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UNION AFRICAINE
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AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS
COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES
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**58TH ORDINARY SESSION OF THE AFRICAN COURT ON HUMAN AND PEOPLES'
RIGHTS**

31 August to 25 September 2020

ARUSHA, TANZANIA

OPENING SPEECH OF

JUDGE SYLVAIN ORE

President of the Court

August 31, 2020

- Mr. Vice-President of the Court
- Honourable Judges
- Mr. Registrar
- Dear staff of the Registry

I would like, without pun intended, at the outset of my speech, to express my joy to see you all on this day that marks the beginning of another regular session. This period of hard work is always a moment of communion that physical distance cannot alter because solidarity and fraternity are born through common effort. Without them, nothing great can be achieved, each one going in the direction that suits him or her, on the contrary, synergy of efforts is a guarantor of success. We may be different in our approaches, that is only normal from the moment we pursue a common objective, that of achieving Justice, this sublime work, whose transcendental character should make us measure the honour and responsibility that is ours to contribute through participation.

In this regard, how can I fail to salute, with immense gratitude, the work done by all, the Judges, who are emblematic figures of the Court, but above all the Registry that has carried out a work, whose technical legal and technological competence is in tandem with the spirit of innovation, and which have made it possible to make this session an absolute success. Adaptability is another name for intelligence, and you have proven it eminently. I encourage you all to persevere in your effort. In this regard, let me invite the Registry to explore ways to facilitate the work of staff and Judges in the face of the current difficulties.

In view of the persistence of the COVID 19 epidemic, the time has come for us to bear in mind that the November session will also be held online and that work will undoubtedly continue under these conditions until the end of the year. However, it is up to you, dear

colleagues, to appreciate the possibility, next year, of resuming our sessions with your physical presence in Arusha, with due regard for the so-called precautionary measures.

Moreover, the "collateral" effects of the global pandemic go beyond the conditions for holding our sessions. They could even affect the very substance of Justice. In this regard, we need only consider the conditions of the existence and effectiveness of this justice and its continuity, which is the basis for the protection of litigants.

With regard to the conditions of its existence and its effectiveness, it must be emphasized that the Court's 2021 budget has been the subject of dark and persistent cuts, forcing us to fasten our belts, whereas it is in times of crisis that Justice must be at the centre of all attention. It is not without reason that the right to a fair trial is at the centre of the insubstantial rights of derogation. To remedy this, the PRC, on our behest, successfully recommended to the Executive Council to reconsider its decision to prohibit the Court from receiving donor assistance during this period. We do extend our thanks to the PRC in this regard.

On the continuity of Justice, as we know, the mandate of the Bureau of the Court has to an end and circumstances have not made it possible for the election of new Judges to take place. The sacrosanct principle of the permanence of Justice has forced us to take a stand to deal with the risk of a legal vacuum, a notion incompatible with the very essence of the judiciary. In this respect, after a briefing by the Registry and notes addressed to the Judges on the possibility of the present Bureau continuing to govern the institution until the next elections, you, dear colleagues, have massively upheld it by renewing your confidence in the Bureau in laudatory terms and a praiseworthy appreciation for which we are grateful. But in reality, the merit goes to you because it is so easy and pleasant to lead a team of Judges who are wise,

rigorous, honest, humane and open to dialogue. Receive the tribute of our gratitude and the expression of our commitment to continue this ministry in the service of the Court.

Dear colleagues,

The content that outlines the specific features of the challenges of this session are known. They are presented against the backdrop of current political events marked by the risk of conflict in several parts of our continent. Elections and governance will be the subject of serious concern for our contemporaries in the coming days as the electoral year looms on the horizon for six countries in our continent. Allow me to recall that the right to free and fair elections and the problem of migration, displaced persons and refugees was at the heart of our last Judicial Dialogue held in Uganda. Naturally, Justice is the last resort both nationally and internationally and its impartiality will largely determine peace and social harmony. In this regard, I deem it is necessary to recall my concluding remarks from this Judicial Dialogue when I addressed national and international Judges, I said: "the major satisfaction is that you have, once again, unanimously affirmed the imperative for Judges to demonstrate courage, independence and integrity, qualities that constitute their legitimacy... that these assertions have been reaffirmed is a testimony to their success".

As for us, we must play our part, the rest being of primary importance in this movement. To do so would require that, in addition to the quality of our decisions, which improve with each session, a more rational organization of our working methods is necessary. The increase in the number of applications, which characterizes a real judicial explosion within the African human rights system which we embody, though a mark of confidence, is above all a challenge and a call to greater responsibility. It behoves on us, without prejudice to the fundamental aims of Justice for which no compromise is possible, to examine the conditions for a speedy procedure and a more efficient management of the said litigation. In this regard, is it not opportune to focus our attention on the notion of "case management" in the sense of a

reasoned formalism, to avoid the overcrowding of our jurisdiction, to improve the instruction of the proceedings, to lighten the task of the honourable Judges, to improve the online management of the trials we have started, to think about a certain automation of the processing of cases, to follow in real time, for the Judge and the litigants, the evolution of the files, to better formalize the amicable settlement, the whole, done efficiently for the good of litigants, the quality of Justice being in any case preserved. We await the proposals of all, in particular the presentations of the Registry, which had in the past developed a scheme in this regard, in order to make clear and enforceable decisions within a reasonable time.

This applies to "case management" as well as to the implementation of the other initiatives that we have taken, such as the work of the Committee, Legal Aid and Training, whose decisions we will have to endorse. The administrative issues that will be tabled before us and that are also relevant are therefore, as much as judicial decisions, part of a justice that is rendered to the satisfaction of all.

The work in the coming days will thus mark a stage in our contribution to Justice in Africa which is taking place by sedimentation. May we, by virtue of our humble participation, contribute to its greatness.

It is with this august wish that it be so, that I declare open the 58th Ordinary Session of the African Court on Human and Peoples' Rights.

I thank you for

Sylvain ORE

