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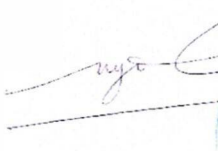
COMMUNICATION 629/16

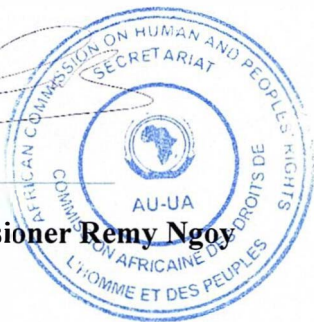
**Khalid Mohamed Al Maghawry Mohamed Zakaria & Another
(Represented by Dalia Lotfy)**

v.

The Arab Republic of Egypt

*Adopted by the
African Commission on Human and Peoples' Rights
During the 70th Ordinary Session done virtually from 23 February to 09 March
2022*


Hon. Commissioner Remy Ngoy
Lumbu
Chairperson,
African Commission on Human and




Mrs. Abiola Idowu-Ojo
Executive Secretary (Ag)
African Commission on Human
and Peoples' Rights (ACHPR)



Decision of the African Commission on Human and Peoples' Rights on Withdrawal

**Communication 629/16: Khalid Mohamed Al Maghawry Mohamed Zakaria &
Another (Represented by Dalia Lotfy) v. The Arab Republic of Egypt**

Summary of the Complaint:

1. The Secretariat received a Complaint on 27 May 2016 from Dalia Lotfy (Complainant), on behalf of Khalid Mohamed Al Maghawry Mohamed Zakaria (Victim 1) and Abdul Rahman Mohamed Mostafa Qotb (Victim 2).
2. The Complaint is submitted against the Arab Republic of Egypt, State Party to the African Charter on Human and Peoples' Rights (African Charter).
3. The Complainant alleges that the present Complaint is written on behalf of two (2) persons sentenced to death, among twelve (12) others who had their sentences upheld on 12 September 2015, after being accused of belonging to the membership of Islamic State of Iraq & Syria (ISIS) about two months before its formation.
4. The Complainant contends that the sentences were upheld by a Judge appointed to the Special Circuit Court for trying terrorism, and further alleges that this court was established contrary to Egyptian judicial proceedings law to try dissidents.
5. The Complainant avers that in a local televised interview, the Justice Minister, Hon. Ahmed Al Zend, also clearly stated that he will not rest until the execution of 40,000 members of Muslim Brotherhood, their supporters and their family members for every army man killed.
6. The Complainant alleges that the above statements represent the Respondent State's policy against dissidents because of the fact that: tens of thousands of dissidents are held in prisons; thousands have been charged before special courts or military courts; hundreds others have been killed in protests as well as in prisons; and hundreds of people have been sentenced to death in mass trials.
7. The Complainant submits that in a Conference in April 2016, the President of Respondent State stated that it was impossible to hold the Respondent State up to European standards of human rights. The Complainant further submits that all the above statements made by a government official and the Head of State cast a big shadow over the Respondent State's commitment to comply with



international standards of justice and fundamental rights enshrined in the African Charter and the conventions that the Respondent State has ratified.

Application for Withdrawal

8. The African Commission on Human and Peoples' Rights (the Commission) was seized of the Communication during its 20th Extra-Ordinary Session, held from 09 to 18 June 2016 in Banjul, The Gambia.
9. On 17 May 2021, the Secretariat informed the Complainant that the Communication would be tabled for striking out for want of diligent prosecution, on account of the failure of the Complainant to respond to the Commission's request for submissions on the admissibility of the Communication.
10. On 19 May 2021, the Complainant wrote to the Secretariat requesting withdrawal and discontinuation of the Communication.
11. The Commission recalls the following jurisprudence which were similarly withdrawn: Communication 349/07: Simon Weldehaimanot v. Eritrea;¹ Communication 603/16: Mrs. Ayatulla Alaa Hosny (represented by Dalia Lotfy) v. Arab Republic of Egypt;² Communication 705/18: Emil Touray and Saikou Jammeh (Represented by IHRDA and Sagar Jahateh) v. The Republic of The Gambia;³ and Communication 736/20: Lado James Paul, Ayume Dada & Others (Represented by John Gerry Emmanuel) v. The Republic of South Sudan⁴

Analysis of the African Commission

12. The Commission sees no objection in granting this request in line with its established practice and jurisprudence.

Decision of the African Commission

13. The Commission decides to grant the request for withdrawal.
14. Based on the above, the Commission declares the Communication closed.

¹ Communication 349/07: Simon Weldehaimanot v. Eritrea (2015) ACHPR

² Communication 603/16: Mrs. Ayatulla Alaa Hosny (represented by Dalia Lotfy) v. Arab Republic of Egypt (2018) ACHPR

³ Communication 705/18: Emil Touray and Saikou Jammeh (Represented by IHRDA and Sagar Jahateh) v. The Republic of The Gambia (2019) ACHPR

⁴ Communication 736/20: Lado James Paul, Ayume Dada & Others (Represented by John Gerry Emmanuel) v. The Republic of South Sudan (2020) ACHPR

