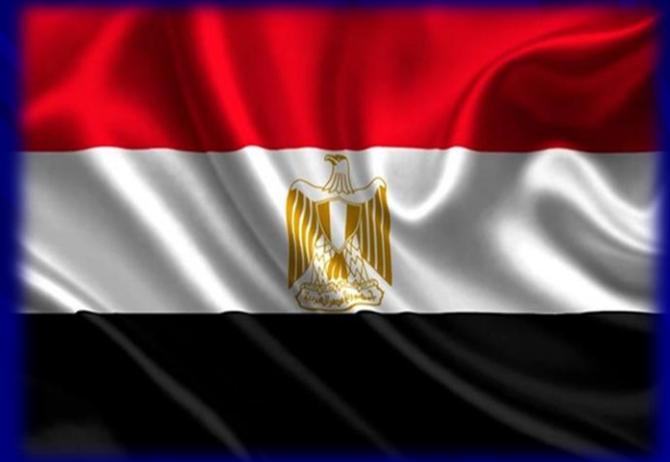


**Egyptian Public Prosecution
Prosecutor General's Office
International Cooperation Division**



Smuggling of Migrants by Air and its Facilitation through Document Fraud

**(Legislative Approach - Challenges - Best Practices -
Recommendations)**

11 – 13 September 2019

Vienna – UNODC

The International and Regional Framework

□ The International Framework:

- UNTOC
- Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children
- Protocol against the Smuggling of Migrants by Land, Sea and Air

□ The Regional Framework:

- Arab Convention against Transnational Organized Crimes

The National Legal Framework

Constitution

**Legislations on
TIP/SOM**

**Other
related
laws**

**National
Strategy**

**Law number 82 of the year 2016 on combating
migrant smuggling**

criminalization

Definition

- Smuggling of migrants: Arranging for the transfer of one person or several persons *in an illegal manner* from one country to another, in order to directly or indirectly obtain material or moral gain or for any other purpose.



- There is no criminal or civil liability on the smuggled person

Elements of the crime

Material elements:

- Procurement of transfer one or several persons.
Procurement means arranging, planning and the executive steps.
- From one country to another
- In an illegal manner

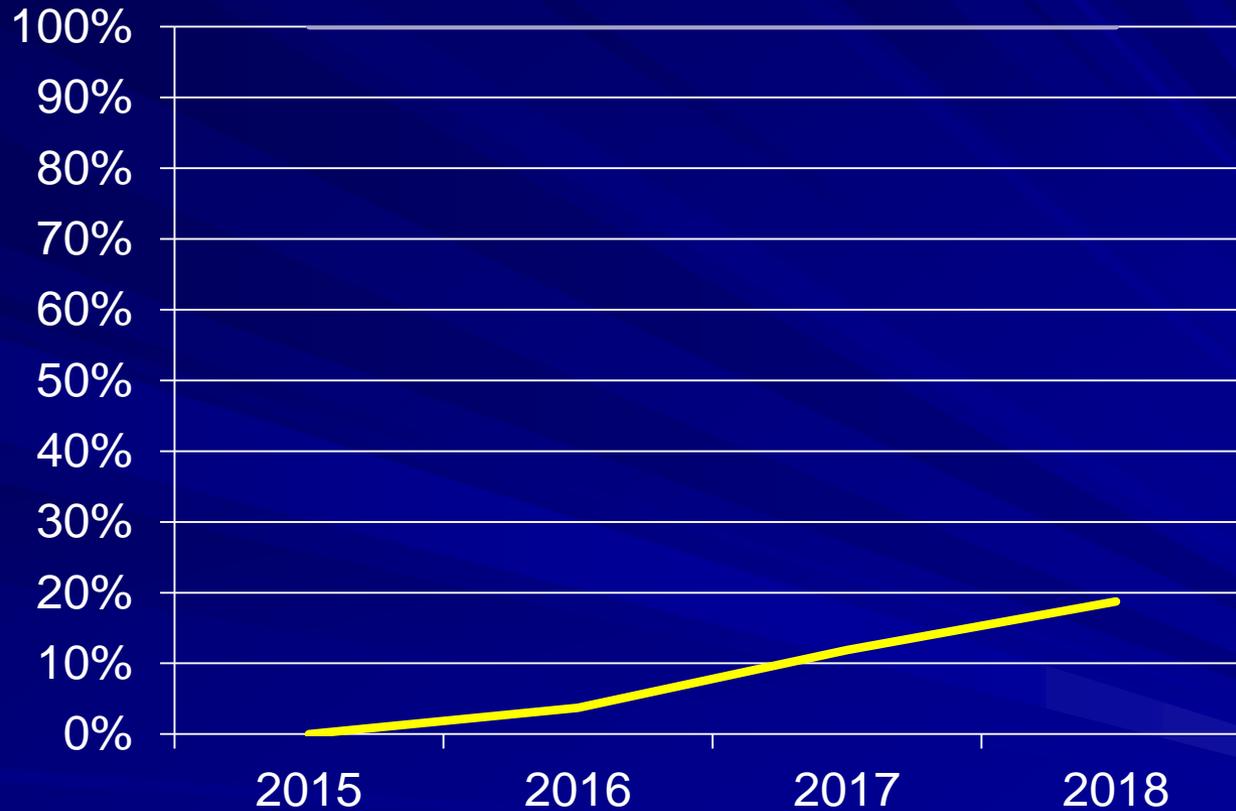
Moral elements:

- It is an intentional crime, so the perpetrator should have the general criminal intent
- The special criminal intent: the purpose of the crime which is obtaining directly or indirectly material or moral gain or any other purpose

Egypt's Map



Smuggling of migrants by air in Egypt



Illegal means Used by Smugglers

- **Counterfeit documents**
- **Forged documents**
- **Fraudulently obtained genuine documents**
- **Fraudulent use of genuine documents**
- **Use of false photos on genuine documents**
- **Counterfeit seals and stamps**
- **Corruption (bribe)**

Examples/ Real Cases

- A smuggler provided the smuggled migrants with forged letter claimed to be signed and sealed by the Egyptian minister of culture addressed to a European embassy in Cairo asking to facilitate the visa issuance for the persons mentioned in the letter as they are the official Folklore band which will participate in a cultural activity in that European country.
- A smuggler provided the smuggled migrants with forged bank statements and forged certificates of obtaining master degree from Cairo university in a specific branch.

Examples/ Real Cases (Cont.)

- A smuggler established fake (official website) for a regional association of a certain sport, sent an invitation from the website to the smuggled person who is alleged to be a champion in such sport and asked him to apply for a visa using the invitation to participate in a regional activity organized in Egypt by this sport association .
- (X) is a national of an African country managed to illegally enter Egypt by using the passport of his cousin.

Examples/ Real Cases (Cont.)

- (Y) is a national of another country managed to illegally enter Egypt by using counterfeit passport allegedly to be issued from a country which its nationals can enter Egypt without visa or by obtaining it upon arrival at Cairo airport.
- A smuggler paid a bribe to a competent official at the airport to unworthily stamp the passport of (Z) and allow him to travel.

Challenges

1- the transnational nature of the crime makes collecting evidence very difficult

2- Data management and statistics

3- Difficulties in identifying the false documents

4- Lack of knowledge and equipment

5- New advanced techniques used by smugglers

Efforts exerted by the Egyptian authorities

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graph LR; A((Raising Awareness)) --> B((Internal Coordination)); B --> C((International Cooperation));
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Raising
Awareness

Internal
Coordination

International
Cooperation

Recommendations

- Raising the awareness of law enforcement entities, public prosecutors and judges with the crime, its elements and means of its commission.
- Organizing workshops on the new methods used by the smugglers and the advanced investigative techniques.

Recommendations(Cont.)

- **Drafting a guidelines for practitioners to develop their capacities in identifying forged documents and providing them with the needed equipment.**
- **Enhancing the internal coordination by the constitution of a coordinating body to unify the strategies, SOPs and procedures taken by the relevant authorities.**

Recommendations(Cont.)

- Enhancing the international, regional and bilateral cooperation and sharing information in order to overcome the challenges of identifying and proving false documents.
- Establishing three expert groups for the ways of migrant smuggling (air, sea and land) to have periodic meetings in order to share experience, best practices and the new techniques of investigations.
- Adopting strict procedures in the airports.

شكراً

Thank You

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