



**DECISION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES'
RIGHTS ON STRIKE OUT**

**COMMUNICATION 578/15 - DR. HOSSAM ABOUBAKR ELSEDDIK
EISHAHHT ABOUELEZZ V. THE 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 1 October 2015 from the European Alliance for Human Rights (AED), Mrs. Maha Elsayed Elsayed Abou Elezz and one other individual who sought anonymity (the Complainants), on behalf of Dr Hossam Aboubaker Elseddik Eishahhat Abouelezz (the Victim).
2. The Complaint is submitted against The Arab Republic of Egypt (the Respondent State), which is a State Party to the African Charter on Human and Peoples' Rights (the African Charter).¹
3. The Complainants allege that the Victim is an Egyptian national who was born in 1961 and resides in Cairo. They aver that he was arrested on 17 September 2013 without being informed of the charges against him and that his family was not aware of his whereabouts for a month. The Complainants submit that the charges against the Victim were fabricated following his arrest.
4. The Complainants allege that the Victim was taken to Akrab Prison where he was subjected to physical and mental torture. They add that he was confined to a cramped isolation cell with poor ventilation, no bed and no light. He was also denied food, clean water, medication, and contact with his family and lawyer.
5. The Complainants submit that there were four (4) cases against the Victim. In Case Number 5 of 2014 of the Criminal Supreme State Security, he was accused of organizing protests and carrying out sit-ins in Rabi'a under, in which fourteen (14) people were sentenced to death by hanging, including the Victim, and thirty-seven (37) others were sentenced to life imprisonment.
6. In Case Number 7294 of 2013 of the Criminal Qalioub, the Complainants aver that the Victim was accused of conspiring with other protesters on Qaliob Road, in which ten (10) people were sentenced to death by hanging and thirty-seven (37) others were sentenced to life imprisonment, including the Victim. In Case Number 2414 of 2013 of the Criminal Mokattam, the Victim was accused of aiding and abetting in the murder of Abdul Rahman Karem Mohammed.

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





which four (4) people were sentenced to death by hanging and the others to life imprisonment, along the Victim. They add that there is a fourth case, about which the prosecutor questioned the Victim despite him being unaware of the case number and its merits.

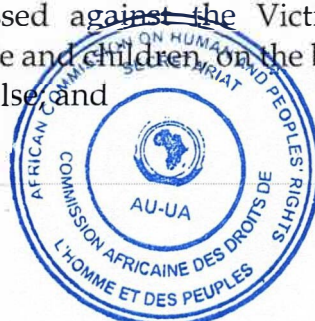
7. The Complainants allege that the Respondent State intimidated the Victim's wife and children, threatening that charges would also be fabricated against them, which forced them to flee Egypt for Turkey in search of security.
8. The Complainants elaborate extensively on the deterioration of the human rights situation in the Respondent State following the "*coup*" of 3 July 2013, and particularly raise concerns about extra-judicial killings, enforced disappearances, torture or ill-treatment, unlawful arrest and detentions, and disregard to fair trial standards. They add that this is aimed at punishing those who participated in the demonstrations.

Articles alleged to have been violated:

9. The Complainants allege violation of Articles 1, 2, 3, 4, 5, 6, 7, 8, 14, 15, 17, and 19 of the African Charter.

Prayers:

10. The Complainants request the African Commission on Human and Peoples' Rights (the Commission) to:
 - a. Issue an interim measure urging the Respondent State to suspend the death penalty passed against the Victim and generally in the country;
 - b. Issue an order urging the Respondent State to immediately release the Victim and stop all forms of torture against him;
 - c. Declare that the current Egyptian Political Regime is discriminatory due to the crimes listed in the Complaint, including racial segregations, mass killing and enforced disappearance;
 - d. Order the Respondent State to cease all the crimes mentioned in the Complaint and hold the perpetrators accountable for fabricating false accusations against the Victim;
 - e. Order the Respondent State to set aside the death penalty and life imprisonment passed against the Victim, as well as the penalties imposed on his wife and children on the basis that the accusations made against them are false, and





- f. Prescribe to the Respondent State to grant the Victim the equivalent of fifty million U.S. dollars (\$50,000,000.00) as compensation to the Victim and his Children for all the harm they endured.

Procedure:

11. The Secretariat received the Complaint on 1 October 2015, and acknowledged receipt on 7 October 2015.
12. On 9 October 2015, the Secretariat requested the Complainants to furnish additional information in accordance with Rule 93 (4) of the Rules of Procedure of the Commission.
13. The Secretariat received the requested information on 15 October 2015, and acknowledged receipt of the same on 21 October 2015.
14. At its 57th Ordinary Session, done in Banjul, The Gambia, from 4 to 18 November 2015, the Commission considered the Complaint and decided to be seized thereof and also issued Provisional Measures.
15. By letter and Note Verbal dated 10 November 2015, the Secretariat informed the parties of the decision on seizure and the Provisional Measures issued, and requested the Complainants to submit evidence and arguments on admissibility within two (2) months of the notification thereof, in accordance with rule 105(1) of the Rules of Procedure of the Commission.
16. To date, the Complainants have not submitted evidences and arguments on admissibility. Accordingly, the Commission decided to strike out the Communication for want of diligent prosecution during its 74th Ordinary Session.

Analysis of the Commission on Strike Out:

17. Rule 105(1) of the Commission's Rule of Procedure (2010) provides that when the Commission is seized of a Complaint, it shall request the Complainant to present evidence and arguments on the admissibility of the Communication within two (2) months.
18. 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.
19. In the present Communication, the Complainants were 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. This period expired on 10 January 2016. However, the Complainants did not present any





evidence and arguments within the stipulated time and neither did they apply for an extension.

20. Almost seven (7) years have lapsed since the expiry of the deadline, and no evidence or arguments have been submitted by the Complainants on the admissibility of the Communication.
21. In light of the above, the Commission finds that the Complainants have not shown an interest in prosecuting this Communication.
22. The Commission takes note of its jurisprudence, including *Communications 594/15 Mohammed Ramadan Mahmoud Fayad Allah v. Arab Republic of Egypt*; *612/16 Ahmed Mohammed Ali Subaie v. Arab Republic of Egypt*; *412/12 Journal Echos du Nord v. Republic of Gabon* and *Communication 387/10 Kofi Yamagnane v. Togo*, which were struck out similarly for want of diligent prosecution.

Decision of the African Commission

23. In view of the foregoing, the Commission rules that the Complaint be struck out.

Adopted at the Seventy-fourth (74th) Ordinary Session of the African Commission held in Banjul, The Gambia, from 21 February to 7 March 2023

