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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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**FIFTY-SEVENTH ORDINARY SESSION OF THE AFRICAN COURT
ON HUMAN AND PEOPLES' RIGHTS**

1 - 26 JUNE 2020

ARUSHA, TANZANIA

OPENING STATEMENT

BY JUDGE, PRESIDENT SYLVAIN ORÉ

1 JUNE 2020

- Mr. Vice President
- Honourables Judges
- Mr. Registrar
- Ladies and Gentlemen members of the Registry staff

It is customary, on the threshold of my opening statements, to welcome you, dear colleagues Judges, to this venue from where I am delivering this message to you. Today, I have to content myself with sending you greetings having been deprived of the warmth of your very comforting physical presence, which even the magic of technology cannot replace. I am nevertheless delighted to find you in good health and to thank the Almighty for having preserved us, without any particular merit on our part, where those dear to us have been less fortunate. This session is dedicated to

them in some way, and they expect us to be worthy of their memory. At the forefront of them all, I want to mention our beloved colleague Ms. Constanca Ishebabi, receptionist at our Court. By her position, she was the voice of our jurisdiction, its showcase and in a way her icon. I proffer my gratitude to her for the share of merit she has earned in the edification of our organ in her position which was indispensable for the smooth running of the service. I would also like to say how much we will miss her. We can hardly imagine what life would have been here without her, so much did she become part of our daily life and our emotional universe. We pay her the tribute of our gratitude, a tribute that we will have the opportunity to actualize in a Book of Condolences to be open throughout the session. We have been able to stick together at these times and remain in this state of mind as we continue the edifice that she helped to build.

Dear collaborators, legal, administrative, financial and security officers, computer scientists and technicians, you have spared no effort to ensure the continuity of the service. The technology deployed for the holding of this session bears testimony to the impressive know-how of our officials. By your coordinated hard work devoted to the task, you have affirmed the metaphor according to which a community, as we aspire to be, is like a body which needs all its members, none of which can subsist without the other, each bringing its own stone to the building by virtue of his/her charisma.

Dear colleagues, all this work has been done under your senior management and you remain the torchbearers of the Court. Your physical remoteness did not alter your work ardor and the fire of your passion for justice has made up for your absence from this venue.

Colleagues, dear members of the Registry, you did it because nothing should stop justice. At the heart of the turmoil striking humanity, Justice must take firm steps, resolute steps because it is the keystone of the social edifice. It can be elevated to the rank of the vital need of every person, as much as, if not more than, the economy because without justice, it is not even health itself that will be under threat.

While we were on the right trajectory to crown the upturn in our work in Zanzibar, we had to interrupt our session due to the imperatives of the health crisis. But it cannot suppress our resilience in pursuing the mission imposed on us by our oath of office.

The present session, despite the vicissitudes surrounding it, affords us the opportunity to complete the work by adapting ourselves to the circumstances imposed by this ordeal without the quality of our work being compromised. The programme that awaits us attests to this; it should lead us to finalize many cases, deliberate on some others and resolve administrative problems.

However, how can we not mention the institutional context marked by the withdrawal of the declarations made under Article 34(6) of the Protocol by the Republics of Tanzania, Benin and Côte d'Ivoire, each for different reasons?

Going by the analysis of these withdrawals, it could be said that they smack more of the prospective than the judicial.

Some might say, like the philosopher, "*fiat justitia pereat mundus*", "let justice be, even if the world must perish"; others, that the context and the consequences are part of the data to be taken into account in the process decision-making, in particular for a law of coordination as is international law, execution of which no coercive authority exists.

Whereas either position has its share of the truth, they come up against what is most irreducible in the judicial function, and that is, the independence of judges. In this regard, I can assert that the Judges of this Court are above all suspicion. It is their grandeur to remain so, not for their own comfort but for the parties, be it the State or private individuals.

They do so in the name of respecting the word given in their oath of office, a word given which, beyond the mechanisms implemented for compliance with international law, is the real cornerstone of international commitments.

The Court, for its part, looks forward to continuing the dialogue with the States concerned which remain parties to the Protocol and do not believe they are closed to the dynamics of making broad access to justice the essential corollary of the effectiveness of fundamental rights. The Court believes in a fruitful reflection on the rereading of her entire future events in the service of improved human rights situation in Africa. It is this objective which justifies its creation at the same time as its ideals. In this, this session must make its mark on our young history that I know is promising.

It is with the benefit of these observations that I declare open the 57th Ordinary Session of the African Court on Human and Peoples' Rights.

Sylvain ORÉ