

YOUR LAWYER * LEGAL ADVICE AND MORE*

A portal for providing legal knowledge and offering solutions managed by a team of specialized lawyers and supervised by Ms. Nehad Abulkomsan, senior lawyer



Legal articles ... Issue Article



NEHAD ABUELKOMSAN, A COURT OF CASSATION LAWYER'S PERSPECTIVE ON THE DRAFT CRIMINAL PROCEDURES LAW



The law lacks a clear vision and objective. Despite Egypt's declining rank in the global justice index, where it occupies the 130th position out of 142 countries worldwide, the law should have addressed the issues plaguing the justice system.

However, the law has done the opposite. It contains numerous provisions that undermine the right to defense, a fundamental right that protects the rights and freedoms of litigants.

Criticisms of the Law:

- **Increased powers of law enforcement:** The law expands the powers of law enforcement authorities and grants an unacceptable broadening of powers to those with judicial arrest authority.
- **Overlap between the Criminal Procedure Law and Anti-Terrorism Law:** The law confuses procedural and substantive matters, particularly in justifications for pretrial detention, effectively turning it into a form of arrest based on what is termed "disturbing public security or order."
- **Extended periods of pretrial detention:** Pretrial detention can last up to 18 months or two years, effectively making it a punishment without a judicial ruling.
- **Lack of practical alternatives to pretrial detention:** The alternatives mentioned for pretrial detention lack practical application and mechanisms for enforcement.
- **Remote litigation:** Considering notice as served by merely using communication technology is extremely dangerous and threatens rights and freedoms. It undermines the right to appeal, especially given weak network infrastructure. Some courts suffer from poor or nonexistent phone signals, necessitating alternatives and better use of technology. Egypt ranks 96th out of 100 countries in terms of network coverage.
- **Expanded powers of the public prosecution:** The law expands the public prosecutor's authority to decide whether or not defense lawyers can attend proceedings, file motions, submit requests, review, and copy case files. This constitutes a serious violation of the right to defense and access to case documents.
- **Expansion of courtroom offenses:** Limiting the freedoms of defense lawyers in court constitutes a severe infringement on the right to defense.
- **Absence of reference to international agreements:** The law lacks any mention of Egypt's obligation to respect international agreements it has signed, as mandated by Article 93 of the Constitution.
- **No mention of the National Council for Human Rights:** The law fails to mention the right of the National Council for Human Rights to attend investigations and intervene in certain cases, based on its constitutional right under Article 99.

YOUR LAWYER'S LEGAL SERVICES IN THE FIELD OF FREE CONSULTATIONS:

YOUR LAWYER PLATFORM IS A PORTAL FOR LEGAL KNOWLEDGE AND PROVIDING SOLUTIONS. THIS IS MANAGED BY A TEAM OF SPECIALIZED LAWYERS UNDER THE SUPERVISION OF MS. NEHAD ABUELKOMSAN, SENIOR LAWYER.

Ask Your Lawyer



**A question:
What is the
Criminal
Procedure Law?**



The Answer

IT IS THE LAW THAT ENCOMPASSES THE LEGAL RULES DEFINING THE FORMS OF CRIME, THE PENALTIES PRESCRIBED FOR VIOLATING THEM, AND THE RULES FOR IDENTIFYING THE PERPETRATOR, INVESTIGATING THEM, TRYING THEM, ISSUING A JUDGMENT AGAINST THEM, AND ENFORCING THAT JUDGMENT.



LEGAL INFORMATION

CRIMINAL LIABILITY:

THIS REFERS TO HOLDING AN INDIVIDUAL CRIMINALLY ACCOUNTABLE FOR A CRIME THEY HAVE COMMITTED BY APPLYING THE PROVISIONS OF CRIMINAL LAW. THE ESTABLISHMENT OF CRIMINAL LIABILITY HAS ENABLED STATES TO COMBAT CRIME THROUGH BOTH GENERAL AND SPECIFIC DETERRENCE AND HAS ENDED THE ERA OF COMMITTING CRIMES BASED ON POWER WITHOUT ACCOUNTABILITY.

Legal Concepts



The United Nations Charter specifically calls upon the organization to provide assistance in the peaceful settlement of international disputes, including arbitration and judicial settlement (Article 33), and to encourage the progressive development and codification of international law (Article 13).

MOHAMEK

Legal Updates



"Draft Law on Amendments to Criminal Procedures": A draft law amending the "Criminal Procedures" has resolved the issue of wiretapping, recording, monitoring, and intercepting messages through Articles 79 and 180. It requires the public prosecution to obtain permission from a magistrate, except in cases involving state security crimes, public funds, and bribery, where an order for surveillance from the chief public prosecutor is sufficient, in accordance with Article 206 bis of the Criminal Procedures Law.

OUR CLIENTS



- Phone
- Facebook

This month, September, a total of 890 consultations were received by "Mohamek" across its 2 different communications means, including Facebook pages, and telephone, as follows:

Facebook Phone consultations



- Phone: 487 consultations were received on mobile and landlines, making up 54.7% of the complaints
- Facebook: 403 consultations were received on Facebook, making up 45.2%

Your Legal Advisor in Family Matters. Woman Appeals for Help Against Her Brothers' Oppression Over Inheritance



The complainant added that after her husband passed away, she didn't know how to manage her life, and no one stood by her. She approached her brothers, but they were as harsh as ever, telling her to leave her children with their paternal family. She continued working to raise her children on her own. After her father passed away in 2014, she asked for her share of the inheritance. Her mother revealed that their father had left everything to her younger brothers, which was a devastating shock. Her mother then told her not to enter the house again.

Your Legal Advisor in Family Matters answers as follows:

The amended Inheritance Law No. 77 of 1943 specifies the penalty for anyone who refuses to hand over a rightful heir's share of the inheritance. The punishment is imprisonment for no less than 6 months and a fine ranging from 20,000 EGP to 100,000 EGP.

The law also outlines the steps for claiming an inheritance as follows:

- Obtain a declaration of inheritance from the competent Family Court. One of the heirs must file an application for the declaration of inheritance, along with the death certificate and a list of the eligible heirs. A court session is scheduled where all heirs appear, or they can be notified of the session. Two witnesses must confirm the death and the shares of the heirs.
- After obtaining the declaration of inheritance, an official notice is issued to the heir holding the estate and its documents, demanding the rightful inheritance share and granting a deadline for compliance.
- If the deadline passes without compliance, a direct misdemeanor lawsuit is filed against the heir who refuses to hand over the inheritance. If they do not respond, they will be sentenced to imprisonment for no less than six months and fined no less than 20,000 EGP.

A woman from Cairo has called for help, claiming she is being oppressed and brutally mistreated by her brothers, who assaulted her and caused her injuries after she demanded her rightful share of the inheritance. The woman stated that her brothers and father had always treated her with cruelty. She turned to her uncle for advice, and he suggested that marriage would be the solution. She followed his advice, got married, and had three daughters and a son.

She continued: "I filed a lawsuit, case number 331 of 2015, and won it. They filed an appeal, case number 6029, and after the ruling, when I went to claim my share, my mother had already passed away. Two of my brothers pulled me by my hair and dragged me across the floor."

The complainant also mentioned that she filed another police report, number 3876, at the Al-Amiriya police station, accusing her brothers of assault. She explained: "I am only asking for my rightful share. No matter how much I speak, no one will truly understand my pain. I have been wronged so many times. Strangers have shown me kindness and comfort, but my own family has not. I don't know what to do!"



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For a free consultation Please fill out an online form, send us an email, or call us via phone for 30 minutes



working days

Sunday - Thursday from 10:00 am to 04:00 pm



Contact Us

Phone :
01061496144
01066854655
0225242141

WhatsApp:
01061496144

E-mail:
info@mohamek.com
complaints@mohamek.com

To contact the support team or complaints (messages via WhatsApp only) 01024234501