



**السيد محمد حبيب ممثل النيابة العامة  
بجمهورية مصر العربية**

## "دور النيابة العامة في مكافحة الجرائم البيئية: التحديات والعمارسات الفضلى"



**Role of the Prosecution Authorities in  
Combating Environmental crime  
"Challenges and Best Practices"**  
APA Annual Conference  
Marrakesh, July 11<sup>th</sup>, 2024

BY **Mohamed Ahmed Habib**  
Chief Prosecutor  
Int. cooperation and human right departments  
Egyptian Public Prosecution

## Introduction



The environmental policy of the Government of Egypt seeks to achieve environmental protection through the establishment of proper institutional, economic, legislative and technical frameworks at the local, regional, national and international levels.

This is expressed through the seven directives of the policy statement of the ministry of Environment of Egypt:

- ❑ Strengthening partnerships at the national level.
- ❑ Supporting bilateral and international partnerships in the environmental fields.
- ❑ Enforcing Law 4 of 1994 for the protection of the environment, and Law 102 of 1983 for Natural Protectorates and all other environmental legislation.
- ❑ Supporting institutional strengthening and capacity building for the Egyptian Environmental Affairs Agency and Environmental Management Units (EMU's) of the governorates.
- ❑ Supporting Integrated Environmental Management Systems.
- ❑ Integrate the use of market-based instruments in the field of environmental protection.
- ❑ Transfer and adaptation of environmentally friendly technologies.

Within this policy framework, institutional and regulatory reforms are carried out, aiming at the implementation of national environmental policy objectives and measures

## International convention

Egypt is a signatory to various conventions concerning environment protection, among which are the following:



## Climate Change

Ser.	Name of Convention	Date of Signature	Date of Ratification	Date of Entry into Force
1	<a href="#">Paris Agreement</a>	2016-04-22		
2	<a href="#">Kyoto Protocol</a>	1999-03-15	2005-01-12	2005-04-12
3	<a href="#">UN Framework convention on Climate change (UNFCCC)</a>	1992-06-09	1994-12-05	1995-03-05
4	<a href="#">Montreal Protocol on substances that deplete the ozone layer</a>	1987-09-16	1988-08-02	
5	<a href="#">Vienna Convention on the protection of the ozone layer</a>	1985-03-22	1988-05-09	

### International convention

Egypt is a signatory to various conventions concerning environment protection, among which are the following:

## Natural Conservation



Ser.	Name of Convention	Date of Signature	Date of Ratification	Date of Entry into Force
1	Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization	2012-01-25	2013-10-28	
2	Cartagena Protocol on Bio-safety to the Convention on Biological Diversity	2000-12-20	2003-12-23	2004-03-21
3	Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA)	1997-08-20	1999-11-01	1983-11-01
4	United Nations Convention on Biological Diversity (UNCBD)	1992-06-09	1994-06-02	
5	Ramsar Convention on Conservation and Wise Use of Wetlands			1988-09-09
6	Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area (ACCOBAMS)		2010-04-19	2010-07-01
7	Convention on the Conservation of Migratory Species of Wild Animals (CMS), Bonn convention			1983-11-01

### International convention

Egypt is a signatory to various conventions concerning environment protection, among which are the following:

## Hazardous Substances and wastes

Ser.	Name of Convention	Date of Signature	Date of Ratification
1	Stockholm Convention on Persistent Organic Pollutants	2002-05-17	2003-05-02
2	Convention On The Ban Of The Import Into Africa And The Control Of Transboundary Movement And Management Of Hazardous Wastes Within Africa (Bamako Convention)	1991-01-30	2004-05-18
3	Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal		1983-01-08



## Marine Protection

Ser.	Name of Convention	Date of Signature	Date of Ratification	Date of Entry into Force
1	Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean	1976-02-16	1978-09-24	2004-07-08
2	Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment (Jeddah Convention)		1990-05-31	1985-08-20

## National Laws



Law no.4 for the year 1994

- The Environmental law

Law no. 102 for the year 1983

- Nature Protection law

Law 202 for year 2020

- the Waste Management Regulation Law

law no. 28 of the year 1982

- the law for Protection of the Nile and Waterways from Pollution

**Law 102 of 1983** empowered the Prime Minister to designate certain areas to be declared as protected areas. A Prime Minister's decree defines the limits of each protected area and sets the basic principles for its management and for the preservation of its resources.

**Law 202 for year 2020** this Law consisting of 80 articles divided in VI Sections aims at regulating the organization of waste management in Egypt, excluding the wastes of nuclear and radiological activities (regulated by Law No. 7 of 2010)

## Law 4/1994 for the Protection of the Environment Amended by Law 9/2009.

- has a greater role with respect to all governmental sectors. The law has been designated as the highest coordinating body in the field of the environment that will formulate the general policy and prepare the necessary plans for the protection and promotion of the environment.
- It will also, follow-up the implementation of such plans with competent administrative authorities.

### Hazardous waste and materials

The law forbids the handling of hazardous substances and wastes or the construction of any establishment for treating such substances without a license from the competent administrative authority.

It is also forbidden to import hazardous waste or to allow its entrance into or passage through Egyptian territory.

It is mandatory for all those who produce or handle dangerous materials to take appropriate precautions to protect the environment.



### Air pollution

All establishments (industrial or other) are required to ensure that air pollutants emitted (or leaked) from their facilities do not exceed the maximum permissible levels.

It is prohibited to incinerate, to dispose of or to treat garbage and solid wastes or to spray pesticides or any other chemical compounds, except in accordance with the conditions and safety measures specified in the Executive Regulations of the law.



### Marine environment

Ships of any nationality, offshore platforms and any other companies or agencies authorized to explore or exploit natural marine resources are forbidden to discharge into the territorial sea of Egypt any polluting substances that may result in harm to the marine environment.



### Polluter pays Principle

Several penalties imposed by the legislator on several crimes related to the marine environment, which shows that the legislator has followed the polluter pays principle, which means that the party polluting the environment bears all expenses resulting from the damage it caused to the environment and attempts to return the thing to its origin.



## The role of public prosecution To combat the stipulated crimes



1. Prosecutors should ensure, when it is within their authority, that an investigation into environmental crimes is conducted thoroughly, that all the targets in the chain of responsibility (natural and legal persons, perpetrators, co-perpetrators and accomplices) are identified and that they establish all incidences of unlawful acts and any possible links with organised and violent crime and associated offence.
2. Prosecutors should strive to ensure that not only the direct perpetrators of environmental crimes, but also the offenders acting in other capacities, such as masterminds, instigators, abettors and those who benefit from these crimes, are brought to justice.
3. Prosecutors should be aware of the link between environmental crime and organised and violent crime, corruption, financing of terrorism, or with crimes committed in the context of armed conflict through warfare methods and means.
4. It is also important to determine the level of gravity, as well as the volume of the damage caused by a criminal act committed against the environment.

## Challenges



1. The crime scene
2. Determine the proper crimes stipulated in the environmental laws on the facts of the incidents.
3. Handling with the dangerous and Polluted substances.
4. Forensic evidence may be from various environmental violations including illegal disposal or storage of hazardous waste, pollutants, oil spills, and industrial discharges. In addition to chemical evidence
5. the regular review of links between environmental crimes and other serious crimes, notably organised crime and corruption, as well as crimes committed in the context of armed conflicts through means of warfare,
6. the availability of adequate tools and channels for national inter-agency and international co-operation are also critical.

### Recommendations of Good Practices

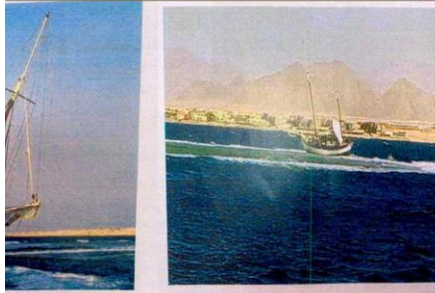
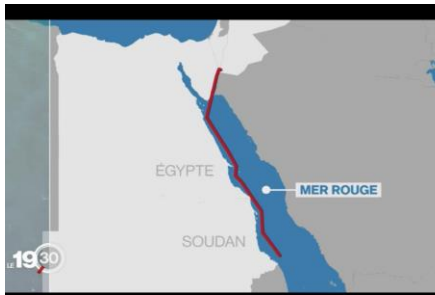


1. The necessary legal tools and investigative techniques should be put to the disposal of prosecutors to combat environmental crime, such as freezing and seizure of assets and covert investigative techniques.
2. Parallel financial investigations focusing on both the environmental crimes and the connected money laundering offences simultaneously are one of the effective tools to identify larger criminal networks and disrupt financial flows.
3. prosecutors should always treat international co-operation requests on environmental matters with the same diligence and priority level as all other criminal matters. Establishment of additional official mechanisms and procedures for a swift and effective cross-border investigation must be envisaged.
4. the availability of adequate tools and channels for national inter-agency and international co-operation.
5. the specialisation of prosecutors dealing with environmental cases.
6. the specialisation should be accompanied by continuous training provided to prosecutors

## The Shalateen Case

- On August 27, 2014, two Saudis were arrested for hunting species at high risk of extinction in one of the Protected areas and also acquiring firearms and ammunition without a license.
- The hunt resulted in the hunting of:
  - 1- A dozen bighorn sheep (*Ammotragus lervia*).
  - 2- About ten hares (*Lepus*)
  - 3-About twenty gazelles.
- The accused were referred to the Criminal Court and sentenced in absentia to 3 years of imprisonment.
- An extradition request has been sent to Saudi Arabia and they have been adjudicated in Saudi Arabia for those offences.





## Case study

- On 07/21/2021, during the navigation of the Yacht "Fleur de Passion" in the Red Sea from the port of Eilat heading towards the port of Sudan, and while crossing the Gulf of Aqaba (Strait of Tiran) near the coast of Sharm el-Sheikh, the yacht ran aground and collided with a coral reef.
- The Forensic report concluded that the incident led to the destruction of large areas of coral reefs.
- The criminal case was closed by conciliation after the payment of a sum of money of \$83,670.