

## **Egypt: What Does Morsi Not Understand About Police Reform?**

Tuesday 30 July 2013, by [FAHMY Khaled](#) (Date first published: 2 March 2013).

In mid-1861, Saeed Pasha, the ruler of Egypt, issued a Sovereign Decree to all police chiefs replacing the penalty of beating with imprisonment. Accordingly, regulations were issued stating that

*“since penalties in the form of beatings of some criminals are intended to once and for all discipline those who commit crimes and sins, and serve as a deterrence to others, while keeping in mind effect without harm, we have decided to replace the penalty of beating with the penalty of imprisonment.”*

Before these regulations were issued, torture was prevalent and central to Egypt’s judicial system. Most penalty codes issued during the nineteenth century clearly stipulated beatings and flogging as legitimate penalties that were administered publicly. For example, the “Law of Muhtasibah”—keeping everything in order within the laws of Allah—issued in 1835 stipulated that anyone who tampers with measuring scales in trade “will be penalized with ten lashes in the first round, twenty-five lashes in the second round, and fifty in the third round.” In addition to being a legal penalty, torture was also a means of forcing suspects to confess. Police records from the time are filled with phrases such as “we intensified his agony” and “he was beaten until the flesh tore off his buttocks.”

So what inspired the authorities in Egypt to repeal torture in 1861? I spent quite some time trying to figure this out. The preamble to the new regulations did not give clear reasons. Neither was Saeed Pasha known for his passion for the welfare of his subjects, or his efforts to ease their suffering. Of course, there were no human rights groups or international organizations monitoring prisons to ensure they abided by international rules and agreements. In fact, none of these norms and traditions existed yet.

By studying many documents from that era, I found that torture had bothered those in charge of the affairs of state. Torture as a penalty (e.g., flogging and use of a wooden plank) often resulted in death. Thus a regulation was passed in 1852 requiring the presence of a wise man during floggings and beatings. Torture, by nature, does not equate among victims since the elderly and weak, for example, do not endure it like a healthy young person would. Thus, torture as a legal penalty violates the basic principles of the penal code of equity in punishment for the same crime. However, torture as a tool to extract a confession was also problematic for those in charge. Police officers were the first to admit that the outcome of torture is not reliable since suspects will often confess to anything to end their torment, which means never finding the real culprit. Finally, the state found an alternative to torture in both its functions—as a legal penalty and as means to establish evidence. Throughout the nineteenth century, the Egyptian state took good care of prisons and inmates. Prisons were transformed from institutions for exile and exclusion into institutions of rehabilitation and discipline. At the same time, incredible advances in forensic science enabled the state to replace torture as a means to establish evidence in criminal offences.

After I spent many years exploring the National Archives, I concluded that torture was repealed from the Egyptian criminal code in the nineteenth century because of a decision from within the state apparatus itself, specifically the police—which reached an advanced degree of professionalism.

It was also a reflection of a high degree of centralization, strength, and self-confidence of the state's administrative apparatus, at the heart of which is the police.

It is disappointing to watch the serious regression of the Egyptian state over the past thirty years—a regression back to torture practices at police stations and locations of detention in Egypt. Even more upsetting is that those in power today do not recognize the dangers of continuing to ignore this explosive issue, especially after a revolution which—in my opinion—primarily occurred to end torture and other systematic abuses by the police against citizens.

The president has not said a single word about torture. The prime minister went to the headquarters of Central Security Forces after recent clashes in Port Said to promise them he would give them more weapons. The government has brushed aside all initiatives to reform the police. The minister of justice denied torture existed under President Morsi, and has often said the police cannot be reformed except from within and based on initiatives by its leadership. And so it seems, President Morsi's government has made up its mind on this matter and does not wish to address police violations, and at the same time cannot force police leaders to change their ways in dealing with the people. I believe choosing to ignore overhauling the police will be detrimental to the rule of President Morsi. Egypt's police today, unlike in the nineteenth century, cannot reform itself from within because the state's administrative apparatus—the judiciary and forensic science—which aided the police in this difficult task in the past, has collapsed. Meanwhile, torture has become systematic and routine which makes it impossible to expect police officers and commanders to accept this mission voluntarily.

During the first round of Mohamed Mahmoud clashes, I spoke to several young people there and realized their deep hatred towards the Ministry of Interior. I listened to these young people in their twenties and younger about the horrors and tragedies they suffered at the hands of the ministry since they were born. While I watched their determination in resisting the ministry's oppressive practices, the Muslim Brotherhood youth were nowhere to be found.

Unlike the heroic stand of Brotherhood youth on the day of the Battle of the Camel, Brotherhood youth and elders were absent from all confrontations between revolutionaries and the ministry and its thugs after that. It is clear that "insisting on legitimacy" and promoting the importance of holding presidential, parliamentary elections, and a referendum on the constitution became a Brotherhood obsession. The danger of this thinking is that it ignores the fact that there is revolution on the streets and in squares.

The revolution may have overthrown some pillars of the former regime, and succeeded in freeing the public domain so we can hold free and fair elections. However, the victor in these elections is mistaken to think the goal of the revolution is limited to holding fair elections. It is a revolution of rights launched on Police Day to highlight the importance of reforming this vital arm of the state.

I will not mention how the president's "people" pounced on protestors outside the presidential palace. I will only remind the president that reforming the police is not a minor demand that can be ignored. His insistence on forging ahead with elections without addressing this vital issue will void election results of their meaning. It will also undermine the foundation of the state he is leading.

**Khaled Fahmy** كhaled Fahmy, Mar 02 2013

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<http://www.jadaliyya.com/pages/index/10426/what-does-morsi-not-understand-about-police-reform>