


Chapter 9

Victim–Offender Mediation as a Model of Restorative Justice: An Analytical Descriptive Study in the Egyptian Law

Ramy El-Kady

 <https://orcid.org/0000-0003-2208-7576>
Police Academy, Egypt

ABSTRACT

This chapter delves into the emergence of restorative justice in the 1960s, rooted in the conflict resolution methods of indigenous communities in the United States and Canada. Contrasting sharply with traditional criminal justice, restorative justice places disputing parties at the forefront, enabling offenders to confess their guilt directly to victims through dialogue, aiming to repair harm and achieve satisfaction and social reintegration. This chapter illuminates restorative justice's concept, origins, characteristics, principles, and differences from conventional justice. It explores victim-offender mediation, highlighting its advantages, and examines restorative justice practices in Egypt, including the criminal reconciliation system and police mediation. This chapter raises key questions about these practices and their application in the Arab context, offering insights into a field yet to gain widespread recognition in the region. Employing an analytical descriptive approach, it relies on legal references to deepen understanding and development.

DOI: 10.4018/979-8-3693-2201-7.ch009

*Victim-Offender Mediation as a Model of Restorative Justice***INTRODUCTION**

The genesis of restorative justice concepts in the 1960s, originating in the United States and Canada, can be traced back to conflict resolution methods employed by indigenous communities in these regions. Restorative justice starkly contrasts conventional criminal justice systems, notably in the pivotal role it assigns to disputing parties within judicial proceedings. In contrast to traditional criminal procedures dominated by the Public Prosecution and judiciary, restorative justice places conflicting parties at the forefront of the justice process. Here, the offender directly confesses guilt to the victim, engaging in a dialogue that addresses the harm caused by their actions. This approach aims to satisfy the victim and foster the offender's social reintegration.

Restorative justice perceives crime as an insult to individuals and their relationships, compelling wrongdoers to make amends for the harm they have inflicted. Furthermore, it advocates for the involvement of both the perpetrator and the victim, along with the community, in criminal justice procedures, providing alternatives to traditional punitive measures.

This chapter aims to shed light on the concept and origins of Restorative justice, examining the reasons for its emergence, its distinctive characteristics, principles, objectives, and programs. It will also delve into victim-offender mediation, a prominent form of criminal justice, highlighting its concept and the benefits it offers. Additionally, the study will investigate the practices of Restorative justice in Egypt, with a specific focus on the Criminal Reconciliation system and Police Mediation.

The study will address five key questions: 1) What are Restorative justice and Criminal Mediation? 2) How does Restorative justice differ from Traditional Justice? 3) Did ancient Egypt employ Restorative justice practices? 4) What are the current restorative justice practices in Egypt? 5) What is the proposed scenario for implementing criminal mediation in Egypt?

This chapter delves into the contemporary application of Restorative justice, a topic not widely embraced in Arab countries, with limited adoption even in those where it has gained some traction. While extensively practiced in various parts of the world, particularly within the European Union, its application in criminal cases in Arab regions is constrained by the prevailing legal framework that emphasizes the state's right to administer punishment. Consequently, the Public Prosecution hesitates to abandon or negotiate criminal cases with the litigants.

Moreover, Victim-offender Mediation reflects an approach rooted in negotiation within criminal cases, drawing inspiration from Anglo-American legal traditions. It introduces a novel concept to Arab legal systems, where the idea of mediation in criminal matters is still in its infancy.

Victim-Offender Mediation as a Model of Restorative Justice

This chapter employs an analytical descriptive approach to closely examine the phenomenon of Restorative justice. This method involves studying reality as it exists, describing it qualitatively or quantitatively, and drawing conclusions that contribute to a deeper understanding and development of this field. The chapter relies on available legal references from both general and specialized literature in the field of criminal law, whether from Arab or foreign sources related to the study's subject.

The chapter will be structured into five distinct sections for clarity and coherence. In the initial section, we will delve into the origins of Restorative justice, meticulously tracing its genesis and evolution over time. The second section will provide an insightful comparison between Restorative justice and traditional criminal systems, introducing the crucial concept of Victim-offender mediation. The third section will comprehensively navigate the integration of Victim-offender mediation within the context of Restorative justice in Egypt, examining its practices against legislative frameworks and historical evolution. The subsequent section will shed light on the intricate tapestry of criminal reconciliation and customary councils in Egypt, exploring the harmonious intersection of justice in this context. The final section will spotlight the role of police mediation, emphasizing its contribution to fostering cooperation between the community and law enforcement agencies.

This strategic organization ensures a logical progression, offering readers a systematic and thorough exploration of restorative justice practices and their contextual nuances in Egypt. Furthermore, this comprehensive exploration of Restorative justice, its origins, and its application in Egypt provides valuable insights for practitioners seeking alternative approaches to the criminal justice system. It serves as a rich resource for researchers delving into the nuances of this evolving field. Moreover, the findings presented herein contribute to a broader understanding for the public, fostering awareness about innovative and inclusive justice practices that have the potential to reshape societal perspectives on conflict resolution.

THE ORIGINS OF RESTORATIVE JUSTICE: TRACING ITS GENESIS AND EVOLUTION

As underscored by scholars, the genesis of Restorative justice unfolded within the framework of Anglo-American systems, particularly in North American countries like the United States of America and Canada. The emergence of Restorative justice in the United States during the mid-sixties was intricately linked to protests and opposition movements against the practices of ruling totalitarian institutions during that era.

These movements, notably effective in North American countries, brought to light the shortcomings of the official criminal justice system in addressing issues

Victim-Offender Mediation as a Model of Restorative Justice

arising from the relations of the most vulnerable and marginalized indigenous populations. The protests catalyzed a shift towards more humane and less formal criminal justice practices, a transformative process accelerated by societal demands (Jaccoud, 2003; Cario, 2007).

Some scholars also associate the rise of the term “restorative justice” with the post-World War II movement focusing on crime victims. This movement played a pivotal role in emphasizing the victim’s status in criminal litigation, leading to a significant paradigm shift in contemporary criminal policies—moving away from a sole focus on the offender to a more comprehensive consideration of the victim.

According to Past literature, restorative justice’s roots lie in criticisms directed at the traditional criminal justice system. Simultaneously, the emergence of Victimology and a renewed emphasis on caring for victims and reviving traditional dispute resolution practices played critical roles in shaping this transformative approach (Al-Nasib, 2018).

Restorative justice sheds light on traditional dispute resolution practices that historically fostered social harmony. This was evident in medieval France, where peacemakers, conciliators, and arbitrators played crucial roles, as well as in North America, with the introduction of decision circles. Returning to these traditional practices achieved what the conventional criminal justice system had failed to do—effectively reintegrating convicts and actively involving the parties affected by the crime (the victim, the perpetrator, and the community). This reintegration, guided by rediscovered ancient programs, proves pivotal in successful restorative justice implementation.

In contrast to the traditional criminal justice perspective that often relies on shame and humiliation for convergence, restorative justice frames convergence regarding reintegration. While traditional punishment is considered shameful, restorative justice seeks to hold the offender accountable through official reprimand for socially unacceptable acts.

Crucially, restorative justice transcends the crime, offender, and victim dichotomy. It encompasses these elements through on-the-ground coexistence, aiming to reunite parties, restore relationships, reconcile with society, and mend the ruptures caused by the crime (Cairo, 2005). This holistic approach challenges the conventional narrative, offering a nuanced and comprehensive understanding of justice beyond punitive measures, fostering a path toward healing and societal reintegration.

United Nations Economic and Social Council Resolution No. (12/2002) on the Basic Principles for the Use of Restorative justice Programs in Criminal Matters provides a comprehensive definition of the Restorative Process. It characterizes it as any process facilitating the participation of the victim, offender, or any other affected parties in resolving issues arising from a crime, often with the assistance of a

Victim-Offender Mediation as a Model of Restorative Justice

facilitator. The primary focus is on individual, and group needs and the reintegration of both offender and victim into society (Cario, 2007).

Various scholars, notably Howard Zehr and Tony Marshall, have contributed diverse perspectives on restorative justice. Zehr (1985, p. 37) defines it as a process involving all interested parties in a specific crime to collectively determine damages, needs, and obligations with the goal of reform and restoration. On the other hand, Marshall describes it as a process where those involved in a minor crime reach a collective solution to address its future effects, highlighting its role in finding solutions and managing repercussions (Zehr, 1985).

Common to these definitions is the emphasis on the voluntary participation of all concerned parties—the victim, the perpetrator, and the community. The aim is to negotiate responsibility acceptance by the perpetrator, compensation for the victim, and achieve social harmony to prevent the recurrence of the crime (Al-Nasib, 2018). Restorative justice recognizes that crime infringes upon individuals and personal relationships, obligating perpetrators to repair the damage. It advocates for the involvement of both perpetrator and victim, as well as the community, in criminal justice processes to offer alternatives to conventional penalties.

In contrast to the traditional criminal justice model, which often sees the state as the primary victim, restorative justice views victims as individuals and society. Drawing on Old Testament texts, restorative justice proponents interpret crime as an infringement on the victim's rights, emphasizing a proportional formula for reform rather than retribution (Bonafe-Schmitt, 1998). This perspective necessitates the active participation of both victim and offender and society in finding solutions grounded in reform, reconciliation, and restoring relationships (Zehr, 1985).

Restorative justice, as a method of addressing crime and injustice, focuses on repairing damage and restoring the well-being of all involved. It centers on values such as respect, equality, and dignity in relationships affected by wrongdoing. Restorative justice employs processes that restore agency and decision-making power to victims, offenders, supporters, and the community, favoring collaborative and consensus-based procedures over adjudicative ones (Robins, 2009). Grounded in feminist relational theory, restorative justice addresses wrongdoing within the context of relational terms, acknowledging “harm caused to individuals in relationship with others and the connections between and among them” (Llewellyn, 2012). This holistic approach underscores the importance of healing, dialogue, and rebuilding relationships after wrongdoing.

Restorative justice values voluntary participation, truthful speaking, creating a safe environment, committing to repair, and clarifying accountability for harm are crucial for a successful restorative process (Zehr, 2003).

Criminal offending is disrespectful and fails to value one's dignity, identity, rights, and feelings. Restorative justice addresses this by acknowledging the victim's rights

Victim-Offender Mediation as a Model of Restorative Justice

and emphasizing their importance, offering an alternative perspective on criminal justice (Chan, 2013).

While acknowledging the harm to the victim/s is crucial, accountability also means assuming responsibility for addressing the consequences of one's actions (Zehr, 2003).

The criminal justice system holds offenders accountable for their actions, regardless of personal responsibility. Restorative justice demands that offenders accept personal blame, witness the consequences, and assume active responsibility for rectifying the situation (Zehr, 2003).

Restorative justice places a premium on critical principles such as voluntary participation, truthful communication, the creation of a safe environment, commitment to repair, and the clarification of accountability for harm—a recipe for a successful restorative process, according to Zehr (2003). In criminal offending, which is inherently disrespectful and fails to honor one's dignity, identity, rights, and feelings, restorative justice provides a transformative approach. It does so by acknowledging the victim's rights and underscoring their significance, presenting an alternative perspective on criminal justice (Chan, 2013).

While recognizing the critical importance of acknowledging harm to the victim, restorative justice goes beyond mere acknowledgment. It insists that accountability entails assuming responsibility for addressing the consequences of one's actions, a concept emphasized by Zehr (2003). In contrast to the conventional criminal justice system, which often holds offenders accountable without emphasizing personal responsibility, restorative justice demands that offenders actively accept personal blame, witness the repercussions of their actions, and take proactive responsibility for rectifying the situation.

As we delve into the characteristics of restorative justice in the upcoming section, we will further explore how these principles and perspectives shape the dynamics of restorative processes, offering a more nuanced understanding of its transformative potential within the criminal justice framework.

COMPARING RESTORATIVE JUSTICE AND TRADITIONAL CRIMINAL SYSTEMS: AN INTRODUCTION TO VICTIM-OFFENDER MEDIATION

Restorative justice differs significantly from traditional criminal justice, emphasizing the involvement of all parties in the crime, restitution of damages, accountability for wrongdoers, and community representation in dispute resolution. It is consensual, contributory, and rational, requiring a known victim, voluntary victim contribution, and offender acknowledgment of responsibility.

Victim-Offender Mediation as a Model of Restorative Justice

Operating on fundamental principles, restorative justice engages all relevant parties, fostering mutual respect and seeking mutually accepted outcomes. Its objectives include strengthening social order, categorizing criminal behavior as socially and morally unacceptable, and supporting victims.

French jurisprudence highlights the success of restorative justice for both victims and perpetrators, reducing recidivism (Cario, 2007).

Numerous studies support the effectiveness of restorative justice, showing reduced reoffending rates, especially for juveniles and property offenses (Sherman & Strang, 2007; Sherman et al., 2015; Khan, 2023).

Restorative justice is seen as promising, humane, and equitable, aiming for the offender's social reintegration, repairing victim damages, and establishing social peace.

Real-world cases, like the Cheno couple in France, demonstrate the human dimension of restorative justice, where dialogue led to the perpetrator leaving a Neonazi organization (Khan, 2023).

Participants' experiences show high satisfaction with restorative processes, as indicated by studies in the UK and New Zealand (Shapland et al., 2007; Atkinson et al., 2007; New Zealand Victim Satisfaction Survey, 2016).

Restorative justice models, shaped by legal, socio-political, and cultural contexts, vary from entirely to restorative, contingent on factors like participation, accountability, and outcomes. Models applicable to children and adults are evident in the criminal justice context.

Victim-offender mediation, a widely employed model (Dünkel et al., 2016), emerged in the 1970s. It involves a trained third party facilitating discussions between victims and offenders. In Germany, the Code of Criminal Procedure (1987, section 155a) requires that judges and prosecutors consider victim-offender mediation (called Täter-Opfer-Ausgleich) at every stage of the criminal proceedings and, in appropriate cases, work towards its use. Furthermore, it provides that, in appropriate cases, the accused person should be informed of the possibility of victim-offender mediation at their first hearing (German Code of Criminal Procedure, 1987, section 136). The offender's effort to reconcile with the victim must be considered when establishing the sentence. In Austria, victim-offender mediation (called Tatausgleich) can be used as a diversionary measure before or at a court appearance for offenses with a maximum punishment of five years. It serves as a diversionary measure for offenses with a maximum punishment of five years, overseen by NEUSTART (Gombots & Pelikan, 2015).

Initially used in juvenile justice, victim-offender mediation has expanded to adults, involving a broader circle, including family and community representatives. Family group conferencing, developed in New Zealand, is utilized in youth justice and child protection (Strang, 2022).

Victim-Offender Mediation as a Model of Restorative Justice

Circle processes, originating in Canada and the United States, aim to reduce indigenous offenders' overrepresentation. Community panels hold offenders accountable to community representatives, with victim-surrogate programs enabling victims to be represented by chosen representatives.

Truth and Reconciliation Commissions (TRCs) investigate political violence internationally. Several theories explain restorative justice effectiveness, such as reintegrative shaming (Braithwaite, 2004) and empathy-based prevention. Tyler's study (2003) emphasizes fairness, and Sherman's defiance theory (1993) explores reactions to sanctions.

Successful rituals, like Restorative justice Conferencing, foster solidarity (Rossner & Bruce, 2018). The global expansion of restorative justice programs since the mid-sixties includes around 800 in the US in 2005, 300 in Canada, and 700 in various countries (Al-Nasib, 2018).

Restorative justice, emerging from American judicial practices (Al-Bishri, 2005), focuses on compensating victims and reforming offenders. Victim-offender mediation, typical in Europe, contributes to the spread of mediation (Lhuillier, 2007). Criminal jurisprudence advocates a shift to Restorative or Compensatory Justice, emphasizing active victim participation (Wood, 2015).

In criminal litigation, emphasis on reforming relationships becomes crucial (Hulsman, 1970). Restorative justice, with diverse models and theoretical foundations, proves globally effective, offering the potential for crime reduction, relationship restoration, and social peace.

Victim-offender mediation, a system utilizing an impartial third party, aims to reconcile adversaries and achieve amicable settlements. Supervised by the Public Prosecutor's Office, this mediation resolves simple domestic, neighborhood, and labor conflicts with minimal social harm. Originating in Canada in the mid-1960s, it gained traction in the United States in the mid-1980s and was approved in France in 1993.

Widely adopted in Latin and Anglo-American legislation, the European Union recommends its application in European states, making it a notable aspect of criminal proceedings with practical benefits for the justice system, victims, offenders, and society. The French experience is a significant comparative insight into criminal procedure (El-Kady, 2021).

Victim-offender mediation emerges as a highly beneficial alternative to the traditional route of public prosecution for addressing criminal cases. This innovative method entails the referral of disputes to a skilled mediator, fostering an environment conducive to amicable resolution. This approach circumvents the need for prolonged legal proceedings by prioritizing safeguarding the victim's interests.

One notable advantage is its capacity to alleviate the burden on courts by mitigating caseloads, particularly in minor disputes characterized by complex interpersonal relationships. Beyond the mere reduction of administrative load, victim-offender

Victim-Offender Mediation as a Model of Restorative Justice

mediation contributes to a more efficient and fair legal system. This aligns seamlessly with the broader objective of enhancing procedural effectiveness and ensuring equitable legal outcomes.

The public prosecutor evaluates offenses and may propose mediation if there are relational ties, repairable damage, and potential compensation for victims or if the crime is reparable and the victim can be satisfied.

There are several advantages of victim-offender mediation. Mediation reduces criminal court cases, involving the Public Prosecutor's Office in essential cases and activating their role by referring disputes to an intermediary for amicable settlement (Salem, 1997).

Mediation significantly reduces costs compared to traditional trial proceedings and punitive execution. For instance, in the United States, where the penal system costs \$23 billion, Victim-offender mediation in Albuquerque, New Mexico, costs \$292, and in Oakland, \$986 (Bonafe-Schmitt, 1998).

Several American studies estimated the cost of mediation in California in 1996 to range between \$250 and \$300. In 2001, a study explored the potential of correctional justice mechanisms, particularly mediation, to curtail the costs of criminal justice administration before imposing prison sentences and correctional and educational programs for offenders referred to the program. The study revealed an anticipated cost increase from \$6,212,732 to \$15,902,885. Specifically, the cost reduction for 94 offenders amounted to approximately \$10 million, underscoring the significant impact of mediation on alleviating criminal justice expenses (El-Kady, 2021).

Moreover, in France, it is estimated that most Victim-offender mediation cases have been resolved within three months, addressing the issue of prolonged legal proceedings (Lazerges, 1992). In Canada, a 1995 study in British Columbia focused on the impact of mediation on litigation duration, revealing that cases involving crimes of violence, sexual assault, premeditated murder, and armed robbery, which typically took 3 to 7 years after arrest, were resolved within 3 to 5 hours through Victim-offender mediation. This highlights mediation's role in swiftly concluding criminal disputes (El-Kady, 2021).

Furthermore, Victim-offender mediation plays a crucial social role by fostering security and social peace by resolving conflicts between parties. This helps prevent the escalation of disputes into more severe crimes, contributing to the reform of social relations by establishing communication channels between conflicting parties (Fayon, 1992).

On the other hand, mediation ensures that victims promptly receive satisfactory compensation from perpetrators, avoiding protracted legal proceedings. Victim-offender mediation empowers victims in criminal proceedings, granting them a more active role by engaging in discussions with the perpetrator and understanding the circumstances of the offense (Cario, 1997). It also sidesteps potential defamation,

Victim-Offender Mediation as a Model of Restorative Justice

the stigma of conviction, and imprisonment restrictions (Ebeid, 2002), enabling offenders to atone for their crimes, reintegrate into society, and develop positive feelings and social responsibility for their actions.

Additionally, a 2000 Canadian study indicated that mediation positively contributes to reducing recidivism, with individuals involved in mediation programs demonstrating fewer cases than those in traditional justice systems. Mediation, therefore, plays a significant role in rehabilitating offenders and preventing their recurrence (El-Kady, 2021).

Despite the many advantages achieved by Victim-offender mediation, it has not been free from criticism, as some have argued that it conflicts with the traditional criminal system, as it aims to avoid proceeding with a lawsuit, that conflicts with the general principles of criminal law, such as the principle of criminal legitimacy. It was enacted to escape punishment for the wealthy, so whoever has the money to repair the damage resulting from the crime can avoid the punishment prescribed for it. This system reflects the logic of the market or the philosophy of buying and selling in the criminal field, thus contradicting criminal legitimacy (JACQUARD, 1993).

It also violates the principle of the generality of the criminal case and the principle of the compulsory filing of a criminal case, which assumes that the criminal case will not be abandoned or waived in exchange for a settlement with the accused (Al-shawa, 1997).

It also conflicts with the principle of separation of judicial functions because it leads to avoiding bringing cases before judges (Lazerges, 1997).

In addition, Victim-offender mediation undermines the rights and guarantees of the accused in a criminal case, especially defense rights, and conflicts with the presumption of innocence, where it is considered that negotiating a settlement is tantamount to admitting guilt (PUECHAVY, 1993).

Additionally, it violates the principle of equality before the law because it lacks a clear and specific framework for its application in most comparative legislation (Cario, 1997).

The consensual nature of mediation is not compatible with criminal law, which is based on the idea of punishment. Hence, it strips criminal law of its fundamental purpose of achieving general and specific deterrence (DESDEVISES, 1993; Henry, 1981) and thus disagrees with the concept of crime prevention, which relies on criminal law to control human and social behavior through the primary tool of imposing punishment (Al-shawa, 1997).

At the same time, some see that mediation is not suitable as a mechanism for resolving criminal disputes, nor does it speed up or simplify procedures, and is, therefore, a means of wasting time, effort, and money (Bonafé-Schmitt et al., 1986).

In fact, despite the previous criticisms of the criminal mediation system, these criticisms can be answered by saying that the purpose of the mediation procedure was

Victim-Offender Mediation as a Model of Restorative Justice

to pay attention to the victim and ensure that he receives appropriate compensation, in addition to trying to address the problem of overcrowding of cases before the courts. Criminal mediation represents a stage in the development of criminal policy. Which is based on correcting the effects of crime instead of imposing punishment, and the scope of its application is limited to minor crimes that do not represent a social danger to free up the courts to decide on essential cases (El-Kady, 2010).

In criminal mediation, a mediator appointed by the Public Prosecutor's Office facilitates reconciliation between offenders and victims. The mediator mandated to be impartial and independent cannot be a judicial official but must be a natural and moral person, such as a member of victim assistance or rehabilitation associations. While the Public Prosecutor's Office initially initiates mediation, a decree prohibits its involvement. The mediator listens to parties, proposes solutions, and, if successful, generates a peace agreement. A report detailing the mediation process's breakdown is prepared in failure cases.

Comparatively, legislation varies, with most jurisdictions limiting mediation to non-criminal offenses. Leuven has applied mediation of severe crimes, whereas, in France, mediation is predominantly employed for thefts, domestic violence, abuse, non-payment of alimony, non-representation of children, insults, and other minor offenses (El-Kady, 2021).

As for the crimes covered by restorative justice practices in Egypt, they include minor crimes of misdemeanors, infractions, simple daily disputes, and neighborhood disputes, which are disputes that are settled through the conciliation system and police mediation in the police stations, as well as revenge disputes that are settled through customary justice councils and the police reconciliation committees (El-Kady, 2013).

NAVIGATING THE INTEGRATION OF VICTIM-OFFENDER MEDIATION: A COMPREHENSIVE EXAMINATION OF RESTORATIVE JUSTICE IN EGYPTIAN LEGISLATION AND HISTORICAL CONTEXT

In this section, the chapter proposes the integration of Victim-Offender Mediation into Egyptian legislation. This would involve empowering the Public Prosecutor's Office to refer cases suitable for mediation to its specialized judicial services, equipped with qualified intermediaries. The success of this mediation entails that the mediator shall invite the parties to a final hearing before the competent prosecutor, who may conclude the judicial proceedings.

Successful mediation results in the termination of criminal proceedings. A registry of prosecutors shall be established to register intermediaries with legal expertise from

Victim-Offender Mediation as a Model of Restorative Justice

former judges, lawyers, former officers, and the clergy. If they maintain conditions of impartiality and independence, their assignment shall be made available to them.

Although the Egyptian legislature has adopted legislative texts on Reconciliation that differ from Victim-Offender Mediation, they are close to being applied. Restorative justice practices in Egypt are categorized into social, semi-formal, and judicial systems. These practices are prevalent in rural and urban areas, with the criminal reconciliation system being the primary practice. The Egyptian legislature has expanded the use of this system. Despite the widespread use of criminal mediation in comparative legislation, it has not been adopted in Egypt. Restorative justice is a general practice based on existing customs, traditions, systems, and legislation, not aimed at specific groups.

Restorative justice practices in Egypt involve resolving disputes amicably between parties or through societal intervention. If an agreement is not reached, parties often resort to the police station, which works within their social role to reach an amicable solution. The police may also take judicial proceedings by reporting the incident. If an agreement is reached, the Public Prosecution closes the case. Restorative justice can begin from the social framework, end with the semi-official framework, or begin directly from the formal judicial framework.

From the preceding, it is clear that restorative justice practices may take three forms:

- i) **Restorative justice in the social framework:** This model involves ordinary individuals playing a role in reaching an amicable settlement and ending the conflict without accessing official authorities, such as Customary Councils, which are widespread in rural and Bedouin areas. Social settlement efforts may also be initiated by ordinary individuals parallel to the initiation of official judicial procedures, intervening in an influential role between the parties to reach an amicable dispute settlement.
- ii) **Restorative justice in the semi-formal framework:** This model involves some public officials playing a significant role in the settlement informally and without entering formal judicial proceedings, such as Police Mediation.
- iii) **Restorative justice in the formal judicial framework:** This model characterizes the settlement process within the framework of the criminal case and formal judicial procedures, such as in the criminal reconciliation system.

Social settlement efforts may also be initiated by ordinary individuals parallel to the initiation of official judicial procedures, intervening in an influential role between the parties to reach an amicable dispute settlement.

The chapter explores the emergence of restorative justice practices in ancient Egypt, a country with a history dating back to the beginnings of humanity. Ancient

Victim-Offender Mediation as a Model of Restorative Justice

Egyptian law, one of the oldest known, was characterized by personal revenge and forced dispute settlements, with victims having to respond to the inflicted revenge (Some base their assertion on the story of Isis and Osiris, where the god Horus, the son of the god Osiris, killed the god Set to take revenge on him for the death of his father, see: Abdel-All, 2006).

An opinion in criminal jurisprudence went to the fact that the victim was entitled to submit his complaint in a petition to the judge, in which he states the facts that he attributes to the offender and the evidence that he presents to prove that. The victim was suitable to drop his complaint (Ebeid, 1958).

Another opinion in jurisprudence went to the fact that the victim had the right to report the crimes without this extending to waiving them. They base this on some inscriptions related to the case of exhuming the tomb of Queen Isis, which indicated that one of the workers had accused two of his colleagues of exhuming the tomb. Moreover, this case has been investigated based on this accusation. The author of the communication or complaint did not have the right to initiate or initiate the lawsuit, nor did he have the right to waive a pending lawsuit before the investigator, nor did he have the right to pardon the punishment, which was only issued by gods or kings (Al-Ashmawy, 1953).

Ancient Egypt knew the system of pardoning crime and pardoning punishment, as the pardon of the gods was granted to the accused if he was able before the trial or before the execution of the penalty to resort to the fever of specific places such as the sanctuary of the Temple of Amun. This pardon was conditional on the accused offering himself to the gods (Ebeid, 1958).

The historian Diodorus of Sicily held that the victim had the right to waive the lawsuit and reconcile with the perpetrator. It is based on the fact that ancient Egyptian law required the thief to register his name with the sheik of thieves, and he used to hand him the stolen goods that he obtained after each theft incident. The victim can recover the stolen items in return for paying a quarter of their value to the sheik of thieves (Ebeid, 1958).

Jurisprudence was divided into two opinions: the first followed the narration of Diodorus, and the second denied it. They see this opinion that the crime of theft was punishable by the Pharaohs, as Horemheb's law punished theft with a thousand lashes, and in other cases, the punishment reached imprisonment or death by impalement, and the thief was stigmatized with visible signs in different positions on his body (Bahor, 1942).

This view concludes that the victim did not have the right to terminate the criminal case, although they knew the distinction between public and private crimes (Attia, 1990).

The ancient Egyptian legal system acknowledged the practice of mediation facilitated by judges in police courts and family heads in domestic tribunals. Fathers

Victim-Offender Mediation as a Model of Restorative Justice

were authorized to apply disciplinary measures to family members in familial matters, distinct from criminal sanctions. Despite the absence of explicit jurisprudential documentation confirming the existence of a formal mediation system during the Pharaonic era, it is widely believed to be an inherent component of the criminal reconciliation system, as the subsequent section will elucidate.

HARMONY AND JUSTICE IN EGYPT: UNVEILING THE COMPLEX TAPESTRY OF CRIMINAL RECONCILIATION AND CUSTOMARY COUNCILS

The Egyptian legislator has defined the Criminal Reconciliation system to achieve numerous criminal benefits, notably alleviating the burden on criminal courts. This system seeks quick procedural solutions to settle minor cases, which often congest criminal courts, facilitating litigation procedures for citizens. It also allows judges to be available to adjudicate severe cases (see the explanatory memorandum of Law No. (174) of 1998 amending some provisions of the Code of Criminal Procedures and Penalties in the appendix to the People's Assembly, ninth session, 5/12/1998, p. 91 et seq).

There was no legislative definition of the criminal (Victim-offender) Reconciliation system in the Egyptian Criminal Procedure Code texts. There was no definition in other criminal laws of this procedural system. It is self-evident that the legislator leaves the task of defining legal terms to jurisprudence and the judiciary. This approach has paved the way for criminal jurisprudence to develop several definitions of the criminal reconciliation system, with the most prominent being the aspect of jurisprudence, which defines Criminal Reconciliation as: "one of the forms of consensual justice, presupposing an agreement concluded between the perpetrator and the victim, at the initiative of the Public Prosecution and within the period drawn by the law. According to this conciliation, the accused is committed to carrying out specific actions" (Salem, 1997).

Victim-offender reconciliation is an alternative to criminal cases, allowing an agreement between the offender and the victim to resolve the dispute and avoid ongoing judicial procedures. This is regulated by Article (18 bis "a") of criminal procedures, which permits victims, their representatives, and heirs to establish reconciliation with the accused in misdemeanors and violations. Reconciliation is permissible in any case and after the judgment becomes final. It can also be applied in other cases stipulated by the law, including those in Article (534) Penalties, which allows the application of conciliation in check crimes. The consensual nature of conciliation avoids continuing judicial procedures in return for the offender's commitment to certain obligations.

Victim-Offender Mediation as a Model of Restorative Justice

The personal scope of reconciliation is determined by its parties. The parties to the criminal reconciliation are the accused and the victim, in addition to the Public Prosecution or the Court, which are the two judicial bodies authorized by the parties to the reconciliation to prove the occurrence of reconciliation between them before them. The recent amendments by the Egyptian legislator stipulate the allowance for each of the accused and his private attorney, as well as the heirs of the victim or their private attorney, along with the victim or his private attorney, to establish reconciliation before the prosecution or the court at any stage of the criminal case. This is applicable even after the verdict becomes final, provided that the submission of the request for proof of reconciliation is limited to the victim or with an extraordinary power of attorney from him that allows it (Salama, 2008).

The objective scope pertains to the statement of the crimes subject to the application of Criminal Reconciliation. The legislator has specified its application to specific crimes exclusively. Therefore, it may not be applied except in these crimes without extending its application to other offenses. Reconciliation crimes were mentioned as an exception, representing a departure from the principle in criminal procedures where the criminal case ends with a judicial ruling deciding the conviction or innocence. This exception should be specified exclusively (Al-Hakim, 2002). Article (18 bis “a”) indicates that reconciliation may be made between the accused and the victim of specific crimes.

The legal framework has expanded Criminal Reconciliation to include two categories of crimes: crimes against persons, including acts like manslaughter, and crimes against property, encompassing offenses like embezzlement, fraud, and damage to agricultural machinery. Additionally, it includes negligent harm to property, animal deaths, and unauthorized passage through cultivated lands (Al-Hakim, 2002).

The temporal scope of Criminal Reconciliation specifies the legal period for parties to prove reconciliation before investigation authorities. Critics argue that conciliation cannot occur after a final verdict, as the case expires with the judgment. However, legislators have expanded the application to encourage amicable settlements in cases with increased court cases and daily use.

In Egyptian law, criminal reconciliation is permissible for specific crimes under Article 18 bis “a” of the Criminal Procedures Code. This process, outlined by Salama (2008), does not affect the victim’s disability or the legal liability of the perpetrator. It requires confirmation by the victim, attorney, heirs, designated attorney, and the accused or their representative. Notably, conditional reconciliation, contingent on specific conditions, does not result in the termination of the criminal case.

However, Article 18 bis “a” lacks specific regulations on Criminal Reconciliation procedures, prompting criminal jurisprudence to step in and define these procedures. This involves a two-step process:

Victim-Offender Mediation as a Model of Restorative Justice

- i) **Submission of a Reconciliation Verification Request:** Criminal reconciliation cannot solely rely on an agreement between the accused and the victim or their representatives. Instead, it necessitates submitting a reconciliation verification request to the competent judicial authority, the public prosecution, or the appropriate court. In cases involving a minor victim, heir, or accused, the individual with guardianship over the minor must also submit the reconciliation verification request. This practice is supported by the Court of Cassation (1/2/1990, S 41, No. 3, p. 38; 8/5/1990, S. 41, No. 120, p. 696).
- ii) **Judicial Authority Competent for Proof of Reconciliation:** The law mandates that a request for proof of reconciliation be submitted to the judicial authority competent to hear the case, whether it is the Public Prosecution or the competent court. If the case is with the Public Prosecution, the request is submitted before referral to the competent court in the stages of inference or preliminary investigation. If the Public Prosecution has referred the case to the court, the reconciliation proof request goes to the competent court. If the request is submitted by individuals not specified in Article 18 bis “a” CPC, it is considered unacceptable without proper capacity. The ruling is invalid if the court rules based on a request from unauthorized individuals. Suppose the request for proof of reconciliation is not submitted to the Public Prosecution Office or the court. In that case, it is impermissible for the court to rule independently on the termination of the criminal case for reconciliation (Al-Sheikh, 2009).

The legal implications of the Criminal Reconciliation system in Egypt have sparked a contentious debate within criminal jurisprudence. One perspective suggests that reconciliation operates as a civil contract between the accused, the public prosecutor, or the victim, positioning it as somewhat incongruous within criminal law. Conversely, another faction views Reconciliation as a fundamental criminal process, with some arguing that the Reconciliation fine combines elements of compensation and punishment, resembling a financial penalty such as a tax fine (Sorour, 2003). However, another perspective considers the Reconciliation fine as an alternative financial penalty dependent on the victim’s satisfaction (Ramadan, 2000).

In Egypt, Reconciliation serves as a potential alternative for resolving criminal cases, aiming to spare the accused from punitive measures. A successful Reconciliation process leads to the termination of the criminal case, impacting both criminal and civil lawsuits and imposing penalties. Egyptian law dictates that the fulfillment of Criminal Reconciliation results in case termination, even if initiated before the Public Prosecution. Reconciliation, reached through agreement between the accused and victim, can be concluded at any stage of the case, including after a final judgment is issued (Court of Cassation, No. 62/21864 BC, Date: 11/21/2001, Collection of Technical Office of the State Litigation Authority).

Victim-Offender Mediation as a Model of Restorative Justice

Article 18 bis (a) of the Criminal Procedures Code stipulates that “Reconciliation does not affect the rights of the victim of the crime,” aligning with the text of Article 259 of the same code. This underscores preserving the victim’s rights despite the resolution through reconciliation.

Customary Reconciliation Councils, also known as Customary Judiciary Councils, serve as vital mechanisms for resolving disputes in Egypt, offering an alternative to the formal judicial system. Originating from the Islamic conquest era, these councils are prevalent in regions inhabited by Bedouin tribes in Sinai, the Western Desert, and Arab tribes in Upper Egypt.

These councils convene sessions where offenders, victims, and witnesses present evidence before arbitrators who issue judgments based on the dispute’s subject matter (Al-Sheikh, 2009). Reconciliation councils, especially prominent in Sinai, operate by summoning elders and wise individuals to facilitate amicable settlements by estimating blood money.

These councils gained recognition from the police, linking them closely to police reconciliation committees. In Sinai, traditional mediation by tribal sheiks has been longstanding, providing a means of justice in areas distant from formal courts. The legislative foundation for this practice is found in the Khedive of Egypt’s 1911 Law, aligning with Sinai’s nomadic lifestyle.

The law permits reconciliation between crime parties, deeming it a mitigating circumstance, potentially allowing the accused to remain imprisoned until reconciliation conditions are fulfilled. The judiciary in Sinai relies on prevailing norms and tribal customs, intervening to resolve disputes challenging to adjudicate formally, such as honor and money matters (Shukair, 1916).

Customary judiciary councils significantly resolve citizen disputes, offering a realistic alternative to formal legal processes. These councils, prevalent in tribal societies, provide a localized approach to addressing social problems, minimizing reliance on the police or formal judiciary.

Decisions from customary court councils hold decisive authority, preventing usual litigation procedures. Sessions conclude with litigants shaking hands, emphasizing the personal connections within these tight-knit communities. Often lacking formal education, the arbitrators draw on personal experiences and community knowledge to navigate customary arbitration principles and rules (Al-Sheikh, 2009).

The customary council, usually composed of senior sheiks, operates on a consensual basis, requiring agreement and prior consent from both parties. Known for their speed and mandatory force, these councils intervene swiftly to resolve tribal or family disputes before they escalate. The selection of odd-numbered arbitrators ensures a balanced judgment, with a designated individual managing the session and weighing matters for a fair resolution (Al-Sheikh, 2009).

POLICE MEDIATION: FOSTERING COMMUNITY AND LAW ENFORCEMENT COOPERATION

Police mediation represents the proactive involvement of law enforcement officers in mediating conflicts between opposing parties to address disputes arising from criminal activities within the scope of their routine duties in maintaining public security. In Egypt, this mediation is facilitated through police reconciliation committees and mechanisms established within police stations (El-Kady, 2023).

Scholars contend that police reconciliation committees, akin to community policing practices, derive their significance from the social roles they fulfill in conflict resolution, fostering social harmony, and encouraging public participation in security efforts. These committees serve as a platform for citizens and law enforcement to engage in collaborative problem-solving, contributing to reconciliation and community involvement in conflict resolution (Hassan, 2005). Consequently, they represent a pivotal aspect of community policing initiatives in Egypt.

Reconciliation emerges as a cornerstone of collaboration between the police and the public in the fight against crime, fostering trust in the police system. It assumes a crucial role in curbing retaliatory crimes and is vital in the broader context of crime prevention (El-Shorbagy, 2005).

Statistics from 1997 and 2001 underscore the effectiveness of police reconciliation committees, revealing that they successfully resolved approximately 42% of criminal disputes in Egypt, accounting for a substantial portion of the total 1009 conflicts (El-Kady, 2013). The study further indicates that while over half of revenge cases were not reconciled, 39% were initiated through reconciliation and arbitration. Notably, a minor percentage was resolved before the actual commission of the crime, underscoring the tangible impact of police-initiated reconciliations in mitigating revenge incidents in Egypt.

The study elucidates that the primary motivations driving reconciliation among conflicting parties encompass psychological comfort, security pressures, acceptance of blood money, a desire for a temporary truce, feelings of insecurity, and influence from popular councils and their members.

Local popular agencies and parliamentary members significantly contribute to family reconciliation, with more than half of successful cases attributed to their intervention. Their minimal involvement in reconciliation committees underscores their vital role in resolving criminal disputes.

The research underscores that the mere presence of security police is inadequate in deterring individuals from seeking revenge (72%), with limited success in reducing attempts (16%) and preventing crimes (12%) (El-Kady, 2013). To address this, the study recommends several effective policy measures, including collecting unlicensed weapons, expediting searches, intensifying security services, retrieving licensed

Victim-Offender Mediation as a Model of Restorative Justice

weapons, implementing exceptional measures awareness campaigns, and refraining from granting licenses to involved parties.

While recognizing the geographical and qualitative limitations of reconciliation committees, some argue that they can serve as a foundation for developing an operational strategy for community policing. This perspective emphasizes that community security systems should be integrated into all facets of urban and rural areas, tailored to the unique circumstances of each community (Abdel Aziz, 2010).

The global landscape highlights community policing practices in various countries, such as the United States of America, the United Kingdom, France, the Netherlands, Denmark, Canada, Australia, Japan, and several Arab nations, including Bahrain, Saudi Arabia, the Emirates, Jordan, Sudan, Libya, and notably, Egypt (Hassan, 2005).

It is crucial to acknowledge the diverse experiences and models of community policing, varying from one society to another based on customs, traditions, and the inherent nature of each state's societal fabric. Successful practices in one state may not yield the same success in others.

It is noteworthy to emphasize the distinction between community partnership and community policing. Community partnership encompasses a broader spectrum, extending beyond security to encompass various facets of community development. In contrast, community policing is a specific mechanism to activate community participation in enhancing security measures (El-Kady, 2023).

Indeed, the answer to this question is affirmative. Police officers stationed at police stations begin reconciling adversaries through the established "Conciliation Notes" mechanism, documented in the case book. This process initiates when officers address disputes involving individuals with enduring ties, such as family and neighborhood conflicts, showcasing the officers' proclivity for resorting to reconciliation efforts.

Practical experiences underscore the extensive application of this mechanism. A comparative analysis between conciliatory practices in specific sections and daily police records reveals the convergence of peace notes in the case book with the daily police reports. At times, reconciliation practices may even transcend the documentation of daily police transcripts in these sections.

In addition to their central role in Customary Judicial Councils handling feuds in Upper Egypt and participation in Police Reconciliation Committees within urban police stations, it is crucial to highlight that a police officer's role as a mediator in criminal disputes is often attributed to their social standing and the respect citizens hold for them due to their profession. This respect, cultivated through positive interactions with citizens, empowers officers to fulfill this mediating function effectively (El-Kady, 2023).

The well-known status book mechanism is not unique to a specific region; it is recognized in many countries. For instance, a study on the Poitiers Police Station in

Victim-Offender Mediation as a Model of Restorative Justice

France revealed that nearly a quarter of cases involving petty altercations and riots (24%) were resolved through police mediation. French police officers demonstrated a tendency to address family disputes, even those involving abuse, through mediation.

According to the study, over half of family dispute cases involving battery offenses (55%) were successfully resolved through mediation. This figure rose to 83% when disputes did not involve acts of battery. However, the effectiveness of mediation decreased for more severe disputes, particularly those involving the destruction of public property or theft from a car, as police officers were less inclined to conceal such cases (El-Kady, 2013).

This mediation mechanism facilitated conflict resolution and alleviated the burden on the judiciary. The Paris Office, for instance, had previously instructed police stations to cease mediation and instead refer communications and complaints without discrimination, emphasizing direct referral based on specific guidelines.

The widespread use of similar mechanisms extends beyond France. In Italy, for instance, the police often propose amicable settlements for minor crimes, while Belgian police frequently engage in reconciliation for certain low-impact crimes.

The reception of police reconciliation practices at stations has been positive, with both parties involved in a crime appreciating the explanation of legal procedures and the acceptance of settlements that circumvent lengthy prescribed processes. Despite concerns about potential pressure to impose reconciliation, it is essential to note that accepting a settlement does not preclude a party from submitting a complaint to the Public Prosecution, potentially leading to criminal, administrative, and civil accountability for police officers.

Police conciliation practices exhibit variation across countries, with Parisian police mediating minor crimes against unknown individuals. Following reconciliation, victims may alter their statements during evidence gathering, acknowledging the perpetrator as someone else. In exchange for the perpetrator repairing the damage, the Public Prosecution may dismiss the case (El-Kady, 2013).

Police officers actively encourage settlements by elucidating the advantages of filing a complaint against an unknown person, thereby ensuring that the accused cannot retaliate with a complaint against the complainant. If the complainant agrees, the officer can limit investigations to the impossibility of identifying the suspect. Though it may be perceived as hidden consent or indirect mediation, this approach aims to reduce the burden on victims. Cases are ultimately referred to the Public Prosecution (El-Kady, 2010).

DISCUSSION

Enhancing the Role of Police Commissions in Egyptian Legislation: A Proposed Concept

Although restorative justice practices in Egypt play an important role in settling many disputes to achieve many benefits, the most important of which is achieving social peace, these practices lack an explicit legal basis for their application, which requires the necessity of making legislative amendments to the Criminal procedures code to officially codify these practices, as victim-offender mediation is not codified in Egyptian legislation as of the writing of these lines. At the same time, police officers carry out restorative justice practices without relying on an explicit text codifying this procedure, but rather by the general texts that regulate police work, which stipulates. Its leading role is to prevent crime and catch its perpetrators, in addition to some administrative decisions regulating this work without having any binding legal effect regarding criminal procedures. While the applied conciliation system does not allow police officers to offer a settlement to both parties of the crime, this jurisdiction is exclusively entrusted to the Public Prosecution (El-Kady, 2013).

Therefore, we see the need to make radical amendments to the texts of the Code of Criminal Procedure to allow for the codification of restorative justice practices and to grant law enforcement agencies the powers to offer a settlement to both parties of the crime, while determining a binding legal impact of the consequences resulting from the success of these settlements concerning the termination of criminal case procedures.

Police reconciliation is a proactive measure by security services to address criminal issues within the complex security landscape of Egyptian streets. Recognizing the essential role of the police in crime prevention, this chapter proposes a groundbreaking amendment to the Code of Criminal Procedure, aiming to enhance the influence of police commissions. The amendment empowers judicial enforcement officers and prosecutors to refer potentially reconcilable criminal cases to these commissions, expeditiously resolving disputes and bypassing the prolonged court system (El-Kady, 2023).

The strategic amendment to the Code of Criminal Procedure defines crimes eligible for reconciliation committees, outlines their formation, and specifies the authorities responsible for selecting members. The committees' authority is established before the Public Prosecution or court, leading to case expiration upon compliance.

Emphasizing the crucial role of reconciliation committees, the text advocates for legislative texts, binding decisions, inclusive representation, and meticulous member selection based on integrity, reputation, morals, and impartiality.

Victim-Offender Mediation as a Model of Restorative Justice

Preliminary procedures, such as withdrawing weapons licenses, are proposed to mitigate security escalation.

Success for reconciliation committees hinges on media coverage highlighting their dispute resolution role, along with state agencies honoring their contributions. Citizen education about their significance, periodic meetings with security leaders to address committee-related challenges, and organized training courses are essential for success.

Recognizing potential benefits, the text suggests leveraging judiciary members' legal expertise and recognition in reconciliation committees. Regular meetings and training courses enhance communication, negotiation, and dispute-resolution skills. Establishing regulatory rules for community participation committees within police stations ensures effectiveness (El-Kady, 2024).

The proposed modification introduces additional paragraphs to Article 18 bis "a" CPC, outlining a structured framework for referral to police commissions, scheduling reconciliation sessions, and document proceedings. The comprehensive report from the reconciliation committee covers the causes of the conflict, proposed solutions, and the parties' positions, with provisions for an extension of the legal period for dispute resolution. The Public Prosecutor's Office retains the authority to decide on criminal proceedings based on the reconciliation agreement.

In essence, this visionary amendment promises an efficient means of swiftly resolving disputes, alleviating the burden on the court system, and ushering in a new era of legal process efficiency.

Future Directions of Restorative justice in Egypt:

As we mentioned in the previous lines, Egypt has known several forms of restorative justice practices that differ between the social, semi-official, and judicial. However, these practices need to shed more light on the recognized international concepts and standards in the field of restorative justice and spread awareness of such practices among workers in the field of judicial procedures, such as judges, public prosecutors, Police officers, Mayors, sheiks in villages and countryside and Tribal sheiks in Bedouin areas.

Although restorative justice practices in Egypt are generally considered promising, they need more legislative amendments that give more powers to those responsible for these practices while codifying their legal effect in settling disputes and ending the judicial procedures taken in this regard.

In addition, it codifies criminal mediation in Egyptian legislation, as it is one of the most prominent restorative justice practices spread in most countries.

We should raise public awareness about restorative justice among individuals from different societal groups by adopting media programs to introduce restorative justice, the advantages of its application, and its role in settling disputes and achieving social peace.

Victim-Offender Mediation as a Model of Restorative Justice

The Legal Community, including Law faculties in Egyptian universities, should pay more attention to restorative justice practices by holding more Scientific events and research to introduce its programs and to conduct further research and legal studies in the field of restorative justice mechanisms and ways to activate their application while looking towards the development of scientific programs (professional diploma) to introduce the types and mechanisms of restorative justice and disseminate its concepts and philosophy (El-Kady, 2023).

CONCLUSION

The chapter underscores the significance of restorative justice in reshaping judicial paradigms and fostering reconciliation, responsibility, and community involvement in addressing crime and wrongdoing. Manifesting in diverse forms like victim-offender meetings, family group conferencing, and sentencing circles, restorative justice aspires to establish a more humane, equitable, and sustainable justice system, prioritizing recovery and reconciliation for victims and communities. Its manifestation varies globally and is shaped by social components, customs, and legal systems.

In Egypt, a historical embrace of restorative justice is evident, encompassing practices such as victim-offender mediation, customary reconciliation councils, and police reconciliation committees. This chapter unravels a captivating tapestry of insights into Egypt's distinctive approach to restorative justice, delving into its judicial and social dimensions. Despite the absence of a formal legislative definition for victim-offender mediation in Egypt, its practical application within the criminal reconciliation system serves as a bridge between perpetrators and victims in dispute resolution.

The rich cultural fabric of Egypt extends to customary reconciliation councils, particularly prevalent in Bedouin and rural regions, offering a fascinating glimpse into the intricate tapestry of customary justice. Equally compelling is the active engagement of the police in reconciliation, an integral facet of their daily commitment to maintaining security. Using police reconciliation committees and mechanisms within police stations adds an intriguing layer to the narrative.

This research unveils the potential of harnessing victim-offender mediation to reinforce the concept of community policing in Egypt, suggesting a synergy between restorative justice practices and broader law enforcement strategies.

The chapter concludes with a call to action, proposing legislative amendments to empower police officers as intermediaries within the legal framework. The urge is directed at political decision-makers to expand restorative justice models in Egypt, supported by favorable outcomes in criminal justice and a plea for more research on their social impacts.

Victim-Offender Mediation as a Model of Restorative Justice

To elevate international awareness, restorative justice practices in Egypt, spanning social and judicial realms, should be emphasized. Judicial personnel must know their roles in settling disputes, requiring legislative amendments to augment their powers and codify their legal effect. The codification of criminal mediation in Egyptian legislation is also advocated. Public awareness campaigns through media programs and a concerted focus on restorative justice within the Legal Community through scientific events and research are recommended. Additionally, the proposal includes the development of professional diplomas to propagate restorative justice concepts and philosophy.

In essence, these collective findings not only enrich our understanding of restorative justice practices in Egypt but also unveil exciting prospects for the evolution of the justice system in the region.

REFERENCES

- Abdel-All, A. A. L. (2006). *The Concept of the Victim in the Criminal Case*. Dar Al-Nahda Al-Arabiya. (In Arabic)
- Abdel Aziz, A. (2010). *Community Policing and Activating Security Performance*. [Ph.D. Thesis, College of Graduate Studies, Cairo].
- Al-Ashmawy, A. A. W. (1953). *The Individual Accusation or the Right of the Individual to Criminal Litigation*. Egyptian Universities Publishing House. (In Arabic)
- Al-Bishri, M. A. A. (2005). *Crime Victimology and its Applications in the Arab Countries*. Naif Arab University for Security Sciences Publications.
- Al-Hakim, M. H. H. (2002). *The General Theory of Reconciliation in Criminal Matters and its Applications*. [Ph.D. Thesis, Faculty of Law, Ain Shams University].
- Al-Nasib, A. A-R. (2018). *Restorative justice is an alternative to criminal justice*. Revue mofakir, (11).
- Al-Shawa, M. S. (1997). *Mediation and Criminal Justice, Modern Trends in Criminal Cases* (1st ed.). Dar Al-Nahda Al-Arabiya.
- Al-Sheikh, A. A. (2009). *Reconciliation in Criminal Disputes and Their Impact on the Stability of Public Security*. Ph.D. Thesis, College of Postgraduate Studies, Police Academy, Cairo.
- Attia, H. R. (1990). *The Role of the Victim in Ending the Criminal Case* (In Arabic). Ph.D. Thesis, Cairo University.

Victim-Offender Mediation as a Model of Restorative Justice

Bahor, L. (1942). From the History of Law – The Pharaonic Punitive Law [In Arabic]. *The Journal of Law & Economics*, 1.

Bolívar, D., Aertsen, I., & Vanfraechem, I. (2015). *Victims and restorative justice: An empirical study of the victim's needs, experience, and position within restorative justice practices*. European Forum for Restorative justice.

Bonafe-Schmitt, J. P. (1998). *La médiation pénale en France et aux Etats-Unis*. LGDJ.

Bonafé-Schmitt, J. P., Gérard, C., Picon, D., & Porcher, P. (1986). *Les justices du quotidien: les modes formels et informels de règlement des petits litiges*. Université Lyon II.

Braithwaite, J. (2004). Restorative justice: Theories and worries. *Resource material Series*, 63, 47–56.

Cario, R. (1997). *Potentialités et ambiguïtés de la médiation pénale. Entre Athéna et Thémis, La médiation pénale. Entre répression et réparation*. L'Harmattan.

Cario, R. (2007). *La justice restaurative: Rapport du groupe de travail*.

Cario, R. (2010). Justice restaurative: principes et promesses. *Justice restaurative*, 1-302.

Chan, W. C. (2013). Family conferencing for juvenile offenders: A Singaporean case study in Restorative justice. *Asian Journal of Criminology*, 8(2), 1–23. doi:10.1007/s11417-011-9122-y

Court of Cassation. (1990, February 1). S 41, No. 3, p. 38.

Court of Cassation. (1990, May 8). S. 41, No. 120.

Court of Cassation. (2001, November 21). No. 62/21864 BC. Collection of Technical Office of the State Litigation Authority, 2003.

Desdevises, M. C. (1993). L'évaluation des expériences de médiation entre délinquants et victimes: L'exemple britannique. *Revue de Science Criminelle et de Droit Pénal Comparé*, (1), 45–61.

Doak, J., & O' Mahony, D. (2018). We are evaluating the success of restorative justice conferencing. In T. Gavrielides (Ed.), *Routledge International Handbook of Restorative justice* (pp. 211–223). Routledge. doi:10.4324/9781315613512-15

Düinkel, F., Grzywa-Holten, J., & Horsfield, P. (2016). *Restorative justice and mediation in penal matters - A stock-taking of legal issues, implementation strategies and outcomes in 36 European countries*. Forum Verlag Godesberg.

Victim-Offender Mediation as a Model of Restorative Justice

- Ebeid, H. (2002). *Short-Term Imprisonment*. Dar Al-Nahda Al-Arabiya.
- Ebeid, R. (1958). *The Criminal Justice of the Pharaohs*. The National Criminal Journal. (In Arabic)
- El-Kady, R. (2010). *Mediation as an alternative to criminal proceedings - a comparative study*. [PhD thesis, Faculty of Law, Cairo University].
- El-Kady, R. (2013). *Police conciliations - an analytical study of the role of the police in resolving criminal disputes*. Dar Al-Nahda Al-Arabiya.
- El-Kady, R. (2021). Victim-offender mediation as One of the Alternatives to the Criminal Case, A Comparative Analytical Study of French and Arab Legislation. *International Journal of Doctrine. Judiciary and Legislation*, 2(1), 216–242. doi:10.21608/ijdj.2021.40847.1006
- El-Kady, R. (2023). The Role of the Police in Criminal Mediation. *International Journal of Police Science*. <https://doi.org/doi:10.56331/19122023/ijps>
- El-Kady, R. (2024). Community Policing Practices in Egypt: Descriptive Analytical Study. In C. Bush & J. Matthews (Eds.), *Building Trust, Effective Communication, and Transparency Between Police and Community Members* (pp. 81–121). IGI Global. doi:10.4018/978-1-6684-8569-9.ch005
- El-Shorbagy, A. (2005). *The efforts of the public security sector in preventing criminal crime: A symposium on the role of civil society in preventing crime*. Police Research Center of Cairo.
- Fayon, P. (1992). *Rapport introductif, La médiation pénale*. Archives de politique criminelle.
- Hansen, T., & Umbreit, M. (2018). Four decades of victim-offender mediation research and practice: The evidence. *Conflict Resolution Quarterly*, 36(2), 99–113. doi:10.1002/crq.21234
- Hassan, A. (2005). *The Community Policing System and the Role of Voluntary Work in Achieving It*. Symposium organized by Naif Arab University for Security Sciences in cooperation with the Dubai Police Academy on the “Concept of Community Policing.”
- HENRY, M. (1981). Transaction économique et action civile: à la recherche d’une conciliation, in R.S.C.
- Hulsman, L. H. C. (1970). Le choix de la sanction pénale. *Revue de science criminelle et de droit comparé*, 25(3), 497-545.

Victim-Offender Mediation as a Model of Restorative Justice

Jaccoud, M. (2003). *Justice réparatrice et médiation pénale, convergence ou divergence*. L'harmattan.

JACQUARD. A. (1993). Un monde sans prison? - collection points virgule n°v124. SEUIL, France.

Khan, S. (2023). *The effectiveness of restorative justice programs in reducing recidivism*. Yale University Press.

Lazerges, C. (1992). Essai de classification des procédures de médiation. *Archives de politique criminelle*, 14, 17-27.

Lazerges, C. (1997). Médiation pénale, justice pénale et politique criminelle. *Revue de science criminelle et de droit pénal comparé*, (01), 186.

Lhuillier, J. (2007). The quality of penal mediation in Europe. European Commission for the efficiency of justice, Strasbourg.

Llewellyn, J. J. (2012). Integrating Peace, Justice, and Development in a Relational Approach to Peacebuilding. *Ethics & Social Welfare*, 6(3), 290–302. doi:10.1080/17496535.2012.704386

People's Assembly. (1998). *Law No. 174 of 1998 amends some Code of Criminal Procedures and Penalties provisions. Explanatory memorandum. Ninth session*. People's Assembly.

Pranis, K. (2005). *The little book of circle processes: A new/old approach to peacemaking*. Good Books.

Puechavy, M. (1993). L'article 6 de la convention européenne des droits de l'homme et la médiation pénale. *Arch. Pol. Crim*, (15), 34–35.

Ramadan, M. A. H. (2000). *Brief criminal procedures for ending the criminal case*. Dar Al Nahda Al Arabiya.

Robins, S. (2009). *Restorative approaches to criminal justice in Africa*. Institute for Security Studies, The theory and practice of criminal justice in Africa.

Rossner, M., & Bruce, J. (2018). Trajectories and typologies of pre-sentence restorative justice rituals. *Australian and New Zealand Journal of Criminology*, 51(4), 502–518. doi:10.1177/0004865817749263

Salama, M. (2008). *Criminal procedures in Egyptian legislation*. Dar Al-Nahda Al-Arabiya.

Victim-Offender Mediation as a Model of Restorative Justice

Salem, O. (1997). *Towards facilitating criminal procedures - A comparative Study* (2nd ed.). Dar Al-Nahda Al-Arabiya.

Scheff, T. J., & Retzinger, S. M. (1991). *Emotions and violence: Shame and rage in destructive conflict*. Lexington Books.

Shapland, J., Atkinson, A., Atkinson, H., Chapman, B., Dignan, J., Howes, M., Johnstone, J., Robinson, G., & Angela, S. (2007). *Restorative justice: The views of victims and offenders. The third report from the evaluation of three schemes*. London Ministry of Justice.

Shapland, J., Atkinson, A., Atkinson, H., Dignan, J., Edwards, L., Hibbert, J., Howes, M., Johnstone, J., Robinson, G. & Sorsby, A. (2008). *Does restorative justice affect reconviction? The fourth report from the evaluation of three schemes*.

Sherman, L., & Strang, H. (2007). *Restorative justice: The evidence*. The Smith Institute.

Sherman, L., Strang, H., Barnes, G., Woods, D., Bennett, S., Inkpen, N., Newbury-Birch, D., Rossner, M., Angel, C., Mearns, M., & Slothower, M. (2015). Twelve Experiments in Restorative justice: The Jerry Lee program of randomized trials of Restorative justice conferences. *Journal of Experimental Criminology*, 11(4), 501–540. doi:10.1007/s11292-015-9247-6

Sherman, L. W. (1993). Defiance, deterrence, and irrelevance: A theory of the criminal sanction. *Journal of Research in Crime and Delinquency*, 30(4), 445–473. doi:10.1177/0022427893030004006

Shukair, N. (1916). *Ancient and modern history and geography of Sinai*. Al-Maarif Press.

Sorour, A. F. (2003). *Constitutional criminal law*. Dar Al Shorouk.

Strang, H. (2022). *Repair or revenge: Victims and Restorative justice*. Oxford University Press., doi:10.1093/oso/9780199251643.001.0001

Strang, H., Sherman, L., Mayo-Wilson, E., Woods, D., & Ariel, B. (2013). Restorative justice Conferencing (RJC) Using Face-to-Face Meetings of Offenders and Victims: Effects on Offender Recidivism and Victim Satisfaction. A Systematic Review. *Campbell Systematic Reviews*, 9(1), 1–59. doi:10.4073/csr.2013.12

Tyler, T. R. (2003). Procedural justice, legitimacy, and the effective rule of law. In M. Tonry (Ed.), *Crime and Justice* (pp. 431–505).

Victim-Offender Mediation as a Model of Restorative Justice

Wood, W. R. (2015). Why Restorative justice Will Not Reduce Incarceration? *British Journal of Criminology*, 55(5), 883–900. doi:10.1093/bjc/azu108

Zehr, H. (1985). *Restorative justice*. Home Office Research.

Zehr, H., & Gohar, A. (2003). *The little book of Restorative justice*. Good Books.

Zinsstag, E., Teunkens, M., & Pali, B. (2011). *Conferencing: A way forward for Restorative justice in Europe*. European Forum for Restorative justice.