

Le Bâtonnier

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**Ref: Grave concerns about the situation of Mahienour El-Massry**

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Dear Mister President of the Arab Republic of Egypt,

I am writing to you on behalf of the Ordre des avocats de Genève (ODAGE), which represents more than 1,500 lawyers in Geneva. The ODAGE is member of the Swiss Federation of Lawyers, the Union Internationale des Avocats and the International Bar Association.

ODAGE places great emphasis on respect for human rights and the rule of law.

ODAGE is particularly concerned by the situation of human rights defenders in the world.

We have been informed of the arrest of **Mahienour El-Massry**. This order was delivered on Monday, 11 May 2015, by the Alexandria Court during the appeal of the case in which Mrs El-Massry, Mr Youssef Shaban, Mr Mohamed Ramadan, Mr Loay Mohamed Abdel Rahman and eight other activists were sentenced last February to two years in prison.

At the hearing, at which only Mahienour El-Massry and Youssef Shaban were allowed to attend (all family members, journalists, and others were denied attendance), the Court ordered the preventive detention of El Massry and Shaban, along with Loay Mohamed Abdel Rahman, who is currently serving a prison sentence in connection with a separate case.

On 31 May 2015, the Court of Appeal sentenced Mrs El-Massry, along with nine other defendants, to one year and three months imprisonment on charges of, amongst others, "assaulting security forces."

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

In this case, while the defendants had gone to the police station to render legal assistance to activists who had been arrested after clashes between pro- and anti-Morsi factions, they were accused of storming the Al-Raml police station in Alexandria and attacking its officers. The defendants also were accused of torching Muslim Brotherhood headquarters in March 2013.

These proceedings and the most recent decisions are yet further evidence of the continued judicial harassment against Mrs El-Massry, a human rights lawyer known for her activism in favour of judicial independence and prisoners' rights, organizing peaceful protests, support activities for political prisoners and using social media to denounce human rights violations.

I take the liberty of reminding you that Mrs Mahienour El-Massry is the **2014 Ludovic Trarieux Prize recipient for her outstanding action as a human rights lawyer**.

The ODAGE remains profoundly concerned about Mrs Mahienour El-Massry and other human rights lawyers who face continuous harassment simply for the exercise of their mandate as citizens' rights defenders.

I draw your attention to the **1990 UN Basic Principles on the Role of Lawyers**. This states that Egyptian authorities have an obligation to ensure that lawyers can perform all of their professional functions without intimidation, hindrance, harassment or improper interference and that they do not suffer, or be threatened with, prosecution for any action taken while carrying out their duties (Principle 16).

Furthermore, according to Principle 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."*

I remind you that the UN Basic Principles were adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990, have a normative value under customary international law, and should be respected by Egypt, which was present at the Congress and voted in favour of their adoption.

Therefore, and in light of the above, I respectfully urge the Egyptian authorities to:

- comply with the standards set forth by the Basic Principles on the Role of Lawyers as well as their obligations under International Human Rights Law and immediately release Mrs Mahienour El-Massry and all human rights defenders who might have been arrested and detained only for peacefully promoting human rights observance in Egypt.
- protect Mrs Mahienour El-Massry and all lawyers and human rights defenders in Egypt against any present or future harassment, intimidation and/or reprisal in the exercise of their legitimate human rights activities.

I thank you for your attention to this very serious and urgent matter. ODAGE and I will continue to closely monitor this case.

Respectfully yours,

Jean-Marc Carnice



**Copy to:**

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