



הארגון הבינלאומי של עורכי-דין ומשפטנים יהודים
THE INTERNATIONAL ASSOCIATION OF JEWISH LAWYERS AND JURISTS

May 2, 2010

Your Excellency President Hosny Mubarak
Arab Republic of Egypt
Abdeen Palace
Cairo

Dear President Mubarak:

We, the International Association of Jewish Lawyers and Jurists (IAJLJ), hereby respectfully address you in the matter of the Israeli citizen, AUDA SUELIMAN TARABIN, who, at age 18, was sentenced to 15 years' imprisonment for the offence of spying. The accusation and sentencing occurred MORE THAN ten years ago.

Being an association of lawyers, the IAJLJ is deeply concerned, particularly after having learnt from both the Israeli Ministry of Foreign Affairs and Mr. Tarabin's lawyer, that, despite their repeated requests, they have not been allowed to see the indictment the protocol of the trial, the judgment and the sentencing verdict. Absent these documents, not only is it impossible to hold a fair and honest trial, but it also deprives Mr. Tarabin of his minimal human rights.

According to the information that we received from the Israeli Ministry of Foreign Affairs and Mr. Tarabin's lawyer, Mr. Tarabin was sentenced *in absentia*, meaning that he was not allowed to defend himself, nor was he given an opportunity to refute the evidence that was presented at the trial.

The IAJLJ is aware of the fact that the UN Human Rights Council in Geneva recently held discussions in the matter of human rights in Egypt. The IAJLJ further understands that Egypt presented a written National Report to the Human Rights Council stating that the Special Security Courts and the Office of the Socialist Public Prosecutor had both been abolished in order to guarantee the right to a fair trial. In addition, in the 2007 amendment to the Constitution, the functions of the Socialist Public Prosecutor were redistributed among the Office of the Public Prosecutor, the courts and judicial institutions. In addition, the Egyptian legislature altered the system of military courts, strengthening the independence of these courts and establishing a higher court of appeal, all the foregoing in conformity with international fair trial standards and again, so as to ensure fair trials for defendants.

However, the said amendments to the relevant pieces of legislation in Egypt came into force eight years after the sentencing of Mr. Tarabin, so that he was clearly unable to benefit from them.

In the circumstances, and as mentioned above, the IAJLJ is of the belief that Mr. Tarabin did not receive a fair trial in view of the lack of documentation that was

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furnished to the accused under the conditions that existed prior to enactment of the amendments in 2007.

Accordingly, we respectfully request, Mr. President, that you exercise your authority to pardon Mr. Tarabin in order to remedy what appears to be a miscarriage of justice.

Yours sincerely,

Alex Hertman, Adv.
President

Irit Kohn

Irit Kohn, Adv.
Deputy President