

African Commission on Human and Peoples' Rights

Thursday 19 February

Re: Emergency Communication on behalf of Ibrahim Halawa and 493 Others (ACHPR/COMM/1846/14)

Dear Honourable Commissioner,

We the undersigned, respectfully, bring to the attention of the African Commission, the Emergency Communication ACHPR/COMM/1846/14 complaining on behalf of Ibrahim Halawa and 493 others arrested, imprisoned, tortured and facing potential death sentences in Egypt; submitted to the African Commission in October 2014.

We represent a broad coalition of civil society organisations with a long held presence in Africa:

- The African Centre for Democracy and Human Rights Studies (ACDHRS) is an NGO seeking to promote awareness and adherence of human rights and democratic principles throughout Africa. In addition, the ACDHRS coordinates the NGO Forum; a discussion platform for over 200 organizations working on democracy and human rights issues in the continent.
- The Human Rights Institute of South Africa (HURISA) is a non-profit making NGO which provides professional services towards the promotion of a human rights culture, peace and democracy.
- The Institute for Human Rights and Development in Africa (IHRDA) is a pan-African NGO working to promote awareness of human rights in Africa and improve the effectiveness of the African Human Rights system.
- The International Service for Human Rights (ISHR) is an NGO dedicated to promoting and protecting human rights. The ISHR works regionally and internationally to support human rights defenders, strengthen human rights systems and build up support networks and coalitions.
- Le Réseau des Défenseur des Droits Humains en Afrique Centrale (REDHAC) aims to ensure the recognition of the status and protection of human rights throughout Central Africa. REDHAC helps to build the capacity and effectiveness of human rights defenders as well as conduct advocacy and investigation for defenders.
- The Zimbabwe Human Rights NGO Forum is an umbrella NGO formed of nineteen human rights organisations that share a vision to live in a society free from organised violence and torture.

We submit the enclosed amicus curiae brief in support of this Communication and respectfully urge the African Commission to become seized of this matter, and, in view of the serious risk of irreparable harm to the Victims and the extreme urgency of this case, issue immediate Provisional Measures.

Given the subject matter of this Communication, we consider that, in addition to the African Commission as a whole, this Communication and the amicus curiae brief are of particular relevance to the Study Group on Freedom of Association and Peaceful Assembly in Africa, the Working Group on Death Penalty and Extra-Judicial,

Summary of Arbitrary killings in Africa, and the Working Group on Prisons and Conditions of Detention.

In brief, the Communication and amicus brief consider the plight of Ibrahim Halawa (the "First Victim"), an Irish national of Egyptian descent, and 493 others (collectively the "Victims"). Despite peacefully exercising their right to freedom of assembly, opinion and expression, the Victims were arrested and charged with death penalty eligible offences for alleged roles in violence during protests that took place in August 2013 in the Ramses area of central Cairo, Egypt. Subsequently, the Victims (which includes 10 individuals who were under the age of 18 at time of arrest, one of whom is Ibrahim Halawa) have been detained in horrific conditions, suffering mistreatment and torture. Indeed, for the First Victim this has included beatings with whips and chains, blindfolding, periods in solitary confinement, and taunts that he will receive the death penalty and be executed. In addition, he was denied proper medical attention for a gunshot wound received to his hand at the time of his arrest.

The victims are due to stand trial in a mass trial which has been postponed four times. The trial was most recently postponed until March 29 2015 to allow the Egyptian authorities sufficient time to specially adapt a court room to accommodate all 494 defendants.

Multiple rules of the African Charter and international law have been or are at risk of being violated, including, but not limited to: the Right to Equality before the Law and Equal Protection of the Law; the Right to Life; the Prohibition of Torture and Cruel, Inhuman and Degrading Treatment; the Right to Personal Liberty and Protection from Arbitrary Arrest; and the Right to a Fair Trial.

Given the serious risk of irreparable harm to the Victims and the extreme urgency of this case, we respectfully implore the Commission to intervene in accordance with Rule 98(1) of its Rules of Procedure by ordering that Egypt adopt the Provisional Measures outlined in Communication ACHPR/COMM/1846/14, which include, but are not limited to: guaranteeing the integrity of all the Victims who have been subjected to repeated torture by the authorities, by ordering their immediate release on bail.

Furthermore, we suggest that a delegation of the African Commission undertake a fact-finding mission to Egypt to further establish first-hand the situation of the Victims and others detained in similar conditions and circumstances.

Please do not hesitate to contact us for additional information; we remain at your disposal.

Yours sincerely,

The African Centre for Democracy and Human Rights Studies (ACDHRS)
The Human Rights Institute of South Africa (HURISA)
The Institute for Human Rights and Development in Africa (IHRDA)
The International Service for Human Rights (ISHR)
Le Réseau des Défenseur des Droits Humains en Afrique Centrale (REDHAC)
The Zimbabwe Human Rights NGO Forum