



An Analytical Overview of Criminal Procedure Law No. 174 of 2025 and Its Impact on Egypt's Criminal Justice System

Law No. 174 of 2025 promulgating the new Criminal Procedure Law represents a significant legislative development in Egypt's criminal justice system. The new Law replaces Criminal Procedure Law No. 150 of 1950 after more than seven decades of application of the existing procedural framework.

The significance of the new Law extends beyond replacing one procedural statute with another. It introduces a broader restructuring of several fundamental stages of criminal proceedings, from investigation and evidence-gathering to pre-trial measures, defense rights, challenges to certain prosecutorial decisions, enforcement of sentences, international judicial cooperation, and the use of technology in investigations and trials.

The overall structure of the Law reflects a legislative effort to achieve a more effective balance between the requirements of criminal justice and the protection of fundamental rights and procedural safeguards.

The Law is scheduled to enter into force on 1 October 2026, allowing the relevant judicial and administrative authorities and other stakeholders a transitional period to prepare for its implementation.

I. Regulation of Travel Ban and Arrival Watchlist Orders

The new Law establishes a detailed framework governing travel bans and placement on arrival watchlists under Articles 149 to 151.

The importance of this framework lies in recognizing that a travel ban is not merely an administrative restriction on movement, but a procedural measure that directly affects the constitutionally protected freedom of movement. Accordingly, the Law subjects such measures to substantive and procedural safeguards relating to their grounds, duration, notification, and judicial review.

The Law authorizes the Public Prosecutor, or the competent Investigating Judge, where the statutory conditions are satisfied, to issue a reasoned order prohibiting an accused from leaving Egypt or placing the accused on an arrival watchlist. The measure is subject to a specified period and may be renewed where required by the interests of the investigation, the proper conduct of criminal proceedings, or the enforcement of a sentence.

The framework includes, in particular:

- The requirement that the order be reasoned;
- Specification of the duration of the measure;
- Notification of the accused;
- The availability of judicial challenge in accordance with the Law;
- The power to revoke or amend the order;
- The possibility of granting temporary permission to travel subject to appropriate guarantees; and
- Termination of the measure in the cases prescribed by law, including the issuance of a final decision that there is no basis for bringing criminal proceedings or a final acquittal.

Practical Implications

The principal significance of this framework is the transformation of travel restrictions into a defined and reviewable procedural measure.

By requiring the grounds and duration of the restriction to be identified, and by making its continuation subject to the requirements of the investigation, trial, or enforcement, the Law creates a framework within which the continued necessity of the measure may be reassessed rather than allowing the restriction to operate indefinitely.

In practice, therefore, the adequacy of the reasoning supporting a travel ban and the existence of a genuine procedural necessity are likely to become increasingly significant when such orders are issued or challenged.

II. Strengthening Judicial Oversight of Certain Public Prosecution Decisions

The new Law introduces a more developed framework for judicial review of certain decisions issued by the Public Prosecution. Articles 164 to 173 regulate challenges against specified prosecutorial orders, including orders that there is no basis for instituting criminal proceedings.

This represents an important development in the allocation of procedural powers within the criminal justice system. While the Public Prosecution remains a central authority in investigation and prosecution, the new framework establishes mechanisms through which certain prosecutorial decisions may be subjected to judicial review in accordance with statutory procedures.

The Law addresses, among other matters:

- The competent courts for hearing challenges;
- Time limits and procedures for filing them;
- The legal effects of a challenge;
- Special rules applicable to challenges concerning pre-trial detention and release; and
- The allocation of specific judicial circuits to hear certain challenges.

Practical Implications

The significance of these provisions extends beyond creating a procedural avenue for challenge. They reinforce the principle of judicial oversight over decisions taken during the investigation stage.

Consequently, disputes concerning certain prosecutorial decisions may, subject to the statutory requirements, move beyond the internal prosecutorial framework and become subject to judicial scrutiny.

From a practical perspective, this places greater importance on the accurate identification of the decision being challenged, compliance with procedural deadlines, selection of the appropriate legal avenue, and understanding the legal consequences of filing the challenge.

The resulting judicial practice is also expected to play an important role in clarifying the scope and practical application of these new remedies.

III. Work for the Public Benefit and the Diversification of Criminal Sanctions

Articles 470 to 478 introduce a statutory framework governing work for the public benefit, reflecting a broader legislative approach toward diversifying the means through which criminal sanctions and financial obligations may be enforced.

The provisions regulate matters including the calculation of the period of work, statutory exclusions, implementation procedures, maximum periods, termination,

and the consequences associated with failure to satisfy certain obligations arising from criminal judgments.

The significance of these provisions lies in their contribution to a broader movement away from treating deprivation of liberty as the sole or predominant mechanism for responding to less serious criminal conduct or enforcing certain obligations.

Legislative Significance

Modern criminal policy increasingly recognizes that the effectiveness of a sanction cannot be measured solely by the extent to which it deprives an offender of liberty. Rehabilitation, social reintegration, proportionality, and the practical effectiveness of enforcement are also relevant considerations.

The introduction and regulation of work for the public benefit therefore forms part of a wider effort to diversify the criminal justice response.

In practical terms, appropriately applied non-custodial mechanisms may reduce unnecessary reliance on custodial enforcement and alleviate pressure on correctional institutions, while preserving the punitive and corrective objectives of criminal judgments.

IV. International Judicial Cooperation in Criminal Matters

The new Law dedicates a separate Book to international judicial cooperation in criminal matters, reflecting the increasingly transnational nature of criminal activity.

The framework addresses matters including mutual legal assistance, extradition, transfer of sentenced persons, exchange of information, freezing and confiscation of assets, and the recognition and enforcement of foreign judgments, subject to the statutory framework and applicable international agreements.

Practical Significance

These provisions are particularly relevant to criminal conduct whose investigation and prosecution extend beyond national borders, including money laundering, cybercrime, human trafficking, and organized crime.

In such cases, evidence may be located in one jurisdiction, an accused person may be present in another, and assets connected with the alleged crime may be held in a third.

The effectiveness of criminal proceedings therefore depends not only on domestic investigative powers, but also on the ability of national authorities to obtain evidence

and information, trace and secure assets, and cooperate in extradition and mutual legal assistance procedures.

The regulation of grounds for refusing extradition and the procedural requirements governing international cooperation requests is consequently significant in balancing the objectives of combating transnational crime with national sovereignty, legal safeguards, and the protection of individual rights.

V. Protection of Victims, Witnesses, Accused Persons, and Whistleblowers

Articles 522 to 527 establish a framework for protecting witnesses, victims, whistleblowers, and other participants in criminal proceedings.

Among the principal safeguards is the possibility of withholding the true identity of a witness where disclosure would expose the witness to a serious risk to life or safety, together with the creation of a confidential supplementary file containing the witness's actual information.

At the same time, the Law recognizes the importance of the accused's right to defense by allowing the accused, in circumstances where concealment of the witness's identity may affect the defense, to challenge the measure in accordance with the statutory framework.

Balancing Protection and the Right of Defense

Witness protection necessarily involves a sensitive procedural balance.

On the one hand, disclosure of a witness's identity in serious criminal cases may expose the witness or their family to retaliation and may discourage individuals from cooperating with law enforcement.

On the other hand, the ability of the defense to examine and challenge evidence is a fundamental component of a fair criminal trial.

The importance of the new framework therefore lies not only in providing protection, but also in establishing a procedural balance between witness safety and the accused's right to an effective defense and confrontation.

The imposition of criminal penalties for unlawful disclosure of protected information further reinforces the seriousness of the protection regime.

VI. Compensation for Pre-Trial Detention in Specified Cases

One of the more significant developments in the new Law is the statutory framework governing compensation for pre-trial detention under Articles 528 and 529.

The Law recognizes a right to compensation in specified circumstances, including certain cases in which criminal proceedings ultimately conclude on grounds specified by the legislation, as well as certain instances of pre-trial detention in less serious offenses subject to the statutory conditions.

The Law further establishes the procedural framework for pursuing compensation claims, with such claims being brought in accordance with the applicable rules governing civil and commercial litigation.

Legislative Significance

The significance of these provisions lies in moving compensation for pre-trial detention from the sphere of general legal principles into a specific statutory entitlement subject to defined conditions.

Importantly, this does not mean that every person whose pre-trial detention ends in acquittal will automatically be entitled to compensation. Rather, the Law identifies particular circumstances and requirements under which the right arises.

Accordingly, determining entitlement in practice will require consideration of the basis on which the criminal proceedings ended, the grounds of the final decision or judgment, the nature of the offense, the circumstances and duration of detention, and the other statutory conditions.

From a broader perspective, the provisions represent an important development in recognizing the consequences of restricting an individual's liberty before criminal responsibility has been finally established, while maintaining statutory limits on the circumstances in which compensation may be claimed.

VII. Remote Investigation and Trial Proceedings

The new Law dedicates a separate framework to remote investigation and trial proceedings through audio-visual communication technologies, under Articles 530 to 537.

The framework permits the use of modern communication technologies in specified investigative and judicial procedures while preserving fundamental procedural guarantees, including confidentiality of investigations, publicity of hearings, oral

pleadings, confrontation between the parties, and the right of the accused to communicate with and be represented by counsel.

The Law further allows remote procedures to be used in relation to certain matters involving pre-trial detention, precautionary measures, extensions of such measures, temporary release, and challenges to relevant orders, subject to the statutory requirements.

From Administrative Digitalization to Procedural Digitalization

The importance of these provisions lies in extending digital transformation beyond the administrative management of judicial files into the substance of criminal proceedings themselves.

This development raises a number of practical considerations, including:

- Ensuring the reliability and security of electronic communication;
- Verifying the identity of participants;
- Maintaining the confidentiality of investigations;
- Ensuring effective communication between the accused and counsel;
- Preserving the right of confrontation;
- Maintaining the required degree of publicity in judicial proceedings; and
- Protecting the integrity and security of electronic records and data.

Accordingly, the success of remote proceedings will depend not merely on technological infrastructure, but also on the development of judicial and administrative practices capable of ensuring that technological methods do not undermine procedural safeguards.

The Broader Impact of the New Law on Criminal Justice

When the new provisions are considered as an integrated framework rather than as isolated amendments, Law No. 174 of 2025 appears to pursue a broader restructuring of the relationship between effective criminal enforcement and the protection of individual rights and procedural safeguards.

The principal features of this transformation may be summarized as follows:

1. **From Broadly Discretionary Measures to Structured Procedural Safeguards.**
This is particularly evident in the regulation of travel bans and other pre-trial measures through defined grounds, durations, and mechanisms for review and challenge.

2. **Stronger Judicial Oversight.** The introduction of judicial mechanisms for challenging certain prosecutorial decisions strengthens external judicial scrutiny over decisions taken during the investigation stage.
3. **Reconsideration of Pre-Trial Deprivation of Liberty.** The Law adopts a broader approach to pre-trial measures by recognizing alternatives and providing a more diversified framework for dealing with risks that may otherwise lead to custodial measures.
4. **Recognition of Compensation Mechanisms.** The statutory regulation of compensation for pre-trial detention in specified cases introduces an additional layer of accountability for the consequences of restricting liberty before final determination of criminal responsibility.
5. **Enhanced Protection of Participants in Criminal Proceedings.** The protection of witnesses, victims, and whistleblowers is strengthened while procedural mechanisms are maintained to address potential effects on the accused's right to defense.
6. **Digital Transformation of Criminal Justice.** Remote investigation and trial mechanisms represent a structural shift toward the integration of digital technologies into the administration and conduct of criminal proceedings.
7. **Greater Integration with International Criminal Justice Mechanisms.** The comprehensive regulation of international judicial cooperation strengthens the ability of Egyptian authorities to address criminal activity that extends beyond national borders.

Practical Implications for Criminal Justice Stakeholders

The impact of the new Law extends beyond courts and prosecutorial authorities to all participants in criminal proceedings.

For accused persons: Greater attention will be required to procedural deadlines, available remedies, precautionary measures, travel restrictions, and the exercise of defense rights within the new procedural framework.

For defense counsel: The new Law will require adjustments to litigation strategy and case management, particularly in relation to challenges against prosecutorial decisions, travel bans, pre-trial measures, compensation claims, and remote investigative and trial procedures.

For the Public Prosecution: The new framework places greater importance on compliance with statutory requirements concerning the reasoning, duration, review, and procedural consequences of certain decisions and measures.

For the courts: The Law requires adaptation to new forms of judicial review, remote proceedings, electronic procedures, and the procedural safeguards associated with technological methods of conducting criminal proceedings.

For victims, witnesses, and whistleblowers: The new framework provides clearer statutory mechanisms for protection in circumstances involving serious risks arising from participation in criminal proceedings.

The Critical Challenge: From Legislative Text to Practical Implementation

Despite the significance of these reforms, their ultimate impact will not be determined by legislative text alone. Their effectiveness will depend substantially on the manner in which the new provisions are implemented in practice.

This is particularly relevant to provisions relying on digital infrastructure, electronic communications, information security, remote participation, and the protection of electronic records.

The early years of application will also be important in developing consistent judicial approaches to a number of concepts introduced or significantly restructured by the new Law, including the requirements for reasoning procedural measures, the scope of judicial review, the conditions governing compensation for pre-trial detention, and the safeguards applicable to remote proceedings.

Judicial interpretation will therefore play a central role in determining the practical boundaries of several of the Law's new mechanisms.

The ultimate effect of the reform is likely to emerge through the interaction between the statutory framework, judicial interpretation, prosecutorial practice, and the day-to-day conduct of criminal litigation by defense counsel.

Our Perspective

From our perspective, Law No. 174 of 2025 represents a substantial reconfiguration of Egypt's criminal procedural framework. Its significance lies not merely in replacing a longstanding procedural statute, but in introducing a more structured approach to the exercise of investigative and prosecutorial powers, the protection of individual liberties, judicial oversight, and the use of technology throughout criminal proceedings.

The Law also reflects a broader shift toward proportionality in the administration of criminal justice. The regulation of travel bans, the expansion of judicial review over

certain prosecutorial decisions, the development of non-custodial mechanisms, and the introduction of compensation in specified cases of pre-trial detention collectively indicate a legislative effort to reconcile the effective enforcement of criminal law with stronger procedural safeguards.

At the same time, the practical impact of these reforms will depend significantly on their implementation. The interpretation of the new provisions by the courts, the development of prosecutorial practice, the readiness of judicial institutions to adopt remote and electronic procedures, and the ability of practitioners to adapt their litigation strategies will be critical to determining how effectively the objectives of the new Law are achieved.

Accordingly, we consider the entry into force of Law No. 174 of 2025 to be more than a procedural transition. It is likely to mark a significant stage in the evolution of Egypt's criminal justice system, with important implications for criminal litigation, investigations, pre-trial measures, defense strategy, and the relationship between technological modernization and procedural guarantees.