

**EGYPT**

**Mid-term Report – Review of the Implementation of recommendations with respect to the rule of law and the role of human rights defenders accepted by Egypt during the UPR in 2019**

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## I. Introduction

1. Lawyers for Lawyers ('L4L') seeks to assess the human rights performance of states with respect to the rule of law and the role of lawyers through the Universal Periodic Review (the 'UPR'). The Report of the Working Group on the UPR dated 27 December 2019<sup>1</sup> (the 'Report') contains fifteen recommendations with respect to the rights of human rights defenders in Egypt, including lawyers. In the corresponding addendum to the Report dated 5 March 2020<sup>2</sup> (the 'Addendum'), Egypt responded by accepting ten of these recommendations (set out below under IV).
2. This mid-term report examines the extent to which Egypt has implemented these ten recommendations three years after accepting them. To that end, this document contains an overview of the accepted recommendations, discusses the importance of implementing effective mechanisms to protect human rights, and addresses the current status of Egypt's implementation of each of the accepted recommendations.

## II. Executive summary

3. This submission makes reference to Egypt's obligations under customary international law, the Universal Declaration of Human Rights ('UDHR'), the International Covenant on Civil and Political Rights ('ICCPR') which Egypt ratified on 14 January 1982<sup>3</sup>, the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment ('CAT') which Egypt ratified on 25 June 1986, and the United Nations ('UN') Basic Principles on the Role of Lawyers ('Basic Principles').<sup>4</sup>
4. During the 2019 UPR, Egypt received and accepted ten recommendations pertaining to the protection of human rights defenders, including lawyers, against harassment and violence; the right to freedom of expression of human rights defenders; and the need to ensure that human rights defenders work in a conducive and safe environment.
5. This submission outlines the findings of L4L as to the extent to which Egypt has implemented these ten accepted recommendations and concludes that Egypt has not adequately implemented them. Egypt has failed to respect the rights of lawyers by not adequately enabling them to perform their professional functions without intimidation, hindrance, harassment or improper interference. Furthermore, Egypt has failed to take substantive steps to uphold the right to a fair trial and to guarantee the equal right of everyone to effective access to justice and legal assistance of their choice.

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<sup>1</sup> Report of the Working Group on the Universal Periodic Review: Egypt, A/HRC/43/16, 27 December 2019.

<sup>2</sup> Report of the Working Group on the Universal Periodic Review: Egypt: Addendum, A/HRC/43/16/Add.1, 5 March 2020.

<sup>3</sup> The Vienna Convention on the Law of Treaties, 23 May 1969, in force on 27 January 1980, states in Article 18 that when a State signs a treaty it is "obliged to refrain from acts which would defeat the object and purpose of a treaty."

<sup>4</sup> The UN Basic Principles on the Role of Lawyers (Basic Principles) 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.

#### IV. UPR recommendations accepted by Egypt in 2019

6. During the 2019 UPR cycle, Egypt received many recommendations with regard to human rights defenders. These UPR recommendations on human rights defenders are also fully applicable to lawyers.<sup>5</sup>
7. Egypt received and fully accepted<sup>6</sup> six recommendations on the effective protection of human rights defenders.
  - a. *Fully implement, in consultation with civil society and international partners, the NGO law of 2019, and ensure that human rights defenders can operate in a free and safe environment (31.194 - Italy);*
  - b. *Take effective measures to expand civic space and create a safe environment for civil society organizations, human rights defenders and journalists, including the revision of relevant legislation in alignment with international standards and the Constitution (31.200 - Republic of Korea);*
  - c. *Create a safe and enabling environment for the operation of civil society and human rights defenders, facilitate their work and protect them against harassment and intimidation (31.202 - Afghanistan);*
  - d. *Effectively protect human rights defenders against intimidation or reprisals, including guaranteeing the right to unhindered access to international and regional human rights mechanisms (31.205 - Denmark);*
  - e. *Strengthen mechanisms for dialogue and collaboration with civil society organizations, and ensure the protection of human rights defenders (31.206 - Ecuador);*
  - f. *Allow human rights defenders and all other civil society actors to exercise freedom of expression and their professions without fear of being persecuted, intimidated or detained (31.207 - Finland).*
8. Furthermore, Egypt received and partially accepted the three following recommendations pertaining to the (judicial) limitation of human rights defenders in exercising their legal activities:
  - a. *Abolish or amend all laws and policies which limit the activities carried out by civil society and human rights defenders and adopt a national law for the promotion and protection of human rights defenders (31.163 - Iceland);*

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<sup>5</sup> The Special Rapporteur on the Independence of Judges and Lawyers has stated that: “when acting on behalf of their clients in defending their human rights and fundamental freedoms, lawyers should also be regarded as human rights defenders”. See: Report of the Special Rapporteur on the independence of judges and lawyers, 22 August 2016, A/71/348, par. 35.

<sup>6</sup> Report of the Working Group on the Universal Periodic Review: Egypt: Addendum, A/HRC/43/16/Add.1, 5 March 2020.

- b. *Refrain from all forms of reprisal against human rights defenders, and expedite the processing of cases of activists and journalists (31.197 - Liechtenstein).*
9. Finally, it should also be noted that Egypt stated that two recommendations had already been implemented at the time of acceptance:
- a. *Take the necessary measures to guarantee the freedom of expression and opinion of the population, in particular for human rights defenders and journalists, and investigate and punish cases of threats, reprisals and other acts of violence (31.178 - Argentina);*
  - b. *Guarantee the rights of human rights defenders and protect them and journalists from intimidation, reprisals and interference with their activities (31.198 - Luxembourg).*
10. L4L welcomes the (partial) acceptance of recommendations 31.194, 31.200, 31.202, 31.205, 31.206 and 31.207 on the effective protection of HRD's and 31.163 and 31.197 on ending the limitations for HRD's in excising their professional functions.
11. However, L4L finds that these recommendations have not been fully implemented at the time of the submission of the report in February 2023.

## **V. Effective guarantees for the functioning of lawyers**

12. The adequate protection of human rights and fundamental freedoms requires that every citizen has effective access to justice, legal assistance, and legal representation. Such assistance and representation can only be provided effectively in a judicial system where lawyers, along with judges and prosecutors, are able to carry out their professional activities independently and without external pressures and interference.<sup>7</sup> This follows from – amongst other international instruments - the ICCPR and the Basic Principles.<sup>8</sup>
13. To fulfil its duty to promote and secure that the role of lawyers is respected, Egypt must ensure that the Basic Principles are implemented within the framework of its national legislation, policy, and practice. Adherence to the Basic Principles is a fundamental pre-condition for fulfilling the requirement that all persons have effective access to legal assistance and representation.<sup>9</sup>
14. In their response on the received UPR recommendations, on 5 March 2020, Egypt stated that it had guaranteed the right to a fair trial under its Constitution, and that “individuals were allowed to see their lawyers and all their rights were protected.”<sup>10</sup> Egypt furthermore

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<sup>7</sup> Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy, submitted in accordance with Human Rights Council resolution 8/6, 28 July 2009, A/64/181 , par. 12: 'lawyers are not expected to be impartial in the manner of judges yet they must be as free as judges from external pressures and interference. This is crucial if litigants are to have trust and confidence in them'.

<sup>8</sup> Basic Principles, Principle 16 in particular: 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.

<sup>9</sup> UN Basic Principles on the Role of Lawyers, Preamble and paragraph 8 in particular.

<sup>10</sup> Human Rights Council “Report of the working group on the universal period review: Egypt”, 27 December 2019, A/HRC/43/16, par 23.

reaffirmed its “deep conviction in the role of the universal periodic review in improving the human rights situations worldwide”.<sup>11</sup>

15. The acceptance of the above-mentioned recommendations indicate some positive changes. However, reports gathered by L4L demonstrate that the accepted recommendations have not been implemented and that lawyers have increasingly been subjected to judicial harassment and criminal prosecution. It shows that lawyers are still not sufficiently protected under Egypt’s current judicial framework. As a consequence, lawyers continue to encounter difficulties in carrying out their professional duties to work with and protect human rights defenders and other sensitive human rights causes. This report therefore will focus on the following subjects:
  - a. An increase in judicial harassment against lawyers, including physical and verbal assaults, arbitrary arrest, unlawful detention and prosecution, prolonged pre-trial detention and enforced disappearance;
  - b. Recurring violations of the right to freedom of expression of lawyers on the basis of security and counter-terrorism grounds.

## **VI. Respecting the rights of lawyers**

### ***a. Harassment of lawyers***

16. L4L has long been concerned about attempts by the Egyptian authorities to harass, threaten and disrupt the work of lawyers in Egypt who work on politically sensitive cases or cases that engage in human rights.

In accordance with Principle 16(a) of the Basic Principles, governments ‘shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference.’ However, lawyers who work on sensitive cases in Egypt frequently face reprisals either in relation to their own human rights advocacy or their legal representation of people seen as critical of the government. Where improper interference or reprisals become widespread and systematic, a chilling climate emerges in which lawyers may refuse to represent clients connected to politically sensitive or controversial issues out of fear of becoming the target of enforced disappearance, prolonged pre-trial detention or other forms of reprisals related to their work.

17. Furthermore, L4L has concerns about attempts to harass, threaten and disrupt the work of lawyers in Egypt who work on cases that engage human rights of represent victims of crimes committed by Egyptian State officials. The Egyptian authorities have failed to carry out effective and independent investigations and to effectively prosecute and punish the attacks, threats and acts of violence perpetuated by state-affiliated forces against lawyers.
18. Since the adoption of the UPR recommendations on the rights of HRDs in March 2020, new cases of harassment have come to the attention of L4L:

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<sup>11</sup> Idem, par 30.

- a. Over 60-years-old human rights lawyer **Hoda Abdelmoneim** has been arbitrarily detained for over two years.<sup>12</sup> Reportedly, on 30 November 2020, Ms. Abdelmoneim was transferred to an external hospital for medical treatment during her pre-trial detention. Ms. Abdelmoneim's relatives have to date been denied access to her medical records, but sources from inside the prison informed her family that she was suffering from kidney failure amongst other health concerns. It has further been reported that Ms. Abdelmoneim is kept in difficult conditions with insufficient access to medical care, even though she suffers from several health conditions that require regular medication. Despite her lawyer's numerous complaints to the Public Prosecutor and the judge about her physical condition, Ms. Abdelmoneim continues to be held in these conditions.<sup>13</sup>

**b. Criminal prosecution of lawyers**

19. In recent years, repressive tactics such as enforced disappearance and prolonged pre-trial detention have been increasingly used by the Egyptian authorities to silence dissidents and human rights activists, including lawyers. The Penal Code, Anti-Terrorism Law No. 94 of 2015 (Antiterrorism Law) and the Law Regulating the List of Terrorist Entities and Terrorists No. 8 of 2015 (Terrorist Entities Law) are also being used as repressive tools by the authorities against human rights defenders, who are often charged on the grounds of 'joining a terrorist group', 'inciting the commission of terrorist acts' or 'spreading false news.' These offences are very broadly defined by the Antiterrorism and Terrorist Entities laws, and this has led to the arbitrary or politically motivated persecution of human rights lawyers. Consequently, the Antiterrorism and Terrorist Entities laws are not compatible with the recommendation 'to abolish or amend all laws and policies which limit the activities carried out by civil society and human rights defenders'<sup>14</sup> that the Egyptian authorities accepted in March 2020.

20. Since the adoption of the aforementioned recommendations on the rights of human rights defenders in March 2020, there have been new cases of criminal prosecution of lawyers by the Egyptian authorities<sup>15</sup>:

- a. On 17 May 2021, lawyer **Fathi al-Tahir Ghayati** was arrested by a group of plain clothed security officers while he was visiting his family members in the city of Zagazig.<sup>16</sup> After being disappeared for two days, Mr. Ghayati was investigated, charged and subjected to pre-trial detention. Mr. Ghayati is currently still being held in pre-trial detention. We have been informed that Mr Ghayati was brought to the National Security Agency (NSA) during his disappearance. At the NSA, Mr. Ghayati was reportedly interrogated about his work as a lawyer, his defense of clients in political and freedom of expression cases, and his activities related to the Muslim Brotherhood. We have been informed that Mr. Ghayati denied the allegations and underlined that he carried out his legitimate activities as a lawyer. Mr. Ghayati was investigated by the SSSP under case number 908 of 2021 on 20 May 2021. According to

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<sup>12</sup> Lawyers for Lawyers, Letter on the continued detention and the precarious health of Hoda Abdelmoneim, 9 April 2021. <https://lawyersforlawyers.org/26985/>; <https://lawyersforlawyers.org/wp-content/uploads/2021/04/Letter-Abdelmoneim-Hoda-Continued-detention-April-2021.pdf>.

<sup>13</sup> Idem.

<sup>14</sup> Recommendation 31.163, Report of the Working Group on the Universal Periodic Review: Egypt: Addendum.

<sup>15</sup> The summaries of individual cases in this report contain only information available from public sources.

<sup>16</sup> Lawyers for Lawyers, Fathi al-Tahir Ghayati in pre-trial detention, 17 June 2021, <https://lawyersforlawyers.org/fathi-al-tahir-ghayati-in-pre-trial-detention/>.

the information received, the Prosecutor's Office subsequently charged him with "joining and financing a terrorist group", by providing legal support to detainees in political cases. At the end of the investigation, the prosecutor decided to imprison Mr. Ghayati for fifteen days pending investigation.<sup>17</sup>.

- b. **Youssef Mansour** is a human rights lawyer who formerly worked on cases related to the 20 September protests at the Arab Network for Human Rights Information (ANHRI). On 24 March 2022, Mr Mansour was arrested by a group of officers from the National Security Forces, who reportedly failed to present an arrest warrant.<sup>18</sup> The mobile phone and laptop of Mr Mansour were seized by the officers. Mr Mansour disappeared to an undisclosed location for two days and was not presented before any investigative body until 26 March 2022, where he appeared before the Supreme State Security Persecution (SSSP) in Cairo. The SSSP ordered the pre-trial detention of Mr Mansour for a period of fifteen days in Albsaten Police station. Mr Mansour is detained in relation to case no. 330/2022 and accused of 'joining an illegal group', 'inciting the commission of terrorist crimes' and 'publishing false news inside and outside Egypt'.<sup>19</sup> His arrest seems to be linked to a social media message he posted on conditions in the Tora Maximum Security Prison.
- c. In a similar case, human rights lawyer **Osama Bayoumi** was arrested on 29 January 2022 at his home in Cairo by a group of security officers who reportedly failed to present an arrest warrant or a warrant to search his home. At the time of his arrest, Mr. Bayoumi was working on a number of sensitive cases involving political prisoners and journalists. The work laptop and mobile phone of Mr. Bayoumi, which contain confidential information about his clients, were confiscated by the authorities. After his arrest, Mr. Bayoumi disappeared to an undisclosed location for five days and was not presented before any investigative body until 3 February 2022, where he appeared before the SSSP in Cairo. The SSSP ordered the pre-trial detention of Mr. Bayoumi for a period of fifteen days in Tora Maximum Security Prison. Mr. Bayoumi was detained in relation to case no. 640/2018 and charged with 'joining a terrorist group' and 'spreading false news'. We fear that the arrest and detention of Mr. Bayoumi is aimed to curb his legitimate activities as an attorney.<sup>20</sup>
- d. Since 2020, human rights lawyer **Islam Salama** forcibly disappeared three times. It is reported that on 25 May 2020, Egyptian security forces arrested Mr. Salama in his home in Zefta and that the security forces refused to present a warrant and to provide an answer as to why he was being detained. Hereafter, Mr. Salama was detained in an undisclosed location for ten days before he was brought before the Supreme State Security Prosecution on 6 June 2020. The prosecution ordered his imprisonment over charges of Mr. Salama "joining a terrorist group". On 14 October 2020, Mr. Salama was ordered to be released on parole by Cairo's Fifth Circuit Terrorism Court. Yet, after Salama's transfer to the local police station on 19 October 2020 to complete the parole proceedings, neither his family nor his lawyers were able to

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<sup>17</sup> Idem.

<sup>18</sup> Lawyers for Lawyers, letter on the arrest and detention of Youssef Mansour, 12 April 2022, <https://lawyersforlawyers.org/en/letter-on-the-arrest-and-detention-of-youssef-mansour/>.

<sup>19</sup> Idem.

<sup>20</sup> Lawyers for Lawyers, Letter on the arrest and detention of Osama Bayoumi, 21 February 2022, <https://lawyersforlawyers.org/en/letter-on-the-arrest-and-detention-of-osama-bayoumi/>.

contact him. His whereabouts remained unknown for 45 days until he was produced before court on 30 November 2020 on the basis of new charges, which led to his pre-trial detention.<sup>21</sup> Mr. Salama forcibly disappeared for a third consecutive time in 2021 while in custody, following earlier verdicts by criminal courts in Cairo and Mahalla ordering his release. On 16 January 2021 the Mahalla Criminal Court ordered Mr. Salama's release on bail. Despite the bail having been posted and all other (legal) procedures being completed, Mr. Salama disappeared after having been in custody of the Egyptian authorities. Mr. Salama was then released on 5 March 2021.

- e. As mentioned before, human rights lawyer **Hoda Abdelmoneim** has been arbitrarily detained for over two years.<sup>22</sup> Prior to her arrest, Ms. Abdelmoneim was a respected member of the legal community in Egypt, working on cases before the Egyptian court of Cassation and Supreme Constitutional Court. She is a former member of the National Council for Human Rights and took on sensitive human rights cases, such as providing legal advice to the families of victims of enforced disappearances. Ms. Abdelmoneim was arrested on 1 November 2018 on charges of "joining and funding a terrorist organization" and "incitement to harm national economy" and has been held at the al-Qanater Prison for women since on pre-trial detention in case No. 1552/2018. This pre-trial detention continued for over 3 years in violation of article 143 of Criminal Procedural Law of Egypt, which states that pre-trial detention should not exceed two years. Ms. Abdelmoneim's trial has been postponed multiple times.

21. The cases described above serve as an example of the abusive use of "terrorism-related" charges against human rights defenders and lawyers. It has been reported that the Egyptian authorities have abused the vague terminology used in laws such as the Anti-Terrorism Law to silence independent voices and to prevent lawyers from taking on sensitive cases and critiquing the government. According to our information, the authorities have to date not presented an arrest warrant in their cases stating reasons for their arrest or evidence supporting the charges against them. This highlights the concern that their arrests are based on unfounded charges in relation to their human rights work.

22. Furthermore, L4L has received multiple notifications of the practice of "Rotation" being applied in cases of lawyers. Rotation refers to the practice of bringing an entirely new case against a defendant who was ordered to be released, reached their maximum detention limit for a case or has served their sentence. Based on this new case, the detention period is brought back down to zero, effectively making it possible to keep the defendant in pretrial detention indefinitely. L4L has received reports of rotation taking place in the following cases.

- a. **Mohamed al-Baqer** 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 political rights in Egypt. Mr. al-Baqer was arrested on 29 September 2019 at the SSSP premises in Cairo while attending an interrogation of activist and blogger Alaa Abdel Fattah,

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<sup>21</sup> Lawyers for lawyers, Disappearance attorney at law Islam Salama, 1 March 2021, <https://lawyersforlawyers.org/wp-content/uploads/2021/03/Disappearance-attorney-at-law-Islam-Salama.pdf>.

<sup>22</sup> Supra note 12



for whom he served as legal counsel.<sup>23</sup> Mr. al-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. al-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. al-Baqer to a new case, No. 855/2020, and accused him of similar charges, which is an example of rotation. On 18 October 2021, a new case file was opened, No. 1228/202, that replicated the charges held in case No. 1356/2019. On 20 December 2021, the New Cairo Emergency State Security Misdemeanour Court sentenced Mr. al-Baqer to four years in prison on charges of “spreading false news” in case No. 1228/2021.

UN experts stated Mr. al-Baqer should be released because of his arbitrary detention and the violation of his rights to fair trial and due process.<sup>24</sup> He has been the subject of previous decisions of the working group on Arbitrary Detention, and communications from experts through the procedures of the Human Rights Council.<sup>25</sup>

## VI. Freedom of expression and assembly of lawyers and other human rights defenders

23. Principle 23 of the Basic Principles states that lawyers ‘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.’
24. In March 2020, Egypt stated that it “firmly believes that freedom of the media and freedom of opinion and expression are the cornerstones of a sound democratic system” and that “Citizens are equal before the law without distinction on any grounds”.
25. The freedom of expression that lawyers enjoy in connection to their professional functions should not only be guaranteed in light of the rights of the lawyer, but also in protection of the rights of their clients.
26. The UN Human Rights Committee’s *General Comment No. 34 on the right to freedom of opinion and expression (Article 19 ICCPR)* states that: “Nor, under any circumstance, can an attack on

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<sup>23</sup> Lawyers for Lawyers, Mohamed El-Baqer sentenced to 4 years in prison, 20 December 2021, <https://lawyersforlawyers.org/mohamed-el-baqer-sentenced-to-4-years-in-prison/>.

<sup>24</sup> Office of the High Commissioner of Human Rights press release, UN experts urge release of rights defenders in Egypt, condemn misuse of counter-terrorism measures, 1 December 2021, <https://www.ohchr.org/en/press-releases/2021/12/un-experts-urge-release-rights-defenders-egypt-condemn-misuse-counter/>.

<sup>25</sup> Office of the High Commissioner of Human Rights press release, Egypt: Human rights defenders held incommunicado, face spurious charges, says UN expert, 15 July 2021, <https://www.ohchr.org/en/press-releases/2021/07/egypt-human-rights-defenders-held-incommunicado-face-spurious-charges-says>; and Office of the High Commissioner of Human Rights press release, UN experts urge Egypt to end crackdown on protesters and human rights defenders, 28 October 2019, <https://www.ohchr.org/en/press-releases/2019/10/un-experts-urge-egypt-end-crackdown-protesters-and-human-rights-defenders>.

a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, torture, threats to life and killing, be compatible with article 19. Journalists are frequently subjected to such threats, intimidation and attacks because of their activities. So too are persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers. All such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress.”

27. A UN group of experts, among which is The Special Rapporteur on the Independence of Judges and Lawyers, named the misuse of counter terrorism measures against civil society members, an egregious measure under the guise of implementing the United Nations Security Council resolutions and a threat to the counter terrorism framework and laws.<sup>26</sup> Later, in the context of the Conference of the Parties 27 (“COP27”), the Special Rapporteur stated to be alarmed by the harassment and intimidation of human rights and environmental defenders.<sup>27</sup> The Special Rapporteur mentioned to have received multiple reports of civil society actors being stopped, interrogated and even denied access to the country by Egyptian security officers. These reports included lawyers as well.
28. Vague provisions based on amongst others, the Anti-Terrorism Law are used to arbitrarily criminalize expressions that fall under the freedom of expression. Consequently, the Egyptian authorities have thus far failed to implement the recommendation to *‘allow human rights defenders and all other civil society actors to exercise freedom of expression and their professions without fear of being persecuted, intimidated or detained.’*<sup>28</sup>
29. As was described before, lawyers Youssef Mansour, Osama Bayoumi and Mohamed al-Baqer were arrested in connection to them exercising their right to freedom of expression.

## Conclusion

30. During the 2019 UPR, Egypt received ten recommendations on the protection of human rights defenders, including lawyers. It accepted five of these recommendations fully, three recommendations partially noted two recommendations as already implemented. These recommendations concerned the need to create a safe and enabling environment for human rights defenders to ensure that they are able to exercise their professions and their freedom of expression without fear of reprisals.
31. The Egyptian authorities have failed to respect the rights of lawyers by not adequately adopting measures required for the effective protection of HRDs. Since the previous UPR cycle in 2019, lawyers have suffered judicial harassment, including physical and verbal assaults, arbitrary arrest, unlawful detention and prosecution, prolonged pre-trial detention and enforced disappearance in relation to their activities within the legal profession and/or their

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<sup>26</sup> Supra note 24.

<sup>27</sup> Office of the High Commissioner of Human Rights press release, Egypt: UN experts alarmed by harassment of civil society actors at COP27 climate summit, 18 November 2022, <https://www.ohchr.org/en/press-releases/2022/11/egypt-un-experts-alarmed-harassment-civil-society-actors-cop27-climate>.

<sup>28</sup> Report of the Working Group on the Universal Periodic Review: Egypt: Addendum. A/HRC/43/16/Add.1, 5 March 2020. Recommendation 31.207.

legitimate exercise of their right to freedom of expression. A large number of lawyers remains in detention to this day.

32. Lawyers for Lawyers concludes that Egypt, to date, has not adequately implemented recommendations 31.200, 31.202, 31.205, 31.206, 31.207, 31.163, 31.178, 31.194, 31.197, and 31.198.

**33. Lawyers for Lawyers urges the authorities of Egypt to:**

- a. Respect the rights of lawyers and guarantee that they are able to perform their professional functions without intimidation, hindrance, harassment or improper interference. Egypt should implement recommendations 31.200, 31.202, 31.205, 31.206, 31.163, 31.194, 31.197, and 31.198 without delay.**
- b. Guarantee the right to freedom of expression of lawyers, particularly their right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights. Egypt should implement recommendations 31.207 and 31.178 without delay.**