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AMERICAN BAR ASSOCIATION

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June 6, 1994

His Excellency Muhammad Hosni Mubarak
President of the Arab Republic of Egypt
Abedine Palace
Cairo, Egypt

Dear President Mubarak:

Our Association and its more than 380,000 member lawyers have a deep commitment to the preservation of the rule of law in the international community. In particular, we seek to encourage the maintenance of judicial systems which are independent from governmental interference, and which respect the independence of judges and lawyers in order to maintain internationally recognized standards of fairness and justice. These objectives are embodied in a "Rule of Law Resolution" adopted by the Association's House of Delegates in February 1975.

Pursuant to that resolution, I am writing to you to express our deep concern regarding the death of attorney Abdel-Harith Madani, 32, who was in police custody in Giza from April 26 to May 6, 1994. Mr. Madani, an active member of the Egyptian Organization for Human Rights, handled many human rights cases and represented members of Islamic opposition groups.

According to press and other reports that we have received, on April 26, 1994, Mr. Madani's law office in Giza was raided by the State Security Intelligence Police; in the course of this raid, Mr. Madani was arrested and his case files were seized. Mr. Madani was held incommunicado until his death; no information was given as to his whereabouts. On May 6, 1994, Mr. Madani's family was notified of his death and instructed to pick up his body at Sayeda Zeinab Police Station.

We have also learned from reliable sources that, according to morgue employees and a coroner, there was clear evidence of torture: puncture wounds, which were probably caused by the penetration of a sharp instrument, surrounded by large blue bruises were observed on Mr. Madani's body. Moreover, the Egyptian Organization for Human Rights, of which Mr. Madani was a member, has stated that it received reports that, as a result of severe torture, Mr. Madani was admitted to the prison ward at the Qasr al-Aini University Hospital in the early hours of April 27, 1994, and was declared dead at 2:30 a.m. Death, according to a statement by

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the Minister of the Interior, and to what was published by a national magazine as a copy of the hospital's report on the cause of death, was listed as asthma and respiratory failure. This, however, is disputed by his family and professional colleagues, who state that he had no health problems. To date, no independent autopsy has been performed. Moreover, the Egyptian authorities have given no satisfactory answer to why there was a delay of 10 days between Mr. Madani's death on April 27, 1994, and his family being informed and given the body on May 6, 1994.

These facts, if our information is correct, reflect the most serious violations of the rule of law in Egypt. The independence of judges and lawyers is fundamental to maintaining the international norms of equal justice and due process enumerated in the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, and other international human rights instruments. Specifically, the torture of Mr. Madani, which in all probability caused his death, violated the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, and the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("Torture Convention"). Egypt has ratified the Torture Convention and must act in accordance with its obligations as a State Party. Of particular relevance to this case is Article 12 of the Torture Convention that states:

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, whenever there is a reasonable ground to believe that the act of torture has been committed in any territory under its jurisdiction. [emphasis added]

The ability of lawyers to represent their clients is fundamental to maintaining international norms of equal justice for all. Mr. Madani's death will undoubtedly have a chilling effect on the representation of human rights victims and individuals accused of political offenses in Egypt. Thus, a prompt and thorough investigation of his death would assure Egyptian human rights lawyers that the rule of law is being honored.

The sole concern of the American Bar Association is for the maintenance of the rule of law in the international community and the elements necessary to sustain it. We agree that preservation of the security of the state and public order are responsibilities of any government. Nevertheless, these concerns cannot justify torturing a lawyer on account of his representation of real or alleged terrorists.

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We respectfully urge that your Government investigate the death of Mr. Madani, as well as his treatment in custody, and that those responsible for the torture, and ultimately his death, be brought to justice, regardless of their position.

Thank you for your consideration of these important matters. We look forward to your response.

Sincerely,

A handwritten signature in cursive script that reads "R. William Ide, III". The signature is written in dark ink and is positioned above the typed name.

R. William Ide, III
President
American Bar Association

cc: The Honorable Warren Christopher
His Excellency Ambassador Ahmed Maher El Sayed
Egyptian Bar Association