



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, 14 May 2020

Subject: Continued detention of lawyer Mahienour El-Massry

Your Excellency,

Lawyers for Lawyers is an independent and non-political foundation that seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession.

With its letter to you dated 25 September 2019 Lawyers for Lawyers expressed its concerns about the arrest and detention of human rights lawyer Mahienour El-Massry in the Al-Qanater women's prison for no reason other than carrying out her legitimate professional activities as a lawyer. In its letter Lawyers of Lawyers respectfully requested you to procure Ms El-Massry's immediate release from prison.

According to our information, the detention of Ms El-Massry has been extended for another 45 days on 5 May 2020. The renewal of El-Massry's preventive detention was held in absentia, without El-Massry and her lawyer being present.

Lawyers for Lawyers has grave concerns about El-Massry's safety and well-being amid fears of a possible outbreak of COVID-19 in Egyptian prisons. All prisons visits have been suspended to prevent the spread of COVID-19 from 10 March 2020 onwards. It is thus very difficult for El-Massry's family members to receive any updates about her well-being. It has been reported that the last information El-Massry's relatives have received about El-Massry came from a former detainee who was released on 20 March 2020.

On 25 March 2020 UN High Commissioner for Human Rights Michelle Bachelet urged governments and authorities to work to quickly reduce the number of people in detention. She noted, "Now, more than ever, governments should release every person detained without sufficient legal basis, including political prisoners and others detained simply for expressing critical or dissenting views".¹

¹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25745&LangID=E>



Even before the COVID-19 outbreak there were grave concerns about detention conditions in Egypt. In November 2019 UN experts Ms. Agnes Callamard (Special Rapporteur on extrajudicial, summary or arbitrary executions) and the UN Working Group on Arbitrary Detention reported that the prison regime in Egypt places the health and lives of thousands prisoners at severe risk. They reported:

“..Egypt should promptly address its prison conditions and reverse what appears to be deeply entrenched practices that are severely infringing on people’s right to life, the right not to be subjected to arbitrary detention, the right not to be subjected to torture or ill-treatment, the right to due process and a fair trial, and adequate medical care..”

“..Prisoners in Egypt may also be at risk of death or irreparable damage to their health because of inadequate conditions of detention, compounded by rampant violations of due process, including detention without charge, incommunicado detention, inadequate access to lawyers, and other practices preventing a fair trial..” “..We have received reports of overcrowding, inadequate food, poor ventilation and no access to sunlight...”²

As explained to you in our last letter, Mahienour El-Massry is a prominent human rights lawyer known for her work to promote judicial independence and prisoners’ rights. In 2014 she was awarded with the renowned Ludovic Trarieux Prize for her outstanding efforts to advance human rights. Unfortunately since 2014 she has spent lengthy periods in Egyptian prisons under difficult circumstances.

We again respectfully draw your attention to the United Nations (UN) Basic Principles on the Role of Lawyers (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. Your government is therefore obligated to adequately protect and support its lawyers.

Furthermore, as a member of the African Union and the 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. As a member of the United Nations Egypt is expected

² <https://news.un.org/en/story/2019/11/1050941>



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.

In view of the above, Lawyers for Lawyers respectfully urge you again to:

1. Immediately and unconditionally release Mahienour El-Massry and put an end to all acts of harassment against her, including at the judicial level;
2. Take all necessary measures to guarantee the physical and psychological integrity and security of Mahienour Al-Massry; and
3. Guarantee in all circumstances that all (human rights) lawyers in Egypt are able to carry out their legitimate professional rights and duties without fear of reprisals and free of all restrictions including judicial harassment.

Thank you for your continued attention to this very important matter. We are confident that the government of Egypt will abide by its legal obligations.

Yours sincerely,

LAWYERS FOR LAWYERS (L4L)

Sophie de Graaf, Executive Director