

TANZANIA / JUDGMENT

european alliance for human rights and others v egypt communication 543 of 2015 2018 achpr 128 18 october 2018

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'AFRICAN UNION UNION AFRICAINE uNIAo AFRICANA African Commission on Human & Peoples' Rights Commission Africaine des Droits de /'Homme & des Peuples 31 Bijilo Annex Layout, Kombo North District, Western Region, P. O. Box 673, Banjul, TheGambia Tel: (220) 4410505/4410506; Fax: (220) 4410504 E-mail: au-ban ·u i africa-union.01< · Web www.ach r.or Communication 543/15 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 a ~- t"lOll~~~Alt Ai,LpE ~, :<,I:. t1>- lll~••r i , i ' ~. t- I ~4 -----~~-----~~...~<" 'I}X?; Dr. Commissioner SoyataMaiga ----- MaryMaboreke ~.~~rri.~~'f<-v) -----· Chairperson of the Aftican Commission 'Secretary to the Aftican Commission on on Human and Peoples' Rights Human and Peoples' Rights Decision for Strike Out Communication 543/15 - 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), Dr Ezz al-Din Abdu W~ b Allam and Dr Amir Mohammad Bassam Mahmoud Youssef (tHe Complainerlts). 2. 3.
4. The Complainants,.raise concerns al5out extra-judicial killings, torture, enforced disappearances, tribal segregation, and unlawful arrests and disregard for fair trial standards. The Complainants add that this i aimed at punishing those who opposed the abovementioned Coup., 5.
6. The Complainants s b~ it"4 list of names from a case which had been brought before the Administrative Court of the State Council, headed by Judge Mohammed Mahmoud, deputy head of the State Council, concerning a demand for the revocati~n of citizenship of those on the said list, including the third and fourth Complainant herein.
7. 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.

8. The Complainants state that after the Coup it has been impossible to get judicial remedies. The Complainant also affirms that this Complaint has never been presented before any international dispute settlement forum. 1 Egypt ratified the African Charter on Human and Peoples' Rights on 20 March 1984. Articles alleged to have been violated
9. The Complainants allege violation of Articles 1, 2, 3, 4, 5, 19, 60 and 61 of the African Charter on Human and Peoples' Rights. Procedure
10. The Secretariat received the Complaint on 12 January 2015 and acknowledged receipt on the same day.
11. The Secretariat received a revised translation of the Complaint on 02 April 2015 and acknowledged receipt on 08 April 2015.
12. 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.
13. 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.
14. 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 was informed that the Communication was deferred due to time constraints.
15. By letter and note verbale dated 11 July 2017 the Secretariat informed the Parties that the Communication was deferred during the 60th Ordinary Session.
16. By letter and note verbale dated 20 September 2017 the Secretariat informed the Parties that the Complainant had been granted an additional thirty (30) days within which to submit on admissibility, failing which the Communication would be struck out for lack of diligent prosecution.
17. In a note verbale dated 27 October 2017 received at the Secretariat on 24 November 2017, the Respondent State indicated that the additional time had expired and thus requested the Commission to strike out the Communication. Analysis of the Commission to strike out
18. 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.

19. 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.
20. 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.

21. During its 22nd Extraordinary Session which took place from 29 July to 07 August 2017, in Dakar, Republic of Senegal, the Commission decided, because it was not satisfied that the Complainant has received the earlier correspondences based on the evidence on record, to grant the Complainant a further period of 30 calendar days from the date of notification to submit evidence and arguments on the admissibility of the above mentioned Communication.
22. More than three (3) months have lapsed since the expiry of the last extended period and no evidence and arguments have been submitted by the Complainant on the admissibility of the Communication. There is also evidence on record that the Complainant has received the letter granting further extension of time to submit on admissibility.
23. In light of the above, the Commission therefore finds that the Complainant has shown no interest in prosecuting this Communication.
24. 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
25. 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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