

26 October 2018

Madame Soyata Maiga

Chair of the African Commission on Human and People's Rights

31 Bijilo Annex Layout, Kombo North District

Western Region

Gambia

Au-banjul@africa-union.org

Dear Commissioner Maiga,

Re: CSO recommendation to reconsider Egypt as host state for the 64th Ordinary Session

We refer to the African Commission decision to hold the 64th Ordinary Session in Egypt and urge the Commission to reconsider this decision in light of Egypt's poor human rights record and in particular on account of Egypt's poor human rights record and continued use of the death penalty. We outline our concerns here in respect of their crackdown on civil society and continued use of the death penalty which remains a legal penalty in Egypt. We also outline the State's failure to adhere to its obligations to submit periodic reports to the ACHPR. One of the most effective means by which the Commission can ensure the promotion and protection of human and peoples' rights is through the State reporting procedure. In accordance with Article 62 of the African Charter on Human and Peoples' Rights, States Parties to the Charter are required to submit every two years, a report on the legislative or other measures taken, with a view to giving effect to the rights and freedoms recognised and guaranteed by the Charter. Despite ratification of the African Charter in 1984, Egypt currently has six reports overdue. In respect of State reporting we refer to the recommendations made by the ACHPR following Egypt's 3rd Periodic Report for the 2001-2004 period and request that the ACHPR demand adherence to reporting obligations and consideration of recommendations before Egypt can be considered a suitable host for an African Commission session.

Egypt had an estimated 2,000 individuals on death row in 2017 and 1700 in 2015 however no official figures are available due to intense state secrecy surrounding capital punishment. In 2016, at least 237 new death sentences were imposed and at least 44 executions were carried out, including the execution of eight women. Child offenders have been included in mass trials, and been detained for lengthy periods. In 2017, at least 402 new death sentences and 35 executions were recorded¹. We refer to the May 2018 report of the African Commission's Working Group on the Death Penalty and Extrajudicial, Summary and Arbitrary killings in Africa² led by Commissioner Kayitesi Zainabo Sylvie, which states, "Despite the above positive developments, the Working Group remains concerned about the application of the death penalty in some countries". The Working Group raised concerns in particular about 24 executions carried out by Egypt in 2017. The Working Group urged the Government of Egypt to halt mass trials and all acts of torture or other ill treatment, ensure that due

¹ <https://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Egypt>

² http://www.achpr.org/files/sessions/62nd_os/inter-act-reps/306/comm_kayitesi_62_act_report_dp_eng.pdf

process of law is followed in all cases, as well as guarantee the right of accused persons to seek clemency.

The authorities used torture and enforced disappearance against hundreds of people, and dozens were extra judicially executed with impunity. The crackdown on civil society escalated with NGO staff being subjected to interrogations, travel bans and asset freezes. Arbitrary arrests and detentions followed by grossly unfair trials of government critics, peaceful protesters, journalists and human rights defenders were routine. Mass unfair trials continued before civilian and military courts, with dozens sentenced to death. Women continued to be subjected to sexual and gender-based violence and were discriminated against in law and practice. Criminal charges were laid on the basis of people's real or perceived sexual orientation³.

We are concerned with the crackdown on freedom of expression, assembly and association which has been widely condemned by the international community. Considering that Egyptian CSOs and activists fear for their safety and anticipate reprisals for participating in human rights spaces, the objectives of the Commission cannot be met in this hostile and insecure environment. We would be further concerned that the state would not be able to guarantee the security and safety of activists and NGOs who seek to attend the session in Egypt. In light of Egypt's continued use of capital punishment, its dismal human rights record and its poor reporting history, we urge the Commission to reconsider its decision to hold the next African Commission session in Egypt.

Contact: Kaajal Ramjathan-Keogh, Southern Africa Litigation Centre, KaajalR@salc.org.za

Sincerely,

Signed by the following concerned organisations:

1. Southern Africa Litigation Centre (SALC), Johannesburg, South Africa
2. Centre for the Development of People (CEDEP) Malawi,
3. Centre for Human Rights and Rehabilitation(CHRR) Malawi,
4. Human Rights Defenders Coalition (HRDC), Malawi
5. Dignity Association Sierra Leone (DA-SL), Freetown, Sierra Leone
6. Youth Welfare And Development Organization (YWDO), Freetown, Sierra Leone
7. Safe Space for Children and Young women, Tanzania
8. The Zimbabwe Human Rights NGO Forum, Harare, Zimbabwe
9. Zimbabwe Lawyers for Human Rights, Harare, Zimbabwe
10. The Lesbians, Gays & Bisexuals of Botswana, (LEGABIBO) Botswana
11. Namibia Diverse Women's Association (NDWA)
12. Transgender Intersex Androgynous Movement of Namibia (TIAMON)
13. Democratic Governance and Rights Unit, University of Cape Town, South Africa
14. TransSmart Trust Zimbabwe
15. SECTION27, South Africa
16. Treatment Action Campaign, South Africa
17. Initiative For Equal Rights, Nigeria
18. Coalition of African Lesbians, South Africa
19. Centre for Child Law, Pretoria
20. Initiative for Equality and Non Discrimination, Kenya

³ <https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/>

21. AITERNAIVE CÔTE D'IVOIRE
22. CIVICUS, Johannesburg, South Africa
23. IRANTI
24. Hakijamii, Nairobi Kenya
25. ProBono.Org, Johannesburg, South Africa
26. Kenya Legal & Ethical Issues Network (KELIN), Nairobi, Kenya.
27. Accountability International
28. The Initiative for Advancement of Humanity, Nigeria
29. Southern Africa Resource Watch, Johannesburg, South Africa
30. Associação Justiça, Paz e Democracia (AJPD), Luanda, Angola
31. Centre for Applied Legal Studies (CALs), Johannesburg, South Africa
32. AIDS and Rights Alliance for Southern Africa (ARASA) – Regional
33. Southern Africa Human Rights Defenders Network (SAHRDN), Johannesburg