

ACHPR/Res.287 (EXT.OS/XVI) 2014: Resolution on Human Rights Abuses in Egypt

The African Commission on Human and Peoples' Rights (the Commission) meeting at its 16th Extraordinary Session held from 20 to 29 July 2014, in Kigali, Republic of Rwanda;

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

Considering that the Arab Republic of Egypt is a party to the African Charter and committed to ensuring respect for human and peoples' rights within its territory;

Recalling Articles 4, 5, 6, 7, 9, 10, 11 and 26 of the African Charter which guarantees the right to life, the right to respect of the dignity of the person, the right to liberty and security of person, the right to fair trial, the right to freedom of expression, the right to freedom of association and assembly and independence of the judiciary respectively;

Recalling also its Resolutions ACHPR/Res.136(XXXIV)08 calling on State Parties to observe a moratorium on the death penalty, ACHPR/Res.62(XXXII)02 on the adoption of the Declaration of principles on Freedom of Expression in Africa, ACHPR/Res.185 (XLIX)11 on the safety of journalists and media practitioners in Africa, ACHPR/Res.281(LV)2014 on the right to peaceful demonstration and ACHPR/Res. 111(XXXII)07 on the Right to a remedy and reparation for Women and Girls victims of sexual violence;

Alarmed by the grave and rapid deterioration of the human rights situation in Egypt since the 2011 uprising, where human rights violations continue to occur such as arbitrary detention acts of torture and ill-treatment in detention centers, violations of rights of human rights defenders, sexual violence against women, violations of the right to freedom of expression, association and assembly and death sentences;

Deploring the blatant disregard for the most basic guarantees of fair trial and due process by courts and tribunals as well as the lack of independence of the judiciary;

Concerned about the overall continuous impunity for human rights violations including security forces responsible for the excessive and often lethal use of force against demonstrators which led to the death of thousands from January 2011 to date;

Further concerned that the death penalty is still retained in the statute

books of Egypt;

Deploring the fact that the Commission's recommendations contained in its letter of Urgent Appeal in April 2014 urging the Government of Egypt to uphold its obligations under international human rights law, including granting those sentenced to death an opportunity to appeal against the sentence have not been implemented to the letter;

Further deploring the attacks, harassment and arbitrary detention targeting human rights defenders and groups;

Deeply concerned by the high level of sexual violence including sexual violence perpetrated against arrested persons during pre-trial detention as well as the culture of impunity which prevents victims especially women, from obtaining justice for acts of sexual harassment, rape and sexual assault in public spaces and during protests.

Strongly denouncing the severe restrictions imposed on journalists and media practitioners and their arbitrary arrest, detention and killing for carrying out their work, and for having expressed dissenting views in violation of the right to freedom of expression and freedom of opinion;

Deeply concerned by the government's draft law on Associations which include the ban on cooperation or affiliation of local NGOs with international bodies, approval for foreign funding without the prior permission of the government; a situation which could hamper the work and independence of civil society organizations;

The Commission:

1. *Condemns* the flagrant violation of human rights such as harassments, arbitrary arrests and detentions, sexual violence against women and acts of torture;
2. *Calls* on the Egyptian authorities to take all necessary measures to put an immediate end to human rights violations;
3. *Further calls* on the Egyptian Government to uphold the right to a fair trial for all citizens before independent courts of law in accordance with international law and standards;
4. *Urges* the Egyptian authorities to guarantee the right to peaceful protest, association and assembly and to refrain from disproportionate use of force against protesters as well review its laws on demonstrations and public rallies on the use of firearms against protesters to bring them in line with international

standards;

5. *Strongly urges* the authorities to observe an immediate moratorium on the death sentences and execution as a first step to abolishing the death penalty;
6. *Invites* the Government 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; the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the Optional Protocol to CEDAW; and to withdraw reservations to articles 2 and 16 of CEDAW;
7. *Calls* on the authorities to investigate and prosecute the perpetrators of human rights violations in order to end the culture of impunity in the country;
8. *Calls* on the Egyptian authorities to respect and uphold provisions of the African Charter and other regional and international human rights instruments which it has ratified.

Adopted at the 16th Extraordinary Session of the African Commission on Human and Peoples' Rights held from 20 to 29 July 2014 in Kigali, Republic of Rwanda