

Mandate of the Special Rapporteur on the independence of judges and lawyers

Ref.: UA EGY 8/2022
(Please use this reference in your reply)

2 September 2022

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolution 44/8.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the harassment and interference with the work of a lawyer defending a high-profile case, in which the accused faces the death penalty. The lawyer in question is **Mr. Ahmed Mohammad Abdelgelil Hamad**, born on September 22, 1990, who is [REDACTED]

According to the information received:

Mr. Hamad is reportedly facing harassment, threats, and physical attacks among other forms of interference and intimidation as a result of his decision to represent this client.

He appeared on the talk-show of a prominent Egyptian journalist to discuss the case of the accused murderer he is representing.

Then, on 29 June, while driving on Al-Bahr Street in Tanta, Egypt, two cars blocked his way and several people, including the above-mentioned journalist, got out of those cars to threaten him, and attempt to steal the keys to the vehicle. According to the source, there is closed-circuit television footage showing Mr. Hamad's car being blocked as well as a video made by Mr. Hamad as the incident took place. On 2 August, a witness testified at a police station in Tanta that he saw the incident take place as recounted by Mr. Hamad.

On 23 August, Mr. Hamad suffered another attack in the street, including by some of the same perpetrators of the 29 June attack, which also resulted in damage to his vehicle.

The lawyer is now receiving threatening messages and phone calls, including from the above-mentioned journalist who was involved in the 29 June and 23 August attacks. This individual is also posting public videos on social media, alleging that Mr. Hamad is a homosexual and belittling his educational credentials. In the calls, individuals also attempt to extort money from Mr. Hamad through threats to hurt him.

Reportedly, the lawyer now faces serious charges in two court cases alleging that he threatened and tried to kill the above-mentioned journalist, and injured a bystander, respectively. The journalist has also threatened to take '10,000' further cases against Mr. Hamad.

The source indicates that these cases at Tanta Court are based on false accusations, and seek to destroy Mr. Hamad's credibility and reputation and force him to cease representing the client in the high profile case. The above-mentioned journalist has also threatened to take up "10,000" further cases against Mr. Hamad.

Information received indicated various programmes on television news channels and social media videos from the Egyptian media are trying to tarnish Mr. Hamad's reputation, including by questioning his motivations for taking the case.

Mr. Hamad alleges that he can no longer leave his house without being accompanied since he fears for his life and safety, and his family has relocated to a secret location after their address was published in the media.

Mr Hamad has his own lawyer's office; however he can no longer work on other cases.

He has reported difficulty sleeping, and his health is rapidly deteriorating.

Without wishing to prejudge the accuracy of the information received, I express serious concern regarding the harassment, threats, and attacks on the reputation of Mr. Hamad as a result of the legitimate exercise of his professional functions as a lawyer. In particular as it relates to the guarantees of a fair trial, provided by article 14 of the International Covenant on Civil and Political Rights, which Egypt acceded to in January 1982.

If confirmed, these allegations would be in breach of the guarantees that lawyers are entitled to in order to perform their professional functions without any threat, intimidation, harassment or interference, and without suffering, or being threatened with, prosecution or any administrative or disciplinary sanctions for actions undertaken in accordance with professional duties and ethical standards. In particular, international standards provide that lawyers should not be subject to civil, criminal or disciplinary liability for statements made in good faith in written or oral pleadings or in their professional appearances before the judicial authority.

I respectfully recall that Article 14 (1) of the ICCPR, sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law. In addition, article 14 of the ICCPR provides a set of contain procedural guarantees that must be made available to persons charged with a criminal offence, including the right of accused persons to have access to, and communicate with, a counsel of their own choosing. In its General Comment No. 32 (2007), the Human Rights Committee explained that the right to communicate with counsel enshrined in

article 14 (3) (b) requires that the accused is granted prompt access to counsel.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, I would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person in compliance with international instruments.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information on measures taken to protect Mr. Hamad while he exercises the legal profession in Egypt, including in this high-profile case.
3. Please provide detailed information on the legislative and other measures adopted by Egypt to ensure that lawyers able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference (Principle 16 (a) of the Basic Principles on the Role of Lawyers) and to prevent that they are subject to, or be threatened with, prosecution or administrative, economic or other sanctions as a result of their identification with their clients or their clients' causes as a result of discharging their functions (Principle 18).

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of my highest consideration.

Diego García-Sayán
Special Rapporteur on the independence of judges and lawyers