

Violations against political prisoners are increasing in an alarming rate and ranging from torture and other forms of ill-treatment in detention facilities to denial of due process and rights to fair trial including adequate defense. The transgressions don't stop at detainees, but extend to their lawyers. As seen in a number of examples below, lawyers are not exempt from abuse even when working on common-law cases.

Over the past year, reports of assault against lawyers including those representing political prisoners have escalated in number and in nature –further infringing on defendants' right to fair trial. The Egyptian Initiative for Personal Rights (EIPR) has collected a significant number of testimonies from lawyers who have been subjected to such abuses. The findings from the testimonies are further supported by the independent observations of EIPR's lawyers and their personal experience and subjugation to similar abuses.

Lawyers particularly those representing political prisoners experience physical assault, verbal abuse, threats and intimidation at the hands of law enforcement agents, sometimes in the presence of prosecutors who fail to act on witnessing such violations or upon receiving official complaints filed by the lawyers. What is worse, such lawyers are often denied the opportunity to meet their clients even with the proper authorization, and are hindered from obtaining official documents relating to the cases they are working on. Some of those lawyers have suffered brief detention or referrals to criminal investigation for advocating their defendants' rights.

### **Legal Framework:**

The violations against lawyers in the line of duty breach both Egyptian legal protections and international standards.

- Transgressions against lawyers in the form of verbal or physical abuse of any kind run counter to the guarantees stipulated in Law number 17 of 1983 on the legal profession. Article 49 of this law stipulates that: "*Lawyers have the right to be treated with respect in courts and other bodies in front of which they appear*"
- Law number 17 of 1983 also criminalizes the assault, insult or threatening of lawyers during the exercise of their duties.
- Article 1 of Law number 17 of 1983 stresses the importance of the role of lawyers in the establishment of justice and the rule of law.
- The unjustified restrictions on lawyers' access to their clients and the paperwork related to their cases violate Law number 17 of 1983 which stipulates in Article 53 that: "*Lawyers authorized by the public prosecution to visit a detainee in one of the general prisons has a right to visit him at*

*any time, and to meet with him in private in any appropriate place inside the prison”*

- Article 52 of the same law further stipulates that: *“The lawyers has the right to view lawsuit files and all legal papers and obtain all information related to the lawsuit. All courts, prosecutions, police jurisdictions, notary offices and other bodies in front of which a lawyer exercises his profession to facilitate [the task]”*.
- The international standards in regards to the role and work of lawyers are detailed in the Basic Principles of the Role of Lawyers – a document that has been adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in September of 1990. The document calls on governments to ensure that: *“lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference”*  
It further stipulates that: *“It is the duty of the competent authorities to ensure lawyers' access to appropriate information, files and documents in their possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients.”*

[Security authorities had previously committed earlier violations against human rights lawyers during crackdown on the organizations they served in.](#) However, violations against lawyers now extended to include transgressions during the performance of their duties in courts and police stations, even when representing criminal suspects in cases that are not related to politics. A number of incidents in recent months have highlighted the hostile environment within which lawyers of political prisoners are forced to operate in contravention to the legal provisions detailed above. The following is a list of examples of the forms of mistreatment suffered by lawyers of political prisoners:

- **Mistreatment of Lawyers at the hands of law enforcement officials:**
  - On the 13<sup>th</sup> of September, lawyers Yasmine Hossam and another colleague were reportedly assaulted by police personnel at the gates of the Police Academy in the Tora Prison Complex. They were attempting to enter a make-shift courtroom set up in the academy to attend the first substantial hearing in the trial of colleague Yara Sallam –EIPR’s transitional justice officer - and 23 others on charges of taking part in an unauthorized protest march.  
According to Ms. Hossam, security agents at the gate including a police officer and lower-ranking personnel verbally abused and physically assaulted her and her colleague.

She told EIPR she was punched and dragged by the hair and arms, and that the officer on the scene verbally abused her and touched her inappropriately amid her shouts for him to take his hands off of her. The commotion finally led the intervention of more officers. Subsequently, officials at the Tora Prison Complex and other agents from the Ministry of Interior pressured the culprit to apologize but categorically refused to file a police report. Yasmine Hossam lodged a complaint with the public prosecution on the 14<sup>th</sup> of September.

- On the 2<sup>nd</sup> of July, 2014, lawyer Mohamed Hisham was beaten by a police officer and briefly detained in the Montazah 2<sup>nd</sup> police station in Alexandria. He had gone to the station to request to view the paperwork related to Syrian refugees detained there. After the attack, the officers at the station refused to let Mr. Hisham file a police report.
  - On the 30<sup>th</sup> of June, 2014, lawyer Radwa Abdel Kawy was denied the right to file a police report for her client at the Montazah 2<sup>nd</sup> police station in Alexandria. When she insisted, they proceeded to verbally abuse her and forcibly removing her and her colleagues out of the premises while hurling threats and insults at them.
  - On the 25<sup>th</sup> of January 2014, lawyer Radwa Abdel Kawy was initially denied entry to the Raml 1<sup>st</sup> police station in Alexandria where she had headed to represent several detainees who had been arrested from the vicinity of protests during interrogations. A man in civilian clothes whom she believed to either be a lower-ranking policeman or an informant at the station loudly insulted her in front of other police officers and threatened to file a police report against her should she complain about the abuse.
  - On the 25<sup>th</sup> of January, 2014, lawyer Amr Imam was threatened at gunpoint by police officer at Maadi police station for inquiring about detainees arrested in the context of demonstrations commemorating the third anniversary of the 25<sup>th</sup> of January's uprising. He was hit in the chest with a rifle-butt and told to leave or else risk being shot.
- **Judicial personnel's violations or failure to act:**
- On the 3<sup>rd</sup> of September, 2014, lawyers Basma Zahran, Mahmoud Bilal and Osama El-mahdi were referred to the public prosecution for criminal investigation by Judge Mohamed Nagi Shehata, the presiding judge on the case against 269 protesters

accused of violence during the December 2011 cabinet events. During a hearing held in the Police Academy in the Toa Prisons Complex, the three lawyers had insisted for their client, political activist Ahmed Douma, be heard from the sound-proof glass cage the defendants were placed in during the hearing so as to raise concerns about the fairness of the proceedings. The lawyers were subsequently accused of allegedly breaching court decorum and inciting strife in the courtroom.

- In June 2014, lawyer Mohamed Shaker witnessed the beating of another lawyer by court secretaries in the public prosecution's office of El Manakh and El Zohour in Port-said. The incident reportedly took place in the presence of three public prosecutors who did not intervene.
- On the 19<sup>th</sup> of November, 2013, lawyer Laila Naguib was verbally abused by police agent at Qasr El Neil prosecution office when she insisted an end must be put to the mistreatment of detainees. Despite pressure from police officers and officials at the prosecution office to "reconcile", she filed an official complaint the following day. She said no action was taken under the pretext that the police report she had filed is "missing."

- **Other restrictions imposed on lawyers that hamper their ability to perform their duties:**

A pattern where state agents interfere in, complicate and impede the work of lawyers of political prisoners has been escalating in the past year, significantly compromising due process rights. Lawyers of political prisoners often complain about their inability to attend the interrogation of their clients in police stations and public prosecution offices. They also face difficulty attending the judicial hearings when their clients' pretrial detention is routinely extended as the authorities fail to notify lawyers or hold such sessions in remote locations inside detention facilities such as Central Security Forces camps or prisons. More hurdles are placed in the way of lawyers of political prisoners as they are often forced to do rounds of police stations, prisons and different prosecution offices to carry out simple tasks including requesting a challenge to the lawfulness of a client's pretrial detention.

Another common complaint by lawyers of political prisoners is the great difficulty they face obtaining all relevant documents and information in regards to their cases before the trial begins. This hinders their ability to have adequate time and facilities to prepare their defense and study the case. Unreasonable sums of money are requested as "fees" for obtaining such documents and information particularly before the trial commences. In one incident, during the

widely publicized trial of Al Jazeera reporters, prosecution asked the defense for a fee of 1 million and 200 thousand Egyptian pounds (nearly \$168 thousand) to obtain copies of 5 CDs that were admitted as evidence against the defendants, according to news reports and journalists who monitored the trial. When the defense lawyer, Khaled Abo Bakr, asked the presiding judge to resolve the matter, the judge sided with the prosecution and asked Mr. Abo Bakr to pay the money if he wished to obtain the copies. The three journalists ultimately received sentences between seven and ten years.

EIPR has documented prison administrations' refusal in some instances to allow lawyers to meet their clients in private in detention, further undermining the right to adequate defense. For instance, guards at the gate of the Aqrab High Security Prison denied lawyer Mohamed Khedr access to visit a client on the 14<sup>th</sup> of June despite the fact that he had the appropriate authorization from the State Security Prosecution.