

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

Brussels, 2 March 2015

Re: Concerns regarding the arrest and imprisonment of lawyer Yara Sallam

Your Excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it also has associate and observer representatives from a further thirteen European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. We are particularly concerned by the situation of human rights defenders in the world.

The CCBE would like to express its concerns regarding the arrest and imprisonment of Ms Yara Sallam. Ms Sallam is a human rights lawyer that was arrested, imprisoned and convicted, along with 22 other persons, due to a peaceful participation in a non-violent demonstration against Protest Law No. 107 of 2013 on 21 June 2014.

We understand that, when arrested, the same day, Ms Sallam was questioned, without the presence of a lawyer, by men in civilian dress who did not introduce themselves or clarify their official position. Moreover, during her interrogation, Ms Sallam was questioned about the nature of her work and about her political affiliation and opinions about the protest law. On 23 June 2014, the Heliopolis Prosecution Office ordered her detention until 25 June 2014. On 24 June 2014 she was transferred to Qanatir Prison and the case was transferred to the Heliopolis Misdemeanor Court.

Ms Sallam, together with other 22 defendants in detention, were supposed to appear before the court on 25 June 2014, after the expiry of their four-day detention. However, the defendants were not brought to court, and the Prosecution issued an indictment order based on the following allegations: "participating in an unauthorised demonstration whose aim was to stop the implementation of the law and influence the effectiveness of the public authorities during the carrying out of their work"; "organising a demonstration without prior notice as stipulated by the law and participating in a demonstration that breached and threatened public security and the interests of citizens and disrupted transportation and transgressed public and private property"; "using force and violence to terrorise and intimidate citizens"; and "deliberately destructing property owned by the aggrieved party as proven through investigations". The defendants were not allowed to appeal their pre-trial detention before an independent judicial body either the indictment.

We were informed that the trial started on 29 June 2014,. At the time the trial was supposed to start, the defendants' lawyers and family members were informally told that the hearing of the case was transferred to the Police Academy inside the high security Tora Prison. They were not formally informed of this change and when they were able to get to know the whereabouts of the trial, the access to the courtroom was heavily restricted. Families of the detainees were denied access and defence lawyers and journalists faced difficulties to access the room. The next hearing was scheduled on 13 September 2014 and then postponed to 11 October 2014.

On 11 October 2014, two videos were shown, based on the request of the defendants' lawyers. None of the defendants nor weapons appeared in the videos. The prosecution submitted a report on a video that was not shown during the hearing. According to our information the police report claimed that a police vehicle was damaged on 21 June 2014 at 21:30. On that time Ms Sallam was already arrested. Furthermore, no weapons or other items were seized from the defendants or presented as evidence.

On 26 October 2014, Ms Salam and the 22 other defendants were sentenced to three years imprisonment, three years of probation, and a fine of 10,000 Egyptian pounds each. On 28 December 2014, the Heliopolis Misdemeanour Court released its final decision and Ms Sallam's sentence was reduced to two years imprisonment and two years of probation.

In this context, the CCBE wishes to draw to your attention the following Principles of the United Nations Basic Principles on the Role of Lawyers (1990):

Principle 23 states that:

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. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

In view of the above, the CCBE respectfully urges you to review and overturn the conviction against Ms Yara Sallam, and to guarantee her security and physical and psychological integrity. In addition, the CCBE requests you to take all necessary measures to guarantee that all lawyers in Egypt are entitled to freedom of expression without fear of reprisal, hindrance, intimidation or harassment.

I look forward to hearing from your Excellency urgently.

Yours sincerely,



Maria ŚLAZAK
President