

The Egyptian Prosecution: A Fact Sheet



What is the Public Prosecution?

An entity within the Egyptian judicial system that:

- Has sole authority to *investigate* crimes, *indict* individuals, and *refer cases to trial*.
- Initiates criminal investigations based on complaints filed by citizens, government officials, and of its own accord.
- Issues arrest warrants and search orders, and carries out the questioning of suspects and witnesses.
- Places individuals into remand (pretrial) detention when deemed necessary under the law for the purposes of the investigation.
- Orders asset freezes against individuals under criminal investigation after obtaining court approval.
- Can issue travel bans as a “precautionary measure.”
- Supervises prisons and other detention centers by conducting visits, reviewing registries, and communicating with detainees.
- Provides opinion on death sentences to the Court of Cassation for its review.
- Is authorized to issue new requests for designation on a terrorist or terrorist entities list.
- Can initiate disciplinary cases against judges and members of the prosecution as well as issue its opinion regarding the retirement or transfer of certain judges.



Who is the Public Prosecutor?

The most senior figure in the Public Prosecution who serves for either a non-renewable four-year term or until retirement age, whichever comes first.



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How has the Public Prosecutor been appointed over the years?

2019 | CONSTITUTIONAL AMENDMENTS:

President selects and appoints the Public Prosecutor from among three judges nominated by the Supreme Judicial Council.

2014 and 2012 | CONSTITUTIONS:

President ratifies the selection made by the Supreme Judicial Council for the Public Prosecutor position.

1971 | AMENDED CONSTITUTION:

No articles regulating appointment. Separate legislation authorizes the President to select and formally appoint the Public Prosecutor.



Spotlight: What is the Supreme State Security Prosecution (SSSP)?

A branch of the prosecution established in 1953 by a Ministry of Justice decree. It has nationwide jurisdiction over many crimes, including:

- Crimes stipulated in the Counter-terrorism Law (Law No. 94 of 2015).
- Crimes in Chapters 1, 2, and 2(bis) of Book 2 of the Penal Code (includes crimes that threaten national security, terrorism, and crimes involving explosives).
- Several crimes in the Penal Code involving labor strikes.
- Crimes stipulated in the Law Preserving Order in Educational Institutes (Law No. 58 of 1949).
- Crimes that are referred to State Security Emergency Courts during a state of emergency.

In recent years, the jurisdiction of the SSSP has been expanded by new legislation and decrees citing counter-terrorism and security justifications.