspiracy and assistance.

Prevention of Terrorism – Security Measures

Egypt has instituted numerous pieces of legislation aimed at curbing the activity of terrorist groups: law No. 97 of 1992 on terrorism establishes State security courts and deals with bank secrecy, weapons and ammunition; laws No. 32 of 1964 address private associations and institutions; law No. 153 of 1999 deals with the promulgation of the law on non-governmental organizations and institutions; law No. 205 of 1990 addresses bank secrecy; and law No. 182 of 1960 deals with the control of narcotic drugs. Various security apparatuses and the law enforcement apparatus within Egypt are coordinated by means of specific mechanisms and channels, while liaison officers implement various coordinating measures. The principles and rules on which the mechanism is based vary depending upon the nature of the subject and the authority with which information is to be transferred.

Weapons Control

Egyptian law prohibits acquisition and possession of weapons and ammunition except by permit from the competent Government authority. The penalty for the acquisition or possession of firearms and ammunition is aggravated if they are used, or intended for use, in an activity that

constitutes a disturbance of the peace and public safety in the country. To prevent weapons smuggling and bar terrorists from acquiring such items, efforts are being made to intensify monitoring and control operations at border check points and entry/exit points. Moreover, government efforts focus on detecting the movement of criminal elements that deal in unlicensed arms and ammunition, with emphasis placed upon the raiding of any place where arms, ammunition or explosives are manufactured illegally.

Laws Pertaining To Biology

Egypt has taken steps to regulate and monitor biotechnology enterprises by establishing the Egyptian National Biosafety Committee (NBC). The NBC is comprised of policy makers and scientific experts from government and academic research institutes in the fields of agriculture, health, industry and the environment. The purpose of the NBC is to establish policies and procedures – including the formulation, implementation and updating of safety codes – to govern the use of modern biotechnology in Egypt. This includes publishing the National Biosafety Committee guidelines (NBC Guidelines) to be followed at the national level. The committee will also provide technical advice to the regulatory authorities and the institutions responsible for the development of biotechnology in the country. Additionally, the NBC will perform risk assessment evaluations and issue licenses.

Money Laundering – Prevention and Prosecution

Because the funding of terrorism is so vital to the survival of terrorist activity, it is prohibited to supply any items in kind or material items for the purpose of carrying out terrorist activities, including weapons, ammunition and explosives. Economic assistance is referred to as funds, which includes cash amounts, paper securities and every movable or immovable “corporeal thing to which a monetary value can be attributed.”

Egyptian law treats factors contributing to and sources serving as a basis for terrorist acts and activities as criminal. Egyptian law criminalizes the collection of contributions without obtaining a permit for that purpose from the governmental authority concerned. This allows for State supervision of contributions and donations so as to ensure the proceeds are spent for legitimate purposes and not used to help finance terrorist acts.

A draft law is aimed at combating the laundering of illicit money. It defines financial institutions to include banks, companies engaging in brokerage or insurance activities, companies dealing in securities, money-changing companies, investment companies, postal funds, companies which provide recreational and travel services, amusement centers, casinos, and other institutions of that nature. Money laundering activities are defined broadly so as to include all conduct which involves “acquiring, disposing of, managing, keeping, replacing, depositing, investing, transporting or transferring money with a view to concealing or misrepresenting its source, changing the facts relating to it, preventing ascertainment of the fact that it was derived from any of the crimes referred to or impeding access to the person or persons who committed the crime from which the money was derived.”

“The Central Bank of Egypt issues instructions to all the banks under its supervision and to the Arab International Bank to freeze all assets, private accounts and funds pertaining to organizations connected with terrorist acts.” Article 58 of the Banking and Credit Act No. 163 of 1957 imposes penalties in the event that banks misrepresent facts or conceal facts from the Central Bank of Egypt.

Article 2 of law No. 80 establishes an independent unit in the National Bank of Egypt specifically to combat money-laundering. The powers of this unit include receiving notifications of transactions suspected of involving money-laundering, establishing a database and exchanging information with foreign governments and institutions, in implementation of the international agreements to which Egypt is a party or of the principle of reciprocity.

EGYPT

In particular the unit: (a) “Adopts the necessary forms for the implementation of the provisions of the law on the combating of money-laundering; (b) prepares the necessary means to verify the compliance of financial institutions with the rules and regulations established by law for the combating of money-laundering; (c) ensures that the judicial authorities and other entities responsible for the implementation of the provisions of the law on the combating of money-laundering are supplied with the information that they request; (d) adopts the rules for the exchange of available information with peer units in other States and international organizations in accordance with the provisions of the international agreements to which Egypt is a party or in accordance with the principle of reciprocity; (e) suggests the regulations and measures to combat money-laundering at the national level.”

The law provides that the unit shall receive reports from financial institutions about transactions suspected of involving money-laundering. The unit shall also establish a database of information available to it, and the unit will be responsible for ensuring that the proper judicial authorities have access to such information. Its tasks also include the exchange of this information and coordination with national oversight bodies and competent entities in foreign countries and international organizations to which Egypt belongs or in accordance with the principle of reciprocity. The unit shall undertake to investigate and check the reports and information it receives concerning transactions suspected of involving money-laundering and shall notify the office of the Attorney-General of any evidence resulting from such investigation that points to the commission of any offenses. Article 98(e) of the Penal Code provides that assets which have been earmarked for expenditure on terrorist groups or organizations must be confiscated. The Bank Secrecy Law allows the Attorney General obtain or examine any data or information that pertains to accounts, deposits, trusts or safes and transactions related thereto if such information is required to ascertain the facts in a terrorist offense.

Information Sharing

Numerous bilateral and multilateral conventions have been concluded in order to enhance the exchange of information and expertise on terrorist organizations, their leadership, officers, arms and ammunition, means of financing and communication channels as well as their links to organized crime. “Decision No. 2977 of 1989 of the Minister of the Interior established an international cooperation committee to work with the various security apparatuses and the Ministries of the Interior and State Security of various States and internal and governmental organizations specialized in all types of crime (including terrorist crimes).” Egypt has concluded a number of bilateral and multilateral agreements with other States governing exchanges of information and common measures in combating terrorism.

Cooperation has been enhanced with the security agencies of various nations with a view toward eliminating terrorist activity and identifying the places where terrorist elements are located and trained, their channels of communication and their sources of funding. International organizations such as the International Criminal Police Organization (INTERPOL), Council of Arab Ministers of the Interior of the League of Arab States, Organization of African Unity, Organization of the Islamic Conference, and others have been used to exchange available information on the activities and membership of terrorist organizations among member States.

Egypt has ratified the overwhelming majority of international conventions that relate to international terrorism. The measures Egypt is taking to give effect to conventions and protocols already ratified are as follows: “Article 151 of the Egyptian Constitution provides that: the President of the Republic shall sign conventions and transmit them to the People’s Assembly, accompanied by appropriate comments. They shall enter into effect after they have been signed, ratified and published in accordance with established procedures; since other agreements signed and ratified by Egypt become part of domestic law and apply like any other laws, no additional measures are required for their incorporation into national legislation.”

BIBLIOGRAPHY OF EGYPTIAN LEGISLATION

Definition and Prosecution of Terrorist Acts

1. Egyptian Penal Code, Law No. 97 of 1992 – Establishment of State Security Courts.
2. Egyptian Penal Code, Law No. 32 of 1964 addresses Private Associations and Institutions.
3. Egyptian Penal Code, Law No. 205 of 1990 – Bank secrecy.
4. Egyptian Penal Code, Law No. 182 of 1960 – Control of Narcotic Drugs.
5. Egyptian Penal Code, Law No. 153 of 1999 – Promulgation of the Law on Non-Governmental Organizations and Institutions.
6. Egyptian Penal Code, Article 40 – Complicity with Terrorist Acts.

Laws Pertaining To Biology

1. Biosafety Regulations and Guidelines (January 1994).

Money Laundering – Prevention and Prosecution

1. Egyptian Penal Code, Article 86(a) of the penal code – Supplying of Groups, Gangs or Other Terrorist Formations with Weapons, Ammunition, Explosives, Materials, Instruments, Funds or Information.
2. Egyptian Penal Code, Law No. 80, Article 1(c) of 2002 – Combating of Money-laundering.
3. Egyptian Penal Code, Law No. 80, Article 2 of 2002 – Establishment of an Independent Unit in the National Bank of Egypt Specifically to Combat Money-laundering.
4. Banking and Credit Act No. 163, Article 58 of 1957 – Misrepresentation or Concealment of Acts by Financial Institutions.
5. Egyptian Penal Code, Article 98(e) – Confiscation of Assets Meant For Terrorist Organizations.
6. Egyptian Penal Code Law No. 95 of 1980 – Imposition of custodianship.
7. Socialist Public Prosecutor Law No. 34 of 1971 – Imposition of Custodianship over a Persons Property.

Information Sharing

1. Egyptian Constitution, Article 151- Ratification of International Treaties.
2. International Opium Convention, The Hague, 1912.
3. United Nations Convention on the Status of Refugees, 1951.
4. Conference of Arab Ministers of the Interior and Ministers of Justice, 1998.
5. Arab Convention for the Suppression of Terrorism, 1998.
6. United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988.
7. Arab Strategy for Control of Illicit Use of Narcotic Drugs and Psychotropic Substances, 1994.
8. Decision No. 2977 of 1989 – Establishment of an International Cooperation Committee.

Secondary Materials

- The Biosafety Information Network and Advisory Service (Egypt page): <http://binas.unido.org/binas/country.php3?id=6>