

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: Arrest and continued detention of attorney at law Haitham Mohamadein

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 wish to express our serious concern over the arbitrary arrests and the ongoing detention of Mr. Haitham Mohamadein, a prominent human rights lawyer and labor rights defender who through his affiliation with the El Nadim Centre for the Rehabilitation of Victims of Violence provided pro bono legal assistance to victims of human rights violations.

Reportedly, on 15 May 2018 Mr. Haitham Mohamadein was arrested in El Saf city in Giza Governorate. After his arrest, he was detained in an unknown location. On 19 May 2018 the Supreme State Security Prosecution (SSSP) in Cairo ordered a detention of 15 days pending an investigation on charges of “aiding a terrorist organization” and “calling for illegal protests”. According to our information, Haitham Mohamadein did not take part in protests and is merely active in offering pro-bono legal advice to workers. A court ordered his release in October 2018.

Mr. Mohamadein was again arrested on 12 May 2019 at the police station while serving probationary measures related to his release in October 2018. He was missing for a few days before he finally surfaced on 16 May 2019. He then appeared before the SSSP as a defendant in case No. 741/2019. The SSSP accused him of “collaborating with a terrorist organization”. After a court decision on 8 March 2021 to release Mr. Mohamadein on probation, the SSSP on 10 March 2021 re-accused him of the same charges, but in a new case, No. 1956/2019. The court's release order was not enforced and to date Mr. Mohamadein remains in pre-trial detention. It has been reported that Mr. Mohamadein has not been able to receive any in-person prison visits and has had his pretrial detention renewed without having been brought before a court and without his lawyers having been granted the right to present a defense.

Mr Mohamadein's case seems to be an example of the concerning practice of "rotation". Rotation refers to the practice of bringing an entirely new cases against a defendant who was ordered to be released, reached their maximum detention limit for a case or has served their sentence. Based on this new case, the detention period is brought back down to zero, effectively making it possible to keep the defendant in pretrial detention indefinitely. We express serious concern about the extra-legal practice of rotation and the arrest of Mr. Mohamadein in this context. We again respectfully draw your attention to the United Nations (UN) Basic Principles on the Role of Lawyers¹ (Basic Principles), more in particular Principles 8, 16 and 23, which read:

8. All arrested, detained or imprisoned persons shall be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality. Such consultations may be within sight, but not within the hearing, of law enforcement officials.

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.

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

1. Immediately and unconditionally release Mr. Haitham Mohamadein and put an end to all acts of harassment against him, including at the judicial level;

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.

2. Take all necessary measures to guarantee the physical and psychological integrity and security of Mr. Haitham Mohamadein; 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