



BAR HUMAN RIGHTS  
COMMITTEE OF  
ENGLAND & WALES



CAIRO INSTITUTE  
FOR HUMAN RIGHTS STUDIES



EuroMed Rights  
EuroMed Droits  
الأورو-متوسطية للحقوق

His Excellency Abdel Fattah el-Sisi, President of the Arab Republic of Egypt  
Office of the President  
Al Ittihadia Palace  
Cairo, Arab Republic of Egypt

London, 19 September 2016

Your Excellency,

We, the Bar Human Rights Committee of England and Wales, EuroMed Rights and the Cairo Institute for Human Rights Studies, together with the undersigned Bar Associations and Law Societies, are writing to you to express solidarity with lawyers in Egypt.

We condemn the arrest and continued detention of lawyers for reasons related to the performance of their professional functions. We express concern at the recent increase in the number of arrests of lawyers who provide counsel and representation to human rights defenders. We further condemn the use of extended pre-trial detention without a reasoned decision for refusing conditional release, capable of constituting a punitive use of pre-trial detention. We also note with concern that no official records are publically available as to the number of lawyers arrested and detained. We further condemn the intimidation and harassment of lawyers who seek to promote and defend human rights. We attach, by way of annex to this letter, a non-exhaustive list of lawyers about whom we currently remain extremely concerned.

We recall the right to liberty, the rights to freedom of expression and association, the right to an effective remedy, the right to equality before the law, and the prohibition of discrimination as contained in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the African Charter of Human and the Public Freedoms, Rights and Duties to which Egypt is party, and enshrined in Chapter Three of the Egyptian Constitution. We further recall the United Nations “Basic Principles on the Role of Lawyers”, which is based on recognised and accepted human rights standards enshrined in other international instruments ratified by Egypt.

The role of the lawyer is a crucial element of any functioning democracy. Lawyers serve an essential role in the protection of human rights and constitutional principles and in furthering the ends of justice and the public interest. It is a fundamental duty incumbent on the State to protect lawyers and to ensure that they are not prosecuted or threatened with prosecution or

Bar Human Rights Committee of England and Wales (BHRC), 53-54 Doughty Street, London WC1N 2LS  
Chair: Kirsty Brimelow QC | Vice-Chairs: Blinne Ní Ghrálaigh & Schona Jolly

coordination@barhumanrights.org.uk | www.barhumanrights.org.uk  
+44 (0) 20 7404 1313 ext. 359 | +44 (0) 7854 197862

with other sanctions for the exercise of their professional duties. The State must also ensure that lawyers are able to perform their legal functions without intimidation, hindrance, harassment or improper interference.

The recent arrests and detention of lawyers by the Egyptian authorities, their intimidation and harassment, constitute a prima facie of breach Egypt's obligations under international human rights conventions and under its own Constitution. Further, they appear to constitute an assault on the integrity of the Egyptian justice system and on the rule of law.

We call upon you, as a matter of urgency, to take immediate steps to:

1. Cease the continuing arrests and detention of lawyers for reasons related to the performance of their professional functions
2. Review and, where appropriate, withdraw all investigations and criminal charges against such lawyers
3. Restore and guarantee respect for the rights of lawyers and human rights defenders
4. Release all lawyers currently being detained in violation of international human rights laws and standards and domestic obligations
5. Ensure full protection for lawyers from further intimidation, harassment or obstruction in the performance of their professional duties
6. Respond favourably to the request of the UN Special Rapporteur on the Independence of Judges and Lawyers to conduct a country visit to Egypt and permit the visit
7. Reaffirm and uphold Egypt's commitment to the rule of law and human rights

We the undersigned appreciate your attention in this matter, and ask that you kindly reply letting us know what steps you propose to take. We thank you for your kind consideration and look forward to your positive response.

Yours sincerely,

Signed,

**Kirsty Brimelow QC**

Chair, Bar Human Rights Committee of England and Wales (BHRC)

**Michel Tubiana**

President, EuroMed Rights

**Kamal Jendoubi**

President, Cairo Institute for Human Rights Studies

**Chantal-Aimee Dorries QC**  
Chair, Bar Council of England & Wales

**Robert Bourns**  
President, Law Society of England & Wales

**Tony Fisher**  
Chair, Human Rights Committee, Law Society of England & Wales

**Dorothy R Bain QC**  
Convener, Human Rights Committee, Faculty of Advocates (Scotland)

**Victoria Ortega Benito**  
Chair, Spanish Bar Council

**Elina Fraga**  
President, Portuguese Bar Association

**Jean-Pierre Buyle**  
President, [avocats.be](http://avocats.be)

**Alexandre Gillain**  
President, Charleroi Bar Association

**Patrick A. Dillen**  
President, Dutch Brussels Bar

**Jeremy Muller SC**  
Chairman, General Council of the Bar, South Africa

**Mvuzo Notyesi and Jan Janse van Rensburg**  
Co-chairpersons, Law Society of South Africa

**Darfur Bar Association**

**Bar Council of Malaysia**

**Dominique Attias**  
Secretary General, International Observatory of Lawyers in Danger  
(created by the French National Bar Council in partnership with the Paris Bar Association and the Spanish and Italian National Bar Councils)

**Daniela Valdez**  
President, European Young Bar Association

**Carlos José da Silva Santos**  
National President, Centro de Estudos das Sociedades de Advogados (Brazil)

**Lawyers for Lawyers**

**Lawyers Rights Watch, Canada**

**PILnet : The Global Network for Public Interest Law**

**World Organisation Against Torture (OMCT) and International Federation for Human Rights (FIDH)** in the framework of the Observatory for the Protection of Human Rights Defenders

**Arab Penal Reform Organization (APRO)**

Cc:

Egyptian Minister of Justice

Egyptian Minister of Interior

Egyptian Minister of Foreign Affairs

Chair of the Egyptian Lawyers' Syndicate

Ambassador of Egypt to the United Nations

## **Annex:**

**Below, we provide the names of some lawyers who have been arrested and detained and/or intimidated and harassed by the Egyptian state authorities. The list is non-exhaustive and not intended to be a definitive list of the number of lawyers presently in detention, or who have recently been in detention or subject to harassment and intimidation on account of their professional duties and obligations.**

### **1. Malek Adly**

Malek Adly is a prominent human rights lawyer and director of Lawyers Network at the Egyptian Centre for Economic and Social Rights. He was arrested on 5 May 2016, following an arrest warrant issued on April 23<sup>rd</sup> 2016 in connection with planned protests that were due to take place on 25<sup>th</sup> April 2016 over the transfer of sovereignty of Red Sea islands to Saudi Arabia. He formed part of the legal team challenging the government's decision to transfer the islands (a decision which has been quashed subsequently by an Egyptian court of first instance). The charges against him include attempting to overthrow the regime and disturbing public order or the public interest. He was detained in solitary confinement in Tora prison for 115 days, in harsh conditions affecting his physical and mental health. His defence team state that he was badly beaten upon arrest. A legal petition filed on his behalf states that he has been held in a six by eight foot cell, without lighting or ventilation, denied the right to furnish his cell with a bed or mattress and is unable to leave except for court sessions or visits with his wife and lawyers. His detention was renewed again for a further 15 days on 31 July 2016. He was released from detention on 28 August 2016 but the charges against him remain in place.

### **2. Haytham Mohamadeen**

Haytham Mohamadeen is a lawyer and labour rights defender, who offers pro bono assistance to workers. He is a member of the El-Nadim Centre for the Rehabilitation of Victims of Violence, an NGO dedicated to combating torture and the provision of medico-legal assistance and care to victims of human rights violations. He was arrested from his home on 22<sup>nd</sup> April 2016 and remains detained, on charges of joining a banned group, participating in an illegal protest and plotting the overthrow of the state.

### **3. Negad El-Borai**

Negad El-Borai is a senior human rights lawyer and head of United Group Law. He co-authored and presented to the government a draft anti-torture bill which sought to criminalise torture in police stations and detention facilities. Subsequently, he has been interrogated on multiple occasions in relation to accusations which include

establishing an illegal group, broadcasting false information, disturbing public order and interest as well as receiving unauthorised foreign funding. He has recently resubmitted his draft bill to the Court of Cassation and Parliament. Although he has not yet been detained, his treatment constitutes serious intimidation and harassment.

#### **4. Sayed El Banna**

Sayed El-Banna was arrested on 22<sup>nd</sup> April 2016, ahead of the national protests planned on 25<sup>th</sup> April relating to the Red Sea transfer of islands. He remains in detention and faces accusations of inciting violation of the protest law, attempting to destabilise the country and plotting to overthrow the regime.

#### **5. Islam Salamma**

Islam Salamma is a lawyer who was working on a number of forced disappearance cases. He was arrested from his home on 8<sup>th</sup> March 2016 and his whereabouts remained unknown for several days. He was released at the end of June 2016 on bail, and he continues to face charges relating to affiliation with a prohibited organisation (Muslim Brotherhood) and broadcasting false news with the intent to damage national peace and security.