



**DECISION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES'
RIGHTS ON STRIKE OUT
COMMUNICATION 575/15: DR MOHAMED IBRAHIM AL-BELTAGY 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 8 October 2015 from the European Alliance for Human Rights (AED), Mrs. Maha Sana's Abdul Jawad Mohammed Mohamed and one other individual who sought anonymity (the Complainants), on behalf of Dr. Mohammed Ibrahim Al-Beltagy (the Victim). The Complaint is submitted against the Arab Republic of Egypt (Respondent State), which is a State Party to the African Charter on Human and Peoples' Rights (the African Charter).¹
2. The Complainants submit that the Victim is an Egyptian national who was born in 1963, resides in Cairo and works as a professor at a University. The Complainants aver that the Victim has been charged with thirty-five (35) fabricated crimes he did not commit, for which he has been sentenced to death by hanging for two cases, rigorous imprisonment for over one hundred seventy (170) years for some cases, and the rest of the cases were pending before the courts. The Complainants contend that the judiciary is not independent and the accusations made against the Victim are false.
3. The Complainants allege that the Victim was subjected to torture and confined to a cramped isolation cell with poor ventilation, no bed and no light. They add that he was denied food, clean water, medication, and contact with his family and lawyer.
4. The Complainants elaborate on some of the cases brought against the Victim. The Complainants state that in Case Number 5 of 2014 of the Criminal Supreme State Security, the Victim was accused of calling on people to protest and carry out sit-ins, for which he was sentenced to life imprisonment. The Complainants add that in Case Number 7294 of 2013 of the Criminal Qalioub, the Victim was accused for collaborating with other protesters on the Qalioub Road, which he was sentenced to life imprisonment. They also state that in Case Number 124 of 2013 of the Criminal Supreme State Security, the Victim was accused for collaborating with Hamas in Palestine, and sentenced to death by hanging. In

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





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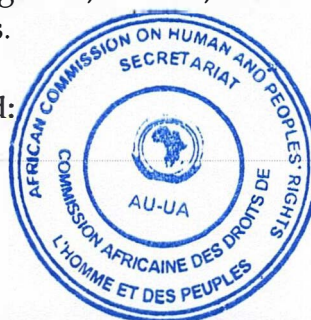
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Cases Number 2414 of 2013 of the Criminal Mokattam and 1818 of 2013 of the Giza Criminal, the Victim was sentenced to life imprisonment.

5. The Complainants also allege that the Victim's daughter, Ms. Asma'a Mohamed Ibrahim Al-Beltagy who was born in 1996, was shot dead by security forces while participating in a peaceful protest against the "military *coup*" in Rabia's Square, Cairo, on 14 August 2013. The Complainants further submit that the Victim was not allowed to attend his daughter's funeral and that no investigation was conducted to hold the perpetrators accountable.
6. The Complainants submit that on 19 August 2014, the "*coup* authorities" detained the Victim's son, Amar Al-Beltagy for two days. They add that the Victim's son fled to Turkey when he received information of fabricated charges against him.
7. The Complainants also allege that "*coup* forces" arrested, tortured and imprisoned the Victim's other son, Anas Al- Beltagy, a university student, preventing him from writing his exams. The Complainants add that two years following his detention, he was falsely charged with possessing a weapon without a license, which resulted in an unfair trial where he was sentenced to five (5) years imprisonment.
8. The Complainants allege that on 21 February 2015, the Victim's youngest son, Khaled Al-Beltagy, a 17-year-old high school student, was kidnapped and detained for two (2) months without being charged, during which time he was tortured for five (5) days by the "*coup* forces." On 22 September 2012, he was re-arrested and tortured again without being charged and remains in detention.
9. The Complainants further allege that the "*coup* forces" have fabricated charges against the Victim's wife for attacking the Prison's Security Guard during her visit to the Victim, which led her to be sentenced to six months' imprisonment without a fair trial.
10. The Complainants elaborate extensively on the deterioration of the human rights situation in the Respondent State following the "*coup*" of 3 July 2013, raising concerns about torture, ill-treatment, unlawful arrests and detentions, and disregard for fair trial standards. They add that this is aimed at punishing those who participated in the demonstrations.
11. The Complainants allege that the Respondent State has committed the crime of discrimination, racial segregation, torture, assault on women's rights and violated the rights of detainees.

Articles alleged to have been violated:





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

Prayers:

13. The Complainants request the African Commission on Human and Peoples' Rights (African Commission) to:
- Issue an interim measure requesting that the Respondent State suspends the Victim's execution and the death penalty nationwide;
 - Order the Respondent State to immediately release the Victim and stop all forms of torture against him;
 - Declare that the current Egyptian Political Regime is discriminatory due to the crimes listed in the Complaint, including racial segregation, torture, unlawful detention, mass killing and enforced disappearance;
 - Urge the Respondent State to cease all the crimes mentioned in the Complaint and hold the perpetrators accountable for fabricating false accusations against the Victim;
 - Order the Respondent State to set aside the sentences passed against the Victim, his children, and his wife on the grounds that the accusations made against them are false; and
 - Order the Respondent State to pay compensation in the equivalent of fifty million U.S. dollars (\$50,000,000.00) for the Victim and his children, for all the harm they endured.

Procedure:

14. The Secretariat received the Complaint on 8 October 2015 and acknowledged receipt on 19 October 2015.
15. 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.
16. By letter and Note Verbal dated 13 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.





17. 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:

18. 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.
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 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 13 January 2016. However, the Complainants did not present any evidence and arguments within the stipulated time and neither did they apply for an extension.
21. 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.
22. For all of these reasons, the Commission considers that there are no grounds for pursuing the Complaint.
23. 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

24. 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

