SOUTH AFRICA SENSITIZATION MISSION: PRESENTATION TO THE HIGHEST POLITICAL AUTHORITIES (PRETORIA/ CAPE TOWN, 24 AND 26 OCTOBER 2011)

INTRODUCTION

1. Thanks for having accepted the sensitization visit of the Court and for receiving the Court’s delegation
2. Introduction of the members of the delegation

I. THE ESTABLISHMENT OF THE COURT

1. Adoption of the Protocol establishing the Court: Ouagadougou, June 1998
2. Coming into force of the Protocol: January 2004
3. Election of the first Judges: January 2006
4. Swearing in ceremony and assumption of duties: July 2006

II. THE SETTING UP OF THE COURT

1. 2006- 2008: The Court mainly worked on its operationalization from the administrative perspective:
   - Budget issues
   - Registry’s staff
   - Seat issues
   - Interim Rules
   - Etc.
   By October 2008, the Court was ready to receive and hear the first cases.

2. 2008- 2010: Unfortunately, during this period, the Court received only one case brought by an individual against Senegal (Yogogombaye case) in relation to the Hissein Habre case. The Court found that it didn’t have jurisdiction to hear the case, because Senegal didn’t made the declaration accepting the competence of the Court to hear cases brought by individuals or NGOs

3. 2010- present: Fortunately, since the beginning of 2011, the Court has started receiving cases: 12 applications in contentious matters, and one request for an advisory opinion.
III. MAJOR CHALLENGES THE COURT IS FACING

1. Low rate of ratification of the Protocol establishing the Court

2. Access to the Court by individuals and nongovernmental organizations

3. Promotion of the Court among Africans

IV. REQUESTS TO THE SOUTH AFRICAN GOVERNMENT

1. The main request: Considering the possibility of making the special declaration accepting the competence of the Court to hear cases brought by individuals and Non-Governmental Organizations, after they have exhausted or tried to exhaust local remedies [show samples of such declarations]

   a) South Africa has been among the first countries to have ratified the Protocol establishing the Court
   b) South Africa has been among the first countries to have nationals elected as judges of the African Court
   c) South Africa has been since the beginning and is still very supportive to the Court within the policy organs of the African Union

2. Other requests:

   a) Considering the possibility of using, if need be, the advisory jurisdiction of the Court
   b) Going on supporting the Court within the policy organs of the African Union