

AMNESTY INTERNATIONAL PUBLIC STATEMENT

Date: 2 October 2024 index number: MDE 12/8581/2024

EGYPT: PROPOSED CODE OF CRIMINAL PROCEDURES CODIFIES ABUSES AND FURTHER ERODES FAIR TRIAL GUARANTEES

The draft new Code of Criminal Procedures, scheduled for debate and voting by Egypt's parliament in October 2024, falls far short of international human rights law and standards and risks exacerbating concerns in an already deeply flawed criminal justice system, said Amnesty International.

While the draft includes limited welcome changes such as the possibility to claim financial compensation for pretrial detention, it retains problematic articles in current legislation and introduces new provisions which effectively legitimize and codify existing flaws in Egypt's criminal justice system. Of particular concern, are provisions enabling severe violations of the right to a fair trial including adequate defence, further entrenching impunity for state agents, and facilitating the ongoing misuse of travel bans and asset freezes to punish human rights defenders and critics.

Notably, the proposed draft provides no safeguards against abusive prolonged pretrial detention. This is despite the stated commitment and repeated promises by Egyptian authorities, including [President Abdel Fattah al-Sisi](#), to address pretrial detention as well as recommendations on the issue made in the [National Human Rights Strategy \(NHRS\)](#) for 2021-2026 and the National Dialogue, a presidential initiative launched in April 2022 aimed at creating dialogue between the opposition and the government. The misuse of pretrial detention as a punitive measure against thousands of actual or perceived government critics and opponents has been a pressing human rights issue plaguing the country since the military ousted late president Mohamed Morsi in July 2013.

In August 2024, the parliamentary Constitutional and Legislative Affairs Committee began discussing the bill, which a subcommittee in parliament drafted over a period of 14 months without adequate and genuine public consultations with all relevant stakeholders. The [draft](#) of this critical law was never officially made public, but a copy was leaked in August 2024 by a state-aligned news website. While representatives from several governmental entities including the ministry of interior and the public prosecution were consulted during the drafting process, members of civil society organizations including human rights lawyers were not invited to parliamentary sessions or granted the opportunity to present their views on the draft bill. Members of the Lawyers' Syndicate participated in some discussions during the 14-month drafting process, according to media reports [quoting](#) the rapporteur of the drafting committee. However, in an official [statement issued on 26 August 2024, the Lawyers' Syndicate](#) criticised provisions of the draft severely undermining fair trial rights, as well as the absence of an inclusive and active dialogue within the legal community and human rights organizations.

Amnesty International calls on Egyptian parliamentarians not to approve the current draft bill, and instead initiate genuine and meaningful consultations with a wide range of stakeholders including human rights lawyers and organizations. Egypt's parliamentarians should introduce amendments to ensure that the new Code of Criminal Procedures meets international human rights law and standards, as well as Egypt's own constitutional requirements. These should include guarantees that pretrial detention is only used as a precautionary measure of last resort, that the right to a fair trial including adequate defence is fully upheld, and that robust accountability measures are in place for security force abuses.

Amnesty International has reviewed the leaked draft bill in light of international human rights law and standards and spoke to Egyptian human rights lawyers and legal experts. This statement does not provide a comprehensive analysis of the 540 articles of the draft bill. Rather, it focuses on provisions further undermining the respect of human rights in the criminal justice system, in particular those pertaining to pretrial detention; the rights to a fair trial including to adequate defence and to call and examine witnesses; the impact of remote hearings on fair trial guarantees; accountability for human rights violations committed by state agents; and indefinite travel bans and asset freezes.

Right to be promptly brought in front of a judge, and right to be tried without undue delay

*“Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial.” **International Covenant on Civil and Political Rights (ICCPR), Article 9(3)***

Even though the proposed changes in the draft Code of Criminal Procedures reduce the maximum permissible time for pretrial detention, they abjectly fail to introduce safeguards against its misuse to punish critics and opponents. The proposed bill also retains the powers granted to prosecutors to hold suspects in pretrial detention for up to 150 days without judicial oversight and absolves authorities from the need to establish that pretrial detention must be necessary and proportionate to achieve permissible objectives, such as protecting the public interest.

Similarly to the current Code of Criminal Procedures, the draft bill stipulates that law enforcement personnel must bring suspects before the prosecution¹ within 24 hours of their arrest. But the draft bill removes the obligation for the prosecution to question suspects within 24 hours, stipulated in the current law.²

The draft bill grants prosecutors the power to order the pretrial detention of suspects in cases involving offences punishable by at least a year imprisonment, for four days after interrogating them, before referring them to judges to rule on the renewal of their pretrial detention, which is similar to the current law.³ The draft bill sets conditions for the initial period of pretrial detention as follows:

- the suspect was arrested in flagrante delicto,⁴
- fear of absconding,
- fear of interference with the investigation by influencing the victims or witnesses or tampering with evidence or conspiring with others to conceal the truth,
- to avoid a gross violation of public order or security, and
- the suspect does not have a permanent and known address in Egypt.

The power granted to prosecutors to order pretrial detention for up to four days without judicial oversight violates the suspects' right to be brought promptly before a judge, and to meaningfully challenge the legality of their detention. While international law permits detainees to be brought before officers authorized to exercise judicial powers, prosecutors generally do not qualify for this purpose because they later act as representatives of the prosecuting authority, which compromises their impartiality. This concern is compounded in Egypt by the fact that the prosecution lacks the necessary requirements of independence and impartiality to be considered a judicial authority given its mandate by law as an investigating and accusing authority. In the context of Egypt, Amnesty International has long documented how [Supreme State Security Prosecution \(SSSP\)](#) prosecutors, in particular, have been complicit in severe fair trial violations against suspects in political cases, and in covering up claims of enforced disappearance and torture. They have worked in tandem with the National Security Agency (NSA), in keeping critics and opponents in pretrial detention indefinitely, including through the practice of “rotation” or opening new criminal investigations on identical or similar charges to bypass judicial release decisions, or to keep victims behind bars after they served their sentences or after the expiration of the maximum period of pretrial detention stipulated by law.

¹ Under Egyptian law, prosecutors have the power to investigate criminal offences, including by interrogating suspects during hearings, questioning witnesses, issuing search and seizure warrants and otherwise collecting evidence. The prosecution also has the power to indict suspects and refer them to trial before competent courts.

² Article 36, the current Code of Criminal Procedures.

³ Article 112, draft Code of Criminal Procedures.

⁴ Where the defendant is has been caught in the act or “caught red handed.”

Similarly to the current law, Article 116 of the draft bill allows prosecutors to assume the powers of presiding judges and judges of Appellate Courts in renewing pretrial detention for up to 150 days, without judicial review, for certain crimes, including these related to establishing or joining groups founded in violation of the law, publishing “false news”, and blasphemy—charges often used to jail dissidents, human rights activists, journalists, and members of religious minorities.

These powers are identical to those given to prosecutors under the abusive 2015 Counter Terrorism Law which permits prosecutors to order the pretrial detention and renew it for up to 150 days, without judicial review, when investigating terrorism-related offences.

These unchecked powers of prosecutors, which the draft bill retains, has enabled the [SSSP](#) to hold thousands of dissidents, protesters, human rights defenders, and journalists in prolonged arbitrary pretrial detention without formal charge or trial. Amnesty International repeatedly found that SSSP prosecutors systematically order suspects to be detained after initial questioning while routinely denying them the right to effective legal representation, and the right to meaningfully challenge the legality of their detention.

The draft bill shortened maximum periods of pretrial detention, which, in the current law, are set for six months for misdemeanours, 18 months for felonies, and 24 months for crimes punishable by life imprisonment or the death penalty. However, the potential penalty should not be a determinant of the permissible length of pretrial detention. Rather, in all cases, authorities must establish that it is necessary and proportionate to deprive an individual of their liberty pending trial and establish that release would create a substantial risk of flight, serious reoffending, harm to others or interference with the evidence or investigation that cannot be allayed by other means. The link between the length of pretrial detention and the penalty is also inconsistent with the right to presumption of innocence, the presumption of release pending trial and the right to trial within a reasonable time or release.

In Egypt’s context, setting maximum periods of pretrial detention is not a sufficient guarantee that pretrial detention will not be prolonged as the authorities routinely circumvent these limits by opening new criminal investigations against detainees on similar and sometimes identical accusations, a practice commonly referred to as “rotation”, to justify and provide a legal cover for extending their pretrial detention for longer than the periods permissible by law. In some cases, even the limited existent guarantees have been flouted in practice. Amnesty International has documented in detail at least eight cases where detainees have been unlawfully kept in pretrial detention after they exceeded the maximum limit without being “rotated” in new cases.

The proposed bill fails to introduce safeguards against the misuse of pretrial detention despite repeated commitments by Egyptian authorities to address the issue. In August 2024, President Abdel Fattah al-Sisi [publicly](#) called on the government to implement the recommendations on pretrial detention and criminal justice made in the framework of the National Dialogue. However, prominent human rights lawyer and member of trustees of the National Dialogue, Negad al-Borai, said in a conference held on 1 September 2024 at the Journalists’ Syndicate that the new draft bill did not reflect the National Dialogue’s recommendations on pretrial, according to [al-Shorouk](#), a domestic news website. These recommendations were never made public. The president also emphasized the importance of using pretrial detention as a precautionary measure rather than as punishment, as well as using alternatives to pretrial detention, according to a [statement](#) by his spokesperson.

The National Human Rights Strategy (NHRS) for 2021-2016, launched by the government in September 2021, also put forth some modest recommendations for legal reforms to strengthen fair trial guarantees and address prolonged pretrial detention. The draft law reflects only one such recommendation presented in the NHRS, namely notifying the suspects of their right to remain silent. However, the proposed bill fails to introduce other NHRS recommendations such as enhancing the “guarantees related to the regulation, justifications and duration of pretrial detention.” The strategy also recommended an amendment to consider “technologically advanced alternatives to pretrial detention,” and setting more strict conditions for the pretrial detention of children aged between 15 and 18.

The draft bill introduces, for the first time in Egypt, financial compensation for pretrial detention, but sets stringent eligibility criteria, which, in practice would place significant obstacles for those seeking compensation for abusive prolonged pretrial detention.⁵

The draft outlines three categories of pretrial detainees potentially eligible for compensation. The first category relates to suspects held in pretrial detention in relation to a crime that is punishable by a fine or imprisonment of less than a year, while having a permanent, known place of residence. The second category pertains to situations when criminal investigations are closed and there is a final decision not to proceed with prosecution. In practice, this would exclude those released from prolonged pretrial detention pending investigations, without charges being formally dismissed, which applies to the vast majority of politically-motivated cases documented by Amnesty International since 2013. In the final category, compensation is provided if the accused is acquitted, with certain exceptions, including those acquitted on “procedural grounds” or in cases of “doubt in the validity of the charge”. The draft stipulates that the financial compensation is to be covered by the state treasury, but does not specify the amounts or criteria for determining them. The proposed amendment also excludes from compensation those individuals who were held in pretrial detention or have served a prison sentence in relation to a separate case or cases for the equivalent or longer period than the pretrial detention period for which compensation is requested. In practice, this final condition would exclude individuals who were held in pretrial detention pending investigations on identical or similar charges into multiple cases (commonly known as “rotated”), but were ultimately convicted and sentenced in one of the cases.

Recommendations for parliament to amend the proposed bill to:

- Protect the right of all detainees to be brought within 24 hours before a judge or another impartial and independent judicial officer or otherwise released.
- Include guarantees that any decision to renew pretrial orders is taken by an impartial and independent judicial officer and not left to the discretion of the public prosecution regardless of the nature of the alleged offence. Pretrial detention must be exceptional and based on an individualized determination that it is reasonable and necessary on the basis of exhaustive predefined criteria.
- Put in legal safeguards against the practice of “rotation”, by ensuring that new criminal investigations into similar or identical charges are strictly prohibited when detained individuals are under investigation or prosecution for the same alleged criminal conduct in a separate case.
- Ensure that all those subjected to unlawful arrest and detention, including prolonged pretrial detention without charge or trial, have an enforceable right to compensation for the harm suffered without discrimination on any grounds, including political opinion.

Right to adequate defence

“In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:... (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing,” ICCPR, Article 14(3)(b)

“It is the duty of the competent authorities to ensure lawyers access to appropriate information, files and documents in their possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients. Such access should be provided at the earliest appropriate time.” Basic Principles on the Role of Lawyers, Principle 21

The draft bill imposes severe restrictions on the right to adequate defence, in particular during the investigations stage by the prosecution, and codifies and legalizes problematic practices in Egypt’s criminal justice system by giving unwarranted powers to the prosecution to limit suspects’ and their lawyers’ access to their case files on vaguely-defined grounds and limiting lawyers’ ability to defend and advise their clients.

Article 69 of the proposed bill violates the right to legal representation by stating that prosecutors may conduct investigations in the absence of the accused or their representatives whenever prosecutors “deem this necessary to

⁵ Article 523, draft Code of Criminal Procedures.

reveal the truth.” This proposed amendment further erodes the right to adequate defence, already undermined under Article 124 of the current law, which allows for suspects to be questioned without their lawyers present in relation to alleged offences punishable by imprisonment in cases of *flagrante delicto* or if there is “fear of losing evidence.”

The right to the assistance of a lawyer without delay enables individuals suspected of or charged with a criminal offence to protect their rights, challenge their detention, and begin to prepare their defence. In Egypt’s context, where enforced disappearance and torture and other ill-treatment while in police custody and prior to referral to the prosecution for initial questioning are [widespread](#), the right to effective representation is also critical to report torture and other ill-treatment as well as protect detainees from coerced “confessions”, enforced disappearance and other human rights violations. Further, Amnesty International is concerned that the draft bill seeks to codify and legalize the unlawful practice by prosecutors, in particular SSSP prosecutors, of systematically violating the right to effective legal representation during initial questioning, by preventing suspects from accessing lawyers of their choosing and preventing lawyers from speaking with their clients in private ahead of questioning and providing legal advice during it.

The draft bill provides no safeguards for the right to consult lawyers in confidence before or during questioning by prosecution. Similar to the existing law, the draft bill does not guarantee that individuals suspected of a criminal offence have access to legal counsel when questioned by and held in the custody of the police following their arrest.

Further Article 73 of the proposed bill sets restrictions on suspects and their lawyers accessing their investigation case files, further undermining the right to adequate defence. It allows the suspect, the victim, and their lawyers to obtain copies of all files in the investigation unless “the interest of the investigation requires otherwise.” The article does not specify what constitutes these interests, leaving the provision open to misuse. Amnesty International has long documented how SSSP prosecutors, in particular, routinely refuse to allow suspects or their lawyers to examine NSA investigation case files or take written notes during questioning, citing security grounds. The right to adequate facilities to prepare a defence requires that the accused and their counsel should be granted timely access to relevant information, including documents and other evidence.

The bill further restricts both the accused and their lawyers' ability to effectively and freely engage with prosecutors during questioning. It states that the accused and their defence may present their defence and make requests during questioning; stipulating that otherwise, “the representative shall not speak if the prosecutor did not permit him to.”

Amnesty International’s concerns are shared by the Lawyers’ Syndicate, which in a statement issued on 26 August 2024 [criticized](#) violations of the right to adequate defence in the draft bill, dubbing some provisions unconstitutional and contrary to the fundamental principles of justice.

Amnesty International has long documented the hostile environment for lawyers defending clients in political cases in Egypt, particularly those investigated by the SSSP. Amnesty International found that lawyers were subjected to arbitrary arrests and detention in connection with their work representing clients before the SSSP, as well as threats and harassment. For instance, in June 2023, two human rights lawyers were criminally investigated by the SSSP over bogus charges stemming solely from their legitimate work, including providing legal aid.

Recommendations to parliament to amend the proposed bill to:

- Ensure that all individuals accused of a criminal offence and their representatives have unimpeded access to all information about the charges and proceedings against them, including the evidence that the prosecution intends to rely on.
- Ensure that all individuals accused of a criminal offence have access to legal counsel of their choosing from the moment of their arrest and during all phases of the criminal investigation, trial and appeal processes, including during police questioning and interrogations by prosecutors.
- Provide all individuals accused of a criminal offence with adequate time and facilities to prepare a defence, including adequate facilities to communicate and consult with their lawyers in confidence before, during and after interrogations by the prosecution.

- Guarantee the right of individuals accused of a criminal offence and their representatives to effectively present their defence and make observations and requests during the investigations stage without undue restrictions, and ensure that this right is not left at the discretion of the prosecution.

The right to call and question witnesses

“In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;” ICCPR, Article 14(3)(e)

The draft bill undermines the right of individuals accused of a criminal offence to call and question witnesses against them as well as those on their behalf both during the prosecution’s investigations and trial hearings.

The draft bill retains the same unreasonable restrictions under the current law limiting the right of the individual suspected of a criminal offence and their defence to question the prosecution witnesses during the investigation phase of the criminal proceedings. Article 92 grants prosecutors the power to allow prosecution witnesses not to respond to questions if they deem them “not related to the case” or to “constitute harassment to others.” Such vaguely-defined restrictions could enable prosecutors to arbitrarily prevent individuals suspected of criminal offences from challenging evidence by prosecution witnesses, who in practice in politically-motivated cases in Egypt are frequently police or other state officials.

At trial hearings, the draft bill permits judges to deny defendants and their defence lawyers the right to call and question both their own and the prosecution’s witnesses without cause similarly to the current law. Article 289 in both the draft bill and the current law stipulates that courts can rely on witness testimonies from initial investigations or police reports without requiring those witnesses to testify at trial “if it is not possible to hear them for any reason.” The article in the draft bill introduces a provision requiring judges to justify their refusal in their rulings in cases where the defence insists on witnesses being heard in court. The draft bill also introduces a provision allowing appeal court judges to summon and hear witnesses, who “should have been heard at the first instance trial”—without specifying whether they are prosecution or defence witnesses— as well as to address any other flaws in investigation procedures if judges deem it necessary, without specifying the grounds.⁶

The right to examine prosecution witnesses ensures that the defence has an opportunity to challenge the evidence against the defendants. It is a fundamental element of the right to a defence and the principle of equality of arms. The questioning of witnesses by both the prosecution and the defence should take place in a public hearing at which the defendant is present.

These flaws are in particular disastrous in the context of Egypt, where Amnesty International documented [cases](#) of defendants being [sentenced](#) to [imprisonment](#) and even to death following grossly unfair trials in which judges did not allow the defence to cross-examine prosecution witnesses, and refused to call in defence witnesses.

Recommendations to parliament to amend the draft bill to:

- Ensure that individuals accused of criminal offences and their representatives have the right to call, question and examine both the prosecution witnesses and the witnesses on their behalf throughout the investigations phase by the prosecution as well as during trial and appeal proceedings, with exceptions limited to only where necessary to protect the rights and safety of witnesses without hindering the requirement of fairness and the principle of equality of arms.

Remote hearings from inside prisons further undermining fair trial rights

The draft bill allows both pretrial and trial hearings to be conducted via video-link at the discretion of prosecutors and judges, codifying and expanding this practice that was introduced for detention renewal hearings by courts in 2020.

⁶ Article 392, draft Code of Criminal Procedures.

While this practice began in response to the Covid-19 pandemic, it has continued after pandemic-related restrictions were lifted in the country in June 2022. In July 2023, the prosecutors started to also conduct interrogations remotely, except for the initial questioning of individuals referred to them from police custody for the first time.

Article 525 of the draft bill codifies this practice, by allowing prosecutors and judges to carry out some of or all the investigations and trial sessions remotely. Article 531 stipulates that during these remote hearings lawyers are allowed to be present with their clients at the same place. The draft allows individuals accused of criminal offences to challenge the decision to be tried remotely, but they must do so before the same court that decided to conduct the trial remotely.

Conducting the prosecution interrogations or trials remotely could adversely affect fair trial guarantees, in particular for those in pretrial detention. In such cases, those held will attend the remote hearings along with their lawyers from inside prison. This can impede the lawyers' ability to observe the relevant participants who are physically present in the court or for instance cross-examine witnesses. With Egypt's notorious prisons and the climate of impunity for human rights violations committed by police and other security forces in the country, this configuration will likely threaten the detainees and their lawyers' right to effectively and freely participate in the proceedings in contrast to international standards that require that lawyers are enabled to advise and represent their clients without interference or hindrance or pressure.

Remote hearings could also undermine safeguards against torture and other ill-treatment. During such hearings, it is unlikely that judges and prosecutors could properly and efficiently examine detainees if they claimed to have been subjected to torture or other ill-treatment which remains prevalent in Egypt's police stations and prisons. Detainees will also be exposed to reprisals for reporting abuse in front of prison guards who will be present during the hearings.

The UN Secretary-General stated in a [report](#) on human rights in the administration of justice presented to the UN General Assembly in August 2024 that since defendants have the right to be tried in their presence in an oral and public trial, trials should only be held online with the explicit and informed consent of defendants.

In practice since remote hearings have been introduced in 2020 in Egypt, Amnesty International and other international and local rights groups have [documented](#) lawyers' consistent concerns over technical problems during online hearings, including poor connectivity and their inability to adequately hear and interact with defendants. During these remote hearings, judges often do not allow detainees the opportunity to speak freely, citing a lack of time and a big number of cases.

Recommendations to parliament to amend the draft bill to:

- Ensure that detainees are physically present at pretrial detention renewal hearings in order to allow prosecutors and judges to adequately examine their well-being and ensure that they are not being subjected to torture or other ill-treatment in detention.
- Conduct criminal trials in person unless there is explicit and well-informed consent from defendants to conduct them remotely via video-link. In limited exceptional circumstances it may be justified for witnesses to give evidence remotely if their physical presence may endanger their lives or safety or in the case of high-risk complainants, such as those affected by gender-based violence.

Near-total impunity for officials

"Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities." Article 13 of Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The draft bill further entrenches the climate of [impunity](#) for state officials including members of [security forces](#). As in the current law, Article 226 prevents civil plaintiffs from filing civil complaints in court against state officials including law enforcement personnel for acts committed "in the course of their duties or because of them," except in cases where the crime involves obstructing the execution of government orders, laws, or court rulings. In cases where

prosecutors or investigative judges conduct investigations into alleged criminal conduct by law enforcement officials and decide to dismiss the case and not press criminal charges, plaintiffs are not only unable to challenge this decision, but they are also unable to lodge complaints in civil courts.⁷ The right to appeal prosecutors' or investigative judges' decisions to dismiss a case is guaranteed in cases not involving state officials.

This effectively undermines accountability for state officials, and shields them not only from criminal prosecution, but also civil suits. Amnesty International has extensively documented how prosecutors, in particular SSSP prosecutors, routinely ignore or dismiss complaints by detainees of being subjected to enforced disappearance, torture and other ill-treatment by security forces without carrying out effective investigations. They are further complicit in such abuses by relying on information tainted by torture and other ill-treatment, including reports by the NSA, as evidence to prosecute individuals in politically-motivated cases.

Recommendations to parliament to amend the proposed bill to:

-Ensure that state officials are not shielded from civil complaints, and ensure that plaintiffs can appeal decisions by prosecutors or investigative judges to dismiss complaints against state officials, including those pertaining to enforced disappearance, torture and other ill-treatment, denial of medical care and other human rights violations or abuses of power, in front of an independent, impartial and competent judicial body.

Indefinite travel bans and assets freeze

*Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. Everyone shall be free to leave any country, including his own. **Article 12 of ICCPR.***

*Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property. **Article 17 of the Universal Declaration of Human Rights.***

The draft bill introduces regulations pertaining to the issuance of travel bans. It allows for prosecutors and investigative judges to order open-ended travel bans in violation of Egypt's constitution under which travel bans should be timebound. Article 147 of the proposed draft stipulates that whenever there is sufficient evidence against an individual accused of a serious criminal offence punishable by imprisonment, the public prosecutor and whoever they delegate, as well as investigative judges can order a travel ban "for a period of one year, renewable for an additional similar period or periods." While the draft bill provides a legal basis for restrictions on travel, not previously set out in existing legislation, allowing for indefinite extensions of travel bans facilitates violations of the right to freedom of movement enshrined in the Universal Declaration of Human Rights and the ICCPR. It also enables abuse, including using travel bans as punitive measures against individuals who have not been formally charged or tried, potentially for years.

In practice, the Egyptian authorities have been using travel bans as punitive measures to silence human rights defenders and to retaliate against their human rights work. Between 2014 and 2024, Egyptian authorities [banned](#) at least 31 human rights defenders and NGO staff from travel abroad. Those banned were never formally charged, let alone convicted of any criminal offences.

While Article 148 of the bill allows individuals to challenge their travel bans before a court, the draft fails to ensure that affected individuals are informed about the travel ban in the first place. In many cases documented by Amnesty International when travel bans were imposed on human rights defenders or former prisoners held on political grounds, the authorities failed to notify them about the bans or their grounds and duration. Affected individuals only learned about the travel bans against them at airports when they attempted to travel.

Similarly to the current law, the draft bill allows for open-ended asset freezes. Article 143 states that when there is sufficient evidence supporting the seriousness of the accusation, the prosecution may request that the specialized court freeze the accused individual's assets. This measure is intended to ensure that if the accused is found guilty, any fines and/or compensation is paid. However, under the draft bill, these asset freezes are open-ended; they are

⁷ Article 162, draft Code of Criminal Procedures.

only to be lifted if the court dismisses the case or acquits the accused or if the ordered fines and/or compensation are paid.

Assets freeze also have also been used by the authorities to silence human rights activists. In 2014, the authorities began investigating several local NGOs in [Case 173, known as the “foreign funding case”](#), and imposed assets freeze against at least 10 key human rights defenders and NGO workers. Even after the case was officially dismissed, assets freezes imposed on prominent human rights defenders such as Hossam Bahgat, the executive director of the Egyptian Initiative for Personal Rights, and Azza Soliman, the founder of the Center for Egyptian Women’s Legal Assistance, remained in place.

Recommendations to parliament to introduce amendments to the draft bill to:

- Ensure that travel bans and assets freeze are temporary measures imposed only to protect a legitimate interest during criminal proceedings.
- Ensure that those subjected to travel bans are notified in a timely manner to enable them to effectively appeal their bans.
- Ensure that travel bans are never misused as a means of stifling human rights activism.