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Your Excellency,

Egypt – Arrest, Detention, and Prosecution of Lawyer Zyad el-Eleimy

The Law Society of England & Wales is the professional body representing more than 180,000 solicitors in England and Wales. It aims to promote and support solicitors while upholding the rule of law, legal independence, ethical values, and the principle of justice for all around the world. The Law Society holds Special Consultative status with the United Nations Economic and Social Council since 2014.

The Law Society is very concerned about the arrest, detention, and prosecution of former Egyptian parliamentarian and lawyer Zyad el-Eleimy. On 25 June 2019, he was arrested in Cairo and brought to the State Security Prosecution. On the same day, others were also arrested – including political campaigners and journalists - and were accused of leading a plot to "bring down the state." Mr. el-Eleimy is part of a group of individuals seeking to identify potential candidates to take part in the upcoming parliamentary elections in Egypt. Egyptian state authorities refer to this group as the "Hope Coalition".

Mr. el-Eleimy is now a defendant in Case No. 930 of 2019; he is held in pre-trial detention and faces potential charges of helping a terrorist organisation to achieve its objectives and spreading false news on social media to cause strife and to overthrow the government. He is currently being detained in Tora prison. He suffers from asthma, diabetes, and high blood pressure and his health has deteriorated in detention.

In December 2019, Mr. el-Eleimy was questioned in relation to another case that concerned an interview he allegedly gave two years earlier - in 2017 - to the BBC around the World Youth Forum. In that specific case, he also faces the charge of spreading false news, statements, and rumours. On 17 February 2020, Mr. el-Eleimy's lawyers reported that criminal proceedings were brought against him for this as part of Case No. 43 of 2017. This case was first heard on 18 February 2020, then adjourned to 25 February 2020 and subsequently postponed until 3 March 2020. We understand that a judgment will be rendered in this case on 10 March 2020.

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The Law Society respectfully refers your Excellency that the Arabic Republic of Egypt is legally bound by numerous international and regional treaties and instruments (see relevant provisions and instruments below).

The **International Covenant on Civil and Political Rights**, ratified by the Arabic Republic of Egypt on 14 January 1982, provides:

Article 9 (1). Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

Article 14 (1). All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law [....].

The **African Charter on Human and Peoples' Rights**, ratified by the Arabic Republic of Egypt on 10 March 1984, provides:

Article 6. Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.

Article 7. Every individual shall have the right to have his cause heard. This comprises:
(a). The right to an appeal to competent national organs against acts of violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force;
(b). The right to be presumed innocent until proved guilty by a competent court or tribunal;
(c). The right to defence, including the right to be defended by counsel of his choice;
(d). The right to be tried within a reasonable time by an impartial court or tribunal.

The **UN Basic Principles on the Role of Lawyers** provide:

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.

17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

18. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

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The **UN Standard Minimum Rules for the Treatment of Prisoners** provide that:

24.1 The provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status.

27.1 All prisons shall ensure prompt access to medical attention in urgent cases. Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals.

The **Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988)** states:

24. A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary.

The **UN Basic Principles for the Treatment of Prisoners (1990)** provides that:

9. Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.

In view of the above, we respectfully urge that the relevant authorities in Egypt take the following actions:

- 1) Immediately release Mr el-Eleimy and revoke any charges pending against him, unless sufficient evidence is available, which is served upon him, and his guilt is established in proceedings carried out in accordance with international fair trial guarantees;
- 2) Pending his release, guarantee the physical and psychological well-being of Mr. el-Eleimy and ensure that the conditions in which he is being detained comply with applicable international standards and that he has access to appropriate health care; and
- 3) Comply with Egypt's international obligations so that lawyers and human rights defenders can carry out their professional functions without harassment and improper interference.

The Law Society will continue to monitor the situation of Mr. el-Eleimy, and other lawyers and human rights defenders in Egypt, as well as actions undertaken by Egypt to implement the abovementioned recommendations.

Yours sincerely,



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