

**THE CODE OF CRIMINAL PROCEDURE
OF THE EGYPTIAN NATIVE
TRIBUNALS; THE LAW CONSTITUTING
MARKAZ TRIBUNALS; THE LAW
CONSTITUTING COURTS OF ASSIZE**

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The Code of Criminal Procedure of the Egyptian Native Tribunals; The Law Constituting Markaz Tribunals; The Law Constituting Courts of Assize by Various .

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THE CODE OF CRIMINAL PROCEDURE

OF THE
EGYPTIAN NATIVE TRIBUNALS

AS AMENDED BY
LAW No. 6 OF 1905.

THE
LAW CONSTITUTING MARKAZ TRIBUNALS

(LAW No. 8 of 1904)

AS AMENDED BY
LAW No. 9 OF 1906 AND LAW No. 6 OF 1907

AND
THE LAW CONSTITUTING COURTS OF ASSIZE

(LAW No. 4 of 1905).

(TRANSLATION)



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NATIONAL PRINTING DEPARTMENT
1908

THE
CODE OF CRIMINAL PROCEDURE.

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THE CODE OF CRIMINAL PROCEDURE.

LAW No. 4, 1904.

DECREE OF PROMULGATION.

WE, KHEDIVI OF EGYPT,

Having taken into consideration the Khedivial Decree dated the 14th June 1883, providing for the reorganisation of the Native Tribunals;

Having taken into consideration the Decree of the 14th November 1883 providing for the promulgation of the Code of Criminal Procedure at present in force before the said Tribunals;

On the proposition of our Minister of Justice and with the approbation of Our Council of Ministers;

Having heard the Legislative Council;

HEREBY DECREE AS FOLLOWS;

1. The Code of Criminal Procedure at present in force is replaced by that which is impressed with the seal of Our Minister of Justice and annexed to the present Decree.

2. The rules of procedure prescribed by the New Code shall apply to all investigations which have not been concluded at the date at which this Code comes into force and to every matter sent for trial before some tribunal after that date.

Every judgment pronounced after that date shall be enforced in accordance with the provisions of the New Code.

3. Our Minister of Justice is charged with the execution of this Decree which shall come into force on the 15th April 1904.

Done at Abdine Palace this 27th day of Zilkadeh 1321 (14th February 1904).

ABBAS HILMI

Signed by the Khedive:
MOUSTAFA FERMY,
President of the Council of Ministers.

IBRAHIM FUAD.
Minister of Justice.

THE CODE OF CRIMINAL PROCEDURE.

PART I.

OF PRELIMINARY PROCEDURE.

CHAPTER I.

GENERAL RULES.

1. A penalty prescribed by law for a crime, misdemeanour, or contravention can only be imposed by virtue of a judgment pronounced by a competent judicial authority.

2. The public prosecution of offences having for its object the infliction of a penalty can only be conducted by the State representative.

3. The functions of judicial police, which consist in furnishing materials for the investigation and prosecution, are performed by the officers of judicial police and the agents under their control.

4. The following persons are officers of judicial police, in the districts in which they respectively are employed :

Members of the parquet ;

Sub-governors and sub-mudirs ;

Commandants of police of mudirias and governorates, and their deputies ;

Mamours-zapt ;

Mamours-markaz and mamours-kism ;

Moawins of mudirias and governorates ;

Moawins and mulahiz of police ;
Chiefs of the police outposts ;
Station masters and assistant station masters on the Egyptian railways ;
Omdas, and, in case of their absence or inability to act, the sheikhs who act for them ;
Sheikhs of ghaffirs ;
All officials on whom the powers of the office are conferred by decree, either in respect of certain districts or in respect of offences relating to their departments.

5. Except in a case where the law so provides, or in a case of flagrant delict, or of a call for help coming from inside, or of fire or flood, no one may enter an inhabited house, other than a house which is open to the public or used for some industry or trade which is subject to police inspection, unless he does so under a warrant issued by a Court of Justice.

CHAPTER II.

OF JUDICIAL POLICE.

6. Every duly constituted authority, every official, officer of judicial police, or administrative agent who during the performance of his duties becomes aware of the commission of an offence is bound to give notice thereof to the parquet immediately.

7. Every person who witnesses a crime, whether it be one against the safety of the State or one against the life or property of an individual, is similarly bound to report it to the parquet or an officer of judicial police.

In a case of flagrant delict or of circumstances deemed to constitute flagrant delict, when an act is committed which justifies preventive arrest, such person shall also bring the accused before a member of the parquet or hand him over