

African Commission on Human and Peoples' Rights

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297: Resolution on the Deteriorating Human Rights Situation in the Arab Republic of Egypt - ACHPR/Res.297 (EXT.OS/XVII) 20

The African Commission on Human and Peoples' Rights (the Commission) meeting at its 17th Extra-Ordinary Session held from 19 to 28 February 2015, in Banjul, The Gambia;

Recalling its mandate to promote and protect human and peoples' rights in Africa pursuant to the African Charter on Human and Peoples' Rights (the African Charter);

Bearing in mind that the Arab Republic of Egypt is a Member State of the African Union and State Party to the African Charter with the obligation to ensure respect for human and peoples' rights in its territory;

Recalling that one of the objectives of the African Union is to promote and protect human and peoples' rights in accordance with the African Charter, as well as to promote democratic principles and institutions, popular participation and good governance;

Reaffirming Articles 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 18, and 26 of the African Charter which enshrine the right to freedom from discrimination, the right to equal protection of the law, the right to life, the right to freedom from torture and cruel, inhuman and degrading treatment, the right to personal liberty and protection from arbitrary arrest, the right to fair trial, the right to freedom of conscience, the right to receive information and freedom of expression, the right to freedom of association and assembly, the right to participate in government, the duty to protect vulnerable groups, and the duty to ensure the independence of the judiciary respectively;

Reiterating the standards stipulated in the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa (the Principles and Guidelines on Fair Trial), adopted by the Commission in 2001; **Recalling** Article 7 of the African Charter which stipulates that every individual shall have the right to have his cause heard by a competent, independent and impartial judicial body;

Noting that the right to defence is an essential component of a fair trial;

Recalling its Resolution ACHPR/Res.287(EXT.OS/XVI)2014 on Human Rights Abuses in Egypt, adopted at the 16th Extra-Ordinary Session, held in Kigali, Rwanda, in July 2014, calling on the Government of the Arab Republic of Egypt to uphold the right to fair trial for all citizens before independent courts of law in accordance with international law and standards;

Drawing attention to Resolutions ACHPR/Res.136(XXXIV)08 calling on State Parties to observe a moratorium on the death penalty, ACHPR/Res.62(XXII)02 on the adoption of the Declaration of Principles on Freedom of Expression in Africa (the Declaration on Freedom of Expression) and ACHPR/Res.185 (XLIX)11 on the safety of journalists and media practitioners in Africa;

Mindful of the Final Report of the African Union High-Level Panel of Egypt dated 17 June 2014, in which the Panel expressed concern on the human rights situation in Egypt, particularly given the continued detention, without trial, of thousands of political activists and the mass sentencing to death meted out by courts without proper due process.

Deeply concerned about the deteriorating human rights conditions in the Arab Republic of Egypt following the 2011 popular uprising, particularly the blatant disregard to fair trial standards, including the conduction of summary/mass trials that lasted only a few hours, whereby individual guilt was not assessed;

Stressing that in countries which have not abolished the death penalty, sentence of death may only be imposed for the most serious crimes in accordance with the law in force at the time of the commission of the crime;

Disturbed by reports of mass death sentences imposed on 529, 683, 188, and 183 persons in March, April and December 2014, as well as February 2015;

Noting that of the 529 death sentences imposed in March 2014, 492 have been commuted to life imprisonment and 37 have been ordered for retrial by an appeals court;

Further noting the confirmation of 150 death sentences from the 683 persons sentenced in April 2014, the sentence to life imprisonment of 4 persons, the Court of Cassation's order for the retrial of 33 persons, and the acquittal of 496 persons;

Concerned about the ongoing restrictions on freedom of expression and access to information, as well as the harassment, arbitrary arrest and detention of human rights defenders, journalists, and other individuals who express dissenting views;

The Commission:

1. **Condemns** the Arab Republic of Egypt's disregard to regional and international fair trial standards, the unlawful imposition of mass death sentences, and the persecution of journalists and human rights defenders;
2. **Calls upon** the Government of the Arab Republic of Egypt to comply with the African Charter, the Principles and Guidelines on Fair Trial, the Declaration on Freedom of Expression, and other instruments to which Egypt is

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a party;

3. **Urges** the Government of the Arab Republic of Egypt to put an end to the harassment, arbitrary arrest, detention and sentencing of journalists, human rights defendants, and individuals who express dissenting views regarding the Government's actions;

4. **Strongly urges** the Government of the Arab Republic of Egypt to observe an immediate moratorium on the death sentences and to reflect on the possibility of abolishing capital punishment;

5. **Invites** the Government of the Arab Republic of Egypt to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty; and

6. **Calls on** the Government of the Arab Republic of Egypt to investigate all human rights violations perpetrated in the country and prosecute authors of these violations.

Done in Banjul, The Gambia on 28 February 2015

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