



The Law Society of
Upper Canada | Barreau
du Haut-Canada

October 9, 2017

Office of the Treasurer

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H.E. Abdel Fattah el-Sisi
President of the Arab Republic of Egypt
Abdeen Palace
El-Gomhoreya Square
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Cairo, Egypt

Your Excellency:

Re: Detention of lawyer Ibrahim Metwally Hegazy

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the detention of lawyer Ibrahim Metwally Hegazy. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Ibrahim Metwally Hegazy is a prominent human rights lawyer and co-founder of the Association of the Families of the Disappeared in Egypt. This group is a network of individuals whose loved ones have been subjected to enforced or involuntary disappearances. Among the cases it has documented, is that of Ibrahim Metwally Hegazy's son, Amr, who went missing in 2013. Ibrahim Metwally Hegazy coordinates with families of the disappeared, defends them and attends investigations.¹ He has been lobbying Egyptian authorities on the issue of enforced disappearances since 2014.²

It has come to the Law Society's attention that on September 10, 2017, Ibrahim Metwally Hegazy was detained at Cairo International Airport, while on his way to Geneva to address the United Nations Working Group on Enforced or Involuntary

¹ "Egypt charges lawyer investigating Italian student's murder", *The Guardian* (13 September 2017), online: < <https://www.theguardian.com/world/2017/sep/13/ibrahim-metwally-hegazy-lawyer-forcibly-disappeared-egypt-murder-giulio-regeni>> [Guardian Post].

² "Egyptian authorities torture Ibrahim Metwally Hegazy, extend his detention", *Frontline Defenders* (27 September 2017), online: < <https://www.frontlinedefenders.org/en/case/ibrahim-metwally-hegazy-arrested>> [FD Statement].

Disappearances.³ He was due to speak about cases of alleged enforced disappearances, including that of Giulio Regeni, the Italian student who was murdered in Egypt in 2016.⁴

Giulio Regeni was a University of Cambridge PhD student who was researching trade unions in Egypt when he died.⁵ Authorities have denied that the student died in custody, however officials have admitted that security services were monitoring him.⁶ Giulio Regeni disappeared in Cairo on January 25, 2016, when police were out in force to prevent protests. His body was found days later, bearing signs of extreme torture.⁷

After being held incommunicado for two days by Egyptian security forces, the Supreme State Security Prosecutor ordered Ibrahim Metwally Hegazy's detention for a further 15 days, pending investigation into charges of managing an illegal group, spreading false news and cooperation with foreign organizations.⁸ Among the evidence provided against Ibrahim Metwally Hegazy is an invitation letter issued by the United Nations Working Group on Enforced or Involuntary Disappearances.⁹

On September 27, 2017 it was reported that Ibrahim Metwally Hegazy informed his lawyers that he had been subjected to torture while being held in the Al-Aqrab maximum security section of Tora prison, including electrocution.¹⁰

The other co-founder of the Association of the Families of the Disappeared, Human Rights Defender Hanan Badr el-Din Othman, has been detained since May 2017, when she visited a prison while seeking information about her missing husband.¹¹ She is being investigated for belonging to a banned group, and has remained in prison since her arrest.

³ "Egypt: Human Rights Lawyer Must Be Released: Ibrahim Metwaly", *Amnesty International* (15 September 2017) at 1, online:

<<https://www.amnesty.org/en/documents/mde12/7088/2017/en/>> [AI Report].

⁴ "Egypt detains lawyer investigating enforced disappearances", *BBC* (13 September 2017), online: <<http://www.bbc.com/news/world-middle-east-41252663>> [BBC Post].

⁵ Guardian Post, *supra* note 1.

⁶ BBC Post, *supra* note 4.

⁷ Guardian Post, *supra* note 1.

⁸ AI Report, *supra* note 3 at 1.

⁹ *Ibid.*

¹⁰ FD Statement, *supra* note 2.

¹¹ AI Report, *supra* note 3 at 2.

It is believed that the charges against Ibrahim Metwally Hegazy are unfounded and represent a reprisal against him due to his legal work in relation to cases of enforced disappearances, such as the provision of legal aid to the family of Giulio Regeni, as well as his peaceful exercise of his rights to freedom of expression and association.

The Law Society of Upper Canada is deeply troubled by Ibrahim Metwally Hegazy's situation and urges Your Excellency to comply with Egypt's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

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.

Article 17 states:

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

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Furthermore, Article 23 provides:

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.

The Law Society urges the Government of Egypt to:

- a. withdraw the charges against Ibrahim Metwally Hegazy immediately and unconditionally;
- b. release Ibrahim Metwally Hegazy immediately and unconditionally and ensure that he is returned home;
- c. ensure that Ibrahim Metwally Hegazy is not subjected to torture or other ill-treatment, has regular, unrestricted access to his family, lawyers of his choice, and medical care;
- d. guarantee in all circumstances the physical and psychological integrity of Ibrahim Metwally Hegazy;
- e. put an end to all acts of harassment and acts of violence against lawyers in Egypt;
- f. ensure that all lawyers and judges in China are adequately safeguarded by the authorities such that they are able to carry out their professional duties and activities free from intimidation, hindrance, harassment, improper interference, the threat of criminalization, or other human rights violations; and
- g. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

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