

**AFRICAN UNION**

**الاتحاد الأفريقي**



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**EXECUTIVE COUNCIL**  
**Thirty-Eight Ordinary Session**  
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**Addis Ababa, Ethiopia**

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

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

**1 JANUARY – 31 DECEMBER 2020**

## 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. In terms of Article 31 of the Protocol, the Court shall "...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**". The present Report is submitted in conformity with this Article.

4. The Report describes the activities undertaken by the Court from 1 January to 31 December 2020, in particular, the judicial, administrative and outreach activities, as well as the measures taken to implement Executive Council decisions relating to 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 2020, 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 six (6), namely: Burkina Faso, Gambia, Ghana, Malawi, Mali and Tunisia, have deposited the Declaration required under Article 34(6) of the Protocol, accepting the competence of the Court to receive cases directly from individuals and NGOs.<sup>1</sup> **See Table 2.**

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<sup>1</sup> Four State Parties that had deposited the Declaration, namely, Rwanda, Tanzania, Benin and Cote d'Ivoire, withdrew their Declarations.

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.

No.	Country	Date of Signature	Date of deposit
1.	Burkina Faso	14/07/1998	28/07/1998
2.	Ghana	09/02/2011	10/03/2011
3.	Malawi	09/09/2008	09/10/2008
4.	Mali	05/02/2010	19/02/2010
5.	Tunisia	13/04/2017	29/05/2017
6.	The Gambia	23/10/ 2018	02/02/2020

Total

# Six (6)

### III. Current *composition of the Court*

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

#### 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, organization of public hearings and delivery of judgments, rulings and orders.

10. From 1 January to 31 December 2020, the Court received forty (40) new cases and one (1) Request for Advisory Opinion.

11. Since its establishment in 2006 therefore, the Court has received a total of three hundred (300) cases in contentious matters and fourteen (14) Requests for Advisory Opinion. It has rendered 106 Judgments and Rulings, issued 90 Orders and finalized 12 Requests for Advisory Opinion. As at 31 December 2020, the Court had a total of two-hundred and ten cases and two (2) Request for Advisory Opinion pending before it.

##### a. Sessions held

12. During the reporting period, the Court held four (4) Ordinary Sessions<sup>2</sup> as follows:
- i. 56<sup>th</sup> Ordinary Session, from 2 to 27 March 2020, in Arusha, Tanzania;
  - ii. 57<sup>th</sup> Ordinary Session, from 1 to 26 June 2020, held virtually;
  - iii. 58<sup>th</sup> Ordinary Session, from 30 August to 24 September 2020, held virtually;  
and
  - iv. 59<sup>th</sup> Ordinary Session, from 2 to 27 November 2020, held virtually.

**b. Case Management**

13. During the period under review the Court delivered Fifty-five (55) Decisions as follows:
- i. Judgments/Rulings (Jurisdiction, Admissibility, Merits and Reparations, Reparations, Review) – 20
  - ii. Rulings on provisional measures – 22
  - iii. Orders for Re-opening Pleadings – 5
  - iv. Orders on Striking Out Applications – 2
  - v. Orders on Request for Intervention – 2
  - vi. Advisory Opinion – 1
  - vii. Order for Joinder of cases – 1
14. Table 3 below shows the number of Judgments/Rulings, Orders and Advisory Opinion delivered by the Court in 2020.

<b>Table 3: Judgments/Rulings, Orders and Advisory Opinion delivered by the Court in 2020.</b>					
	<b>APPL. NO.</b>	<b>APPLICANT</b>	<b>RESPONDENT STATE</b>	<b>TYPE OF DECISION</b>	<b>DATE OF ISSUE</b>
<b>FEBRUARY 2020</b>					
1.	006/2020	Ghaby Kodeih	Republic of Benin	Ruling on Provisional measures	28/02/2020
2.	008/2020	Ghaby Kodeih and Naby Kodeih	Republic of Benin	Ruling on Provisional measures	28/02/2020
<b>56<sup>th</sup> ORDINARY SESSION - 2 to 27 MARCH 2020</b>					

<sup>2</sup> Due the COVID-19 pandemic the last week of the 56<sup>th</sup> Ordinary session was cancelled and the remaining sessions of the year were held virtually, amidst some challenges the Court had to go through.

3.	006/2015	Nguza Vicking (Alias Babu Seya) and Johnson Nguza	The United Republic of Tanzania	Order on Re-opening of pleadings	09/03/2020
4.	055/2019	Charles Kajoloweka	Republic of Malawi	Ruling on Provisional Measures	27/03/2020
<b>APRIL 2020</b>					
5.	062/2019	Sébastien Germain Marie Aïkoué Ajavon	Republic of Benin	Ruling on provisional measures	02/04/2020
6.	013/2020	Komi Koutche	Republic of Benin	Ruling on provisional measures	17/04/2020
7.	012/2020	Giillaume Soro & Others	Republic of Republic of Cote d'Ivoire	Ruling on Provisional Measures No-1	22/04/2020
<b>MAY 2020</b>					
8.	006/2015	Nguza Vicking (Alias Babu Seya) and Johnson Nguza	The United Republic of Tanzania	Judgment on reparations	08/05/2020
9.	003/2020	Houngue Eric Noudehouenou	Republic of Benin	Ruling on Provisional Measures No -1	05/05/2020
10.	004/2020	Houngue Eric Noudehouenou	Republic of Benin	Ruling on Provisional Measures	06/05/2020
<b>57<sup>th</sup> ORDINARY SESSION - 1 to 26 JUNE 2020</b>					
11.	004/2015	Andrew Ambrose Cheusi	The United Republic of Tanzania	Judgment on Merits and Reparations	26/06/2020
12.	028/2015	Kalebi Elisamehe	The United Republic of Tanzania	Judgment on Merits and Reparations	26/06/2020
13.	004/2017	Mulindahabi Fidèle	Republic of Rwanda	Ruling on Admissibility	26/06/2020
14.	005/2017	Mulindahabi Fidèle	Republic of Rwanda	Ruling on Admissibility	26/06/2020
15.	010/2017	Mulindahabi Fidèle	Republic of Rwanda	Ruling on Admissibility	26/06/2020

16.	011/2017	Mulindahabi Fidèle	Republic of Rwanda	Ruling on Admissibility	26/06/2020
17.	Review No. 001/2020	Alfred Agbes Woyome	Republic of Ghana	Judgment on Review	26/06/2020
<b>JULY 2020</b>					
18.	Consolidated 036/2019 & 037/2019	Konate Kalilou and Doumbia Ibrahim	Republic of Côte d'Ivoire	Ruling On Provisional Measures	15/07/2020
19.	Consolidated 014 & 017/2020	Elie Sandwidi and Mouvement Burkinabé des Droits de l'Homme et des Peuples	Burkina Faso and 3 Other States	Order for joinder of Cases	15/07/2020
20.	Review No. 001/2019	Ramadhani Issa Malengo	The United Republic of Tanzania	Judgment on Review	15/07/2020
21.	. 018/2018	Jebra Kambole	The United Republic of Tanzania	Judgment on Merits and Reparations	15/07/2020
22.	044/2019	Suy Bi Gohore Emile & 8 Others	Republic of Côte d'Ivoire.	Judgment on Merits and Reparations	15/07/2020
<b>58<sup>th</sup> ORDINARY SESSION - 30 AUGUST to 24 SEPTEMBER 2020</b>					
23.	005/2015	Thobias Mang'ara and Another	The United Republic of Tanzania	Order on re- opening of pleadings	04/09/2020
24.	012/2015	Anudo Ochieng Anudo	The United Republic of Tanzania	Order on re- opening of pleadings	08/09/2020
25.	012/2020	Giillaume Soro & Others	Republic of Republic of Cote d'Ivoire	Ruling on Provisional Measures No -2	15/09/2020

26.	035/2015	James Wanjara and Others	The United Republic of Tanzania	Judgment on Merits and Reparations	25/09/2020
27.	010/2016	Hamad Mohamed Lyambaka	The United Republic of Tanzania	Ruling on Admissibility	25/09/2020
28.	019/2016	Job Mlama and Others	The United Republic of Tanzania	Judgment on Merits	25/09/2020
29.	039/2016	Chananja Luchagula	The United Republic of Tanzania	Ruling on Admissibility	25/09/2020
30.	037/2017	Boubacar Sissoko and 74 Others	Republic of Mali	Judgment on Merits and Reparations	25/09/2020
31.	010/2018	Yacouba Traore	Republic of Mali	Ruling on Admissibility	25/09/2020
32.	003/2020	Houngue Eric Noudehouenou	Republic of Benin	Ruling On Provisional Measures No – 2	25/09/2020
33.	016/2020	Glory Cyriaque Houssou and Another	Republic of Benin	Ruling on Provisional measures	25 /09/ 2020
34.	Consolidated 014/2020 & 017/2020	Elie Sandwidi and Mouvement Burkinabé des Droits de l'Homme et des Peuples	Burkina Faso and 3 Other States	Ruling on Provisional measures	25 /09/ 2020
35.	024/2020	Conaide Togia Latondji Akouedenoudje	Republic of Benin	Ruling on Provisional Measures	25 /09/ 2020
36.	025/2020	Laurent Gbagbo	Republic of Republic of Cote d'Ivoire	Ruling On Provisional Measures	25 /09/ 2020
37.	018/2015	Benedicto Mallya	The United Republic of Tanzania	Order Striking Out Application	25 /09/2020

38.	007/2018	Abdallah Ally Kulukuni	The United Republic of Tanzania.	Order Striking out Application.	25 /09/2020
39.	Request for Intervention No. 001/2020	Sahrawi Arab Democratic, in Application 028/2018	Republic of Benin and 7 Other States.	Order on Intervention	25 /09/ 2020
40.	Request for Intervention No. 002/2020	Republic of Mauritius, in Application 028/2018	Republic of Benin and 7 Other States.	Order on Intervention	25 /09/ 2020
41.	Request for Advisory Opinion No. 001/2018	Pan African Lawyers' Union	N/A	Advisory Opinion	27/11/2020
<b>59TH ORDINARY SESSION - 2 to 27 NOVEMBER 2020</b>					
42.	003/2016	John Lazaro	The United Republic of Tanzania	Order on Re-opening of pleadings	20/11/2020
43.	042/2019	Masudi Said Selemani	The United Republic of Tanzania	Order on Re-Opening of Pleadings	20/11/2020
44.	037/2020	Harouna Dicko and Others	Burkina Faso	Ruling on Provisional Measures	20/11/2020
45.	027/2020	Sébastien Germain Marie Aïkoué Ajavon	Republic of Benin	Ruling on Provisional Measures	27/11/2020
46.	028/2020	Houngue Eric Noudehouenou	Republic of Benin	Ruling on Provisional Measures	27/11/2020
47.	032/2020	Houngue Eric Noudehouenou	Republic of Benin	Ruling on Provisional Measures	27/11/2020
48.	059/2016	Akwasi Boateng and 351 Others	Republic of Ghana	Ruling on Jurisdiction	27/11/2020
49.	012/2017	Leon Mugesera	Republic of Rwanda	Judgment on Merits and Reparations	27/11/2020
50.	009/2018		Republic of Mali	Ruling on Admissibility	27/11/2020

		<b>Collectif Des Anciens Travailleurs de la Semico Tabakoto</b>			
51.	059/2019	XYZ	Republic of Benin	Judgment on Merits and Reparations	27/11/2020
52.	010/2020	XYZ	Republic of Benin	Judgment on Merits and Reparations	27/11/2020
53.	062/2019	Sébastien Germain Marie Aïkoué Ajavon	Republic of Benin	Judgment on Merits and Reparations	04/12/2020
54.	003/2020	Houngue Eric Noudehouenou	Republic of Benin	Judgment on Merits and Reparations	04/12/2020
55.	Request for Advisory Opinion No. 001/2018	Pan African Lawyers Union		Advisory Opinion	04/12/2020

### ***b. Public Sittings***

15. Due to the COVID-19 pandemic a public hearing scheduled for September 2020 during the 58<sup>th</sup> Ordinary session, was adjourned *sine die*.

### ***c. Compliance with the decisions of the Court***

16. 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 shows the status of compliance with Court's decisions.

#### ***ii. Non-judicial activities***

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

#### ***iii. Participation of the Court in AU Summits***

18. The Court took part in the 39<sup>th</sup> and 40<sup>th</sup> Ordinary Sessions of the Permanent Representatives Committee (PRC), the 36<sup>th</sup> and 37<sup>th</sup> Ordinary Sessions of the Executive Council, and the 33<sup>rd</sup> Assembly of Heads of State and Government of the African Union,

as well as the Second Mid-Year Coordination Meeting of the African Union and Regional Economic Communities.

## **b. Implementation of Executive Council Decisions**

19. The Executive Council entrusted certain tasks to the Court and requested the latter to report to Council on the implementation of those tasks. The Executive Council specifically requested the Court to:

*Undertake an in-depth study on mechanisms and framework for the implementation of Court judgments<sup>3</sup>*

20. During the 37<sup>th</sup> Ordinary Session of the PRC, the draft study was considered by the latter, and at its 34<sup>th</sup> 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 study has been submitted to the Office of the Legal Counsel and will be considered during the next meeting of the STC Justice and Legal Affairs.

*Undertake an in-depth study on the legal and financial implications on the establishment of an African Judicial Network within the African Union structures<sup>4</sup>*

21. During its 36<sup>th</sup> Ordinary Session held from 6 to 7 February 2020, the Executive Council of the African Union adopted decision EX.CL/Dec. 1079 (XXXVI) requesting the Commission and the PRC, in collaboration with the Court, to undertake an in-depth study and present the legal and financial implications on the establishment of an African Judicial Network within the African Union structures.

22. On 10 November 2020, the Court transmitted the draft Study on the establishment of an African Judicial Network, together with the financial implications, to the Office of the Secretary to the Commission for onward transmission to other stakeholders in accordance with Executive Council Decision. This study is attached to the present Report as **Annex III**, and will be presented to the PRC during its 41<sup>st</sup> Ordinary Session.

### **Execution of the 2020 budget**

23. The budget appropriated to the Court for 2020 stood at US\$ 13,475,992, comprising \$ 13,288,867 [99%] from Members States and \$ 187,125 [1%] from International Partners. In April 2020, the African Union Commission requested all AU Organs to reduce their 2020 approved budget in order to contribute to the funding of

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<sup>3</sup> See EX.CL/Dec.1013 (XXXIII) para 4.

<sup>4</sup> See EX.CL/Dec. 1079 (XXXVI), para 3.

initiatives approved by Member States to fight the COVID-19 pandemic. The Court thus reduced its 2020 budget by \$2, 997,121.

24. The budget of the Court for 2020 after the reduction thus stood at \$10, 478, 871, that is, \$10,291,746 from Member States and \$187,125 from Partners. Based on this amount, the projected budget execution as at end of 31 December 2020 is \$ 9,151,199, which represents a projected budget execution rate of 87%. This execution rate is lower than the 2019 execution rate of 91.3% due to the fact that some of the planned activities, especially outreach activities, were cancelled, while some were held virtually, with lesser expenditure.

### ***Promotional and capacity building activities***

25. The Court took part in a number of activities, all but the first one organized virtually, aimed at developing its capacity and raising awareness among stakeholders. The activities included the following:

- ii. Training on Law Reporting and Legal Information Management 28- 20 January, Arusha, Tanzania
- iii. Dialogue of Regional Human Rights Courts on the theme ‘the impact of Covid-19 on human rights. The perspectives of the three human rights courts of the world’ on 9 July 2020, organized jointly by the African Court of Human and Peoples Rights, the European Court of Human Rights and the Inter-American Court of Human Rights;
- iv. A Judicial Dialogue between African and Inter-American Regional Courts on the Protection of Civic Space on 10 August 2020, organized by the Robert F. Kennedy Human Rights and the Pan African Lawyers’ Union;
- v. Workshop to review the Draft 2021-2025 Strategic Plan of the African Court was organized on 19 August 2020, by the Registry of the Court.
- vi. Online Training for Legal Practitioners on the Engagement with the African Court and African Commission on Human and Peoples’ Rights on 1 October 2020, organized by the Coalition for an Effective African Court;
- vii. Online Refresher Training on Judgment Drafting from 7 to 9 October 2020, organized by the Registry in collaboration with African Union Commission and the American Bar Association-Rule of Law Initiative;
- viii. Experiential Learning Sessions on Procedures in International Courts and Leveraging Digital Resources from 12 to 12 October 2020, organized by the Registry in collaboration with the African Union Commission and the American Bar Association -Rule of Law Initiative;
- ix. Short Course for Judges on Accelerated Route to Fellow of the Chartered Institute of Arbitration organized by the Chartered Institute of Arbitration, Nairobi, Kenya on 16 and 17 September, 16 November, 14 – 15 December and 18 December 2020.
- x. Webinar on Judicial Diplomacy for the African Court on Human and Peoples’ Rights on 21 October 2020, organized by the Institute for Human Rights and Development in Africa, the African Centre for Democracy and Human Rights

Studies and the United Nations Office of the High Commissioner for Human Rights; and

- xi. Webinar on the state of the African Human Rights System: Stakeholder reflections on 12 November 2020, organized by Amnesty International.

26. In addition to the above activities, the Court also participated in meetings organized by other African Union organs and institutions, including the commemoration of 2020 African Human Rights Day.

#### **IV. NETWORKING**

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

27. The Court and the African Commission continue to strengthen their relationship and consolidate the complementarity envisaged under the Protocol. To this end, the Court participated in the opening ceremony of the 28<sup>th</sup> extraordinary session, the 66<sup>th</sup> and 67<sup>th</sup> Ordinary Sessions of the Commission. The President of the Court delivered a statement at the opening ceremony of the Meeting of the Network of African National Human Rights Institutions on 10 November 2020 on the margins of the 67<sup>th</sup> Ordinary Session of the African Commission.

##### ***b. Cooperation with external partners***

28. 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. Other partners of the Court include the World Bank and the UN Office of the High Commissioner for Human Rights.

29. The Court has maintained a good 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.

##### **Host Agreement**

30. Given the critical shortage of office space and the continuous growth of the Court, the Host State agreed with the Court in 2018 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.

31. Regarding the construction of the permanent premises of the Court, there has been no new development since the Court last reported in its 2019 Activity Report.

#### **V. ASSESSMENT AND RECOMMENDATIONS**

##### ***i) Assessment***

32. In 2021, the African continent will mark and commemorate the 15<sup>th</sup> Anniversary of the operationalization of the African Court. For the past fourteen years, the Court has charted a viable path for the protection of human and peoples' rights on the continent. It has brought about renewed hope and optimism within the African human rights system, and positions itself firmly as a pivotal instrument in the continent's quest for regional integration, peace, unity, good governance, respect for human rights and development.

33. Since its establishment in 2006, the Court has received a total of three hundred (300) Cases and fourteen (14) Requests for Advisory Opinion. It has rendered one-hundred and six (106) Judgments and Rulings, issued ninety (90) Orders and finalized twelve (12) Requests for Advisory Opinion.

34. The jurisprudence established by the Court from these cases deals with a wide range of human rights issues shaping the socio-economic and political landscape of the continent, including issues of elections, good governance, freedom of expression, rights of indigenous peoples, etc. The jurisprudence reinforces the widely held principles of indivisibility, interrelatedness and interdependency of human rights, and the view that respect for human rights provides a foundation upon which rests the political structures of human freedoms, the achievement of human freedoms, in turn, generates the will as well as the capacity for economic and social progress, leading to the attainment of economic and social development, that subsequently provides the basis for durable peace.

35. As the Court continues to grow and deliver more judgments, its impact as a mechanism for the advancement of human rights, good governance and the rule of law in Africa has become apparent. This intrinsic relationship and interconnectedness of human rights and the socio-economic and political development is ever more evident.

36. This notwithstanding, the Court continues to face a growing number of challenges that threaten not only the effective discharge of its mandate, but its very existence.

37. One of the major challenges facing the Court at the moment is the perceived lack of cooperation from Member States of the African Union, in particular, in relation to the poor level of compliance with the decisions of the Court. Of the over 100 judgments and orders rendered by the Court, 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 and orders against it, the Republic of Côte d'Ivoire has filed its compliance report but the Applicants dispute the facts,<sup>5</sup> while the other States such as Benin, Libya and Rwanda, have not complied at all, with some openly indicating that they will not comply with the orders and judgments of the Court.

38. The African Court would like to underscore that its success as a human rights court, and indeed, that of the African human rights or justice system as a whole, is a

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<sup>5</sup> It is important to indicate here that for the moment the Court does not have an independent mechanism to verify the extent of implementation on the ground. It relies almost exclusively from the Report of the Government and reaction of Applicant thereto. The Court can collect information from other sources, but has to ascertain the integrity, independence and neutrality of those sources.

collective responsibility, and requires the active and constructive participation of all stakeholders. Compliance with the Court's judgment is one way for States to manifest their commitment to not only the protection of human rights but also a commitment to the ideals of the African Union.

39. A worrying trend which seems to be emerging is for States against which the Court has rendered a judgment to withdraw or threaten to withdraw their Article 34(6) Declaration which allows individuals and NGOs to seize the Court directly. In a span of four years, four State Parties to the Protocol have withdrawn their Declarations following the Court rendering judgments against those States. These States are Rwanda in February 2017, Tanzania (Host State) in November 2019, Benin in March 2020 and Côte d'Ivoire in April 2020. The Court is concerned that should this trend continue, it will undermine the human rights protection mechanisms on the continent, with the immediate effect of depriving millions of citizens of a fundamental right which they had acquired, that of accessing justice directly before the African Court.

40. The Court also views these withdrawals as a decline in the efforts already made in the building democracies, defense of human rights and the promotion of the rule of law. Today, the African Court is the only judicial body of the African Union to which individuals can directly approach in case of alleged violation of one or more of their human rights. This can only be possible where the State against which an allegation is filed has deposited the Declaration required under Article 34(6) of the Protocol. The Declaration is thus a mechanism to grant individuals and NGOs direct access to the Court to seek remedies if they are not satisfied with domestic remedies. Not depositing the Declaration, let alone, withdrawing therefrom, deprives citizens of the ability to seek effective remedies for alleged human rights violations.

41. This trend is contrary to and inconsistent with the commitment made by African leaders in the *Declaration by the Assembly on the Theme of the Year 2016 – the African Year of Human Rights with Particular Focus on the Rights of Women*, adopted in Kigali, Rwanda during the 27<sup>th</sup> Assembly of Heads of State and Government. In that Declaration, the Heads of State “reiterate[d] [their] unflinching determination to promote and protect human and peoples’ rights and all basic freedoms in Africa and the need for the consolidation and the full implementation of human and peoples’ rights instruments and relevant national laws and policies, as well as decisions and recommendations made by AU Organs with a human rights mandate”.

42. The African Court remains open to work with all stakeholders, especially Member States, to enhance the promotion and protection of human and peoples’ rights on the continent. In its 2021 to 2025 Strategic Plan, the Court has emphasized the need for constructive engagement with stakeholders as a means of enhancing the effective discharge of its mandate. The Court is of the view that a better understanding by the public of the work that it does will ensure a better appreciation of its decisions.

43. Along with constructive engagement, the new Strategic Plan also provides for the establishment of a number of mechanisms aimed at building capacity for Judges, Staff, Judges from national Courts, counsel appearing before the Court, as well as other stakeholders. To this end, the Court will establish a Compliance Monitoring Unit to work closely with Member States and other AU organs to facilitate States' compliance with its decisions. The Court will institute an online human rights course for judges at the national level to enhance their knowledge of regional and international human rights law, establish an African Judicial Network to provide training and capacity development for judiciaries across the continent. While acknowledging the primacy of States to promote and protect human rights, the Court also recognizes its complementary and supporting role as a supra-national mechanism.

44. The Court thus looks forward to the adoption of the Framework for the implementation of judgments of the Court requested by the Executive Council in its decision EX.CL/Dec.1013(XXXIII), adopted during its 33<sup>rd</sup> Ordinary Session of Council held in Nouakchott, Mauritania; the establishment of an African Judicial Network requested by the Executive Council in its decision EX.CL/Dec. 1079 (XXXVI) during its 36<sup>th</sup> Ordinary Session held from 6 to 7 February 2020, and the operationalization of the African Union Legal Aid Fund. These initiatives will go a long way to enhance access to the Court, engage meaningfully with States and other stakeholders and build public confidence in the African human rights protection system.

45. Other challenges faced by the Court include the low number of ratifications of the Protocol, the very low number of States that have deposited the Article 34(6) declaration, inadequate awareness and inadequate resources.

46. More than two decades after the adoption of the Protocol, only thirty (30) of the fifty-five (55) Members States of the Union have ratified it, and of these 30, only six (6) have deposited the declaration required under Article 34(6) of the Protocol. From the administrative point of view, inadequate human and financial resources have also affected the smooth functioning of the Court.

47. The COVID-19 pandemic exposed the vulnerability of the Court. Due to the inadequacy of Information Technology (IT) facilities at the Court, the latter faced difficulties organizing virtual meetings. The pandemic caused the cancellation of a part of the 56<sup>th</sup> ordinary session in March. The other three sessions of the year were held virtually with several challenges related, but not limited to, internet connectivity, organization of public hearings, confidentiality of deliberations, possible leakages, participation of experts and witnesses at public hearings, etc. The Court has thus emphasized in its 2021 – 2025 Strategic Plan the need to strengthen its capacity by building its infrastructure, especially courtroom technology.

## ***ii) Recommendations***

48. 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. State Parties to the Protocol that withdrew their Article 34(6) Declaration should consider their decision;
- iii. The Chairperson of the AUC should take all necessary measures to establish the Legal Aid Fund for African Union Organs in 2021 as part of activities to commemorate the 15<sup>th</sup> Anniversary of the operationalization of the African Court
- iv. 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;
- v. Member States of the African Union should cooperate with the Court and comply with its decisions;
- vi. The Joint Retreat between the PRC and Judicial, quasi-judicial, Legal and legislative organs of the Union, should be held, the situation of the COVID-19 pandemic permitting, as soon as possible, preferably within the first half of 2021.

**ANNEX I**  
**LIST OF JUDGES OF THE AFRICAN COURT ON HUMAN AND PEOPLES'**  
**RIGHTS AS AT DECEMBER 31 2020**

No.	Name	Term		Country
		Duration	Expiry	
1	Justice Sylvain Oré *	6	2020	Côte d'Ivoire
2	Justice Ben Kioko	6	2024	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

\*\*\*\* The term of office of these Judges came to an end in July 2020. However, during its 37<sup>th</sup> Ordinary Session, the Executive Council adopted decision EX.CL/Dec. 1105 (XXXVII), to extend their mandate until their replacements.

## 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 Peoples' Rights	Libya	3 June 2016	7 June 2016	22 November 2016	State has not reported to the Court on measures taken to comply	Non-compliance
4.	005/2013	Alex Thomas	United Republic of Tanzania	20 November 2015 (merits) 4 July 2019 (reparations)	27 November 2015 5 July 2019	20 May 2016 5 January 2020	State has not reported to the Court on measures taken to comply	Non-compliance

							The 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
				4 July 2019 (reparations)	5 July 2019	5 January 2020	The State has not reported to the Court on measures taken to comply	Non-compliance
6.	007/2013	Mohamed Abubakari	United Republic of Tanzania	3 June 2016 (merits)	6 June 2016	6 December 2016	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
				4 July 2019 (reparations)	5 July 2019	5 January 2019	The State has not reported to the Court on measures taken to comply	Non-compliance

7.	001/2014	Actions Pour la Protection des Droits de L'Homme	Côte d'Ivoire	18 November 2016	29 November 2016.	Reasonable time	<p>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.</p> <p>On 19 November 2019, the Applicant filed a report indicating that though the law had been revised to include more non-governmental members, it had not sufficiently addressed the issue of impartiality of the electoral commission. They also said that the process to review the law was not inclusive. The Respondent State filed a Response to the report filed by the Applicant on 13 February 2020. In its Response, the Respondent State reiterates that it has fully implemented the Court's judgment, that it has promulgated a new law which brings about independence to the</p>	Partial compliance
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						<p>electoral commission. It further states that it consulted all stakeholders who were willing to participate in the process of reviewing the law. Lastly, it contends that the letter that came from APDH is not a true reflection of the views of the Applicant as they have changed their bureau and that the author of the report to the Court does not have authority to speak on behalf of APDH.</p> <p>Even so, another case has been filed by Applicants – Suyi B Gohore and 8 Others against the Respondent State in relation to the impugned law and especially they submit that the new law is still in violation of international human rights law. The judgment in this case was delivered on 15 July 2020, which found that the Applicants had not sufficiently demonstrated that the law adopted by the Respondent State to comply with the Court’s decision in <i>APDH</i> failed to meet the standards provided by the relevant human rights instruments. Nonetheless, the Court</p>	
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							noted in its decision in <i>Gohore</i> that there are still some outstanding challenges related to the electoral framework.	
8.	003/2014	Ingabire Victoire Umuhoza	Republic of Rwanda	24 November 2017 (merits)  7 December 2018 (reparations)	11 December 2017  10 December 2018	11 June 2018  10 June 2019	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 John Mwanini Njoka	United Republic of Tanzania	28 September 2017	3 October 2017	3 April 2018	State has not reported to the Court on measures taken to comply with the judgment	Non-compliance
10.	006/2015	Nguza Vicking and Johnson Nguza	United Republic of Tanzania	23 March 2018 (merits)	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.	046/2016	APDF & IHRDA	Republic of Mali	11 May 2018	11 May 2018	11 August 2020	The Respondent State is yet to file a report on	Non-compliance

							measures taken to comply with the judgment and the time to file this report was to elapse on 11 May 2020 but the Court suspended time limits effective 1 May 2020 and thus its time to report lapsed on 11 August 2020	
14.	016/2016	Diocles William	United Republic of Tanzania	21 September 2018	21 September 2018	21 September 2020	State has not reported to the Court on measures taken to comply with the judgment. The Applicant filed a letter on requesting the Court to intervene so that the Respondent State would implement the judgment of 21 September 2018. The Court transmitted the said letter to the Respondent State requesting its observations thereon. The time for the Respondent State to file the observations lapsed on 23 May 2020 and it did not file any observations.	Non-compliance
15.	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
16.	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

17.	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
18.	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 taken to comply with the judgment	Non-compliance
19.	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. The Applicant filed a requests for the Court to intervene so that the Respondent State complies with the Court's judgment. This request were transmitted to the State for it to file its observations within thirty (30) days. The time for the State to file its observations herein elapsed without it filing any observations.	Non-compliance
20.	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
21.	053/2016	Sebastien Germain Ajavon	Republic of Benin	29 March 2019 (merits)	29 March 2019	29 September 2019	State has not reported to the Court on measures taken to comply with the judgment	Non-compliance

				28 November 2019 (reparations)	28 November 2019	1 August 2020	State has not reported to the Court on measures taken to comply with the judgment	Non-compliance
22.	025/2015	Majid Goa	United Republic of Tanzania	26 September 2019	27 September 2019	27 March 2020	State has not reported to the Court on measures taken to comply with the judgment	Non-compliance
23.	007/2015	Ally Rajabu and others	United Republic of Tanzania	28 November 2019	29 November 2019	29 August 2020	State has not reported to the Court on measures taken to comply with the judgment	Non-compliance
24.	013/2015	Robert John Penessis	United Republic of Tanzania	28 November 2019	29 November 2019	30 August 2020	State has not reported to the Court on measures taken to comply with the judgment	Non-compliance
25.	017/2015	Kennedy Gihana and others	Republic of Rwanda	28 November 2019	29 November 2019	30 August 2020	State has not reported to the Court on measures taken to comply with the judgment	Non-compliance

26.	044/2019	Suy Bi Gohore	Republic of Cote D'Ivoire	15 July 2020	16 July 2020	15 October 2020	<p>On 1 September 2020, the Registry received the Respondent State's interim implementation report and it was transmitted to the Applicants on 4 September 2020. The report contains an explanation of some of the steps undertaken by the Government. On 14 September 2020, the Registry received the Response by the Applicants on Respondent State's interim implementation report and this was transmitted to the Respondent State. The Applicants in their report contested the interpretation of the Respondent State of the Court's decision.</p> <p>. The Respondent State was requested to reply to the Applicants' observations within five (5) days. On 28 September, the Registry received a letter by the Respondent State indicating that it will submit a final execution report in the next couple of weeks. On 30 October 2020, the Registry sent a reminder to the Respondent State, bringing to its attention that the deadline of submitting an implementation report</p>	Partial compliance
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						<p>within three (3) months had expired on 25 October 2020.</p> <p>On 2 November 2020, the Registry received both the implementation report of the Respondent State and the observations of the Applicants on the implementation of the Court's decision.</p> <p>In the Respondent State's implementation report, it claims to have implemented the Court's order to organise new Bureau elections for the electoral bodies at the local level. These elections were conducted in August 2020. With regard to the Court's order on the nomination process of electoral body members by civil society and political parties, in particular opposition parties, the Respondent State claims that these entities already decide amongst themselves who to nominate, however, they have been requested to submit their own criteria to the Government so that the Respondent State can formalise these criteria. The Respondent State indicated</p>	
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						<p>it will submit an additional implementation report once this process of formalization has been finalized.</p> <p>The Applicants submit that in line with the Court's decision the electoral body was to be recomposed in respect of its members nominated by opposition parties and civil society. This recomposition did not take place, instead the Respondent State only invited one additional opposition party to nominate a member to the electoral body. However, this approach of inviting specific political parties violated the letter and the spirit of the Court's order since the Court's instruction was to ensure that civil society organisations and opposition parties decide amongst themselves who to nominate to the electoral body. The Applicants submit that opposition parties had convened different meetings and nominated four new members to the central electoral commission, however, the Respondent State did not accept these nominations. The</p>	
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							<p>Applicants therefore argue that since the electoral body at national and local levels were not newly recomposed, in line with the Court's judgement, the ensuing elections of the Bureau of the electoral bodies at the local level, also failed to respect the Court's decision.</p>	
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**CASES IN WHICH STATES HAVE NOT COMPLIED WITH THE COURT'S ORDERS FOR PROVISIONAL MEASURES**

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	Crospery 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
19.	003/2018	Ladislaus chalula	United Republic of Tanzania	17/05/2019	Not yet filed	No report has been filed yet	Main Application pending
20.	012/2019	Ghati Mwita	United Republic of Tanzania	09/04/2019	Not yet filed	No report has been filed yet	Main Application pending
21.	055/2019	Charles Kajoloweke	The Republic of Malawi	27/03/2020	Not yet filed	No report has been filed yet	Main Application pending
22.	003/2020	Eric Hongue Provisional Measures No 1 and No. 2	The Republic of Benin	25/09/2020	Not yet filed	No report has been filed yet	Main Application pending
23.	006/2020	Ghaby Kodeih	The Republic of Benin	28/02/2020	Not yet filed	No report has been filed	Main Application pending

24	008/2020	Ghaby Kodeih	The Republic of Benin	28/02/2020	Not yet filed	No report has been filed	Main Application pending
25	012/2020	Guillaume Kigbafori Soro	The Republic of Cote D'Ivoire	22/04/2020	Not yet filed	No report has been filed	Main Application pending
26	013/2020	Koumi Koutche	The Republic of Benin	02/04/2020	Not yet filed	No report has been filed	Main Application pending
27	025/2020	Laurent Gbagbo	The Republic of Cote D'Ivoire	25/09/2020	Not yet filed	No report has been filed	Main Application pending

## 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 2020, and the recommendations therein;
2. **Notes** that 2021 marks the 15<sup>th</sup> Anniversary of the operationalization of the African Court on Human and Peoples' Rights, and **Commends** the Court for the excellent contribution it has made in the protection of human rights and the development of an African human rights jurisprudence since its operationalization;
3. **Invites** Member States and other human rights stakeholders on the continent, in association with the Commission and the PRC, and in collaboration with the Court, to take the opportunity of this commemoration to engage in frank and constructive discussion on the mandate and work of the Court with a view to strengthening it and enhancing the protection of human rights on the continent;
4. **Calls on** the Commission and the PRC to provide the Court with the necessary resources to enable it effectively discharge its mandate;
5. **Reiterates** its decision for the Commission to expedite the processes of organizing the Joint Retreat between the PRC and Legal, Judicial and Legislative Organs of the Union and ensure the said retreat is held before June 2021, with a view to considering the reform proposals for the said Organs.
6. **Notes** that two over decades after its adoption, only thirty (30) Member States of the African Union have ratified the Protocol and only six (6) 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;
7. **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;
8. **Further congratulates** the six (6) State Parties that have deposited the declaration under Article 34(6) of the Protocol, namely: Burkina Faso, Ghana, Malawi, Mali, The Gambia and Tunisia;
9. **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, and urges those States that withdrew their Declarations to reconsider their decisions;

10. **Urges** the Chairperson of the AUC, in accordance with previous Executive Council Decisions, to 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;
11. **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;
12. **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 2021, on the implementation of this Decision.