

# THE ACIJLP REJECTS THE PRESIDENT'S OBSERVATIONS ON THREE ARTICLES IN THE CRIMINAL PROCEDURES LAW



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



مؤسسة دعم العدالة  
JUSTICE SUPPORT FOUNDATION (JSF)

**The ACIJLP rejects the president's observations  
on three articles in the Criminal Procedures Law**

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**The Arab Center for the Independence of the Judiciary and the Legal Profession (ACIJLP)** reaffirms the continuation of its campaign opposing the draft Criminal Procedures Law and asserts its firm position on the necessity of reconsidering the draft in its entirety, given that it undermines numerous constitutional rights and safeguards and disturbs the necessary balance between individual rights and the public interest.

Despite the withholding of the final version of the draft approved by the House of Representatives from public scrutiny, and the non-publication of the original memorandum of objections submitted by the Presidency—of which only the substance was reported on some press websites—the ACIJLP, in continuation of its campaign launched in 2019 rejecting the draft Criminal Procedures Law, records its rejection and objection to the Presidency's observations on three articles, as these entail a diminution of the guarantees and rights of defendants and of the rights of the defense, as follows:

The memorandum of the Presidency called for the reconsideration of Article 48 of the draft in order to define and clarify the cases of danger that would permit public authority personnel to enter private dwellings, a matter that the ACIJLP fears may lead to the addition of other cases authorizing the violation of the sanctity of homes beyond those set out in Article 45 of the current Criminal Procedures Law—namely fire, flooding, and cries for help from within—thus necessitating the deletion of the term “danger” from the text rather than clarification of its scope.

The memorandum further called for the amendment of Article 105 of the draft, which prohibits the Public Prosecution from interrogating a defendant in the absence of their lawyer, to allow the Prosecution to conduct interrogations in the absence of a lawyer in cases of urgency or fear of delay, by analogy with Article 64 of the draft which grants judicial police officers the same authority. The ACIJLP considers this amendment a violation of the rights of the defense and of the guarantees afforded to defendants and in contravention of constitutional provisions, thereby requiring rejection to the presidential objection to Article 105 and, by necessity, repeal of Article 64 which grants judicial police officers the authority to interrogate defendants in such cases in the absence of their lawyer.

The memorandum also called for the amendment of Article 112, which regulates the period of detention of a defendant when interrogation is delayed due to the absence of the lawyer, by requiring the establishment of a maximum period for such detention. Article 111 of the draft adopted by the Committee on Constitutional and Legislative Affairs, however, already set a maximum period of 24 hours and mandated release in the event of non-compliance. Accordingly, the ACIILP believes that since the period of detention was already set in the aforementioned article then any demand to impose a time limit necessarily entails extending this maximum period, which constitutes a clear and direct violation of Article 54 of the Constitution. This renders the presidential objection to this provision unfounded and requiring its rejection.