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**ACTIVITY REPORT OF THE AFRICAN COURT ON HUMAN AND
PEOPLES' RIGHTS (AfCHPR)**

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**AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS
COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES**

**ACTIVITY REPORT OF THE AFRICAN COURT ON HUMAN AND
PEOPLES' RIGHTS**

1 JANUARY – 31 DECEMBER 2019

I. INTRODUCTION

1. The African Court on Human and Peoples' Rights (the Court) was established in terms of Article 1 of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (hereinafter referred to as "the Protocol"), adopted on 9 June 1998, in Ouagadougou, Burkina Faso, by the then Organization of African Unity (OAU), now the African Union (AU). The Protocol entered into force on 25 January 2004.

2. The Court became operational in 2006 and is composed of eleven (11) Judges elected by the Executive Council and appointed by the Assembly of Heads of State and Government of the African Union. The Seat of the Court is in Arusha, the United Republic of Tanzania.

3. Article 31 of the Protocol mandates the Court to "...submit to each regular session of the Assembly, a report on its work. The report shall specify, in particular, the cases in which a State has not complied with the Court's judgment".

4. The present Report is submitted in conformity with the above-cited Article of the Protocol. The Report describes the activities undertaken by the Court from 1 January to 31 December 2019, in particular, the judicial, administrative and outreach activities, as well as the implementation of decisions of the Executive Council, relating to the functioning of the Court.

II. Status of ratification of the Protocol and the deposit of the Article 34(6) Declaration, accepting the competence of the Court to receive cases from individuals and Non-governmental organizations (NGOs)

5. As at 31 December 2019, the Protocol had been ratified by thirty (30) Member States of the African Union, namely: Algeria, Benin, Burkina Faso, Burundi, Cameroon, Chad, Congo, Côte d'Ivoire, Comoros, Gabon, The Gambia, Ghana, Kenya, Libya, Lesotho, Malawi, Mali, Mauritania, Mauritius, Mozambique, Niger, Nigeria, Uganda, Rwanda, Sahrawi Arab Democratic Republic, Senegal, South Africa, Tanzania, Togo and Tunisia. **See Table 1.**

6. Of the 30 State Parties to the Protocol, only nine (9), namely: Benin, Burkina Faso, Côte d'Ivoire, Gambia, Ghana, Malawi, Mali, Tanzania and Tunisia, have made the declaration required under Article 34(6) of the Protocol, accepting the jurisdiction of the Court to receive cases from individuals and NGOs. **See Table 2.**

Table 1: List of State Parties to the Protocol

No.	Country	Date of Signature	Date of Ratification/ Accession	Date of deposit
1.	Algeria	13/07/1999	22/04/2003	03/06/2003
2.	Benin	09/06/1998	22/08/2014	22/08/2014
3.	Burkina Faso	09/06/1998	31/12/1998	23/02/1999
4.	Burundi	09/06/1998	02/04/2003	12/05/2003
5.	Cameroon	25/07/2006	17/08/2015	17/08/2015
6.	Chad	06/12/2004	27/01/2016	08/02/2016
7.	Congo	09/06/1998	10/08/2010	06/10/2010
8.	Cote d'Ivoire	09/06/1998	07/01/2003	21/03/2003
9.	Comoros	09/06/1998	23/12/2003	26/12/2003
10.	Gabon	09/06/1998	14/08/2000	29/06/2004
11.	The Gambia	09/06/1998	30/06/1999	15/10/1999
12.	Ghana	09/06/1998	25/08/2004	16/08/2005
13.	Kenya	07/07/2003	04/02/2004	18/02/2005
14.	Libya	09/06/1998	19/11/2003	08/12/2003
15.	Lesotho	29/10/1999	28/10/2003	23/12/2003
16.	Malawi	09/06/1998	09/09/2008	09/10/2008
17.	Mali	09/06/1998	10/05/2000	20/06/2000
18.	Mauritania	22/03/1999	19/05/2005	14/12/2005
19.	Mauritius	09/06/1998	03/03/2003	24/03/2003
20.	Mozambique	23/05/2003	17/07/2004	20/07/2004
21.	Niger	09/06/1998	17/05/2004	26/06/2004
22.	Nigeria	09/06/2004	20/05/2004	09/06/2004
23.	Rwanda	09/06/1998	05/05/2003	06/05/2003

24.	Sahrawi Arab Democratic Republic	25/07/2010	27/11/2013	27/01/2014
25.	Senegal	09/06/1998	29/09/1998	30/10/1998
26.	South Africa	09/06/1999	03/07/2002	03/07/2002
27.	Tanzania	09/06/1998	07/02/2006	10/02/2006
28.	Togo	09/06/1998	23/06/2003	06/07/2003
29.	Tunisia	09/06/1998	21/08/2007	05/10/2007
30.	Uganda	01/02/2001	16/02/2001	06/06/2001

of Countries – 55

of Signature – 52

of Ratification – 30

of Deposit - 30

Source: African Union Website.

Table 2: List of State Parties that have deposited the Article 34(6) declaration.

No.	Country	Date of Signature	Date of deposit
1.	Benin	22/05/2014	08/02/2016
2.	Burkina Faso	14/07/1998	28/07/1998
3.	Côte d'Ivoire	19/06/2013	23/07/2013
4.	Ghana	09/02/2011	10/03/2011
5.	Malawi	09/09/2008	09/10/2008
6.	Mali	05/02/2010	19/02/2010
7.	Tanzania	09/03/2010	29/03/2010
8.	Tunisia	13/04/2017	29/05/2017
9.	The Gambia	23/10/2018	-

Source: African Union Website

Total

Eight (8)

III. Current composition of the Court

7. The current composition of the Court is attached to the present Report as **Annex I**.

IV. Activities undertaken by the Court

8. During the period under review, the Court undertook a number of judicial as well as non-judicial activities.

(i) Judicial Activities

9. The judicial activities of the Court relate to the receipt and examination of judicial matters, through, *inter alia*, case management, organisation of public hearings and delivery of judgments, rulings and orders.

10. From 1 January to 31 December 2019, the Court received fifty-four (54) new cases. Since its establishment in 2006 therefore, the Court has received a total of two-hundred

and forty-eight (248) Applications in contentious matters and thirteen (13) Requests for Advisory Opinion. The Court has a total of one-hundred and seventy-seven (177) Applications and one (1) Request for Advisory Opinion pending before it.

a. Sessions held

11. During the reporting period, the Court held four (4) Ordinary Sessions and one (1) Extraordinary Session, as follows:

- i. 52nd Ordinary Session, from 2 to 29 March 2019, in Arusha, Tanzania;
- ii. 53rd Ordinary Session, from 10 June to 5 July 2019, in Arusha, Tanzania;
- iii. 54th Ordinary Session, from 2 to 27 September 2019, in Arusha, Tanzania;
- iv. 55th Ordinary Session, from 4 to 29 November 2019, in Zanzibar, Tanzania; and
- v. 10th Extraordinary Session, from 2 to 6 December 2019, in Zanzibar, Tanzania

b. Case Management

12. During the period under review, the Court focus on the expeditious disposal of cases and in this regard, delivered 28 Judgments/Rulings on jurisdiction and admissibility, on merits/reparations and on review, as well as issued 27 orders as shown in **Table 3 below**.

13. Table 3 below shows the number of Judgments/Rulings and Orders delivered by the Court in 2019.

Table 3: Judgments, Rulings and Orders issued from January to December 2019

Judgments and Rulings				
No.	Application No.	Applicant	Respondent State	Remarks
1.	005/2013	Alex Thomas	United Republic of Tanzania	Judgment on Reparations
2.	006/2013	Wilfred Onyango Nganyi	United Republic of Tanzania	Judgment on Reparations
3.	007/2013	Mohamed Abubakari	United Republic of Tanzania	Judgment on Reparations
4.	004/2015	Andrew Ambrose Cheusi	United Republic of Tanzania	Judgment on Reparations and Merits
5.	007/2015	Ally Rajabu	United Republic of Tanzania	Judgment on Reparations and Merits
6.	008/2015	Shukurani Mango and Others	United Republic of Tanzania	Judgment on the Merits and Reparations
7.	009/2015	Lucien Ikili Rashid	United Republic of Tanzania	Judgment on the Merits and Reparations
8.	013/2015	Robert John Pennesis	United Republic of Tanzania	Judgment on the Merits and Reparations
9.	014/2015	Jibu Amir Musa	United Republic of Tanzania	Judgment on Merits and Reparations
10.	015/2015	Godfred Antony and Another	United Republic of Tanzania	Ruling on Admissibility and Jurisdiction
11.	017/2015	Kennedy Gihana	Republic of Rwanda	Judgment on Merits and Reparations
12.	018/2015	Benedicto Daniel Mallya	United Republic of Tanzania	Judgment on the Merits
13.	020/2015	Livinus Daudi Manyuka	United Republic of Tanzania	Judgment on the Merits
14.	025/2015	Majid Goa Alias Vedastus	United Republic of Tanzania	Judgment on the Merits and Reparations

15.	030/2015	Ramadhani Issa Malengo	United Republic of Tanzania	Ruling on Jurisdiction and Admissibility
16.	031/2015	Dismas Bunyerere	United Republic of Tanzania	Judgment on Merits and Reparations
17.	025/2016	Kenedy Ivan	United Republic of Tanzania	Judgment on the Merits
18.	042/2016	<i>Collectif des Anciens Travailleurs du Laboratoire ALS</i>	Republic of Mali	Ruling on Jurisdiction and Admissibility.
19.	053/2016	Oscar Josiah	United Republic of Tanzania	Judgment on the Merits and Reparations
20.	001/2017	Alfred Agbesi Woyome	Republic of Ghana	Judgment on Merits and Reparations
21.	006/2017	Fidèle Mulindahabi	Republic of Rwanda	Ruling on Jurisdiction and Admissibility
22.	007/2017	Fidèle Mulindahabi	Republic of Rwanda	Ruling on Jurisdiction and Admissibility
23.	00/2017	Fidèle Mulindahabi	Republic of Rwanda	Ruling on Jurisdiction and Admissibility
24.	013/2017	Sebastien Germain Ajavon	Republic of Benin	Judgment on the Merits
25.	013/2017	Sebastien Germain Ajavon	Republic of Benin	Judgment on Reparations
26.	016/2017	Dexter Eddie Johnson	Republic of Ghana	Ruling on Jurisdiction and Admissibility.
27.	001/2018 for Review of Judgment of 11 May 2018	Chrysanthe Rutabingwa	Republic of Rwanda	Judgment on Review
28.	002/2018 for Review of Judgment of 11 May 2018	Thobias Mango and Shukurani Mango	United Republic of Tanzania	Judgment on Review

Orders Issued

1.	006/2012	African Commission on Human and Peoples' Rights	Republic of Kenya	Order on Request for Intervention by Wilson Barngetuny Koimet and 119 Others and Peter Kibiegono Rono and 1300 Others
2.	010/2015	Amir Ramadhani	United Republic of Tanzania	Order on Re-Opening Pleadings
3.	029/2015	Yusuph Hassan	United Republic of Tanzania	Order on Re-Opening Pleadings
4.	001/2016	Chrizostom Benyoma	United Republic of Tanzania	Order on Re-Opening Pleadings
5.	003/2016	John Lazaro	United Republic of Tanzania	
6.	005/2016	Sadick Marwa Kisase	United Republic of Tanzania	Order on Re-Opening Pleadings
7.	015/2016	Habiyalimana Augustino and Miburo Abdulkarim	United Republic of Tanzania	Order on Request for Disjoinder of Applications
8.	024/2016	Amini Juma	United Republic of Tanzania	Order on Request for Amendment of Application
9.	017/2016	Deogratius Nicholas Jeshi	United Republic of Tanzania	Order on Re-Opening Pleadings
10.	029/2016	Kachukura Nshekanabo Kakobeka	United Republic of Tanzania	Order on Re-Opening Pleadings
11.	048/2016	Dominick Damian	United Republic of Tanzania	Order on Re-Opening Pleadings
12.	013/2017	Sebastien Germain Ajavon	Republic of Benin	Order on Re-Opening Pleadings
13.	026/2017	Mauridi Swedi alias Mswezi Kalijo	United Republic of Tanzania	Order on Re-Opening Pleadings
14.	001/2018	Tembo Hussein	United Republic of Tanzania	Order for Provisional Measures
15.	017/2019, 018/2019 019/2019	and Goh Taudier, Bamba Lamine and Coulibaly Ousmane v Côte d'Ivoire	Republic of Cote d'Ivoire	Order for Joinder

16.	003/2018	Ladislaus Chalula	United Republic of Tanzania	Order for Provisional Measures
17.	020/2019	Koumi Koutche	Republic of Benin	Order for Provisional Measures
18	021/2019 and 022/2019	XYZ	Republic of Benin	Order for Joinder
19	Consolidated Applications 021/2019 and 022/2019	XYZ	Republic of Benin	Order for Provisional Measures
20.	024/2019	Jean de Dieu Ndajigimana	United Republic of Tanzania	Order for Provisional Measures
21.	028/2019, 030/2019, 031/2019 and 033/2019	Fea Charles, Badienne Moussa, Gueu Louapou and Kpea Albert Damas	Republic of Cote d'Ivoire	Order for Joinder
22.	036/2019 and 037/2019	Konate Kalilou and Doumbia Ibrahim	Republic of Cote d'Ivoire	Order for Joinder
23.	039/2019, 040/2019 and 041/2019	Chacha Jeremiah Murimi, Mathew Jeremiah Daud and Paschal Ligoye Mashiku	United Republic of Tanzania	Order for Joinder
24.	046/2019 and 048/2019	Aka Yao Bossin and Zakaria Sanogo	Republic of Cote d'Ivoire	Order for Joinder
25.	049/2019, 050/2019, 052/2019 v Cote d'Ivoire	Aguehi Ogou François, Sylla Ibrahim and Kinda Ibrahim	Republic of Cote d'Ivoire	Order for Joinder
26.	047/2019, 051/2019 and 053/2019	Diomande Aboubakar Sidiki Traore Aboulaye Adae Tano Alain Christian	Republic of Cote d'Ivoire	Order for Joinder
27.	Application for Intervention No 001/2019 by Kipsang Kilel and Others	African Commission on Human and Peoples' Rights	Republic of Kenya	Order on Request for Intervention

c. Public Sittings

14. From 1 January to 31 December 2019, the Court organised four (4) public sittings, to deliver judgments and rulings.

d. Non-compliance with the decisions of the Court

15. Under Article 31 of the Protocol, in submitting its Activity Report to the Assembly, the Court "...shall specify, in particular, the cases in which a State has not complied with the Court's judgment". **Annex II** of this Report indicates the cases in which States have not complied with the Court's judgments and orders, after the deadline given by the Court.

(ii) Non-judicial activities

16. The main non-judicial activities undertaken by the Court during the period under review are described below:

a. Participation of the Court in the AU Summits

17. The Court took part in the 37th and 38th Ordinary Sessions of the Permanent Representatives Committee (PRC), the 34th and 35th Ordinary Sessions of the Executive Council, the 32nd Assembly of Heads of State and Government of the African Union, the 12th Extraordinary Session of the Assembly of the Union on African Continental Free Trade Area (AfCFTA) and the First Mid-Year Coordination Meeting of the African Union and the Regional Economic Communities.

b. Implementation of Executive Council Decisions

18. The Executive Council entrusted certain tasks to the Court and requested the latter to report during the January/February 2020 Session of Council. The Executive Council specifically requested the Court to:

a. Undertake an in-depth study on mechanisms and framework for the implementation of Court judgments¹

19. During the 37th Ordinary Session of the PRC, the draft study was considered by the latter, and at its 34th Ordinary Session, the Executive Council, in its decision EX.CL/Dec.1044(XXXIV), decided that "...the Draft Framework for the implementation of judgments of the Court [be submitted] to the STC on Justice and Legal Affairs, for consideration, prior to its submission to the Executive Council". The same will be considered during the next meeting of the STC Justice and Legal Affairs.

¹ See EX.CL/Dec.1013 (XXXIII) para 4.

b. undertake a review of the current honorarium and rationalize the rate to be applied following the phase out period of the current honorarium rate²

20. On 19 August 2019, the Registrar of the Court wrote to the Secretary General of the AU Commission to advise on when and how the said review will be undertaken. Another letter to this effect was sent on 11 October 2019. The Court awaits direction from the AUC.

c. discontinue the practice of extending contracts of outgoing Judges³

21. During its 54th Ordinary Session that took place from 2 to 27 September 2019, the Court decided to discontinue this practice in compliance with the Executive Council decision. The Court will be in place a mechanism to address the situation.

c. Execution of the 2019 budget

22. The budget appropriated to the Court for 2019 stands at US\$ 13,992,891, comprising \$ 13,045,445 [93.23%] from Members States and \$ 947,445 [6.77%] from International Partners. The total budget execution as at end of 31 December 2019 is \$ 12,757,670 which represents a budget execution rate of 91.2%. As at 31 December 2019, the Court had received subvention for the year 2019 (for 4 quarters) amounting to, US\$ 7,603,978 from Members States and \$ 529,096 from Partners.

V. Promotional and capacity building activities

23. The Court undertook a number of promotional activities, aimed at raising awareness among stakeholders, about its existence and activities. The activities undertaken included, *inter alia*, sensitization visits, trainings, seminars and Dialogues, as well as participation in meetings organised by some partners.

a. Sensitisation visits

i. Sensitisation visit to Djibouti

24. The Court undertook a sensitization visit to the Republic of Djibouti from 7 to 9 May 2019, to encourage the country to ratify the Protocol and make the Declaration.

25. The delegation of the Court, led by its President, met and held fruitful discussions with high-ranking government officials from the country, including the Minister of Foreign Affairs, Speaker of Parliament and other high-ranking officials.

26. The authorities undertook to take necessary measures to deposit the declaration within the shortest time possible.

² See EX.CL/Dec.1057 (XXXV), para 15.

³ See EX.CL/Dec.1064(XXXV), para 9.

ii. Sensitisation visit to Comoros

27. The Court undertook a sensitization visit to the Republic of Comoros from 7 to 9 August 2019, to encourage the country, which has already ratified the Protocol, to make the Declaration.

28. The delegation of the Court, led by its President, met and held fruitful discussions with high-ranking government officials from the country, including the President of the Republic, the Minister of Foreign Affairs, Speaker of Parliament and other high-ranking officials.

29. The authorities undertook to take necessary measures to deposit the declaration within the shortest time possible.

iii. Sensitization visit to Zimbabwe

30. The Court undertook a sensitization mission to the Republic of Zimbabwe from 14 to 16 August 2019. The Court delegation was composed of two Judges, including the President of the Court, and Registry staff.

31. During the mission, courtesy calls were paid on the President of the Republic, the Minister of Justice and other high-ranking government officials.

32. The authorities undertook to take necessary measures to ratify the Protocol and deposit the declaration within the shortest time possible.

33. In these countries, the Court organized a training for the media on how to report the activities of the Court, and also organized a Sensitization Seminar for Stakeholders, including government officials and civil society organisations.

b. Third Training of Counsel on the Court's Roster

34. The Court organized the Third Training of Counsel on its Roster from 5 to 7 August in Arusha, Tanzania. The training brought together over 40 advocates from across the continent who have enrolled on the Court's Roster to appear before the Court to provide legal representation to indigent applicants.

35. The training was a success as it gave the lawyers an opportunity to have a better understanding of the processes and how to litigate before the Court.

c. The First International Human Rights Forum

36. The Court organized the First International Human Rights Forum from 28 to 29 October 2019 in Kampala, Uganda, under the theme "*Operationalising the International Human Rights Forum and Enhancing Jurisprudential Dialogue*". The Forum brought

together the three main Regional Human Rights Courts, that is, the African Court on Human and Peoples' Rights (AFCHPR), the Inter-American Court of Human Rights (IACHR) and the European Court of Human Rights (ECHR).

37. The idea of the Forum was adopted by the Presidents of the three Courts on the margins of the commemoration of the 40th Anniversary of the adoption of the American Convention on Human Rights and the establishment of the Inter-American Court of Human Rights in July 2018, the Presidents of the three regional human rights Courts through the *San Jose Declaration*.

38. In the Declaration, the three regional human rights Courts reiterated the need to ensure the protection of human rights as a means of ensuring the achievements of legitimate aspirations of nations, peace and justice and; the enjoyment of the ideals of personal liberty and social justice as noted by their respective Charters and Conventions.

39. The main objective of the Forum was to strengthen the protection of human rights and access to international justice of the people under the jurisdiction of the three courts, to contribute to their respective Member States' efforts to strengthen their human rights protection mechanisms and democratic institutions and to overcome the common challenges and threats to the effective validity of human rights by working together.'⁴

40. The First Forum focused on its operationalisation of the Forum and two thematic topics on reparations and re-dress for human rights violations for indigenous populations/peoples/ groups and experience sharing on capacity building for human rights adjudication were also be discussed.

41. At the end of the two-day meeting, the three Courts adopted a Memorandum of Understanding to strengthen relations between them.

d. 4th African Judicial Dialogue

42. The Court organised, under the auspices of the African Union, and in collaboration with the government of the Republic of Uganda, the 4th African Union Judicial Dialogue, on the theme "*Tackling Contemporary Human Rights Issues: The Role of the Judiciary in Africa*". The Dialogue was held from 30 October to 1 November 2019 in Kampala, Republic of Uganda.

43. The main objective of the Judicial Dialogue was to discuss contemporary human rights issues and what the African Judiciary could do to deal with such issues. Accordingly, the Dialogue addressed the following areas:

- i) The problem of migration, IDPs, refugees
- ii) The right to nationality in Africa
- iii) Election petitions and human rights: the role of the judiciary
- iv) Terrorism and the protection of human rights: The role of the judiciary
- v) Development and Rights of Indigenous Peoples.

⁴Article 2 of the San Jose Declaration.

44. The Dialogue was attended by over 400 participants, including representatives of Member States of the African Union, current and former judges of the African Court, Chief Justices and Presidents of Constitutional Courts as well as regional judicial institutions, academics, media personalities and human rights practitioners, civil society organizations, and resource persons.

45. The following African Union organs and other institutions were also represented at the Dialogue: African Union Commission, African Committee of Experts on the Rights and Welfare of the Child, African Union Administrative Tribunal, AU Advisory Board on Corruption, COMESA Court of Justice, ECOWAS Community Court of Justice, UN Mechanism for International Criminal Tribunals.

46. The Dialogue adopted proposals on how to enhance the enjoyment of human rights through the judiciary. The Conclusions of the Dialogue are attached to the present Report as **Annex III**.

b. Other promotional activities

47. In addition to the above activities, the Court also participated in a number of events organized by other stakeholders, including meetings organised by other African Union organs and institutions.

VI. Networking

a. Relations with the African Commission on Human and Peoples' Rights

48. The Court and the African Commission continue to strengthen their relationship and consolidate the complementarity envisaged under the Protocol. To this end, the two organs held their 8th Annual Meeting in Banjul, The Gambia, from 17 – 18 October 2019. The Court also participated in the opening ceremony of the 65th Ordinary Session of the Commission and commemorated the 2019 edition of Africa Human Rights Day organized on the sidelines of the said session on 21 October 2019.

b. Cooperation with external partners

49. The Court continues to work with relevant stakeholders, including external partners, in the discharge of its mandate. The two principal partners of the Court, namely, the European Commission (EC) and the German International Cooperation (GIZ), continue to support the capacity development as well as outreach programmes of the Court, including sensitization missions, seminars and conferences. Other partners of the Court include the World Bank and the UN Office of the High Commissioner for Human Rights.

50. The Court has maintained a working relationship with other stakeholders working on the protection of human rights on the continent, including Bar Associations and Law Societies and National Human Rights Institutions.

51. From 15 to 16 October 2019, the Court took part in an African Union – United Nations Human Rights Consultation in Banjul, The Gambia. The Consultation brought together all the African Union organs with a human rights mandate and the field offices of the UN Office of the High Commissioner for Human Rights in Africa, to brainstorm on ways to promote and protect human rights on the continent. The meeting agreed on a framework for coordination and collaboration between the AU and the UN in the promotion and protection of human rights on the continent.

52. On 19 October 2019, the Court took part in the 15th African Union – European Union Human Rights Dialogue that took place in Banjul, The Gambia. This annual Dialogue which brings together human rights stakeholders from the two continents discussed ways of cooperation for better promotion and protection of human and peoples' rights in the two regions.

VII. Host Agreement

53. Given the critical shortage of office space and the continuous growth of the Court, the Host State has decided to construct a 15-room building at the current temporary site of the Court. Construction of the said structure is yet to commence as at the time of writing this Report.

54. Regarding the construction of the permanent premises of the Court, there has been no new development since the Court last reported in its Mid-Term Activity Report in June 2019.

VIII. Assessment and Recommendations

i) Assessment

55. As the African Union engages in institutional reforms, it is important to retain the vital role human rights play in socio-economic and political development, as well as in regional integration, peace and security. The Court thus welcomes the reform initiatives and has accordingly made submissions to the Reform Unit of the AUC on how to strengthen the African human rights protection system as a whole and the African Court in particular. These proposals were submitted in early 2018 and during the 11th Extraordinary Session of the Assembly, it was decided that a retreat be held between the PRC and Judicial/Legal and Legislative organs of the Union, to consider their reform proposals. The Court hopes that the said retreat will be organized soon, and looks forward to engaging with the PRC on the proposals it submitted.

56. As the Court continues to grow and deliver more judgments it has begun encountering a number of challenges. One of the greatest challenges that the Court is facing, and which, if not addressed immediately, may undermine the effective discharge of its mandate, is the non-compliance with the decisions of the Court. Since its establishment in 2006, the Court has finalised seventy-eight (78) contentious cases, out of which it has delivered judgment on merits in thirty-nine (39) cases. Out of the thirty nine (39) cases, the Court found no violations in four (4) cases. Of the remaining thirty (35) cases, it delivered judgments on the merits separately in twelve (12) cases and judgment on both merits and reparations in twenty (23) cases. It has also issued 28 orders for provisional measures, aimed at avoiding irreparable harm being caused on applicants. The Court has also finalized twelve (12) out of thirteen (13) Requests for Advisory Opinions received so far.

57. However, as at the time of writing this Report, only one State Party, that is, Burkina Faso, had fully complied with the judgments of the Court, one other State, the United Republic of Tanzania has complied partially with some of the Judgments against it, another State Party, the Republic of Cote d'Ivoire has filed its report on the status of compliance, while the other States have not complied at all, with some openly indicating that they will not comply with the orders and judgments of the Court.

58. The Court notes that the success or failure of any human rights or justice system depends on the support and cooperation it receives from the different stakeholders utilizing that system. Compliance with a Court's judgment is essential to the success of any justice system and the proper administration of justice. Non-compliance not only destroys the very *raison d'être* of a Court but undermines public confidence in the justice system.

59. The Court notes that while Article 29 of the Protocol mandates the Executive Council to monitor execution of Court Judgments on behalf of the Assembly, there is no mechanism in place to assist the Executive Council accomplish this task.

60. The Court thus welcomes Executive Council decision EX.CL/Dec.1013(XXXIII), adopted during the 33rd Ordinary Session of Council held in Nouakchott, Mauritania, requesting "the Court, in collaboration with the PRC and the Commission, to undertake an in-depth study on mechanisms and framework of implementation, to enable the Executive Council effectively monitor execution of the judgments of the Court in accordance with Articles 29 and 31 of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on human and peoples' Rights"

61. In response to that decision, the Court presented the said Study to the PRC during its 37th Ordinary Session, and during the 34th Ordinary Session of the Executive Council, the latter, in its decision EX.CL/Dec.1044 (XXXIV), recommended that "the Draft Framework for the implementation of judgments of the Court [be submitted] to the STC on Justice and Legal Affairs, for consideration, prior to its submission to the Executive Council". The same will be considered during the next meeting of the STC Justice and

Legal Affairs. It is hoped that the establishment of a viable monitoring and enforcement mechanisms will assist States in complying with the decisions of the Court.

62. Apart from the question of lack of compliance with its decisions, the Court faces a number of other challenges, including, the low number of ratifications of the Protocol, the very low number of States that have deposited the Article 34(6) declaration, allowing individuals and NGOs direct access to the Court; inadequate awareness to the Court and inadequate resources.

63. More than two decades after the adoption of the Protocol, only thirty (30) of the fifty-five (55) Member States of the Union have ratified it, and of these 30, only nine (9) have deposited the declaration required under Article 34(6) of the Protocol. As a result of this, the Court cannot exercise its jurisdiction to hear cases from individuals and NGOs from the majority of Member States of the Union. The Court thus does not have the competence to receive cases of alleged human rights violations from a large majority of citizens of the Union.

64. From the administrative point of view, inadequate human and financial resources have also affected the smooth functioning of the Court.

65. A further difficulty facing the Court at the moment is the shortage of office space. The Host Government has in the meantime agreed to construct some offices at the current temporary premises of the Court.

ii) Recommendations

66. Based on the above, the Court submits the following recommendations for consideration and adoption by the Assembly:

- i. The Member States of the Union that have not yet acceded to the Protocol and/or deposited the Declaration under Article 34(6) thereof are urged to do so;
- ii. The Chairperson of the AUC should take all necessary measures to establish the Legal Aid Fund in accordance with the Statute for Legal Aid Fund for African Union Human Rights Organs, adopted by the Assembly in January 2016;
- iii. The Assembly should invite and encourage all Member States and other relevant human rights stakeholders on the continent to make generous voluntary contributions to the Fund to ensure its sustainability and success;
- iv. Member States of the Union should cooperate with the Court and comply with its judgments;
- v. The Joint Retreat between the PRC and Judicial, quasi-judicial, Legal and legislative organs of the Union, to consider their reform proposals, should be held within the first half of 2020, and a report submitted to the Executive Council during the Mid-term Coordination Meeting in June/July 2010.

ANNEX I
LIST OF JUDGES OF THE AFRICAN COURT ON HUMAN AND PEOPLES’
RIGHTS AS AT DECEMBER 31 2019

No.	Name	Term		Country
		Duration	Expiry	
1	Justice Sylvain Oré	6	2020	Côte d’Ivoire
2	Justice Ben Kioko	6	2018	Kenya
3	Justice Rafâa Ben Achour	6	2020	Tunisia
4	Justice Angelo Vasco Matusse	6	2020	Mozambique
5	Lady Justice Ntyam Ondo Mengue	6	2022	Cameroon
6	Lady Justice Marie-Thérèse Mukamulisa	6	2022	Rwanda
7	Lady Justice Tujilane Rose Chizumila	6	2023	Malawi
8	Lady Justice Chafika Bensaoula	6	2023	Algeria
9	Justice Blaise Tchikaya	6	2024	Congo
10	Lady Justice Stella I Anukam	6	2024	Nigeria
11	Lady Justice Imani Aboud	2	2020	Tanzania

ANNEX II - CASES IN WHICH STATES HAVE NOT COMPLIED WITH THE COURT'S JUDGMENTS ON THE MERITS

No.	Application No.	Applicant	Respondent	Date of Judgment	Date judgment was transmitted to the State	Deadline to report on compliance	Action taken by	Status
1.	009 and 011/2011	Tanganyika Law Society and the Legal and Human Rights Centre and Rev. Christopher R. Mtikila	United Republic of Tanzania.	14 June 2013	24 June 2013	Reasonable time	The State has reported that the Constitutional and Legislative measures required to be taken are contingent on the holding of the Referendum for which the Respondent has not provided an indication of when it is planned to be held.	Partial compliance
2.	006/2012	African Commission on Human and Peoples' Rights	Republic of Kenya	26 May 2017	30 May 2017	25 November 2017	State has not reported to the Court on measures taken to comply with the judgment	Non-compliance
3.	002/2013	African Commission on Human and	Libya	3 June 2016	7 June 2016	22 November 2016	State has not reported to the Court on measures taken to comply	Non-compliance

		Peoples' Rights						
4.	005/2013	Alex Thomas	United Republic of Tanzania	20 November 2015	27 November 2015	20 May 2016	State has not reported to the Court on measures taken to comply	Non-compliance
5.	006/2013	Wilfred Onyango Nganyi & 9 Others	United Republic of Tanzania	18 March 2016	18 March 2016		On 3 January 2017, the Respondent filed a report on the measures it has taken to implement the Judgment of the Court, but did not comply with the orders.	Partial compliance
6.	007/2013	Mohamed Abubakari	United Republic of Tanzania	3 June 2016	6 June 2016	Six months	The Respondent State filed a report on measures taken to implement the Judgment on 3 January 2017, however, the Respondent State avers that it could not implement some of the orders because it required interpretation. This interpretation was given by the Court on 28 September 2017.	Partial compliance

CASES IN WHICH STATES HAVE NOT COMPLIED WITH THE COURT'S ORDERS FOR PROVISIONAL MEASURES

7.	001/2014	Actions Pour la Protection des Droits de L'Homme	Côte d'Ivoire	18 November 2016	29 November 2016.	Reasonable time	On 28 August 2019 the Registry received an email sent on behalf of the Respondent State. In this email the Respondent State explained that after public consultations it had adopted a new law altering the composition of the electoral management body. According to the Respondent State, having made these alterations, it deems that it has complied with the Court's judgment.	Compliance Report Under Review
8.	003/2014	Ingabire Victoire Umuhoza	Republic of Rwanda	24 November 2017	11 December 2017	11 June 2018	The Respondent State has written to the Court indicating that it will not cooperate with the Court on this and other Applications filed against it before the Court.	Non-compliance
9.	003/2015	Kennedy Owino Onyachi and Charles	United Republic of Tanzania	28 September 2017	3 October 2017	3 April 2018	State has not reported to the Court on measures	Non-compliance

		John Mwanini Njoka					taken to comply with the judgment	
10	006/2015	Nguza Vicking and Johnson Nguza	United Republic of Tanzania	23 March 2018	23 March 2018	23 September 2018	State has not reported to the Court on measures taken to comply with the judgment	Non-compliance
11	012/2015	Anudo Ochieng Anudo	United Republic of Tanzania	23 March 2018	23 March 2018	6 May 2018	State has not reported to the Court on measures taken to comply with the judgment	Non-compliance
12	032/2015	Kijiji Isiaga	United Republic of Tanzania	21 March 2018	22 March 2018	23 September 2018	State has not reported to the Court on measures taken to comply with the judgment	Non-compliance
13	020/2016	Anaclet Paulo	United Republic of Tanzania	21 September 2018	24 September 2018	27 March 2019	State has not reported to the Court on measures taken to comply with the judgment	Non-compliance
14	027/2015	Minani Evarist	United Republic of Tanzania	21 September 2018	21 September 2018	24 March 2019	State has not reported to the Court on measures taken to comply with the judgment	Non-compliance
15	001/2015	Armand Guehi	United Republic of Tanzania	7 December 2018	14 December 2018	14 June 2019	State has not reported to the Court on measures taken to comply with the judgment	Non-compliance
16	006/2016	Mgosi Mwita Makungu	United Republic of Tanzania	7 December 2018	14 December 2018	14 February 2019	State has not reported to the Court on measures	Non-compliance

							taken to comply with the judgment	
17	009/2015	Lucien Ikili Rashid	United Republic of Tanzania	28 March 2019	2 April 2019	2 October 2019	State has not reported to the Court on measures taken to comply with the judgment	Non-compliance
18	025/2016	Kenedy Ivan	United Republic of Tanzania	28 March 2019	1 April 2019	1 October 2019	State has not reported to the Court on measures taken to comply with the judgment	Non-compliance
19	053/2016	Sebastien Germain Ajavon	Republic of Benin	29 March 2019	29 March 2019	29 September 2019	State has not reported to the Court on measures taken to comply with the judgment	Non-compliance

S/N	APPL No	APPLICANT(S)	RESPONDENT	DATE OF ORDER	DATE OF FILING THE REPORT ON STATUS OF IMPLEMENTATION	STATUS OF IMPLEMENTATION	CURRENT STATUS
1.	012/2017	Prof. Leon Mugesera	Republic of Rwanda	28 September 2017	11/01/2018	The Respondent State submitted that it cannot comply with the Court's order	Main Application Pending
2.	007/2015	Ally Rajabu and others	United Republic of Tanzania	18/03/2016	11/08/2016	The Respondent State submitted that it cannot comply with the Court's order	Main Application Pending
3.	003/2016	John Lazaro	United Republic of Tanzania	18/03/2016	16/08/2016	The Respondent State submitted that it cannot comply with the Court's order	Main Application Pending
4.	004/2016	Evodius Rutechura	United Republic of Tanzania	18/03/2016	-16/08/2016	The Respondent State submitted that it cannot comply with the Court's order	Main Application Pending

5.	015/2016	Habiyalimana Augustino and others	United Republic of Tanzania	03/06/2016	11/04/2017	The Respondent State submitted that it cannot comply with the Court's order	Main Application Pending
6.	017/2016	Deogratus Nicholas	United Republic of Tanzania	03/06/2016	28/06/2017	The Respondent State submitted that it cannot comply with the Court's order	Main Application Pending
7.	018/2016	Cosma Faustin	United Republic of Tanzania	03/06/2016	28/06/2017	The Respondent State submitted that it cannot comply with the Court's order	Main Application Pending
8.	021/2016	Joseph Mukwano	United Republic of Tanzania	03/06/2016	11/08/2016	The Respondent State submitted that it cannot comply with the Court's order	Main Application Pending
9.	024/2016	Amini Juma	United Republic of Tanzania	03/06/2016	11/08/2016	The Respondent State submitted that it cannot comply with the Court's order	Main Application Pending
10.	048/2016	Dominick Damian	United Republic of Tanzania	18/11/2016	28/06/2017	The Respondent State submitted that it cannot comply with the Court's order	Main Application Pending
11.	049/2016	Chrizant John	United Republic of Tanzania	18/11/2016	-28/06/2017	Respondent state has not reported on implementation of the order.	Main Application Pending
12.	050/2016	Crosperry Gabriel	United Republic of Tanzania	18/11/2016	28/06/2017	The Respondent State submitted that it cannot comply with the Court's order	Main Application Pending
13.	051/2016	Nzigiyimana Zabron	United Republic of Tanzania	18/11/2016	28/06/2017	The Respondent State submitted that it cannot comply with the Court's order	Main Application Pending
14.	052/2016	Marthine Christian	United Republic of Tanzania	18/11/2016	28/06/2017	The Respondent State submitted that it cannot comply with the Court's order	Main Application Pending
15.	053/2016	Oscar Josiah	United Republic of Tanzania	18/11/2016	28/06/2017	The Respondent State submitted that it cannot comply with the Court's order	Main Application Pending
16.	056/2016	Gozbert Henerico	United Republic of Tanzania	18/11/2016	28/06/2017	The Respondent State submitted that it cannot comply with the Court's order	Main Application Pending
17.	057/2016	Mulokozi Anatory	United Republic of Tanzania	18/11/2016	28/06/2017	The Respondent State submitted that it cannot comply with the Court's order	Main Application Pending

18.	001/2018	Tembo Hussein	United Republic of Tanzania	11/02/2019	Not yet filed	No report has been filed yet	Main Application pending
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ANNEX III
**CONCLUSIONS OF THE 4TH AFRICAN JUDICIAL DIALOGUE HELD IN KAMPALA,
REPUBLIC OF UGANDA, FROM 30 OCTOBER TO 1 NOVEMBER, 2019.**



FINAL COMMUNIQUE
FOURTH AFRICAN JUDICIAL DIALOGUE

30 OCTOBER – 1 NOVEMBER 2019

KAMPALA, REPUBLIC OF UGANDA

I. Organization and objectives

1. Under the auspices of the African Union and in collaboration with the Government of the Republic of Uganda, the African Court on Human and Peoples' Rights (the Court) organized the Fourth African Judicial Dialogue from 30 October to 1 November 2019 in Kampala, Uganda, under the theme: *“Tackling Contemporary Human Rights Issues: the Role of the Judiciary in Africa”*.
2. The overall objective of the Fourth African Judicial Dialogue was to identify the major human rights issues currently facing Africa and the role of the judiciary in addressing them.
3. Proceedings of the Dialogue were conducted in Arabic, English, French, Portuguese and Spanish, to facilitate communication, active participation and constructive exchanges during the discussions.

II. Opening ceremony

4. The guest of honour, His Excellency General Yoweri Kaguta Museveni, the President of the Republic of Uganda, graced the opening ceremony of the Dialogue with his presence and delivered the keynote and opening address.
5. In his opening speech, President Museveni highlighted the importance of the Judicial Dialogue for strengthening the promotion and protection of human rights in Africa. He pointed out that the struggle for the effective enjoyment of human rights is affected by two main challenges – the effects of nature on man

(characterised by floods, hurricanes and other natural phenomena) as well as man's attitude towards man (characterised by dictatorship, violence, human rights violations, and others), arguing that until man finds a solution to these two challenges, the effective protection of human rights will not be attained.

6. His Excellency President Museveni noted that human rights are interdependent and should not be separated from reality, and that the judiciary should adopt a holistic approach in order to ensure the harmonious enjoyment of human rights.
7. At the opening ceremony, speeches were also delivered by the Chief Justice of the Republic of Uganda, Honourable Justice Bart Magunda Katureebe, the President of the African Court on Human and Peoples' Rights, Hon. Justice Sylvain Oré, and the Deputy Chairperson of the African Union Commission, His Excellency Ambassador Quartey Thomas Kwesi.
8. In his welcome statement, the Chief Justice of Uganda welcomed the participants and expressed his gratitude to the Court and the African Union for having entrusted Uganda with the opportunity to host the Dialogue. He expressed Uganda's commitment to the protection and promotion of human rights. In his opening remarks, the President of the Court expressed his appreciation and gratitude to the Government of the Republic of Uganda for the decision to host the Dialogue and the warm reception extended to participants. He recalled Uganda's role in the promotion and protection of human rights on the continent and the strengthening of African institutions, and called upon Uganda to further express this by depositing the declaration required under Article 34(6) of the Protocol establishing the Court. In his speech, the Deputy Chairperson of the African Union Commission highlighted the importance of the theme of the Fourth African Judicial Dialogue. He recognized that Africa faces a range of problems such as poverty, human rights violations, corruption, bad governance, among others, and noted that the African Union has resolved under Agenda 2063, together with all relevant actors, to create conditions to minimize the suffering of people in Africa, in particular, youth, women and children. To this end, the Deputy Chairperson highlighted the initiatives aimed at creating conditions so that, within the framework of African integration, would ensure free movement in Africa and that Africans can easily produce and trade with each other.
9. After the official opening ceremony, statements were delivered at plenary by representatives of the following institutions and Courts: the United Nations Office of the High Commissioner for Human Rights (OHCHR), the United Nations Educational, Scientific and Cultural Organisation (UNESCO), the Economic Community of West African States (ECOWAS) Community Court of Justice, the East African Court of Justice (EACJ), the Inter-American Court of Human Rights, the Court of Justice of the West African Economic and Monetary Union and the African Committee of Experts on the Rights and Welfare of the Child.

10. In their speeches, the partners shared information on actions they have taken in relation to the subjects of the Dialogue and demonstrated their interest to cooperate with the relevant African institutions in strengthening the promotion and protection of human and peoples' rights in general, including in training, exchange of experiences and dissemination of good practices.

III. PARTICIPATION

11. Judicial authorities from the following Member States were represented at the Dialogue: Algeria, Angola, Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Democratic Republic of Congo, Djibouti, Eswatini, Ethiopia, Gabon, The Gambia, Ghana, Guinea, Guinea Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Mali, Morocco, Mauritius, Mauritania, Mozambique, Niger, Saharawi Arab Democratic Republic, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, Sudan, South Sudan, Tanzania, Togo, Uganda and Zimbabwe.
12. The following institutions and organs of the African Union were represented at the Dialogue:
- the African Union Commission;
 - the African Committee of Experts on the Rights and Welfare of the Child;
 - the African Union Administrative Tribunal;
 - the African Union Commission on International Law;
 - the African Peer Review Mechanism; and
 - the African Governance Architecture Secretariat.
13. The Inter-American Court of Human Rights and Sub-Regional Courts in Africa, such as the Arab Magreb Union Court, the Economic and Customs Union of Central African States (CEMAC) Court, the East African Court of Justice, the ECOWAS Community Court of Justice, the Court of Justice of the West African Economic and Monetary Union and the Common Market for Eastern and Southern Africa (COMESA) Court were also represented.
14. United Nations Agencies such as the OHCHR and UNESCO, as well as other stakeholders from the academia, human rights specialists, media organisations, civil society organisations and resource persons also attended the Dialogue.
15. In total, the Fourth African Judicial Dialogue was attended by 435 participants from various walks of life in the judicial and human rights sectors on the continent.

IV. Subjects and topics covered during the Dialogue

16. After the opening ceremony, the Dialogue discussed the following topics through presentations to plenary and panel discussions: :
- i. The problem of migration, internally displaced persons and refugees in Africa;

- ii. The right to nationality and the problem of statelessness in Africa;
- iii. Electoral petitions and human rights: the role of the judiciary;
- iv. Terrorism and the protection of human rights: the role of the judiciary;
- v. Development and the rights of indigenous peoples.

17. A report on the implementation of the recommendations made during the Third African Judicial Dialogue was presented and discussed by the participants.

V. Conclusions and recommendations

18. After three days of frank and constructive discussions, participants of the Fourth African Judicial Dialogue adopted the following recommendations:

On the implementation of the recommendations of the Third African Judicial Dialogue

19. The Participants called for the operationalization of the African Judicial Network and the roll-out of the Online Human Rights Course in 2020. The participants also called upon the African Union to institutionalise the Network within the African Union structures and provide the necessary means to launch the online human rights course.

On Migration, Internally Displaced Persons and Refugees in Africa

20. Participants considered that the main causes of migration, internal displacement of persons and refugees in Africa are war, unemployment, poverty, natural disasters and bad governance. They welcomed the African Union initiative to set up a humanitarian support structure and encourage African States to facilitate its establishment by adopting the relevant instruments and providing the required resources.

21. Participants were of the view that the peaceful resolution of conflicts, the deepening of the integration process on the continent, through the free movement of persons, goods and services, as well as respect for the rule of law, the independence of the judiciary, human rights and fundamental freedoms, are important mechanisms to alleviate the suffering and retention of people in their respective countries or on the continent so that they can effectively contribute to social and economic development.

22. Participants recognized the importance of national, regional and continental judiciary institutions in the enforcement of national and international human rights instruments for the promotion and protection of the rights of migrants, internally displaced persons and refugees.

On the Right to Nationality and the Problem of Statelessness

23. Participants noted that although the right to nationality is recognized by universal and regional human rights instruments, difficulties in the acquisition and its arbitrary withdrawal is common in many countries on the continent, rendering millions of people stateless. The participants encouraged African Union Member States to adopt and ratify the African Union Protocol prepared by the African Commission on Human and Peoples' Rights on Nationality in order to deal with the growing number of stateless persons on the continent.
24. Participants were of the view that some of the main causes of statelessness are discrimination against women, who, in some countries, cannot pass on their nationality to their children, the non-inclusion in Member States' constitutions of provisions that assign nationality to all residents after independence, or transfer of territory, state succession, xenophobia, lack of birth registration and certification and climate change.
25. Participants urged States, including the judiciary at all levels, to avoid decisions that leave persons in a situation of statelessness and to ensure that all judicial processes are followed, particularly to ensure judicial review.

On Election Petitions and Human Rights: the Role of the Judiciary

26. Participants acknowledged that there is progress on the continent in the settlement of election disputes through the judiciary. They noted however that pre- or post-electoral crises are usually the results of deficiencies in the constitutional and legal framework relating to the organization and conduct of electoral processes, including challenges to the composition and independence of Electoral Commissions and judicial bodies, systems of management of electoral results and State capture of the electoral processes.
27. Participants recommended capacity building programmes for judicial officials to facilitate timely decision-making on election disputes, based on a specialised knowledge of electoral laws and institutions.

On Terrorism and the Protection of Human Rights: The Role of the Judiciary

28. Participants noted that terrorist acts themselves constitute a violation of human rights, including the right to life, physical integrity and peace, and also affect the ability of States to promote and protect human and peoples' rights. They recognized the limitations of the judiciary, especially in countries with economic, social and political weaknesses, in coping with a global phenomenon with increasingly empowered actors and means beyond the capabilities of some States.
29. Participants were of the view that measures should be adopted at the domestic level to prevent terrorism, including enhancing the fight against poverty, promote religious tolerance, and incidences of discrimination and perceived injustices.

30. Participants encouraged AU Member States to adopt and implement international and regional instruments on terrorism and to provide an appropriate legal framework to combat terrorism, consistent with international human rights norms and standards.
31. Participants expressed concern about the possible violation of human rights under the pretext of combating terrorism and recognised the important role of the judiciary in this regard.
32. Participants agreed that the judiciary should be an instrument to balance the fight against terrorism with respect for human and peoples' rights.

On Development and the Rights of Indigenous Peoples

33. Participants noted that indigenous populations are disproportionately affected by State development initiatives and their rights are often not prioritised and are usually disregarded.
34. Participants noted with satisfaction the important normative and jurisprudential progress in protecting the rights of indigenous peoples on the continent, but noted the lack of enforcement of the decisions adopted by human rights bodies on the continent relating to the rights of indigenous peoples.
35. Participants considered that the recognition of indigenous peoples' rights to their ancestral lands and the recognition of their right to maintain their way of life and their cultural and religious traditions should be combined with the creation of conditions for them to effectively exercise all the other fundamental rights to which they are entitled.
36. Participants emphasised the role of national courts in the protection of the rights of indigenous peoples. To this end, they expressed the need for the adoption and domestication of existing international instruments to reinforce the national legal frameworks for the protection of indigenous peoples.
37. Participants emphasized the need for governments to provide sufficient resources to African judiciaries to support their work.

On the Venue of the next African Judicial Dialogue

38. Participants decided that the Fifth African Judicial Dialogue will take place in 2021 at a venue to be determined.

VI. Closing Ceremony

39. The closing ceremony was marked by speeches from the representative of the Judiciary of the Sahrawi Arab Democratic Republic, who gave the vote of thanks,

the Deputy Chairperson of the African Union Commission, His Excellency Ambassador Thomas Quartey Kwesi, the Principal Judge of the Judiciary of Uganda, Honourable Justice Yorokamu Bamwiine, as well as the official closing remarks by Honourable Justice Sylvain Oré, President of the African Court on Human and Peoples' Rights.

40. Participants expressed their gratitude to the Government and people of the Republic of Uganda for their hospitality and the facilities made available to them to ensure the success of the Fourth African Judicial Dialogue.
41. Participants thanked the African Court for organizing the Dialogue, and the European Union (EU), German International Cooperation (GIZ) and the African Union Commission for their support.

**DRAFT DECISION ON THE ACTIVITY REPORT OF THE AFRICAN COURT ON
HUMAN AND PEOPLES' RIGHTS**

The Executive Council;

1. **Takes note** of the Activity Report of the African Court on Human and Peoples' Rights (the Court) for the period 1 January to 31 December 2019, and the recommendations therein;
2. **Commends** the African Court and the Republic of Uganda for the successful organization of the 4th African Judicial Dialogue and takes note of the recommendations of the Dialogue; and **Requests** the African Union Commission and the PRC, in collaboration with the African Court, to make concrete proposals on the effective implementation of the recommendations of the Dialogue, including the possibility of institutionalizing the African Judicial Network within the African Union structures;
3. **Calls on** the Commission and the PRC, in collaboration with the Court, to put in place mechanisms to ensure the effective implementation of the conclusions and recommendations of the African Judicial Dialogue, including where necessary, the submission of relevant draft legislation to the STC Justice and Legal Affairs for consideration;
4. **Notes** that two decades after its adoption, only thirty (30) Member States of the African Union have ratified the Protocol and only nine (9) of the 30 State Parties, have deposited the declaration required under Article 34 (6) thereof, allowing individuals and NGOs to bring cases directly to the Court;
5. **Congratulates** the thirty (30) State Parties to the Protocol, namely; Algeria, Benin, Burkina Faso, Burundi, Cameroon, Chad, Côte d'Ivoire, The Comoros, Congo, Gabon, The Gambia, Ghana, Kenya, Libya, Lesotho, Mali, Malawi, Mozambique, Mauritania, Mauritius, Nigeria, Niger, Rwanda, South Africa, Sahrawi Arab Democratic Republic, Senegal, Tanzania, Togo, Tunisia and Uganda.
6. **Further congratulates** the nine (9) State Parties that have deposited the declaration under Article 34(6) of the Protocol, namely: Benin, Burkina Faso, Côte d'Ivoire, Ghana, Malawi, Mali, The Gambia, Tunisia and the United Republic of Tanzania.
7. **Invites** those Member States that have not already done so, to accede to the Protocol and deposit the declaration required under Article 34 (6) of the Protocol.
8. **Urges** the Chairperson of the AUC to, in conformity with previous Executive Council Decisions, take all necessary measures to operationalize the Legal Aid Fund, and to this end, **Invites** and **Encourages** all Member States of the Union, as well as other relevant human rights stakeholders on the continent, to make generous voluntary contributions to the Fund to ensure its sustainability and success.

9. **Urges** the Commission to expedite the processes of organizing the Joint Retreat between the PRC and Legal, Judicial and Legislative Organs of the Union before June 2020, with a view to considering the reform proposals for the said Organs.
10. **Expresses its appreciation** to the Government of the United Republic of Tanzania for the facilities it has placed at the disposal of the Court, and for the architectural designs for the construction of the permanent premises of the Court submitted to the AUC, and **Urges** the Government of the United Republic of Tanzania, the PRC and the African Union Commission, in collaboration with the Court, working under the framework of the Task Force established by decision EX.CL/Dec.994(XXXII), to take steps to ensure the expeditious construction of the premises, bearing in mind the structures of the African Court of Justice and Human and Peoples' Rights.
11. **Requests** the Court, in collaboration with the PRC and the AUC, to report at the next Ordinary Session of the Executive Council in June/July 2020, on the implementation of this Decision.