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Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them
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BY AIRMAIL

President of the Arab Republic of Egypt
H.E. Abdel Fattah el-Sisi
Office of the President
Al Ittihadia Palace,
CAIRO, **EGYPT**

Amsterdam, 3 December 2017

Re: our Egyptian colleague and human rights lawyer Mahienour El-Massry

Your Excellency,

Lawyers for Lawyers (L4L) is an independent and non-political Dutch foundation that seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. L4L was granted Special Consultative status with the UN Economic and Social Council in July 2013.

Lawyers' Rights Watch Canada (LRWC) is a committee of lawyers and other human rights defenders who promote international human rights and the rule of law through advocacy, education and legal research. LRWC is a volunteer-run NGO in Special Consultative Status with the Economic and Social Council of the United Nations.

We are extremely concerned about our Egyptian colleague and human rights lawyer Ms. Mahienour El-Massry.

According to our information, on 18 November 2017 Ms. El-Massry attended a session of the misdemeanour court in Alexandria in relation to her alleged participation in a protest against the government's transfer of the Tiran and Sanafir islands to Saudi Arabia in June 2016. The court adjourned the case until 30 December 2017, and also ordered the two defendants that were present, Ms. El-Massry and Mr. Moatasem Medhat, to remain in custody pending trial. The case also concerns human rights lawyer Asmaa Naeem, lawyer Waleed El Ammary and Zeyad Abou Fadl. The five of them are accused of "participating in an unauthorized protest", "insulting the President" and thuggery.

Ms. El-Massry is a prominent human rights lawyer known for her activism in favour of judicial independence and the rights of prisoners, workers, and women. In 2014 Ms. El-Massry won the *Ludovic Trarieux price*, an award that is given annually to a lawyer who contributes to defending human rights. Since 2014 she has spent lengthy periods in Egyptian prison under extremely difficult circumstances. In 2015 Ms. El-Massry was convicted for, among others, "protesting without authorisation" and "assaulting security forces", and sentenced to one year and three months' imprisonment. This was after she and other lawyers went to Raml police station in March 2013 to provide legal assistance to three activists, upon which the lawyers were verbally and physically assaulted by the police. After serving her full sentence, she was finally released on 13 August 2016.

Again Ms. El-Massry has been detained, and according to our information she has been brought to a prison in Cairo, very far from her home address, her family, and the court dealing with her case. The next hearing is set for 30 December.

Many organizations, L4L and LRWC amongst them, fear that the repeated detention and prosecution of Ms. El-Massry are aimed at sanctioning her legitimate activities as a lawyer and curb her right to freedom of expression and association.

Further, L4L and LRWC believes that these incidents are part of a wider crackdown against human rights defenders and independent civil society organised by the Egyptian government. Whilst civil society, human rights defenders (including lawyers), journalists and independent unions are the cornerstone of the rule of law in a democracy, the Egyptian government is heavily shutting down civic space and systematically violating the rule of law on security and counter-terrorism grounds. Criminal charges based on the Egyptian protest law – imposing a requirement for the Ministry's prior authorisation – seem to be a common pattern of harassment increasingly used by the Egyptian authorities against human rights defenders. Protesters convicted of breaking the law could face up to five years in prison and fines of EGP 100,000 (USD 5,700).

In this context we draw your attention to the United Nations Basic Principles on the Role of Lawyers¹ (Basic Principles), more in particular Principles 16 and 23, which read:

16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference (...) and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

23. Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

These principles are universally applicable. Therefore, your government is under an obligation to adequately protect and support its lawyers.

Further, as a member of the African Union and the United Nations (UN), and as a party to the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights, Egypt has legal obligations to adopt measures that effectively ensure rights to liberty, freedom from arbitrary detention, freedom of expression, and fair trial. Also as a member of the UN, Egypt is expected to comply with the Universal Declaration of Human Rights and the various principles, guidelines, standards and recommendations adopted by the UN General Assembly and other UN bodies relating to these rights.

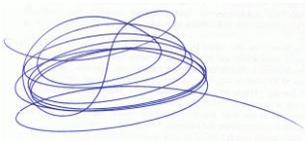
¹ The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly "welcomed" the Basic Principles in their 'Human rights in the administration of justice' resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.

L4L and LRWC therefore urge you to:

- i. to immediately and unconditionally release Ms. Mahienour El-Massry and drop all charges against her.
- ii. immediately and unconditionally release all lawyers arbitrarily detained in Egypt, and to end all acts of harassment against them, including at the judicial level
- iii. guarantee in all circumstances that all lawyers in Egypt are able to carry out their legitimate activities without fear of reprisal;
- iv. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Egypt.

We thank you for your attention to this very important matter. We will continue to monitor this case closely.

Sincerely,



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p.p. 

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Letters concerning the same topic were sent to:

- Prime Minister, Mr. Sherif Ismail, E-mail: primemin@idsc.gov.eg
- Minister of the Interior, General Magdy Mohamed Abdel Ghaffar, E-mail: center@iscmi.gov.eg
- Minister of Justice, Mr. Mohamed Hosam Ahmed Abdel-Rahim, E-mail: mjustice@moj.gov.eg

Copies of these letters were sent to:

- Mr. Mohamed Fayeq, President of the National Council For Human Rights
- E-mail: nchr@nchr.org.eg
- Ms. Wafaa Bassim, Ambassador, Permanent Mission of Egypt to the United Nations in Geneva, Email: mission.egypt@ties.itu.int
- Embassy of Egypt in the Netherlands
- Embassy of the Kingdom of the Netherlands in Cairo, Egypt