



## **First Panel Discussion on "Fair Criminal Trials"**

**May 31<sup>st</sup>, 2023**

The National Council for Human Rights (NCHR), through its Legislative Committee, organized a panel discussion on May 31<sup>st</sup>, 2023, entitled Fair Criminal Trials. This comes within the framework of NCHR's commitment to safeguarding Egyptian human rights, in connection with the right to a fair criminal trial, in light of the objectives of the National Human Rights Strategy (2021-2026), and in implementation of the constitutional requirement in Article 96 of the Egyptian Constitution of 2014, which states that "the accused is innocent until proven guilty in a legal trial in which he is guaranteed the right to defend himself."

### ***The panel discussion, held over three sessions, addressed the following:***

- Guarantees for the rights of the accused during the evidence-gathering and investigation phases.
- The trial phase.
- Pretrial detention and its alternatives.

The event was attended by a large number of specialists in legislation, jurisprudence, and the judiciary, as well as specialists and representatives of several relevant government agencies. The meeting was attended by members of the Legislative Committee of the House of Representatives and the Senate, representatives of the Bar Association, the Ministry of Justice, law professors, Civil Society Organizations (CSOs), and NCHR members.

### ***The following recommendations were issued:***

- The Egyptian legislator must harmonize domestic legislation to ensure its consistency with Egypt's international human rights obligations.
- The necessity of regulating the accused's right to a medical examination, explicitly stipulating this guarantee, regulating its procedures and scope, and ensuring that the person subject to the proceedings is notified of this right, whether at their request or through a family member, with appropriate penalties for violating this obligation.
- The importance of including technologically advanced alternatives to pretrial detention in the Criminal Procedure Code, and working to implement the alternatives contained in Article (201) of the Criminal Procedure Code, which are as follows:
  - 1 - Requiring the accused not to leave his residence or domicile.
  - 2 - Requiring the accused to report to the police station at specified times.



3 - Prohibiting the accused from frequenting specific locations. If the accused violates the obligations imposed by the measure, they may be placed in pretrial detention.

The same rules established for pretrial detention apply to the duration of the measure, its extension, its maximum limit, and its appeal.

- Establish a legal system that is appropriate for children subject to pretrial detention, while respecting their rights in accordance with the Child Law.
- Review the Penal Code and the Criminal Procedure Code and adopt electronic monitoring instead of pretrial detention and custodial sentences for crimes not exceeding two years.
- Stipulate that the task of electronic monitoring be assigned to the judiciary and the Public Prosecution, independent of the executive authority.
- Expedite the implementation of alternatives to pretrial detention and Establish available implementation mechanisms, especially since seven Arab countries have preceded Egypt in implementing these alternatives.
- Consider the possibility of stipulating the establishment of an investigating judge and a referring counselor within the Criminal Procedure Code. This means that after the Public Prosecution completes its investigations, the referring counselor will decide on the referral to court. This will reduce the number of cases, grant the referring judge the right to hear witnesses, and ensure full safeguards and all aspects of defense.
- Develop electronic linkage mechanisms between judicial bodies and entities working together within the judicial system to achieve prompt justice.
- Raise legal awareness among citizens regarding human rights and their rights upon arrest.
- Disseminate a legal culture among all parties involved in ensuring a fair trial.
- Develop training programs for young lawyers in the field of criminal defense.
- Issue a law to regulate the appeal of criminal judgments issued by all types of courts. This is in implementation of the constitutional provision issued in 2014.
- Follow up on the legislature's position on amending the Criminal Procedure Code to allow the appeal of criminal judgments, in accordance with Article 96 of the Constitution.
- The necessity of stipulating in the Criminal Procedure Code the accused's right to remain silent.
- The necessity of enacting a law to protect witnesses and whistleblowers.