



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, 3 July 2017

Re: our Egyptian colleagues and human rights lawyers Khaled Ali, Mohamed Ramadan, and Tarek Hussein

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 our Egyptian colleagues Mr Khaled Ali, Mohamed Ramadan and Tarek Hussein.

Mr **Khaled Ali** is a prominent human rights lawyer and a former presidential candidate. According to our information, on 23 May 2017 he was summoned for questioning and detained, and the day after released on bail. His arrest seems to be part of a wider action against opposition members in view of the upcoming 2018 presidential elections, with the Egyptian authorities arresting at least 36 people in 17 cities from opposition parties and political youth groups.¹ According to his lawyer Negad al Borai, Khaled Ali is charged with making physical gestures "that violate public morals". His lawyer also said that the prosecutor refused to share a copy of the case file and the video evidence against him. The charge relates to a photo showing Khalid Ali celebrating with his supporters outside the Supreme Administrative Court, after a judgement was issued reversing a government decision to hand over control of the Tiran and Sanafir islands to Saudi Arabia. The next hearing in his case will be on 3 July 2017. Khaled Ali denies the charges. If convicted he would not only face a prison sentence or a fine, but would be barred from running for the presidency.

Mr **Mohamed Ramadan** is an independent human rights lawyer providing legal assistance to, among others, human rights defenders and political prisoners. According to our information, on 12 April 2017 a court in Alexandria sentenced him in absentia to ten years in prison, followed by five years under house arrest and a five-year ban on using

¹ <https://www.amnesty.org/en/latest/news/2017/05/egypt-former-presidential-candidate-khaled-ali-facing-trial-amid-crackdown-on-political-activists/>



the internet. He was found guilty of inciting terrorism by allegedly creating a Facebook page that featured publications and opinions with the potential to disrupt public order, harming national unity and social peace, and weakening the public's trust in the ruling regime. According to his lawyers, the case against him has been fabricated as a direct response to his work representing victims of torture by the Egyptian police. Mohamed Ramadan was not present in court to examine the evidence against him or provide a proper defence. His lawyers had asked court to postpone the case on medical grounds but the judge refused the request and sentenced him in absentia. A retrial in this case is scheduled for 10 July. In addition, on 16 June 2017 Mohamed Ramadan was again arrested for 'attempt to protest', an accusation which according to his lawyers is fabricated and not a crime according to the law.

Mr **Tarek Hussein** is a human rights lawyer at the Egyptian Center for Economic and Social Rights (ECESR). According to our information, on 17 June 2017 police officers stormed out Tarek Hussein's house, arrested him and confiscated his laptop and cell phone. During his arrest Tarek Hussein requested to see the arrest warrant but was not shown any and was physically and verbally assaulted instead. He was subsequently brought before the Al-Khanka District Prosecution, where he was accused of "joining an illegal organisation" and "calling for a protest". On 18 June 2017 the Al-Khanka District Prosecution ordered Tarek Hussein's release on a 2000 EGP (approx. 99 euros) bail, which has been duly paid. However, we were informed that Tarek Hussein was not released. In addition, allegations of ill-treatment including physical and verbal assault were reported, including poor conditions such as sharing an overcrowded cell with eighty co-detainees, and being denied food and changing clothes. The arrest and arbitrary detention of Tarek Hussein occurred amidst protest over the transfer of Tiran and Sanafir islands to Saudi Arabia. In that context, at least 121 opposition activists were arrested on 15 and 16 June 2017.²

Lawyers for Lawyers is extremely concerned about the arbitrarily detention, prosecution and/or conviction of these Egyptian human rights lawyers, which only seem to aim at sanctioning their legitimate activities as lawyers and curbing their right to freedom of expression and association. We urge the Egyptian authorities to immediately and unconditionally put an end to these judicial harassments and more in general to protect all human rights defenders in Egypt.

Further, Lawyers for Lawyers believes that these incidents are part of a wider crackdown against human rights defenders and independent civil society organised by the Egyptian government. Whilst civil society, human rights defenders (including lawyers), journalists and independent unions are the cornerstone of the rule of law in a democracy, the Egyptian government is heavily shutting down civic space and systematically violating the rule of law on security and counter-terrorism grounds. Criminal charges based on the Egyptian counter-terrorism law seem to be a common pattern of harassment increasingly used by the Egyptian authorities against human rights defenders. The vague and overly

² <http://www.omct.org/human-rights-defenders/urgent-interventions/egypt/2017/06/d24395/>

broad definition of terrorism allows the law to be used to arbitrarily criminalise internationally-protected activities such as freedom of expression, peaceful assembly, and freedom of association.

In this context we draw your attention to the United Nations Basic Principles on the Role of Lawyers³ (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. Therefore, your government is under an obligation to adequately protect and support its lawyers.

Further, as a member of the African Union and the United Nations (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. Also as a member of the UN, 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.

Lawyers for Lawyers therefore urges you to:

- i. immediately end criminal investigations and drop all charges against Khaled Ali; to immediately and unconditionally release Mohamed Ramadan and ensure

³ 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.



- ii. that the conviction against him is vacated; and to immediately and unconditionally release Tarek Hussein and drop all charges against him.
- iii. immediately and unconditionally release all human rights defenders and lawyers arbitrarily detained in Egypt, and to an end all acts of harassment, including at the judicial level, against human rights defenders and lawyers in Egypt;
- iv. guarantee in all circumstances that all lawyers in Egypt are able to carry out their legitimate activities without fear of reprisal;
- v. 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 will continue to monitor this case closely.

Yours sincerely,

LAWYERS FOR LAWYERS

p.p.

Phon van den Biesen
President

Letters concerning the same topic were sent to:

- Prime Minister, Mr. Sherif Ismail, E-mail: primemin@idsc.gov.eg
- Minister of the Interior, General Magdy Mohamed Abdel Ghaffar, E-mail: center@iscmi.gov.eg
- Minister of Justice, Mr. Mohamed Hosam Ahmed Abdel-Rahim, E-mail: mjustice@moj.gov.eg

Copies of these letters were sent to:

- Mr. Mohamed Fayege, President of the National Council For Human Rights, E-mail: nchr@nchr.org.eg
- Embassy of Egypt in the Netherlands, Email: info@ambeg.nl
- Embassy of the Kingdom of the Netherlands in Cairo, Egypt, Email: kai@minbuza.nl