

معا لمطالبة النظام المصري بالإفراج عن المساجين قبل تفشي كورونا



مع تفشي وباء كورونا العالمي ووصوله إلى مصر، هناك خطر جسيم يهدد المجتمع المصري ككل، بسبب سوء أوضاع مقار الاحتجاز والتي تجعل تلك المقار بؤرا خطيرة تهدد كافة المصريين.

تعاني مقار الاحتجاز المصرية من الإهمال الطبي، وانعدام النظافة ورداءة التهوية، بما يؤثر سلبا على مناعة المعتقلين ويضاعف من خطورة المرض عليهم، كما تشكل إصابة المعتقلين بهذا الفيروس حال حدوثها خطورة بالغة على المجتمع، لاحتواء السجون على العديد من أفراد الأمن والإداريين، الذين يتصلون بالمجتمع بشكل يومي.

وهو ما يجعل خطر وصول كورونا إلى السجون بمثابة تهديد مباشر للشعب كله، فلو ظهر الفيروس بالسجون سينتقل إلى سيارات الترحيلات والأقفاص وقاعات المحاكم ومستشفيات السجون، وحينها من المؤكد أن الفيروس لن يفرق بين مسجون وسجان وضابط ومحام وقاض وطبيب، ليس هذا فحسب بل سيمتد التأثير إلى دوائر الاتصال معهم أيضا.

إن الغرض الأساسي من العريضة هو مطالبة منظمة الصحة العالمية بالضغط على الحكومة المصرية لاتخاذ التدابير التي تحول دون وقع كارثة محققة وأهم تلك التدابير تتلخص في الآتي:

إخلاء سبيل المحبوسين احتياطيا والذين زاد اعتقال بعضهم عن أربعة سنوات دون صدور حكم عليه بالإدانة، واستبدال الحبس الاحتياطي بالتدابير الاحترازية الأخرى المنصوص عليها في القانون.

تطبيق قواعد قانون العقوبات فيما يتعلق بالإفراج الشرطي.

الإفراج الصحي عن كبار السن والمحتجزين المرضى وفقا لقانون تنظيم السجون المصري.

إطلاق سراح كافة المحتجزين على خلفية قضايا الرأي ومعارضة السلطات.

التعامل مع مقار الاحتجاز والمحتجزين بما يوافق القانون المصري والقواعد الدنيا لمعاملة السجناء وأهمها:

فتح التريض.

زيادة وقت التعرض للشمس.

زيادة السماح بمواد النظافة الشخصية.

التوسع في الحجم المسموح من الملابس.

تشغيل المغاسل المركزية في السجون (مغسلة السجن).

السماح بدخول الأدوية من خارج السجن.

التعقيم وزيادة الاهتمام بالنظافة.

تقليل العدد والتكدس داخل الزنازين.

صيانة وإعداد مستشفيات السجون لتكون جاهزة للتعامل مع أي حالة مصابة..

English Text

Lawmakers legislated pre-trial detention as an investigation procedure by which the integrity of the preliminary investigations is ensured by the existence of the accused under the command of the investigator to facilitate the course of investigation or confronting them whenever it is required. In the Law of the Legal Procedure, lawmakers guarantee a number of conditions that, if one of them is available, the investigation must detain the accused.

According to Article 134 of the Law of the Legal Procedure, the accused is held in pre-trial detention if they were arrested in flagrante delicto, or to prevent their escape, tampering with evidence, affecting witnesses or threatening the victims, as well as protecting the accused from possibilities to revenge, and avoiding serious breaches of security and order, which may follow the crime severity.

In practice, pre-trial detention is a freedom-restriction punishment of a person who may be proven innocent at the end of the investigations or before the court, and the accused is innocent until proven guilty. Therefore, this procedure must not be expanded - especially if the accused is a political prisoner - because it destroys the lives of thousands of families due to the absence of their breadwinners. During the past few years, the investigation authorities expanded their decisions on the pre-trial detention for politicians and journalists who oppose the government.

Those enter the dark tunnel of pre-trial detention, and no one knows when they will go out. The investigation authorities neither issue their decision to refer the accused to the competent court, nor the investigation itself is preserved. This is because there is no evidence other than the memo of investigations, which the Court of Cassation describes as neither suitable alone as a basic evidence for the confirmation of the charge, nor it releases the detained with any guarantee that they are known personalities and they have a known place of residence or work, and therefore there is no fear that they will escape.

As a result of the expansion of the decisions of pre-trial detention, prisons were overcrowded with political prisoners. No one knows when they will be released. We take into account that after the period of pre-trial detention expires, some are imprisoned for a new case with new charges. We will not ask lawmakers to reconsider the Law of the Legal Procedure and place restrictions on pre-trial detention, so that it is not used as a custodial sentence as is happening now. All we ask for is that the Public Prosecution takes into account the detainees in light of the outbreak of the Corona pandemic that has no medication to this point, and it spreads in closed places, especially in prison cells that do not exceed 10 square meters. Iran, which is accused by the International Society of not respecting human rights and freedom of opinion and expression, decided last week to temporarily release all prisoners until the epidemic is controlled. This matter was repeated in other countries that put human rights on the priority of its agenda. However, in Egypt and instead of taking similar actions, the Ministry of Interior prohibits visits for prisoners, "in the interest of public health and the safety of inmates."

Of course, this action makes it worse. For the prisoner, the visit is a medicine and a hot meal that may prevent him from contracting this virus, which affects only those with weak immunity.

Finally, I convey the calls of the families of those political prisoners to the decision-makers to release their relatives with their pledge to appear before the investigation authorities if they were asked to do so, so that we do not find ourselves facing a catastrophe. Then, we will blame those who issued detention order for citizens who are not proven guilty