



November 14, 2014

The Law Society of
Upper Canada

Barreau
du Haut-Canada

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

Office of the Treasurer

Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N6

Your Excellency:

tel 416-947-3415
fax 416-947-7609

Re: arrest and continued detention of human rights lawyer Yara Sallam

I write on behalf of The Law Society of Upper Canada* to voice our grave concern over the case of Yara Sallam. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Yara Sallam is a prominent human rights lawyer in Egypt and the head of the Egyptian Initiative for Personal Rights, a human rights organization that strengthens and protects basic rights and freedoms in Egypt through research, advocacy and litigation support. In 2013, Ms. Sallam received the North African Shield hHuman Rights Defender Award for her work in Egypt.

Reports indicate that on 21 June 2014, police in Cairo dispersed, by means of tear gas, a peaceful protest demanding the repeal of Law 107 of 2013, which concerns demonstrations and public rallies (the "Anti-Protest Law"). It is reported that, although Ms. Sallam was not participating in the protest, she was in the vicinity, and was arrested along with over 20 activists.

Several days after Ms. Sallam's arrest, she appeared in court. Reports indicate that, at that time, the judge adjourned the misdemeanor trial until 13 September 2014. Legal experts expected that Ms. Sallam and the other detainees would be released on bail. The judge, however, did not grant their release, and Ms. Sallam was moved to Qanater Prison. The Law Society is concerned for her physical and psychological well-being, since human rights groups have brought attention to problems of violence and abuse towards female prisoners in that detention facility.

On 13 September 2014, the trial was postponed to 11 October 2014 at a private hearing held in deliberation chambers. Ms. Sallam and the other defendants were not permitted to attend the hearing, despite requests for their release. On 11 October 2014, the Egyptian misdemeanor court adjourned the case to 16 October 2014. Ms. Sallam remains in custody.

The Law Society of Upper Canada is alarmed about reports indicating a lack of evidence and inconsistencies in police reports relating to the charges filed against Ms. Sallam. There is also concern that judicial authorities have been mishandling the case by drawing out the unwarranted detention of Ms. Sallam, and conducting private hearings, infringing upon her right to a fair trial.

The Law Society also expresses deep concerns over the Anti-Protest Law. Since the law was given effect in November 2013, thousands of people have suffered from arrest and detention. Both the UN

High Commissioner for Human Rights and the UN Special Rapporteur on the rights to freedom of peaceful assembly and association, have condemned the law.

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*.

Principle 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.

Principle 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 organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation.

Moreover, the *Universal Declaration of Human Rights* prohibits arbitrary arrests and detentions under Article 9, and ensures the right of everyone to a fair and public hearing by an independent and impartial tribunal under Article 10. The Law Society would also like to highlight Articles 1, 5 and 6 of the *Declaration on human rights defenders*. These provisions grant individuals and groups the right of peaceful assembly to promote the realization of human rights and fundamental freedoms.

The Law Society urges the government of the Arab Republic of Egypt to:

- a. release Yara Sallam immediately, as she is a prisoner of conscience;
- b. guarantee in all circumstances the physical and psychological integrity of Yara Sallam;
- c. provide Yara Sallam with regular access to her lawyer and family;
- d. guarantee all the procedural rights that should be accorded to Yara Sallam;
- e. conduct a fair, impartial and independent investigation into any allegations of misconduct in the arrest and trial of Yara Sallam and 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 Yara Sallam if she is found to be a victim of abuses;
- g. put an end to all acts of harassment against Yara Sallam;
- 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 6,000 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
454 Laurier Avenue East
Ottawa, ON, K1N 6R3

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

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

Nicholas Fluck, President, The Law Society of England and Wales