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PROCEDURES LAW IMPLEMENTATION
AND WARNS AGAINST FAILURE TO RELEASE DETAINEES
**WHO HAVE EXCEEDED THE 18-MONTH
PRE-TRIAL DETENTION LIMIT**



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)

**ACIJLP welcomes postponement of Criminal Procedures Law implementation
and warns against failure to release detainees
who have exceeded the 18-month pre-trial detention limit**

The Arab Centre for the Independence of the Judiciary and the Legal Profession (ACIJLP) cautiously welcomes the Egyptian Parliament's decision to postpone the implementation of Criminal Procedures Law No. 174 of 2025, which was due to enter into force tomorrow, 1 October 2026, on grounds relating to the technical, technological, and administrative preparedness required for its implementation, as set out in the explanatory memorandum accompanying the law providing for the postponement.

While the ACIJLP recognizes the importance of this positive step, it emphasizes the following:

- The law, which contains provisions that are unconstitutional and contrary to international law and that undermine guarantees of a fair and impartial trial, as previously highlighted by experts, civil society organizations and United Nations committees, urgently requires the reopening of a serious and genuine societal dialogue with a view to redrafting it in its entirety in accordance with fair-trial standards and ensuring that its provisions and articles preserve a balance between the public interest and individuals' rights and freedoms, including their right to the presumption of innocence.
- The decision to postpone the implementation of the law does not relieve the Egyptian Government of its obligation to immediately and unconditionally release all persons held in pre-trial detention whose detention periods have exceeded 18 months. This is on the basis that Article 142 of the postponed law constitutes a substantive provision whose application is not contingent upon the law's entry into force and may be implemented immediately upon publication of the postponement law in the Official Gazette.
- The ACIJLP holds the Office of the Egyptian Prosecutor-General alone fully responsible for the current state of prolonged pre-trial detention. It therefore calls for the urgent completion of the review of the cases of defendants whose periods of pre-trial detention have exceeded the 18-month maximum prescribed under the new law, and for their immediate release.

The decision to postpone the implementation of this constitutionally flawed law presents an opportunity to safeguard the reputation of Egypt's judicial system, which can no longer afford

further damage. The system has experienced a significant decline in its standing in rule-of-law and justice indicators over the past decade. This makes it imperative to use the coming year to redraft all provisions and articles of the Criminal Procedures Law in accordance with the Egyptian Constitution and the international conventions ratified by the Egyptian Government, in a manner that guarantees fair and impartial trials for citizens while safeguarding the public interest.

On 20 September, the ACIJLP had called on the Government to postpone the implementation of the Criminal Procedures Law for a further year, in order to safeguard the proper administration of justice and provide sufficient time for discussion of a number of provisions that undermine the rights of defendants and their defence and fall short of the requirements and standards of fair trials. The Center warned that although the adverse legislative impact of some of these provisions may not become apparent for years, it would be impossible to remedy them once the law had been implemented.

Cairo, September 30, 2026