

Lists of presidential pardons integration and rehabilitation

Egypt. On the path of reconciliation and reparation



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On January 22, 2023, the "Presidential Pardon" committee announced a list of 43 names of detainees to be released soon, which was greatly welcomed by the Egyptian political forces. The committee has achieved remarkable success since the re-formation and activation of its role at the end of April 2022, and it recorded the release of 1,000 people, which confirms the determination of the Egyptian political leadership to address the issue of prisoners in order to implement the national strategy for human rights, and to strengthen the mechanisms of political action before the start of the Egyptian national dialogue.

First: Results of the “Presidential Pardon” Committee:

The "Presidential Pardon" Committee was formed for the first time in 2018 as one of the outputs of the "National Youth Conference" held in Sharm El-Sheikh in 2017, and its mission was to review all files and cases of remand politicians who are not involved in any violence, to be released by a presidential decision from the President of the state in accordance with (Article 155) of the Egyptian Constitution, which states that “the President of the Republic, after consulting the Council of Ministers, may pardon or mitigate the sentence. A comprehensive pardon is only possible by a law approved by the approval of the majority of the members of the House of Representatives.” Dozens of those imprisoned were released then stopped.



1- On the legality of the work of the Presidential Pardon Committee

The legality of the work of the Pardon Committee is based on the use of constitutional powers of the President of the Republic to issue decisions pardoning young people convicted in political cases, and to expand its scope of work to include debtors, as Article 155 of the 2014 Constitution and its amendments stipulated that the President of the Republic, after taking the opinion of the Council of Ministers, pardons punishment or reduce it, and a comprehensive amnesty is only by a law approved by the majority of the members of the House of Representatives, and a presidential pardon includes two types of decisions: a comprehensive amnesty and a pardon for punishment.

The amnesty includes the rest of the prison sentence in some criminal cases that are not prejudicial to honor, who have served half the term and who have not been sentenced in cases of premeditated murder, drugs, or breach of national security, under special conditions determined by the sovereign decision.

The presidential pardon does not apply to those convicted of crimes related to felonies and misdemeanors harmful to the security of the government from outside and inside, explosives, bribery, felonies of forgery, crimes related to disrupting transportation, felonies stipulated in the Law on Weapons and Ammunition, crimes of drug trafficking and trafficking in them, felonies of illegal gain and crimes stipulated in the Building Law.



The decision also does not apply to the crimes stipulated in the law of companies operating in the field of receiving funds for investment, the crimes stipulated in the Child Law, and the felony stipulated in the Anti-Money Laundering Law.

Also, presidential pardon decisions are among the prerogatives of the President of the Republic and an act of sovereignty, and there are no specific conditions for selection. The president may choose the pardoned according to health or humanitarian considerations, or in accordance with the public interest. Releases in reform and rehabilitation centers are considered in consideration of requests for conditional or half-term release, and the President of the Republic ratifies these decisions on national occasions.

As for cases of preventive detention, for which the Pardon Committee receives requests for them, it is referred to the Public Prosecutor and the urgent court to consider their release until the completion of the investigations or under any condition as long as the legal conditions for their release are met.



2- Reactivating the Presidential Pardon Committee: (1)

On April 24, 2022, during the presence of the Egyptian President, "Abdel Fattah El-Sisi," the Egyptian family breakfast, he announced the start of a "national dialogue" called for by all Egyptian national forces, and he also issued his instructions to re-form the second presidential pardon committee and reactivate it, which was greatly welcomed by all political circles. Egyptian parties, especially opposition figures, described the decision as a step on the road to democratic and political reform. On May 4, 2022, the committee was formed with new membership, and issued a statement confirming that it...decided to receive requests for presidential pardon through a form on the National Youth Congress website, and through mail messages to the Human Rights Committees in the House of Representatives or the Senate, and to send requests to the Complaints Committee of National Council for Human Rights and members of the Presidential Pardon Committee.

The committee also announced that it would expand its scope of work to include male and female debtors, because it is one of the general issues related to human rights, in addition to the file of youth imprisoned in cases of opinion and demonstration by political parties and forces. **After that, lists of political prisoners were released, until it reached a thousand people by the end of 2022, and the most prominent of them was (2).**

- At the end of April 2022, 41 people were released from pretrial detention pending political issues and freedom of opinion.

- In early June 2022, President Al-Sisi issued a presidential pardon for 12 remand detainees, most notably the dissident Yehia Hussein Abdel-Hadi, after three years of imprisonment on charges of spreading false news. (3)

- On October 11, 2022, 70 remand prisoners were released in the coming hours, making it the largest batch since the reactivation of the Presidential Pardon Committee.
- A presidential decree was issued to release the political activist "Ziyad Al-Olimi" in response to the calls of the political parties and forces, the Coordination of the Youth of Parties and Politicians, and the Presidential Pardon Committee.
- In early January 2023, the Presidential Pardon Committee announced that the Supreme State Security Prosecution decided to release 30 new detainees, in coordination with the concerned authorities, based on recommendations from the "Presidential Pardon" Committee. And the expression, stressing that the presidential support is a continuous driving force for successive and quick results of the committee's work, in addition to the continuous coordination with the Attorney General and the Minister of Interior, which constitutes a success for the committee's work.



3- The committee work mechanism

Tariq al-Khouli, a member of the Presidential Pardon Committee and a member of the House of Representatives, explained that the committee represents a driving force for national dialogue and the establishment of a state of societal tolerance, and a message of reassurance to all parties to the political process, stressing that the committee will not be a reason for the departure of anyone who poses a threat or prejudice to the lives of Egyptians, and renewed The committee refused to release anyone who contributed to any terrorist acts or belonged to any terrorist organization that threatened the security of the state and its people at any time.

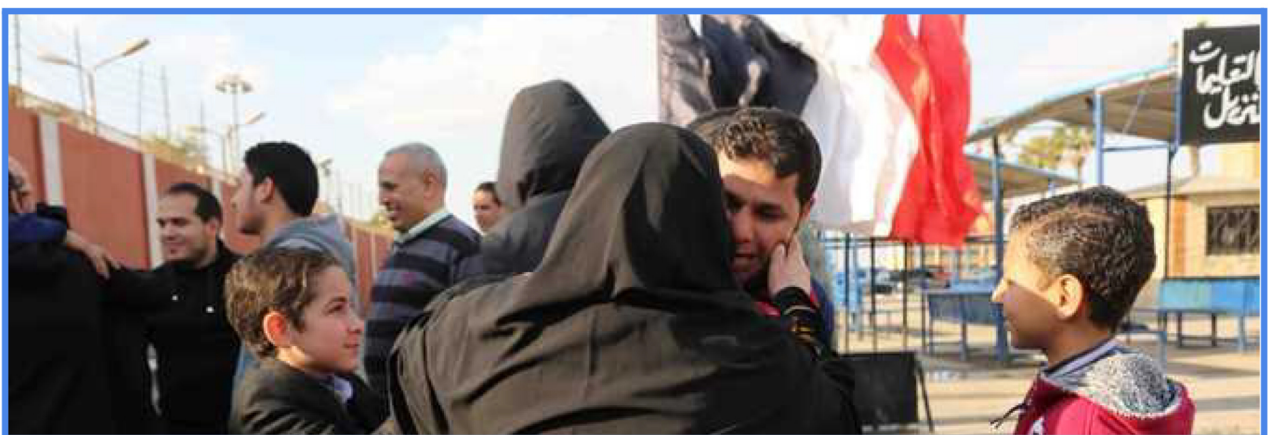
"Al-Khouli" confirmed that the mechanisms of the Amnesty Committee's work have been developed by the members of the Committee since the beginning of its work in 2018 during its first formation. Any person who represents a threat or harm to the lives of Egyptians, therefore, it scrutinizes in an unprecedented way the application of legal standards before the release of detainees.



Second: The Importance of Presidential Amnesty Initiatives:

Such as, the re-formation of the Presidential Pardon Committee in April 2022 to revive it again, and perhaps its importance now exceeds its importance during its first formation due to the political momentum accompanying its re-formation, which coincided with the launch of President Al-Sisi's call to start the "Egyptian National Dialogue" and the launch of the Human Rights Strategy, as well. The re-formation of the committee confirms the keenness of the political leadership to support the process of political reform, which must take place through the participation of all segments of society, including the Egyptian political opposition forces. Its importance is due to the following:

1- Supporting the political reform process: The successive releases of political prisoners during the year 2022, which were completed at the beginning of the current year 2023 and amounted to more than a thousand cases, confirmed the seriousness of the state in the process of political reform, as the state itself began to review its decisions and procedures in preparation for the start of a new phase of Political work in Egypt, compatible with the requirements of the Egyptian society.



2- Improving the conditions of civil and political rights: The release of prisoners comes within the framework of activating the state's efforts to promote the concepts of social, economic, cultural and political human rights. It confirms its seriousness in dealing with the human rights file, as the state works based on its previous experience during the past decade of the Egyptian experience that fought the two revolutions (January 25 and June 30). The state's desire to contain its citizens and integrate them into society, especially those who have not been involved in acts of violence and terrorism, and the committee emphasized working to include the file of debtors and women in debt to the work of the committee, which is one of the files that has an important social and human dimension. It also confirms the state's keenness to improve the civil conditions for all citizens, and this creates a state of internal and external stability, given that Egypt is the most important pillar for the stability of this region.

3- Activating the National Strategy for Human Rights (4): Egyptian President Abdel Fattah El-Sisi launched the "National Strategy for Human Rights" on September 11, 2021, to develop state policies and directions in dealing with relevant files to enhance respect for all civil, political, social, economic and cultural rights. Al-Sisi described the launch of the strategy as a "bright moment in Egypt's contemporary history," considering it "a serious step towards the advancement of human rights in Egypt. each other, namely: Civil and political rights, economic, social and cultural rights, human rights of women, children, persons with disabilities and youth, education and capacity-building in the field of human rights, and through the work of the committee and the continuous release of prisoners, this is an application of the strategy as it guarantees the freedom of the individual and the freedom of his political action, and represents an application For a more comprehensive concept of human rights that President Sisi has always called for, especially after the file of "those who are in debt" regarding the presidential amnesty initiatives.

The release also confirms the credibility of the national strategy for human rights and the seriousness of the state in adhering to all its provisions, and confirms that the Egyptian state works through a respectable system in which it adheres to its pledges to move forward in the path of respecting human rights, and all civil society organizations concerned with human rights must intensify their efforts to support the Presidential Amnesty Committee by receiving requests for the release of citizens, given that it will be the most relevant to them, Then it is sent to the Amnesty Committee to undertake research, study and decision on it. The National Human Rights Strategy also emphasizes the participation of civil society organizations and political parties in the role assigned to them in promoting Egyptian political life, which is done through the Presidential Amnesty Committee through civil society organizations collecting data on cases imprisoned youth and present them to the Presidency for their release and work on rehabilitating youth and integrating them into society and finding job opportunities for them.

4- Supporting the National Dialogue: The announcement of the re-formation of the Presidential Pardon Committee coincided with President Sisi's announcement of the start of preparations for the "Egyptian National Dialogue" in April 2022, and during each session of the National Dialogue Board of Trustees, the work of the "Presidential Pardon" Committee is addressed because it has a great reflection for Creating the atmosphere for an effective and fruitful national political dialogue to produce the best results, This is done by building bridges of trust between the state, its institutions, and the peaceful political opposition with its various currents, provided that none of them is involved in any acts of violence, and this will lead to the diversity and enrichment of the national dialogue and Egyptian political life in general if these personalities participate in it. The state of transparency and openness that the Egyptian state adopts towards the political forces, and the presidential amnesty decisions reflect the state's concern for the interest of its youth, and reflect the interest of the political leadership in youth and their role in political life, which achieves a comprehensive vision for conducting a comprehensive national dialogue.

Third: internal and external reactions:

Internal and external reactions to the decision to reconfigure the Presidential Pardon Committee varied between welcoming all Egyptian political and societal forces, and criticism and calling for the release of more prisoners, which requires further research and study on each case. The most prominent reactions can be summarized as follows...

1- The position of the opposition forces:

The state's response to the opposition's demands: During his attendance at the Egyptian family's breakfast in April 2022, the former presidential candidate, Hamdeen Sabahi, during his handshake with President Abdel Fattah El-Sisi, asked for "the release of prisoners of conscience." The following day, journalist Hossam Moanes was released. Also, the demand of Journalist "Khaled Daoud" to release 33 prisoners of conscience, including activists and former journalists. Some of them have already been released, including journalist "Ziyad Al-Olimi", which was described as a response to the opposition's requests, if the legal conditions and standards that are compatible with the conditions of the Presidential Pardon Committee are met.



- **Initiatives to integrate and rehabilitate the released:** Some opposition forces called for the need to reintegrate the released into society again, which is in line with the efforts of the Presidential Pardon Committee, as the year 2022 witnessed many steps and procedures for the reintegration and rehabilitation of those released by the presidential amnesty decisions, in order to implement the principles of the national strategy for human rights for the provision of the requirements of a decent life for all citizens without discrimination. The committee has adopted several initiatives to integrate the released detainees into society and provide them with the requirements of a decent life. This achieves several goals for the state by benefiting from their energies and directing them in the right path, whether by helping some return to their work or providing job opportunities. Coordination is also taking place with the concerned authorities in the state to solve Some procedural matters related to travel ban or seizure of funds.

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The Presidential Pardon Committee has stated that the reintegration of the released is a “presidential assignment” so that they will not be left “prey to difficult economic and social conditions,” and they will be integrated into society by finding new job opportunities for them or returning them to their previous work after taking into account their legal status, as the committee communicates with ministries and various agencies to achieve this goal, it also communicates with private sector and civil society institutions to provide them with job opportunities. The committee also seeks to return expelled students to their university, because the university regulations prevent the permanently expelled from returning to their studies, and reconciling the conditions of those released can be studied in the sessions of the national dialogue to be launched in February 2023, so that the various efforts of state institutions, the National Alliance for Civil Action and the private sector come together to address the problems of the released and return them to their scientific, practical and professional lives.

The Coordination of Youth Parties and Politicians had established a committee for integration and rehabilitation, and the committee used social negotiation tools with state institutions; To return those who were dismissed to their work and students to their universities, by forming a team of conservative deputies, parliamentarians, party activists and others; To communicate with the released and to provide support and assistance in overcoming all obstacles that stand in the way of their return to their normal life, it also provided health care and vocational rehabilitation to contribute to their return to the labor market, and to conduct visits from the Pardon or Coordination Committee to their homes as a way to restore social dignity.



The committee faced difficulties in returning students who were permanently dismissed to public universities, and some employees who were dismissed from their jobs, especially in the electricity and oil sectors. Because of the internal regulations and the entry of the coordination through its deputies and members into in-depth dialogues through which it succeeded in returning some cases in the hope that those parties would respond to the rest of the requests.

This committee was a practical application of the output of one of the coordination workshops, which discussed the challenges facing those released on the background of political issues of a political nature.

2- The international welcome to the presidential pardon initiatives (6):

During the year 2021, several reports were issued by official and unofficial international human rights organizations criticizing a number of human rights issues in Egypt. These reports were sometimes based on incomplete and erroneous information. The Egyptian political leadership faced these campaigns in a practical manner, as the Egyptian President Abdel Fattah El Sisi announced in the same year, Al-Sisi announced the issuance of a human rights strategy that received wide international and international acclaim, and in April 2022 he announced the re-formation of the "Presidential Pardon" committee to deal with the issue of prisoners and the international confusion surrounding it from time to time.

There are a number of influential official and unofficial human rights organizations, the most prominent of which is the "Amnesty International" organization (Amnesty), which was concerned with reconfiguring the presidential pardon committee and its decisions.

On April 29, 2022, the organization welcomed the release of journalist and political activist "Hussam Moanes", who was released following a presidential pardon, and called for the release of more detainees held on political charges.

In early June 2022, the deputy director of the regional office for the Middle East and North Africa in the organization, Amna Alqlali, announced that she welcomed the release of 11 people who had been imprisoned for "political reasons" since 2018.



From the foregoing, we can conclude that the Egyptian state has a political will to end the file of detainees in light of the state of openness to achieving progress in human rights, starting with President Abdel Fattah El-Sisi's announcement of ending the state of emergency in Egypt and the start of the national dialogue work and the positive interaction of the Presidential Pardon Committee with the requests for release from the parties, and cooperate with the complaints system at the National Council for Human Rights, as well as the cooperation of the state agencies with the committee and work to expedite the liquidation of that file.

The other thing is the emergence of indications of activating the national strategy for human rights, and building on the actual progress achieved during the past two years. The re-formation of the

Presidential Pardon Committee was part of it because the release of more prisoners will enhance the establishment of a state of societal peace, and the national dialogue will give broader horizons for the participation of all Political forces in the Egyptian state.

It should also be noted that the results of the Presidential Pardon Committee so far confirm the success of the national mechanisms responsible for improving human rights conditions in dealing seriously with the file of detainees, through the mechanisms of social negotiation with state institutions, which can be built upon in ending the file that has been bothering the human rights group for previous years and talked about many national and international reports.

Recommendations

- 1- The Arab Network for Digital Media and Human Rights calls on all governmental institutions and the private sector in Egypt to cooperate with the committee and return the released persons as an inherent human right, and for political actors to pay attention to the issue of integration and rehabilitation due to its important impact on establishing the foundations of social peace and achieving human rights principles.
- 2- Emphasizing the importance of the Presidential Pardon Committee continuing its work and moving towards more releases and alleviating the suffering of those imprisoned in cases of opinion.
- 3- Reconsidering the Egyptian Code of Criminal Procedure to ensure the cessation of long-term pre-trial detention, and making amendments to ensure that pre-trial detention decisions do not become a punishment in and of themselves.

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