

# INTERROGATING DEFENDANTS IN THE ABSENCE OF THEIR LAWYERS IS A CRIME AGAINST JUSTICE IN EGYPT



المركز العربي لاستقلال القضاء والمحاماة  
THE ARAB CENTER FOR THE INDEPENDENCE OF  
THE JUDICIARY AND THE LEGAL PROFESSION  
(ACIJP)



مؤسسة دعم العدالة  
JUSTICE SUPPORT FOUNDATION (JSF)

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is a crime against justice in Egypt**

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**The Arab Center for the Independence of the Judiciary and the Legal Profession (ACIJLP)** is following with growing concern the repercussions of the decision by the Presidency of the Republic to return the draft Criminal Procedures Law to the House of Representatives, and the inclination of the relevant parliamentary committees discussing and drafting the amendments towards imposing further restrictions and undermining the safeguards granted to defendants upon arrest, investigation, interrogation, or detention, in a manner that permits the interrogation of defendants in the absence of their lawyer.

While reaffirming its position calling for a comprehensive review of the underlying philosophy of the law and the formation of a specialized, independent committee to undertake such a review, the ACIJLP notes that the published amendments to Article 105 of the draft Criminal Procedures Law—which grant the Public Prosecution the right to interrogate defendants without the presence of their lawyer in cases of “fear of loss of time”—constitute a violation of the guarantees enshrined in Article 54 of the Constitution, as well as Articles 9 and 14 of the International Covenant on Civil and Political Rights, which stipulate that no defendant shall be interrogated except in the presence of their lawyer.

At a time when the ACIJLP had hoped that the Presidency’s objections would include an amendment to Article 64 of the draft Criminal Procedures Law to ensure the prohibition of judicial officers from interrogating defendants under the pretext of “fear of loss of time,” the underlying philosophy of the objections instead called for equating the powers of the Public Prosecution and judicial officers in interrogating defendants in the absence of their lawyers — an explicit violation of Article 54 of the Constitution.

The ACIJLP calls upon the House of Representatives to postpone consideration of the entire draft law until the next parliamentary term, given the constitutional flaws it contains and its disruption of the necessary balance between individual rights and the public interest. Furthermore, this law constitutes clear evidence of the government’s failure to uphold its international obligations under the International Covenant on Civil and Political Rights, to which the Egyptian government is a party.