

AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي <i>African Commission on Human & Peoples' Rights</i>		UNIÃO AFRICANA <i>Commission Africaine des Droits de l'Homme & des Peuples</i>
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Communication 544/15

European Alliance for Human Rights (AED) and 3 Others

v

Egypt

*Adopted by the
African Commission on Human and Peoples' Rights
during the 23rd Extra-Ordinary Session, from 13th to 22nd February 2018
Banjul, The Gambia*



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Commissioner Soyata Maiga
Chairperson of the African Commission
on Human and Peoples' Rights




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Dr. Mary Maboreke
Secretary to the African Commission on
Human and Peoples' Rights

Communication 544/15 – European Alliance for Human Rights (AED) and 3 Others v. Arab Republic of Egypt

Summary of the Complaint

1. The Secretariat of the African Commission on Human and Peoples' Rights (the Secretariat) received a Complaint on 12 January 2015 from European Alliance for Human Rights (AED), Professor Dr Ahmed Jaber Mohammed Al-Haj and Dr Amir Mohammad Bassam Mahmoud Youssef (the Complainants).
2. The Complaint is submitted against the Arab Republic of Egypt (Respondent State), a State Party to the African Charter on Human and Peoples' Rights (the African Charter).¹
3. The Complainants allege that following the 'bloody military tribalism coup' of 03 July 2013 in Egypt, by which a legitimately elected government was ousted, the human rights situation in the Respondent State has deteriorated extensively.
4. The Complainants raise concerns about extra-judicial killings, torture, enforced disappearances, tribal segregation, and unlawful arrests and disregard for fair trial standards. The Complainants add that this is aimed at punishing those who opposed the abovementioned Coup.
5. The Complainants aver that members of the academic community have been prevented from enjoying their intellectual freedom, and their freedom of movement has also been curtailed, resulting in many of them fleeing the Country. The Complainants add that the intellectuals face arrest upon their return.
6. The Complainants contend that members of the academic community in the Egyptian universities and research centres have been assaulted and killed and others expelled from their jobs, without the proper procedures being followed. The Complainants aver that some members of some faculties have been imprisoned.
7. The Complainants submit that the Coup authorities have been trying to control the work of the academic community, especially on the World Wide Web, where they are reported of spying on people on Facebook.
8. The Complainants affirm that they have official reports issued in April 2014 from movements of universities against the Coup, which document the violations of academic freedoms in Egypt.

¹ Egypt ratified the African Charter on Human and Peoples' Rights on 20 March 1984.



9. The Complainants submit that up until March 2014, 1347 students were captured and 176 killed. The Complainants further submit that it has been reported that 7 university professors died outside the scope of the law, 160 were imprisoned, with 20 later on being released and 25 are 'haunted' by security authorities contrary to the Declaration of Kampala on Intellectual Freedom and Social Responsibility.
10. The Complainants allege that the Leaders of the Coup have gone further to label and arrest lawyers and judges to make them step away from defending the victims.
11. The Complainants state that after the Coup it has been impossible to get judicial remedies. The Complainants also affirm that this Complaint has never been presented before any other international dispute settlement forum.

Articles alleged to have been violated

1. The Complainants allege violation of Articles 1, 2, 3, 60 and 61 of the African Charter on Human and Peoples' Rights.

Procedure

2. The Secretariat received the Complaint on 12 January 2015 and acknowledged receipt on the same day.
3. The Secretariat received a revised translation of the Complaint on 02 April 2015 and acknowledged receipt on 08 April 2015.
4. The African Commission on Human and Peoples' Rights (the Commission) was seized of the Communication during the 18th Extra-Ordinary Session of the Commission, held from 29 July to 07 August 2015.
5. By letter and note verbale dated 29 September 2015 the Complainant and the Respondent State were informed of the decision to be seized and the Complainant was requested to present evidence and arguments on admissibility within two (2) months.
6. By letter dated 05 January 2016 the Complainant was informed that the Communication was deferred during the 57th Ordinary Session, pending receipt of the Complainant's submission on admissibility, and further that the deadline for the said submissions expired on 29 November 2015, and therefore it was no longer possible for the Complainant to make submissions on this Communication.

The Respondent State was informed that the Communication was deferred due to time constraints.

7. By letters and note verbales dated 11 July 2017, 22 September 2017 and 24 November 2017, the Secretariat informed the Parties that the Communication was deferred. The letter of 24 November 2017 also informed the Complainant that the deadline for submissions expired on 29 November 2015, and that it was no longer possible to make submissions on the admissibility of the Communication.

Analysis of the Commission to strike out

8. Rule 105(1) of the Commission's Rules of Procedure establishes that when the Commission has decided to be seized of a Communication, it shall request the Complainant to present arguments on Admissibility within two (2) months.
9. Rule 113 provides that when a deadline is fixed for a particular submission, either party may apply to the Commission for extension of the period stipulated. The Commission may grant an extension of time for a period not longer than one (1) month.
10. In this case, the Complainant was requested to present evidence and arguments on the admissibility of the Communication within two (2) months from the date of notification of the seizure decision, which had expired on 29 November 2015. However, the Complainant did not present any evidence and arguments within the stipulated time and was informed that they could no longer make any submissions.
11. There is evidence on record that the Complainant has received the correspondences of 05 January 2016 and 22 September 2017.
12. In light of the above, the Commission therefore finds that the Complainant has shown no interest in prosecuting this Communication.
13. The Commission takes note of its jurisprudence, including **Communication 594/15: Mohammed Ramadan Mahmoud Fayad Allah v. the Arab Republic of Egypt, Communication 612/16: Ahmed Mohammed Ali Subaie v. the Arab Republic of Egypt, Communication 412/12L Journal Echos du Nord v. Gabon and Communication 387/10: Kofi Yamagnane v. The Republic of Togo**, which were similarly struck out for want of diligent prosecution.

Decision of the Commission

14. In view of the above, the Commission decides to strike out the Communication for lack of diligent prosecution.

Done at the 23rd Extra-Ordinary Session of the Commission held in Banjul, The Gambia from 13 to 22 February 2018

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