



*Embassy
of the Arab Republic of Egypt
Dakar*

N° 3/ACHPR/2021/T

Dakar, February 5th, 2021

The Embassy of the Arab Republic of Egypt in Dakar presents its compliments to the Secretariat of the African Commission on Human and People's Rights, and with reference to the latter's Note Verbale N°ACHPR/COMM/711/19/EGY/32/21, concerning communication N°711/19 that has been brought against the Government of the Arab Republic of Egypt on behalf of Mr. Abdul Rahman El Gendy (represented by Dalia Lotfy), the Embassy has the honor to convey herein the request of the Government of the Arab Republic of Egypt to dismiss the said communication for the following reasons:

1. The Secretariat's Note Verbale N°ACHPR/COMM/711/19/EGY/249/19 indicated that the Commission took a "Decision on Seizure" of the said complaint during its 25th Extra Ordinary Session, which took place from 19 February to 5 March 2019 in Banjul, The Gambia, while the complaint was received on 12 November 2018.
2. Article 57 of the African Charter on Human and Peoples' Rights stipulates that "prior to any substantive consideration, all communications shall be brought to the knowledge of the State concerned by the Chairman of the Commission". However, the Government of the Arab Republic of Egypt was not informed of the communication before the Commission decided to be seized of it, whereas this decision in itself is a substantive consideration of the matter.
3. On the other hand, Rule 115 (8) of the Rules of Procedure of ACHPR, adopted by ACHPR during its 27th Extraordinary Session, held in Banjul, the Gambia, from 19 February to 4 March 2020, state that "the Secretary shall within sixty (60) days from receipt of the complaint communicate in writing the decision on seizure to the parties". However, the Secretariat's Note Verbale referenced earlier (N°ACHPR/COMM/711/19/EGY/249/19) to the Government of the Arab Republic of Egypt to inform of the decision on seizure was dated 8th of March 2019, while the complaint was received by the Commission on the 12th of November 2018, hence exceeding the 60-day limit. This consists a violation of the above mentioned Rule.

Accordingly, and in light of the above-mentioned violations of Article 57 of the African Charter on Human and Peoples' Rights, and of Article 115 (8) of the Commission's own Rules of Procedure, the Government of the Arab Republic of Egypt hereby requests the dismissal of communication N°771/19.

The Embassy of the Arab Republic of Egypt avails itself of this opportunity to renew to the Secretariat of the African Commission on Human and People's Rights, the assurances of its highest consideration.

**AFRICAN COMMISSION
ON HUMAN AND PEOPLE'S RIGHTS
BANJUL**

