

SWEARING-IN CEREMONY FOR THE NEW JUDGES OF THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

Arusha, 27 August 2018

STATEMENT BY HONOURABLE SYLVAIN ORÉ PRESIDENT OF THE AFRICAN COURT

- Her Excellency Samia Suluhu Hassan, Vice President of the United Republic of Tanzania
- Honourable Judges of the African Court on Human and Peoples' Rights
- Honourable Ferdinand K. Wambali , Principal Judge of the High Court of the United Republic of Tanzania
- Honourable Ambassador Augustine Mahiga, Minister of Foreign Affairs and East African Cooperation of the United Republic of Tanzania
- Honourable Professor Palamagamba Kabudi, Minister of Justice and Constitutional Affairs
- Honourable Begoto Miarom, Chairperson of the African Union Advisory Board on Corruption
- Honourable Professor Adelardus Kilangi, Attorney General of the United Republic of Tanzania
- Honourable Mrisho Ghambo, Regional Commissioner of the Arusha Region
- Honourable Professor Adolf F. Mkenda, Permanent Secretary of the Ministry of Foreign Affairs and East African Cooperation
- Honourable Professor Clement Mashamba, Solicitor General of the United Republic of Tanzania
- Excellences the High Commissioners and Ambassadors
- Senior Officers of the Monduli Military Academy
- Excellences the Representatives of International Organizations
- Distinguished Chief Executive Officers of Human Rights Organizations
- Members of the media fraternity
- Distinguished ladies and gentlemen, All protocol observed;

Before such a distinguished audience of public authorities, in particular representatives of the Government of the United Republic of Tanzania, it is befitting to pay tribute, first and foremost, to the host country of the African Court for the importance accorded to today's ceremony and to the operation of the Court in general. You will agree with me that this event is both that of the African Court and of the United Republic of Tanzania, whose unflinching support to the Court we cannot fail to celebrate on such an occasion. Such support is once again illustrated through the nomination of a Judge whose was elected to the Court. And this time around, we do not only have a Judge from Tanzania but a lady Judge from Tanzania, which further demonstrates the Government's sensitivity to the promotion of human rights in our continent. Your Excellency Madam Vice-President, please permit me to also say words of sincere and reiterated gratitude to the Government of Tanzania for its relentless efforts in making the construction of the seat of the Court a reality. We

recognise these efforts and encourage you to pursue the same, which with no doubt reflects your commitment to human rights justice and governance in Africa. All these actions speak highly of the Government of the United Republic of Tanzania; and I would like, on behalf of the Court and on my own behalf, to request you to kindly accept and transmit to His Excellency the President of the United Republic of Tanzania, the congratulations and gratitude of the African Court on Human and Peoples' Rights. As we were informed, His Excellency the President of the Republic would have honoured this event with his presence but for the loss of his dear sister, our Dada and Mama Monica Joseph Magufuli. Please, Your Excellency Madam Vice President, do kindly transmit to His Excellency the President our wholeheartedly felt sadness and condolences. May she rest in eternal peace.

Your Excellency Madam Vice-President, Distinguished Guests, please permit me to now turn to the day's event, which is the swearing-in of the new Judges elected on the occasion of the African Union Summit which was held last July in Nouakchott, Mauritania. The new Judges are, in the order of precedence set out in the swearing-in programme: Judge Blaise Tchikaya of the Republic of Congo, Judge Stella Isibhakhomen Anukam of the Federal Republic of Nigeria and Judge Imani Aboud of the United Republic of Tanzania. Honorable colleagues, may I congratulate you on your election, which, as you are now well aware, is a tricky process. You have gone through the race and you are right here to commit yourself to the cause of justice in Africa; and for the Court, this is source of delight. I cannot but mention at this juncture, that the Court is also delighted at your profiles and wealth of experience which represent the highest level of expertise, particularly for Judge Tchikaya in the academia; for Judge Anukam in the diplomatic areas of international public law; and for Judge Aboud in judicial practice. At a time when it is increasingly being seized not only of repetitive cases concerning fair trial but also of socio-economic rights, as well as the rights of women and marginalized groups, the Court will immensely need your invaluable experience.

Your Excellency Madam Vice President, I would be remiss if I did not make a very special mention of the fact that after this swearing-in ceremony, the Court will be composed of an absolute majority of six lady judges as against five male judges. We will therefore operate under the government of lady judges. And we are aware of the implications, which fortunately augur very well for good judicial governance. The Court will, in the same vein, hold high its trophy of the international judicial body with the largest number of sitting women adjudicators, second to its sister institution, the African Commission on Human and Peoples' Rights, which already achieved this record in the recent years. The Court places immense hope and pride in you all, my dear elected colleagues, and this, it shares with the continent. Rest assured of our wholehearted support to you as you discharge your new functions.

Excellency Madam Vice-President, Honorable Colleagues and Distinguished Guests, while some judges are taking office, others are leaving. I take this opportunity, on behalf of the Court and on my own behalf, to pay a vibrant tribute to two leading figures

in the annals of the African Court. As you may have guess, I make reference to Honourable Judge Niyungeko of the Republic of Burundi, current Dean of the Judges and first President of the African Court; and to Honourable Judge El Hadji Guissé of the Republic of Senegal whose terms of office have both come to an end. I crave your indulgence to speak about them through symbolism and testimony. When I speak of symbolism, I think about the Dean Niyungeko as an epitome of intellectual wisdom exemplified by his immense and undeniable contribution not only to the establishment of the Court but also to the framing of its jurisprudence. As the first President of the Court, Judge Niyungeko namely played the leading role in setting up the Court, obtaining a substantial budget for it from the African Union and negotiated the host agreement with the United Republic of Tanzania. I do not hesitate to say that with the departure of Justice Niyungeko, the Court will feel a bit like an orphan. Judge Guissé, for his part, is another icon of wisdom, but of African wisdom to put it succinctly, and the Court will remember his experience as that of a unique practitioner. On this score, I affirm symbolism, and I now wish to very briefly voice my personal experience. With the Dean Niyungeko, I personally learnt the experience of personal calm and professional serenity; while with Honorable Judge Guissé, I experienced the love for advocacy for the underprivileged as well as professional passion for economic and social rights. I can therefore assure you, dear outgoing colleagues, that the Court shall devote itself, as far as you are concerned, to belie the adage that leaving is dying somehow. We shall continue to draw from your vast experience to serve the cause of human rights justice in Africa.

Excellency Madam Vice-President, Distinguished Guests, we have done the befitting by rendering to Caesar and to God the homage due to each of them. Before concluding my statement, may I take the opportunity offered by the diversity of this assembly to call on us to capitalize on the richness flowing from the tributes I have just paid. Dear members of the African human rights community, the new judges will in just a few moments take the oath to deliver justice without fear or favour, but it is also incumbent on you all to make justice a responsive public service. That duty lies with you and with us all as media professionals who should give wide publicity to the work of the Court, civil society which should support the States in the implementation of their human rights commitments; it lies with African Union Member States and the Union itself which must tirelessly pursue their efforts towards building the Africa we want, an Africa where respect for human rights goes beyond law to become a cultural.

I now invite you to this great moment of solemnity when we will receive the oaths of office of our new colleagues. I thank you for your kind attention.

Sylvain ORE