

BY (PRIORITY) AIRMAIL

H.E. President Abdel Fattah al-Sisi
Office of the President
Al Ittihadia Palace
Cairo
Arab Republic of Egypt

Email: p.spokesman@op.gov.eg
Amsterdam, 10 December 2021

Subject: Continued detention of lawyer Mohamed El-Baqer from Egypt

Your Excellency,

Lawyers for Lawyers is an independent and non-political foundation that seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. Lawyers for Lawyers has Special Consultative status with the UN Economic and Social Council since 2013.

Lawyers for Lawyers is concerned about the continued detention of the Egyptian lawyer Mohamed El-Baqer. Mohamed El-Baqer is a lawyer and human rights defender from Egypt. He is the director of the Adalah Center for Rights and Freedoms, which provides legal aid for political detainees and prisoners of conscience, as well as promoting civil and the political rights in Egypt.

Mr. El-Baqer was arrested on 29 September 2019 at the Supreme State Security Prosecution (SSSP) premises in Cairo while attending an interrogation of activist and blogger Alaa Abdel Fattah, for whom he served as legal counsel. Mr. El-Baqer was thus transformed from a defense lawyer in Case No. 1356/2019 into a defendant in the same case. He has since been detained pending investigations into charges of “joining a terrorist group,” “disseminating false news that undermines national security,” “using social media to commit publishing offenses,” and “funding a terrorist group.”

A Terrorism Circuit judge in the Cairo Criminal Court ordered the release of both Mr. El-Baqer and Abdel Fattah on 19 February 2020, but the decision was reversed following an appeal from the SSSP.

While in detention, the SSSP added Mr. El-Baqer to a new case, No. 855/2020, and accused him of similar charges, a practice commonly referred to as “rotation”. Then, in November 2020, Mr. El-Baqer's name was added to the terrorist list for five years. Consequently, he is banned from traveling abroad and from assuming any official position or civil work for five years. In addition, a judicial order will freeze his bank accounts and assets. On 18 October 2021, a new case file was opened, No. 1228/2021, that replicated the charges held in case no. 1356 of 2019. On 8 November 2021, Mr. El-Baqer was presented before the New Cairo Emergency State Security Misdemeanour Court for Case No. 1228/2021. The pronouncement of the human rights lawyers’ verdict has been rescheduled once again to 20 December 2021 without allowing the defence the chance to advocate for their client.

Mr. El-Baquer remains detained in inhumane conditions in the notorious Tora Maximum Security 2 Prison. He is held in a small and poorly ventilated cell, banned from exercising outside of his cell, and deprived of a bed, mattress, books and newspapers.

Multiple actors, including United Nations (UN) experts¹, member states at the UN Human Rights Council, the United States Congress², and the European Parliament³ have repeatedly called for Mr. El-Baquer's release and denounced his prosecution for his legitimate human rights work.

Lawyers for Lawyers fears that Mr. El-Baquer's continued detention is connected to, and aimed to curb his legitimate activities as an attorney. We would like to draw your attention to the United Nations Basic Principles on the Role of Lawyers⁴, and more in particular Principles 16, which reads:

16. 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.

In view of the above, Lawyers for Lawyers respectfully urge you to immediately:

- Release Mohamed El-Baquer and drop all charges against him unless credible evidence is presented in proceedings that respect fair trial guarantees and put an end to all acts of harassment against him, including at the judicial level;
- Take all necessary measures to guarantee the physical and psychological integrity and security of Mohamed El-Baquer; and
- Guarantee in all circumstances that all lawyers in Egypt are able to carry out their legitimate professional activities without fear of reprisals and free of all restrictions including judicial harassment.

Thank you for your attention to this very important matter. We hope that the government of Egypt will give this case the attention it deserves and we will continue to monitor this case closely.

Yours sincerely,
Lawyers for Lawyers

¹ <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=25217&LangID=E>

² https://khanna.house.gov/sites/khanna.house.gov/files/KhannaMcGovernBrown_SisiPoliticalPrisoners.pdf

³ https://www.europarl.europa.eu/doceo/document/TA-9-2020-0384_EN.pdf

⁴ The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly "welcomed" the Basic Principles in their 'Human rights in the administration of justice' resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.