



BY AIRMAIL

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

Amsterdam, 9 June 2016

Re: human rights lawyer Negad El-Borai

Your Excellency,

Lawyers for Lawyers 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. We are concerned about the investigations and charges directed against our Egyptian colleague and human rights lawyer Mr Negad El-Borai. Lawyers for Lawyers has reason to believe that the case against him is connected to his legitimate activities as a lawyer.

Negad El-Borai is an attorney-at-law and senior consultant at the law firm United Group. Negad El-Borai is an attorney-at-law and senior consultant at the law firm United Group. A fifth Investigation session of Negad El-Borai ended on June 5, 2016. He had already attended four investigation sessions before.

The investigations started after in April 2015, the United Group sent a letter to Your Office with attached a complete draft bill on the prevention of torture and ill-treatment. This draft anti-torture bill includes provisions criminalising and penalising acts of torture and illegal imprisonment, investigative regulations, rights of the victims (including a minimum amount of compensation), superior criminal responsibility for the heads of police stations or detentions centres, and the creation of a permanent anti-torture board. Recently Negad El-Borai has also submitted the draft bill to the Court of Cassation and the Parliament, again calling for its promulgation.

Negad El-Borai is accused of establishing the unlicensed entity 'United Group' aimed at inciting resistance against the authorities, implementing human rights activities without a license, receiving illegal funds and deliberately spreading false information with the purpose of attacking public order or public interest.

Lawyers for Lawyers suspects that the charges against Negad El-Borai serve to curb his legitimate activities as a lawyer, especially his work on the draft anti-torture bill. 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:

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.



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. Lawyers for Lawyers therefore urges you to:

- i. To immediately end criminal investigations and drop all charges against Negad El-Borai;
- ii. To put an end to all acts of harassment, including at the judicial level, against Negad El-Borai and all human rights lawyers in Egypt;
- iii. 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 are confident of your sense of justice and will continue to monitor this case closely.

On behalf of the President of Lawyers for Lawyers, Phon van den Biesen,

Yours sincerely,

LAWYERS FOR LAWYERS



Adrie van de Streek
Executive Director

Letters concerning the same topic were sent to:

- Prime Minister, Mr. Sherif Ismail
- Minister of the Interior, General Magdy Abdel Ghaffar,
- Minister of Justice, Judge Hossam Abdel Rehim

A copy of this letter was sent to:

- Mr. Mohamed Faye, President of the National Council For Human Rights
- H.E. Ms. Wafaa Bassim, Ambassador, Permanent Mission of Egypt to the United Nations in Geneva
- Embassy of the Kingdom of the Netherlands in Cairo