

BY AIRMAIL

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

Fax: +202 23901998

Amsterdam, 27 November 2015

Subject: Prison conditions human rights lawyer Ms. Mahienour El-Massry

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.

Lawyers for Lawyers is concerned about the situation of our colleague, human rights lawyer Ms. Mahienour El-Massry, who is currently serving a prison sentence of one year and three months.

Ms. El-Massry is a human rights lawyer known for her activism in favour of judicial independence and prisoners' rights by organising peaceful protests, using social media to denounce human rights violations and organising support activities for political prisoners.

On 31 May 2015, El-Massry was convicted by the Court of Appeal in Raml for, among other things, "assaulting security forces", and sentenced to one year and three months imprisonment. This was after she and other lawyers went to Raml police station to provide legal assistance to three activists who were arrested and sent to the police by supporters of the Muslim Brotherhood (the "Raml police station" case). Upon arrival at the police station, the human rights defenders were verbally abused by the police. They subsequently began a sit-in inside the police station, demanding that the prosecution investigate the police aggression against them. In response to the sit-in, police verbally and physically assaulted them. Ms. El-Massry had been in preventive detention since the first appeal hearing on 11 May 2015.

On 21 September 2015, El Raml Misdemeanour Court of Appeal rejected the demurrer filed by El-Massry and two others to suspend the implementation of their sentence until the Court of Cassation hears the appeal of the case.

Lawyers for Lawyers – as well as various other organizations – fear that the sentencing of Ms. El-Massry serves to curb her legitimate activities as attorney. In our letter of 12 May 2015, we drew your attention to the UN Basic Principles on the Role of Lawyers, and more in particular Principles 16 and 17¹. Taking those Principles into account, we called on you to drop all the charges against Ms. El-Massry and release her from custody.

¹ As a member of the United Nations Assembly, Egypt is bound by the UN Basic Principles of the Role of Lawyers adopted by the Assembly in 1990. Articles 16 and 17 of the Principles state that:

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.

17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.



However, since Ms. El-Massry has not been released yet, **L4L** has grave concerns about the reported deterioration of the detention conditions of Ms. El-Massry in the Damanhour prison in Egypt. According to our information, the family of Ms. El-Massry has not been able to get food and basic hygiene supplies to her during the last few weeks, forcing Ms. El-Massry and other detainees to rely on the prison canteen - which many prisoners cannot afford. Further, cells are overcrowded as more prisoners were recently brought in from another prison. Ms. El-Massry is thus detained in a five by six metre prison cell together with twenty-seven other women, which "literally means women sleep on top of each other". Water shortage is another problem, as prisoners only have access to clean water for four hours a day, and sanitary facilities are inadequate. Ms. El-Massry is said to have complained with the prison administration about these conditions.

As a member of the United Nations Assembly, Egypt is bound by the Basic Principles for the Treatment of Prisoners, adopted by the General Assembly in 1990. These provide that prisoners "shall have access to the health services available in the country without discrimination on the grounds of their legal situation." The universal right to "the enjoyment of the highest attainable standard of health," as recognized and described in various international treaties, including the African Charter on Human and Peoples' Rights, and the International Covenant on Economic, Social and Cultural Rights, both ratified by Egypt, also applies to prisoners.


In view of the above, Lawyers for Lawyers urges you to:

- i. Guarantee in all circumstances the physical and psychological integrity of Ms. Mahienour El-Massry;
- ii. Improve prison conditions and facilities to ensure these meet the basic human requirements and human rights standards
- iii. Immediately release Mahienour el-Massry and drop all charges against her as these seem to be aimed at hindering her peaceful human rights activities.

Thank you for your attention to this very important matter. We are confident that the Egyptian government will give this case the attention it deserves and we will continue to monitor this case closely.

Sincerely,

Lawyers for Lawyers



Adrie van de Streek
Executive director