

BY PRIORITY AIRMAIL

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

By e-mail : p.spokesman@op.gov.eg

Amsterdam, 8 April 2021

Subject: Continued detention of attorney at law Hoda Abdelmoneim

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.

We are deeply concerned by the continued detention and bad health of 63-year-old human rights lawyer Mrs. Hoda Abdelmoneim. Mrs Abdelmoneim has been arbitrarily detained for over two years. It is believed her arrest is connected to her legitimate human rights work.

Prior to her arrest, Mrs. Abdelmoneim was a human rights defender and a respected member of the legal community in Egypt, working on cases before the Egyptian court of Cassation and Supreme Constitutional Court. She is a former member of the National Council for Human Rights and took on sensitive human rights cases, such as providing legal advice to the families of victims of enforced disappearances. According to our information, Mrs. Abdelmoneim was arrested on 1 November 2018 on charges of “joining and funding a terrorist organization”¹ and “incitement to harm national economy”² and has been held at the al-Qanater Prison for women since on pre-trial detention in case No. 1552/2018. This pre-trial detention has continued for over 2,5 years and violates article 143 of Criminal Procedural Law of Egypt, which states that pre-trial detention should not exceed two years.

Besides Mrs. Abdelmoneim’s continued unlawful pre-trial detention, Lawyers for Lawyers expresses concern about the charges against Mrs. Abdelmoneim. Mrs. Abdelmoneim’s case seems to be an example of the abusive use of “terrorism-related” charges against human rights defenders and lawyers. It has been reported³ that the Egyptian authorities have abused the vague terminology used in laws such as the Anti-Terrorism Law to silence independent voices and to prevent lawyers from taking on

¹ Article 12 of the Anti-Terrorism Law (Law No. 94 of 2015)

² Article 86 of the Penal Code

³ International Commission of Jurists & The Tahrir Institute for Middle East Policy: Targeting the last line of defense: Egypt’s attacks against lawyers (September 2020), https://timep.org/wp-content/uploads/2020/09/Targeting-the-Last-Line-of-Defense-English_9-18-20.pdf

sensitive cases and critiquing the government. According to our information, the authorities have to date not presented an arrest warrant stating reasons for Mrs. Abdelmoneims arrest or evidence supporting the charges against her. This highlights the concern that Mrs. Abdelmoneim has been arrested under unfounded charges in relation to her human rights work in an attempt to silence her.

Reportedly, on 30 November 2020, Mrs Abdelmoneim was transferred to an external hospital for medical treatment. Mrs. Abdelmoneim's relatives have to date been denied access to her medical records, but sources from inside the prison informed her family that she was suffering from kidney failure amongst other health concerns. It has been reported that Mrs. Abdelmoneim is kept in difficult conditions with insufficient access to medical care, even though she suffers from several health conditions that require regular medication. Despite her lawyer's numerous complaints to the Public Prosecutor and the judge about her physical condition, Mrs. Abdelmoneim continues to be held in these conditions. Additionally, Mrs. Abdelmoneim is exposed to an increased risk of a potential infection with COVID-19, which could have severe consequences to her health due to her medical condition and her age.

We respectfully draw your attention to the United Nations (UN) Basic Principles on the Role of Lawyers (Basic Principles)⁴, 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

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 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.

⁴ 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.



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

1. Immediately and unconditionally release Mrs. Hoda Abdelmoneim and put an end to all acts of harassment against her, including at the judicial level;
2. Immediately provide Mrs. Hoda Abdelmoneim with the medical care she needs and take all necessary measures to protect her from conditions that could negatively impact her physical and psychological health, especially in light of the COVID-19 pandemic; 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)