



ELDH European Association of Lawyers for Democracy & World Human Rights

WITH LAWYERS
IN 18 COUNTRIES

EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt
EJDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo
EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme
EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo

Equality Privacy Social Rights
No Racism Peace No Torture No War
Self-Determination of Peoples Civil Rights Democracy
Human Rights Rights of Migrants

London/Düsseldorf, 22 January 2017



DAY OF THE ENDANGERED LAWYER – 24 January 2017

ELDH: Solidarity with Egyptian lawyers

Basic report

The Day of the Endangered Lawyer is the day on which we call for attention to lawyers all over the world who are being **harassed, silenced, pressured, threatened, persecuted, tortured**. Even **murders** and **disappearances** are not out of the ordinary. In many cases the only reason for these outrages is the fact that these lawyers are doing their job, and carrying out its professional obligations, when needed the most.

The 24th of January was chosen to be the annual International Day of the Endangered Lawyer because on this day in 1977 four lawyers and a co-worker were murdered at their address at Calle Atocha 55 in Madrid. This was also known as the Massacre of Atocha.

The International Day of the Endangered Lawyer aims on the one hand, to create awareness that the practice of the legal profession in many countries involves significant risks, including that of being

ELDH European Association of Lawyers for Democracy & World Human Rights
President: Professor Bill Bowring, London | E-Mail: bill.bowring@eldh.eu | Phone +44 (0)781 048 34 39
Présidente d'honneur: Professeure Monique Chemillier-Gendreau, Paris
Secretary General: Thomas Schmidt (lawyer), Düsseldorf | E-Mail: thomas.schmidt@eldh.eu |
Phone +49 (0)172 68 10 888
Postal address: ELDH | Thomas Schmidt | Platanenstrasse 13 | D – 40233 Düsseldorf (Germany)
Website: www.eldh.eu

murdered, but it aims as well at denouncing the situation in a particular country where lawyers are victims of serious violations of their fundamental rights because of the exercise of their profession.

Every year on 24 January lawyers' organisations dedicate this day to the endangered lawyers in a particular country: 2010 Iran, 2012 Turkey, 2013 Basque Country/Spain, 2014 Colombia, 2015 Philippines, 2016 Honduras. The Day of the Endangered Lawyer was established by the European Democratic Lawyers (EDL) in 2010. Since then it has been co-organized by EDL and the European Association of Lawyers for Democracy and World Human Rights (ELDH) and the foundation "The Day of the Endangered Lawyer". Many other lawyers' organisations and bar associations have supported this project.

In 2017 ELDH, with members in 18 countries, will focus its activities on the endangered lawyers in Egypt. Many human rights organisations, among them Amnesty International, Human Rights Watch, IDHAE, and the International Commission of Jurists confirm that the Egyptian authorities have moved beyond scaremongering and are now rapidly taking concrete steps to shut down the last critical voices in the country's human rights community.

Today in Egypt, human rights activists, lawyers, political activists and independent journalists, all have to live with their phone calls being tapped, endless smear campaigns and hate speech from state-affiliated media as well as continuous harassment and intimidation from the authorities. Egypt is going through the most serious human rights crisis in its history. Every day security forces arbitrarily displace 3 or 4 people (AI Secretary General, 18 Dec. 2016).

After the overthrow of President Mohammed Morsi the human rights situation has deteriorated dramatically. The government has restricted severely freedom of expression, freedom of assembly, and freedom of association. The authorities have taken harsh actions against dissidents, ten thousands have been arbitrarily arrested, and many of them tortured during custody. Security forces who killed demonstrators have not been held accountable. After harsh unfair trials, hundreds of people have received prison or even death sentences. Victims of this persecution include not only alleged members and supporters of the Muslim brotherhood but also any other opponents to the present government, in particular alleged members of left organisations and human rights activists.

For estimated 200, this relentless persecution can even lead to arbitrary arrest, prolonged detention, harsh sentences after unfair trials and sometimes even torture, enforced disappearance at the hands of the state or death in custody as a result of medical negligence. This is pretty much the same list of human rights violations suffered by the people whose rights such defenders are meant to be protecting through their activism and work. Victims of this persecution are not only alleged members and supporters of the Muslim brotherhood but also any other opponents to the present government in particular alleged members of left organisations.

Some prominent examples of endangered lawyers and human rights defenders are

- **Dr. Ahmad Abdallah**, human rights defender, representing the family of Italian student Giulio Regeni who was tortured and murdered in Cairo , <https://www.middleeastmonitor.com/20160428-egypt-detains-regenis-lawyer/>, and chairperson of the board of the Egyptian Commission for Rights and Freedoms (ECRF). On 9 January 2016 he narrowly escaped an attempt by security agents to abduct him at a coffee shop he often frequents in Giza. Three security agents in plainclothes, arrived in a privately owned unmarked car, raided the coffee shop and questioned staff about him. When they were told that he was not present, they conducted a thorough search of the coffee shop. They failed to produce an arrest or search warrant from the public prosecution meaning there was no legal basis for the search. He was arrested on 25 April and his preventive detention had been extended until 10 September 2016. On 10 September 2016 a Cairo criminal court ordered the release of human rights defender Ahmed Abdallah and four other people in the same case, on bail of 1,000 Egyptian pounds. After the court ordered the release on bail, the prosecution decided not to appeal against the decision. <https://www.frontlinedefenders.org/en/case/release-ahmed-abdallah>



- **Malek Adly** a human rights lawyer working for the Egyptian Centre for Economic and Social Rights (ECESR) and co-funder of the Front of Defence for Egyptian Protesters (FDEP). He has been detained for 114 days without formal charges and in solitary confinement in Mazraah Prison in Torah for allegedly attempting to overthrow the regime of President Abdel Fattah al-Sisi. <https://www.fidh.org/en/issues/human-rights-defenders/egypt-court-orders-the-release-of-mr-malek-adly-but-prosecution> <http://www.omct.org/human-rights-defenders/urgent-interventions/egypt/2016/09/d23928/> On 28 August, he was released from prison after having spent nearly 4 months in solitary confinement. Although free, Malek Adly still faces charges and can be prosecuted.



- **Hossam Bahgat**, Cairo, human rights defender
<http://www.omct.org/human-rights-defenders/urgent-interventions/egypt/2016/09/d23947/>

On 17 September 2016 the North Cairo Criminal Court ordered that the assets of five human rights activists and non-governmental organisation (NGO) members, including renowned journalist and human rights defender Hossam Bahgat and lawyer Gamal Eid, be frozen in connection with reopening the “NGOs foreign funding” case of 2011.



- **Negad al-Boraei**, lawyer, Cairo
<http://www.madamasr.com/news/rights-lawyer-negad-al-borai-summoned-interrogation-5th-time>



- **Gamal Eid**, human rights lawyer, who will be in court on 15 August 2016 to hear a verdict in a case related to the human rights work of the Arabic Network for Human Rights Information (ANHRI), of which he is Executive Director,
<http://www.gc4hr.org/news/view/1339>
<http://www.dailynewsegypt.com/2016/09/17/court-order-freezes-assets-hossam-bahgat-gamal-eid-3-ngo-heads/>
<http://www.madamasr.com/news/court-adjourns-case-determine-hossam-bahgat-gamal-eid-asset-freeze-september-17>

On 17 September 2016 the court ordered that the assets of Eid and Bahgat, as well as the other defendants', be frozen in connection with reopening the "NGOs foreign funding" case of 2011.



- **Mahinour al-Masry** , Alexandria, a Lawyer, Member of Revolutionary Socialist Party,
<https://www.fidh.org/en/issues/human-rights-defenders/arbitrary-detention/egypt->

[continued-arbitrary-detention-of-ms-mahienour-el-massry-mr](http://english.ahram.org.eg/NewsContent/1/64/131598/Egypt/Politics-/Egyptian-activist-Mahinour-ElMasry-sentenced-to--m.aspx)
<http://english.ahram.org.eg/NewsContent/1/64/131598/Egypt/Politics-/Egyptian-activist-Mahinour-ElMasry-sentenced-to--m.aspx>



- **Haitham Mohamedein**, labour lawyer , <http://elw-network.eu/elw-statement-elw-network-condemns-recently-renewed-detention-egyptian-labour-lawyer-haitham-mohamedein/>

<http://english.ahram.org.eg/NewsContent/1/64/204262/Egypt/Politics-/Egyptian-activist-Haitham-Mohamedein-ordered-detai.aspx>

After nearly six months in pre-trial detention, Haitham Mohamedain was released from Al-Saf police station in Giza, after the court ordered his release on 10 October 2016.



- **Yara Sallam** , Cairo, a lawyer, feminist, human rights activist, researcher in the Transitional Justice Unit, Egyptian Initiative for Personal Rights (EIPR) staff
<http://www.cihrs.org/?p=17943&lang=en>



- **Azza Soliman**, Cairo, is a human rights lawyer and a leading women’s rights defender who saw activist Shaima al-Sabbagh being shot by security forces on 24 January 2015 during a demonstration. Soliman is now facing charges along with 17 others for giving evidence against the security forces involved in the shooting.

<https://www.fidh.org/en/issues/human-rights-defenders/egypt-acquittal-of-ms-azza-soliman-human-rights-lawyer-and-founder-of>

She was arrested and later released on bail in December 2016, because the centre for the legal aid for women, which was co-founded by her, allegedly received financial support from abroad.



-

Deaths (2 of several) Imam Afifi & Karim Hamdy - two who recently died after being held in police custody in Mataria police station, north of Cairo, <http://www.icj.org/egypt-authorities-must-effectively-investigate-deaths-of-lawyers-in-custody/> and <http://www.bbc.com/news/world-africa-35082987>

ELDH demands:

1. Immediately and unconditionally release and compensation of all detained lawyers and other human rights activists
2. Drop all charges against these lawyers and other human rights activists, as these prosecutions are clearly aimed at hindering their peaceful human rights activities and put an end to all acts of harassment, including at the judicial level against them, and more generally all human rights defenders in Egypt;
3. Guarantee in all circumstances the physical and psychological integrity of these lawyers as well as all human rights defenders in Egypt;
4. Comply with all the provisions of the UN **Basic Principles on the Role of Lawyers**, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, in particular with
 - Art. 16. Governments shall ensure that lawyers (a) **are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference**; (b) are able to travel and to consult with their clients freely both within their own country and abroad; 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.**
 - **Art.18. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.**
5. Comply with all the provisions of the United Nations **Declaration on Human Rights Defenders** adopted on December 9, 1998 by the United Nations General Assembly, in particular with:
 - its Article 1, which provides that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of Human rights and fundamental freedoms at the national and international levels”;
 - its Article 5(a) : “For the purpose of promoting and protecting Human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels (a) To meet or assemble peacefully”
 - its Article 6(a), which foresees that “everyone has the right, individually and in association with others, to participate in peaceful activities against violations of Human rights and fundamental freedoms” ; its Article 12.2, which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration” ;
6. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Egypt.
7. Egypt should abide by its March 2015 pledge at the conclusion of its Universal Periodic Review before the United Nations Human Rights Council to “respect the free exercise of the associations defending human rights.” This should include allowing groups to register under a new associations law that parliament should draft following consultation with independent groups, and which

should abide by article 75 of the constitution, which protects groups from interference by the government. The law should comply with international standards on freedom of association.

The Human Rights Council and its member states should condemn the current crackdown and demand concrete measures to improve respect for fundamental human rights.

ELDH also requests the European Union to exert pressure upon the Egyptian government by economic sanctions, in particular the discontinuation of arms supply, in order to make it respect human rights. Under no circumstances must there be a refugee agreement similar to that with Turkey. Because neither Turkey nor Egypt are safe third countries.