



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

February 23, 2017

Office of the Treasurer

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H.E. Abdel Fattah el-Sisi
President of the Arab Republic of Egypt
Abedine Palace
Cairo, Arab Republic of Egypt

Your Excellency:

Re: Travel ban against lawyer Malek Adly

I write on behalf of the Law Society of Upper Canada* to voice our deep concern over the travel ban imposed against lawyer Malek Adly. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Malek Adly is a prominent human rights lawyer and director of Lawyers Network at the Egyptian Centre for Economic and Social Rights (“ECESR”). The ECESR seeks to promote and mobilize social movements to spread awareness for human rights. He is also one of the founders of the Front for Defending Egypt’s Protesters, a group comprising of 34 human rights organizations and several lawyers which documents illegal practices carried out by state police forces against peaceful protesters.

It is the Law Society’s understanding that on November 2, 2016, as he was preparing to board a flight to Paris at the Cairo International Airport, Malek Adly was accosted by a member of the Egyptian National Security, interrogated about the purpose of his travel and informed that he was under a travel ban. No reasons or explanations were given with respect to the travel ban.

It is also our understanding that this is not the first time that Malek Adly was targeted for his peaceful human rights activities. Sources indicate that he has been the target of judicial harassment and physical attacks by the Egyptian authorities since early March 2015, when he and approximately 100 other lawyers participated in an anti-torture protest in Cairo. Most recently, he was arrested and detained in solitary confinement from May 5 to August 25, 2016 after calling for a protest against Egyptian authorities on April 25, 2016. In relation to the April 25

protest he was charged with “*Attempting to overthrow the regime by force*” and “*Spreading false news and rumours which disturb the public order*”. It should be noted that although the charges remain pending notwithstanding his release, no restrictions on travel were imposed as a condition of his release.

The Law Society is deeply concerned about the travel ban imposed against harassment of Malek Adly 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, economics 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.

Moreover, Article 23 states:

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. immediately and unconditionally lift all restrictions on Malek Adly's freedom of movement;
- b. put an end to all acts of harassment against Malek Adly and all other human rights lawyers and defenders in Egypt;
- c. ensure that any proceedings against Malek Adly are carried out in full compliance with their right to a fair trial, as protected under international law;
- d. guarantee in all circumstances the physical and psychological integrity of Malek Adly; and
- e. 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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Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

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