



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

July 15, 2015

His Excellency Abdel Fattah el-Sisi
President of the Arab Republic of Egypt
Abedine Palace
Cairo, Egypt

Office of the Treasurer

Osgoode Hall
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Your Excellency:

Re: The sentencing and detention of human rights lawyer Mahienour El-Massry

I write on behalf of The Law Society of Upper Canada* further to our letter of 26 June 2014, to voice our continued concern over the sentencing and detention of human rights lawyer Mahienour El-Massry. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Mahienour El-Massry is a prominent human rights lawyer in Egypt. She was awarded the Ludovic-Trarieux International Human Rights Prize in 2014.

In our letter of 26 June 2014, the Law Society expressed concern about reports that Mahienour El-Massry had been detained and sentenced to two years' imprisonment and a fine of EGP 50,000.

The Law Society presently writes to voice its continued deep concern as a result of reports that on May 8, 2014, Mahienour El-Massry was referred to court on separate charges of "assaulting security forces", stemming from a March 2013 incident. On February 9, 2015, El-Raml Misdemeanour Court sentenced Mahienour El-Massry and other activists to two years in jail. Mahienour El-Massry appealed this decision and, according to reports, on May 31, 2015, El-Raml Misdemeanour Court of Appeal sentenced Mahienour El-Massry and other activists to one year and three months imprisonment.

In concern over these reports, The Law Society of Upper Canada urges Your Excellency to consider Articles 16 and 23 of the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 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.

Moreover, Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights 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. release Mahienour El-Massry immediately, as she is a prisoner of conscience;
- b. guarantee in all circumstances the physical and psychological integrity of Mahienour El-Massry;
- c. provide Mahienour El-Massry with regular access to her lawyer, family, her physician and adequate medical care;
- d. guarantee all the procedural rights that should be accorded to Mahienour El-Massry and other human rights lawyers and defenders in Egypt;
- e. conduct a fair, impartial and independent investigation into any allegations of misconduct in the arrest and trial of Mahienour El-Massry in order to identify all those

- responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- f. guarantee that adequate reparation would be provided to Mahienour El-Massry if found to be a victim of abuses;
 - g. put an end to all acts of harassment against Mahienour El-Massry as well as other human rights lawyers and defenders in Egypt;
 - h. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Janet E. Minor
Treasurer

**The Law Society of Upper Canada is the governing body for more than 47,000 lawyers and 7,000 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:

Mr. Ibrahim Mehleb
Prime Minister of the Arab Republic of Egypt
Magles El Shaab Street, Kasr El Aini Street
Cairo, Egypt

Mr. Mahmoud Saber
Minister of Justice of the Arab Republic of Egypt
Ministry of Justice
Magles El Saeb Street, Wezaret Al Adl

Cairo, Egypt

Wael Aboul-Magd
Ambassador of the Arab Republic of Egypt
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Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Vincent Forest, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Gabriella Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales