Amending the Military Judiciary Law: A Violation of the Right to Trial before Natural Judge

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"Military justice is to justice as military music is to music."

George Clemenceau

Introduction:

Before the end of January 2024, Law No. 25 of 1966 amending the Military Judiciary Law was issued. At the beginning of February, Law No. 3 of 2024 on the Protection of Public Facilities was also issued. Both laws reflect an expansion of the role of the armed forces in civilian life, particularly at the security and judicial levels. This comes amidst a severe economic crisis and noticeable governmental confusion in mitigating its impact on the lives of millions of Egyptians. This also came consistent with the constitutional entitlement of applying two-level litigation in criminal cases.

The amendment to the Military Judiciary Law was expected to regulate the appeal process for military criminal rulings before a higher court, but the amendment was not limited to that, It added provisions allowing for the trial of civilians before military courts, deteriorating criminal justice. This was confirmed with the issuance of the Protection of Public Facilities law, which reintroduced the long-standing concern in the Egyptian political life: the trial of civilians before military courts, especially after issuing law no. 3 of 2024 which gave the armed forces a major role in criminal security, which is the inherent jurisdiction of the Ministry of Interior.

This paper aims to address the impact of amending the Military Judiciary Law and the law on the Protection of Public Facilities on the Egyptian justice system. It seeks to reveal the extent to which the military judiciary has infiltrated the judicial system at the expense of civilian judiciary and how this impacts criminal justice standards, especially the right to be tried before natural judge.

The paper begins by defining the concept of the natural judge as a human right and a criterion of justice. It then analyzes the amendment of the Military Judiciary Law and the law on the Protection of Public Facilities and their relationship with the constitution, culminating in an assessment of their impact on criminal justice.

The concept of the natural judge in Egyptian law:

The law defines two types of judiciary. The first is the public judiciary, which specializes in adjudicating disputes and trying those accused of criminal crimes. It adheres to the principle of equality before the law, so that everyone is subject to one court that

applies one procedure. The public judiciary returns to the principle of “unity of the judiciary,” which means that everyone should be informed in advance with courts, their legality, and litigation procedures before them. The public judiciary includes specialized courts dedicated to specific types or categories of cases, equitably distributed among legal venues. Examples include juvenile courts handling cases involving children and labor courts dealing with labor-related issues.

As for the second type, it is the exceptional judiciary, which is not part of the public judiciary. Exceptional courts often consist of judges from outside the regular judicial system and specialize in trials of specific categories, employing procedures distinct from those of the public judiciary. Among the most prominent exceptional courts in the Egyptian system are the State Security Courts and Military Courts which is considered a specialized judiciary for military personnel and an exceptional judiciary for civilians.

Therefore, appearing before a natural judge in a criminal trial has become one of the fundamental rights according to the standards of fair and impartial trial, and one of the most important guarantees for achieving criminal justice.

The Egyptian constitutional system has been keen to explicitly stipulate the right to appear before the natural judge since the 1971 Constitution. It stipulates in Article 68 that (Litigation is a protected right guaranteed to all people, and every citizen has the right to resort to his natural judge, and the state guarantees the determination of the judicial authorities of the litigants and the speed of adjudication. It is prohibited to stipulate in the laws that any action or administrative decision is immune from judicial oversight).

The current constitution also stipulates the right to appear before a natural judge in Article 97, which stipulates: “Litigation is a right protected and guaranteed to all. The state is committed to bringing the litigation parties closer together, and works to speed up the adjudication of cases. It is prohibited to shield any action or administrative decision from judicial oversight, and no person shall be prosecuted except before his natural judge, and exceptional courts are prohibited".

Jurisprudence has stated that what is required of the natural judiciary is that the judiciary be established and defined according to abstract legal rules at a time prior to the emergence of the lawsuit. This means that it is considered an exceptional judiciary, every judiciary that arises at a later time after the emergence of the lawsuit or the commission of the crime, in order to consider a specific lawsuit and it must provide the fundamental guarantees stipulated in the Constitution and the law[1].

[1] From the recommendations of the First Justice Conference, Cairo 1986. Egyptian Judges Club.

According to this definition, it identified three elements that must be present in natural justice:

- The courts must be established in accordance with the law.
- It must precede the emergence of the lawsuit.
- The fundamental guarantees stipulated by the Constitution and the law must be available.

The second conference of the Egyptian Society of Criminal Law, 1988, set two conditions for the natural judiciary:

First: The judge must be appointed in accordance with the terms of the Judicial Authority Law.

Second: That he exercise his jurisdiction in accordance with the Code of Criminal Procedure without exception, and that his decisions and rulings may be appealed through the methods prescribed in the Code of Procedure.

Part of the jurisprudence has established five elements to determine the nature of natural judiciary, which are[2]:

- **Establishing courts and determining their jurisdiction by law:**

It means that the law should be the source of rules, procedures, and jurisdiction. The court competent to hear the case should be established by law. Therefore, judicial bodies created by the executive authority to adjudicate certain claims are not considered natural judiciary.

- **The establishment of the court and the determination of its jurisdiction precede the initiation of the lawsuit:**

This means that the citizen should be aware in advance of his judge, and it is not permissible to separate a person from his natural judge after the initiation of the lawsuit.

- **The court should be permanent:**

This means that the jurisdiction of the court should be permanent without a time limit. Therefore, courts established for a specific period or for a specific situation, such as emergency courts, are not considered natural judiciary.

- **The judicial body should provide guarantees of impartiality, independence, and competence:**

[2] Independence of the judiciary. A comparative study. Muhammad Kamel Obaid. 1991 edition. p. 557.

This means that the composition of the court should consist entirely of professional judges specialized in judicial work. Judges should be immune from dismissal and have guarantees of impartiality and independence.

- **Full defense rights and guarantees:**

This means that the court applies all principles and standards of fair trial, starting from the presumption of innocence of the accused, applying rules and guarantees of criminal procedures, and ending with compliance with constitutional provisions while respecting human rights and the dignity of citizens.

- **The natural judge in comparative law:**

Many countries were keen to reject the subjection of civilians to military justice, and some countries reduced the jurisdiction of the military judiciary. For example, France abolished military trials in 1981. It limited the application of military justice to military personnel outside the country, and the application of military law in Germany is limited to military personnel only and during times of war. In peace, everyone is subject to civil justice. As for England, it abolished the permanent military courts and made them only in the event of war.

Military justice, regardless of the assurances of fairness it may incorporate, remains exceptional especially concerning civilians. It operates under strict military hierarchy to the extent that some legal experts view military trials as often used to evade civilian authority oversight.

Trying civilians in military courts constitutes a violation of the right to a fair trial, even if such courts are provided with guarantees for the application of civilian laws, due to depriving individuals of the right to trial before a natural judge. Additionally, there is no assurance of complete impartiality, and more importantly, these courts are difficult to subject to civilian oversight. The judiciary, as one of the state authorities, derives its legitimacy primarily from its subordination to civilian oversight and from the people in whose name judgments are rendered.

The jurisprudence has worked on establishing a specific definition for the natural judge, but the reality is that definitions have varied and branched out, making them difficult to unify. Here, we mention some fundamental definitions, including the French Academy Dictionary's definition: "The judge who is considered natural and ordinary according to the law is one who has knowledge of the case."

The reality is that this definition is closer to linguistic rather than legal; natural was defined as natural, and this seems logical in the context of the evolution of French law, where the right to a natural judge was one of the demands of the French Revolution,

and the practical application of the right to a natural judge was settled before the concept was defined jurisprudentially.

In French jurisprudence, ordinary judges are defined as those who possess all judicial authorities within their specialization, while extraordinary judges are those with specific jurisdictions.

This definition takes into account the concept of deviation. The natural judge is non-extraordinary, but the definition combines both the special and the exceptional. In practice, specialized judiciary in some cases can be considered natural, such as juvenile courts specializing in a specific age group, without implying that it is exceptional judiciary.

In Egyptian jurisprudence, there has been divergence in defining the concept of the natural judge, with two fundamental approaches. The first view considers that the law is the criterion for determining the natural judge. Thus, if a court is established by law, it is considered a natural judiciary regardless of the nature of the judges themselves.

The second approach argues that the nature of the judiciary itself, not the law, determines the natural judge. For instance, military courts are established by law, but this does not confer upon them the quality of being natural judges; they are considered exceptional jurisdiction for civilians.

The truth is that establishing a precise definition for the natural judge is not easy. Most definitions, whether legal or linguistic, focus on contrasting it with exceptional jurisdiction. The natural judge is considered non-exceptional, and thus the elements defining the natural judge emphasize what distinguishes it from the exceptional one.

But regardless of the multiple definitions, they all agree in terms of content, although the most accurate jurisprudential trend is that the nature of the judiciary is the deciding factor in determining the nature of the natural judiciary, not the extent of the availability of formal elements, as it is possible in practice for the executive authority to take into account the provision of those elements to non-natural judicial bodies in itself. The Egyptian military judiciary has the basic elements of the regular judiciary in terms of prior establishment. Military courts were established by prior law, which is Law 25 of 1966 and according to the 2014 Constitution. Military judges are independent and cannot be dismissed, and one of the conditions for their appointment is that they meet the standards of Judicial Authority Law No. 46 of 1972 in addition to other conditions, and in addition to the right to appeal military rulings before a higher court in accordance with the latest amendment.

However, the availability of these elements does not mean that the military judiciary has become ordinary or natural. The content of the military judiciary is that it

specializes in a specific category, namely the military, and specific crimes exclusively linked to the military character, whether of persons or places. Its judges also hold military ranks that are necessarily subject to the hierarchy of command. In terms of content, the military judiciary will remain a special judiciary for the military and exceptional for civilians.

Natural Judge in International law:

The right to appear before a natural judge, as one of the components of criminal justice, came through a long historical struggle to achieve justice in accordance with the principle of equality, as humanity suffered from class and social discrimination in the field of justice for very long periods. Currently, the right to appear before a natural judge has become one of the established and recognized rights internationally and constitutionally.

Article 8 of the Universal Declaration of Human Rights of 1948 states: "Every person has the right to resort to competent national courts for effective redress for any actions that violate the basic rights granted to him by the Constitution or the law."

As for Article 14/1 (...every individual has the right, when deciding any criminal charge brought against him or his rights and obligations in any civil case, to have his case heard fairly and publicly by a competent, independent and impartial court established by law...)

The article dealt with the elements agreed upon in the legal jurisprudence of the natural judge, which are that the court must be competent, characterized by independence and impartiality, and established in accordance with the law.

The Special Rapporteur on the independence of judges and lawyers emphasized this by saying: "The principle of separation of powers is the basis on which the requirements for the independence and integrity of the judiciary are built. Understanding and respecting the principle of separation of powers is a necessary condition for the establishment of a democratic state."

This is consistent with General Comment No. 13 of the Human Rights Committee on Article 14/1 of the International Covenant on Civil and Political Rights (a competent, impartial and independent judiciary means the existence of an independent judicial authority, free from any interference by other public authorities, which is essential to the rule of law)

Article 5 of the Basic Principles on the Independence of the Judiciary also stipulates: "Every individual has the right to be tried before ordinary courts or judicial bodies that apply the established legal procedures. It is not permissible to establish judicial bodies

that do not apply the duly established legal procedures for judicial measures, in order to take away the jurisdiction enjoyed by ordinary courts or judicial bodies".

Therefore, the concept of the natural judge is organically linked to the concept of the independence of the judiciary, the state of the rule of law, and the principle of equality. The independent judiciary, as one of the state's authorities, whose authority is parallel to the executive and legislative authorities, is exclusively entrusted with complete control over judicial affairs as a fundamental and sole task in which no other authority has the right or is permitted to interfere in any way.

Therefore, the natural judiciary is the judiciary that is subject to the judicial authority in terms of establishing courts, selecting judicial bodies, appointing judges in accordance with the standards of the Judicial Authority Law, and full commitment to applying standards of justice and human rights. As for the courts that are not affiliated with the judicial authority, starting from the establishment, through the appointment of judges and employees, until the application of the law and subject to procedural guarantees and human rights standards, they are not part of the public judiciary or are not a natural judiciary.

Military Judiciary and criminal justice standards:

The right to a fair trial is one of the basic human rights that cannot be waived, and it is a constitutional right according to Article 96 of the 2014 Constitution. It is a right that precedes the Constitution after it became established in the human conscience, and was affirmed by the Universal Declaration of Human Rights (Article 10). It has also become binding at the international level in accordance with Article 14 of the International Covenant on Civil and Political Rights, which sets minimum standards for a fair trial.

The goal of criminal justice is to ensure that every individual accused enjoys guarantees that protect his rights and freedoms, ensuring access to justice without any violation. This is especially crucial because being in an accusatory position inherently places an individual in a vulnerable state, necessitating the provision of safeguards to protect his rights.

The standards of criminal justice are closely linked to the framework of human rights in general, as their primary goal is to preserve human dignity and protect the right to equality, life, freedom, and other rights stipulated in human rights charters, especially the principle of the presumption of innocence.

In practice, what is meant by the standards of justice in human rights charters is commitment to a set of procedures that guarantee access to justice, including

publicity, equality, the right to defense, and other procedures that can be shortened into two stages.

The first stage: pre-trial procedures:

This means the guarantees that a person who may be the subject of an accusation must enjoy, especially as articulated in the text of Article 3 of the Universal Declaration of Human Rights (Every individual has the right to life, liberty, and security of his person). Prosecuting authorities must ensure the protection of an individual's right to liberty and refrain from restricting it except when necessary. Similarly, they must safeguard the right to life and prevent any assault on it for any reason, as emphasized in the International Covenant on Civil and Political Rights in Article 9 (everyone has the right to liberty and security of person; no one shall be subjected to arbitrary arrest or detention, and no one shall be deprived of their liberty except on such grounds and in accordance with such procedures as are established by law).

Therefore, pre-trial procedures must not be arbitrary or result in deprivation of liberty contrary to the law.

Article 14 of the International Covenant on Civil and Political Rights specifies several guarantees at this stage, such as the right to obtain information, immediate notification of charges, and rights as an accused person, including the right to legal representation and communication with the outside world. Additionally, it includes rights during interrogation, such as the presumption of innocence, prohibition of torture or coercion, and the right not to be compelled to confess guilt or to testify against oneself or others.

The second stage: Procedures during the trial:

It is a set of guarantees that must be available during the trial process and which are stipulated in human rights conventions, especially Article 14 of the International Covenant on Civil and Political Rights, such as the right to complete justice and equality before the law, the right to appear before a competent, independent and impartial court, the presumption of innocence and publicity, the right to defense, and other rights.

The Egyptian Constitution was keen to include criminal justice standards in Article (94), which stipulated the independence, immunity, and impartiality of the judiciary, which it considered basic guarantees for the protection of rights and freedoms, in addition to the constitutional recognition of human rights charters in accordance with Article (93) thereof. According to Article 14 of the International Covenant on Civil and Political Rights, which is part of Egyptian law, the criminal trial must guarantee the independence of the judiciary, impartiality, guarantee the rights of defense, the

presumption of innocence, and submission to the natural judge, which means rejecting the exceptional trial because its impartiality is not guaranteed.

The constitutional basis for trying civilians militarily:

Before the amendment, the 2014 Constitution stipulated in Article 200 that the mission of the armed forces is (to protect the country, and to preserve its security and territorial integrity). This is the natural role of the armed forces, as they are the only ones capable of, and responsible for, the role of protecting the state's territory from any external aggression.

However, the amendment to the Constitution in 2019 expanded the tasks of the Armed Forces, as Article 200 stipulated: (The Armed Forces belong to the people, and their mission is to protect the country, preserve its security and territorial integrity, preserve the Constitution and democracy, and preserve the basic components of the state and its civility.....) . According to the current text, the armed forces have a major role in the Egyptian political system, in addition to their basic role in protecting the country. It has become responsible for preserving the constitution and democracy and preserving the country's components and its civil character. The new tasks are political responsibilities in nature.

In the context of the 2019 amendments, Article "185" related to the judicial authority was amended, and the amendment granted the President of the Republic broad authority to appoint the heads of judicial authorities and bodies. The amendment also created a Supreme Council for judicial authorities and bodies to dominate the affairs of the judicial authority, which negatively affects the independence of the judicial authority where the executive authority controls the selection of the highest judicial positions, a situation that contradicts the standards of the right to a natural judge.

As for the jurisdiction of military justice, it is stated in Chapter Eight concerning the Armed Forces, where Article 204 specifies: "Military justice is an independent judicial authority, exclusively competent to adjudicate all crimes related to the armed forces, their officers, personnel, and those under their jurisdiction, as well as crimes committed by members of the General Intelligence during and because of their service."

A civilian may not be tried before the military judiciary, except for crimes that represent an attack on military installations, armed forces camps or Those in the same category, or the facilities that they protect, or the designated military or border areas as well, or their equipment, vehicles, weapons, ammunition, documents, or Its military secrets, public funds, or military factories, crimes related to recruitment, or crimes that constitute a direct attack on its officers or members due to the performance of their duties.

The law defines these crimes and specifies the other jurisdictions of the military judiciary.

Members of the military judiciary are independent and cannot be dismissed, and they have all the guarantees, rights and duties stipulated for members of the judiciary.

The wording of this text was strange to constitutional jurisprudence, and contradictory in some of its aspects, as it included vocabulary that was not clear or legally defined, such as (those under their jurisdiction- or those in the same category- those alike). These are terms that open the way for the ordinary legislator to expand the jurisdiction of the military judiciary. The clear contradiction came in the second paragraph, which stated that it is not permissible to try a civilian before the military judiciary as a basic rule, and then mentioned many exceptions that negate the rule.

The article also combined substantive jurisdiction for crimes that could be committed by civilians, such as attacks on installations, which included, in addition to military installations, military factories, and attacks on public funds of the armed forces, with personal jurisdiction, which is crimes of assault on military personnel due to the performance of their duties.

The danger of this significant expansion in the jurisdiction of military justice over civilians arises from the substantial role of the armed forces in civilian life, especially in public institutions inherently under the protection of the Ministry of Interior, a civilian ministry. Additionally, military factories employ a large number of civilians, and more importantly, the armed forces engage in widespread economic activities across the country. This situation means that any natural dispute between workers and the management of these factories falls under military jurisdiction, despite being inherently a civilian dispute.

The personal criterion is illogical and contradicts legal jurisprudence. Civilian judiciary holds general and fundamental jurisdiction, whereas military judiciary, being specific, becomes exceptional for civilians. Assuming an altercation occurs between a civilian and a military personnel, primary jurisdiction lies with civilian courts, not vice versa. Therefore, in such cases, military judiciary constitutes an exception to the norm, which is civilian jurisdiction or natural judiciary.

The significant role of the armed forces in the political system, and the resulting expansion of military jurisdiction at the expense of civilian judiciary, has become a constitutional issue despite its contradiction with principles of criminal justice, notably the trial of the accused before their natural judge.

The amendment to the Military Judiciary Law was based on Article 200 of the constitution, which granted a significant role to the armed forces in the Egyptian

political system following its amendment in 2019. Article 204 expanded the jurisdiction of military courts extensively in the trial of civilians. What is strange is that Military Judiciary Law No. 25 of 1966, allowed for the military trial of civilians under specific conditions, such as when they were employed by the armed forces (Article 4/7), and for crimes committed against military facilities like camps and factories (Article 5/1). Additionally, military courts had jurisdiction over cases referred to them by the President under the Emergency Law No. 162 of 1958, as amended in 2020. The law also grants officers and non-commissioned officers of the armed forces the power of judicial enforcement, and grants the military prosecution the power to investigate crimes caught within its knowledge. That is, the military judiciary has broad jurisdiction to try civilians, especially in the event of declaring a state of emergency, which happens frequently.

Contents of the amendment to the Egyptian Military Judiciary Law:

The amendment to the Military Judiciary Law included three basic axes, which aim in their entirety to bring compatibility at the formal level with the public judiciary. The amendment that concerns us here is the expansion of the jurisdiction of the military judiciary mentioned in Article (5, first paragraph, clause E - Article 7/2) to include crimes that occur against public and vital establishments and facilities, and related matters falling under the protection of the armed forces. This expansion covers crimes committed against individuals subject to military jurisdiction (military personnel and civilian employees), in addition to its original jurisdiction over traditional military crimes such as those within military camps and crimes resulting from wartime battles. This amendment was introduced to harmonize the Military Judiciary Law with the new Public Facilities Protection Law.

Public Facilities Protection Law:

The participation of the armed forces in maintaining security began with the January 2011 revolution. Due to the urgent circumstances following the outbreak of the January 2011 revolution, the first law regulating the participation of the armed forces in protecting public and vital facilities was issued in 2013 under Law No. 1 of 2013 during the presidency of former President Mohamed Morsi. Initially, the involvement of the armed forces was temporary until the end of legislative elections (Article 1), after which it became conditional upon the request of the President of the Republic.

Additionally, the role of the armed forces was limited to participating with the Ministry of Interior in protecting vital facilities only (Article 1). Although the law granted members of the armed forces judicial police authority during the implementation of the law, it stipulated in Article (3) that the ordinary judiciary has jurisdiction over

crimes committed during its application. In the event of a crime occurring, the Armed Forces shall prepare a report and refer it to the Public Prosecution.

The political situation in Egypt changed after 2013. Law No. 136 of 2014 was issued. This law extended the status of public and vital facilities, and similar entities, to be treated akin to military installations for the entire duration they are under the protection of the armed forces (Article 1), in contrast to the previous law. Explicitly, the law assigned jurisdiction to the military judiciary (Article 2) over crimes committed at public facilities and installations. It also expanded the definition of public and vital facilities to include electricity networks, gas networks, roads, public funds, and related entities, encompassing nearly all state territories. However, the law is temporary, effective for only two years from its enactment (Article 3).

The primary characteristic of the previous laws, which were repealed by the new Law No. 3 of 2024, is their temporary nature. The first law was issued until the end of the legislative elections in 2013, and the second law was intended to apply for only two years. Both laws were exceptions to the normal situation, where the Ministry of Interior had jurisdiction over public security, and the civilian judiciary had jurisdiction over criminal trials of the accused.

The new law has transformed the exception into a rule. It begins with maintaining the broad definition of public facilities and installations (Article 1), continues by specifying the jurisdiction of the military judiciary over crimes occurring at public facilities or those committed in violation of this law (Article 4). This provision became unnecessary after amending the Military Judiciary Law, which already included similar jurisdiction. Furthermore, the new law expands the role of the armed forces to encompass cases involving essential commodities and services (Article 2). Importantly, the law is permanent and not tied to exceptional circumstances like its predecessors. This means that under the current and ongoing legal framework, civilian citizens accused of crimes involving attacks on public facilities will be subject to military jurisdiction rather than their usual civilian courts (natural judges).

What is strange about this legal situation is that the Egyptian Penal Code No. 58 of 1937 included, in its twelfth chapter, crimes of assault on public facilities and buildings in a more comprehensive and clear manner, as Article 162 included the punishment for crimes of damaging buildings, archaeological areas, or trees, with imprisonment or fines, and compensation for damages. The maximum penalty is doubled if the crime is committed for terrorist purposes.

Additionally, Article 162 bis of the Egyptian Penal Code imposes imprisonment for damaging electricity networks, machinery, equipment, and other public electricity

towers. Moreover, Article 162 bis first imposes severe imprisonment for any crimes against public facilities during times of unrest or turmoil.

The question here is: Did we really need these crimes to be subject to military justice? The truth is that the Penal Code included punishment for crimes of assault on public facilities and establishments in full legal detail, which gives the public judiciary the authority to try those accused of these crimes without any doubt.

The new law for the protection of facilities created a legal duplication that the judicial system did not need, especially since the articles of the Penal Code exist and have not been repealed.

Effects of the expansion of subjecting civilians to military Judiciary:

The significant expansion of civilians being subject to military jurisdiction, especially following the recent amendment, constitutes in itself a violation of fair trial guarantees. The effects of this expansion affect the stability of justice as a result of the judicial authority being deprived of part of its inherent jurisdiction to try civilians criminally.

The judiciary, as an authority, is the one that manages the justice facility with the aim of achieving justice among the people and protecting the rights and freedoms of the people. The judiciary has the inherent jurisdiction in the event that the state violates the rights and freedoms of citizens, and it is responsible for protecting the people from the encroachment of the executive authority, and this inherent jurisdiction is subject to the oversight of the people themselves.

Military trials also impact lawyers as integral participants in the justice system. Civilian courts are their natural working environment, whereas military courts represent a foreign environment for them. They do not find it easy to operate in an environment where military orders often take precedence over the law.

The most serious impact falls on the citizens themselves, as they can find themselves accused before military courts for a multitude of reasons. This is particularly concerning given the widespread economic activities of the armed forces across various regions of the country. Additionally, their new role in protecting civilian facilities and similar entities encompasses nearly all aspects of citizens' daily activities.

The recent amendment and the subsequent issuance of the Public Facilities Protection Law violate fundamental principles of fair trial, specifically the right to be tried before a natural judge. It transforms the inherently exceptional military judiciary into a general judiciary, where civilians face a constant threat of military trial for inherently

civilian offenses. Even ordinary disputes between civilian individuals and military personnel, a common occurrence, could potentially lead to a military trial.

Recommendations:

1. Immediately halt the implementation of the amendments made to the Military Judiciary Law, which could lead to the trial of civilians before an incompetent judiciary, depriving them of their right to stand trial before their natural judge.

2. Abolition of the two articles (article 1, paragraph 5, clause e, article 7, paragraph 2) of the Military Judiciary law which grant the military judiciary the right to try civilians before it in violation of the provisions of the Constitution and international conventions concerned with human rights.

3. Repeal Law No. (3 of 2024) regarding the protection of civilian facilities, which allows the military judiciary to try civilians militarily for crimes that fall within the jurisdiction of the ordinary criminal judiciary, and return to the provisions of the General Penal Code in the aforementioned crimes related to attacks on public facilities.