



BY AIRMAIL

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

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

Amsterdam, 19 December 2017

Re: our Egyptian colleague and human rights lawyer Mr Mohamed Azmy

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 colleague Mr Mohamed Azmy ("**Mr Azmy**").

We have been informed by reliable sources about the arbitrary arrest, subsequent release and judicial harassment of Mr Azmy, lawyer and president of the General Nubian Union.

According to the information received, Mr Azmy was arrested on 3 September 2017 during peaceful demonstrations on the occasion of Eid al-Adha. Mr Azmy and other Nubian rights defenders held a peaceful demonstration, demanding the return of Nubians to their ancestral lands.¹ On that same day Mr Azmy together with other Nubian activists was assaulted by security forces, arrested and taken into custody at Shallal Central Security forces camp. They were reportedly being held with 22 people in one cell with several sleeping on the floor.

On 15 November 2017 the Aswan Misdemeanor State Security Emergency Court ordered the release of Mr Azmy and other Nubian rights activists pending their trial. Mr Azmy and the other Nubian rights activists are being prosecuted on charges of "participating in an unauthorized protests" and "repeating chants against the State for the purpose of harming public interest".² If convicted, they could face up to five years in prison.

¹ Article 236 of the 2014 Egyptian Constitution provides for the Nubian right of return by stating that "the State works on developing and implementing projects to bring back the residents of Nubia to their original areas and develop them within 10 years in the manner organised by law".

² See Articles 7, 8, 19, 21 and 22 of the 2013 Protest Law and Article 103 of the Penal Code.



On 12 December 2017, the hearing in their case was adjourned to 26 December 2017, following an appeal from the defence team against the trial being held in the State Security Court, which lacks compliance with fair trial standards, and where sentences cannot be appealed.

Lawyers for Lawyers expresses its concern over the reprisals against Mr Azmy, and about his prosecution by a State Security Emergency Court. Under the Egyptian State of emergency, sentences imposed by these courts cannot be appealed and only require the President's approval to be executed. Lawyers of Lawyers calls upon the Egyptian authorities to put an end to the judicial harassment of Mr Azmy.

Lawyers for Lawyers recalls that arbitrary detentions have become common practice in Egypt over the past few years targeting dissenting voices, including lawyers acting in their capacity. In this context we draw your attention to the United Nations Basic Principles on the Role of Lawyers (Basic Principles)³, 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.

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.



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 the legal obligation to adopt measures that effectively ensure: (i) rights to liberty; (ii) freedom from arbitrary detention; (iii) freedom of expression; and (iv) fair trial.

In addition, as a member state of the UN, Egypt is expected to comply with the Universal Declaration of Human Rights Defenders especially Articles 1, 6(c) and 12.2 and the various principles, guidelines, standards and recommendations adopted by the UN General Assembly and other UN bodies relating to these rights, such as the Basis Principles mentioned above.

Lawyers for Lawyers therefore urges you to:

1. guarantee in all circumstances the physical and psychological integrity of Mr Azmy;
2. put an end to all acts of harassment and improper interferences and drop all charges against against Mr Azmy, and ensure that he is able to carry out his professional activities as a lawyer without hindrance;
3. guarantee in all circumstances that all lawyers in Egypt are able to carry out their legitimate activities without improper interference or fear of reprisal.
4. conform with the provisions of: (i) Universal Declaration of Human Rights (ii) the Basic Principles on the Role of Lawyers; (iii) the African Charter on Human and Peoples' Rights; (iii) the International Covenant on Civil and Political Rights; and (iv) the UN Declaration on Human Rights Defenders; and

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



Copies of these letters were sent to:

- *By Priority mail:*
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