


AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي		UNIÃO AFRICANA
AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES P.O Box 6274 Arusha, Tanzania - Telephone: +255 27 205 0111 Fax. +255 27 205 0112		

PRACTICE DIRECTIONS

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In accordance with Rule 19 of the Rules of Court (the Rules), the African Court on Human and Peoples' Rights (the Court) hereby adopts the following Practice Directions as a guide for potential litigants. They may be amended or supplemented as and when necessary, to meet the requirements of the Court.

General provisions

1. The Court's working hours and days scheduled for public hearings shall be as follows: 10 a.m. to 4 p.m. from Monday to Friday, or such other hours or days as the Court may deem fit.
2. The Registry shall be open to the public during the following hours, except on public holidays:

Monday to Friday: Morning: 8 a.m. to 1 p.m
Afternoon: 2 p.m to 5 p.m
3. The Ordinary Sessions of the Court are held in March, June, September, and December; or at any other period as the Court may deem fit. The Court may also hold extraordinary sessions.
4. Representatives of parties before the Court should be appropriately dressed as required by the decorum of the Court. Those who wish to robe before the Court may do so in the robe of their national courts.
5. Representatives of the parties shall introduce themselves to the Presiding Judge at least thirty (30) minutes prior to the commencement of hearing at 10a.m..
6. There shall be a pre-hearing meeting between the Presiding Judge and the representatives of the parties.
7. During the pre-hearing meeting, the Registrar shall introduce the parties to the Presiding Judge.

8. A Judge on the bench shall be referred to only as 'Honourable Justice', while the bench shall be referred to as 'the Court'.
9. All communications to the Court from any representative, shall be channeled through the Registrar. Under no circumstance shall a communication be addressed to the President or a Judge.
10. The withdrawal of a representative shall be communicated to the Registrar in writing, as soon as possible. Appointment of a new representative should also be notified to the Registrar in writing.

Fees

11. There will be no filing fees.

Format, Content and Style of applications

12. An application filed at the Court must contain a cover sheet indicating the parties, leaving a space for the case number to be inserted once allocated, a heading indicating whether this is the Applicant's application, Respondent's response or Applicant's reply.
13. All applications shall, as far as possible, be typed on A4 page format. The font shall be Arial, in at least 12 pt and the line spacing 1.5. Footnotes shall be in 11 pt. The left and right margins shall be at least 2.54 cm. Processes shall be submitted preferably in one of the following working languages of the Court: Arabic, English, French and Portuguese.
14. All pages shall be numbered consecutively.
15. All paragraphs shall be numbered on the left.
16. All numbers referenced in the written text shall be expressed in figures.
17. The application shall be accompanied by an executive summary of not more than 3 pages. The summary shall address the following: the facts, the nature of the complaint, evidence of exhaustion of local remedies, the alleged violation(s), the admissibility and the remedy requested from the Court.
18. The application shall make use of headings such as "facts"; "jurisdiction", "admissibility", "merits", "reliefs sought."

19. Where a process is filed by post, the written text shall appear on only one side of the page.
20. Where the applicant does not wish to have his or her identity disclosed, this should be expressly stated in the application as well as reasons for seeking anonymity.
21. In applications for anonymity, the Applicant must indicate the preferred reference by initial, such as "Mr. X" or "Ms Y."

Authentication of an Application to the Court

22. All processes submitted to the Court shall be signed by the Applicant or their duly mandated representatives.
23. Where a party has appointed a representative, the party shall produce a document to prove the status of the representative.

Filings and Pleadings

24. An application may be filed, in the working languages of the African Union, by registered post, fax, delivered by hand or by email, provided that in the latter case, the original is sent to the Registry of the Court in accordance with Rule 34(3) of the Rules of Court.
25. Once an application is allocated a case number by the Registrar, all subsequent pleadings shall bear this number.
26. The General List of cases will be open to the public. It will include the names of the parties, the date of receipt of the application and the nature of the matter
27. The Applicant shall paginate and index the application. All annexes, including evidence, such as photographs, judgments, orders, and correspondence shall be indicated separately. The annexes shall be numbered and indexed.
28. Thirty (30) days prior to a hearing date, each party shall submit the following to the Court:
 - Name of legal representative(s);
 - Contact details for each legal representative;
 - A paragraph of the nature of the matter and relief(s) sought;

- A list of authorities used and;
- The language to be used in presenting arguments.

29. Thirty (30) days prior to the public hearing, the Applicant and the Respondent may file summary of arguments not exceeding five (5) pages.

30. When an application is served on a Respondent party pursuant to Rules 35(4) and 37 of the Rules and a response is expected, the brief in response shall bear on the preliminary objections where they had been raised as well as on the merits of the matter.

Fixing of the date of the hearing

31. Where the matter is ready for trial, the Court shall fix the date for the Public Hearing.

32. The Registrar shall inform the parties of the date fixed for the hearing. The parties may seek an adjournment, if necessary.

33. If a party seeks an adjournment within fifteen days of notification, the Court shall decide and the Registrar shall notify the parties.

34. If any of the parties calls for an adjournment, the other party must be informed promptly.

35. If the Court decides to change the dates of the Public hearing, the Registrar will notify the parties.

Directions

36. Once the Registrar notifies the parties of the date of the hearing and when a party seeks to have persons heard by the Court as witnesses or experts, it shall notify the Court within fifteen days and the Court shall decide depending on the nature of the matter.

37. The list of witnesses cited by the requesting party shall be forwarded within thirty (30) days as from the notification of the Decision of the Court.

38. A witness appearing at the request of a party may testify by way of a simple declaration.

39. Where a witness who has been summoned is unavailable, and unable to appear for reasons beyond his/her control, the Court shall recommend the use of new communications technology to record the testimony of the witness, either verbatim or by video conference.

40. Where the parties to the matter seek to be heard as witnesses, they shall testify under oath.

Time Limits

General

41. It is the responsibility of each party to ensure that pleadings and any accompanying documents or evidence are delivered to the Court's Registry within the time limit set by the Court.

Extension of time limits

42. A time limit set by the Court may be extended on request from a party.

43. A party seeking an extension of the time must make a request as soon as it has become aware of the circumstances warranting such an extension and, in any event, before the expiry of the time limit. It should state the reason for the extension.

44. Where the request is made after the expiry of the time limit, it shall be submitted within a reasonable time after such expiry, giving reasons for the failure to comply with the time limit.

45. A request for extension of time shall be communicated to the other party(ies) to the case, and the latter shall be given fifteen (15) days within which to react to the request.

46. Where the Commission requests the Court for an extension of the time limit, the Registry shall remind the Court of the nature of the request. Regardless of the time granted, the opposing party shall be allowed the same time in compliance with the principle of equality of arms.

47. The decision to extend time is at the discretion of the Court.

Failure to comply with time limits

48. Failure to file a pleading within the time limits set out in this Practice Directions may result in the pleading concerned being considered as not having been filed.

Request to act as Amicus Curiae

49. An individual or organization that wishes to act as *amicus curiae* shall submit a request to the Court, specifying the contribution they would like to make with regard to the matter.

50. The Court will examine the request and determine within a reasonable time from the date of receipt of the request, whether or not to accept the request to act as *amicus curiae*.

51. If the Court grants the request to act as *amicus curiae*, the person or organization making the request shall be notified by the Registrar and invited to make submissions, together with any annexes, at any point during the proceedings. The Application, together with any subsequent pleadings relating to the matter for which the request for *amicus curiae* has been made, shall be put at the disposal of the person or organization.

52. The Court on its own motion may invite an individual or organization to act as *amicus curiae* in a particular matter pending before it.

53. The *amicus curiae* brief and its annexes shall be promptly transmitted to all the parties, for their information.

54. The decision on whether or not to grant a request for *amicus curiae* is at the discretion of the Court.

Request for interim measures

55. The Court may issue interim measures in accordance with Article 27 (2) of the Protocol and Rule 51 of the Rules of Court.

56. Any request for an interim measure lodged with the Court shall state reasons, specifying in detail the gravity and urgency, and the irreparable harm likely to be caused as well as the relief sought.

57. Where the case is already pending before the Court, the request shall bear the case number.
58. The request shall be accompanied by all necessary supporting documents, in particular, if any, relevant domestic court Rulings or other decisions, together with any other material which could substantiate the applicant's allegations.
59. The Court will not consider requests for interim measures that are incomplete, or do not include sufficient information required to enable it to make a decision.
60. Requests for interim measures shall be filed within a reasonable time.
61. Where a request for interim measures is directed against a State, the Registry is bound to inform the latter.
62. Immediately the request is served on the Respondent, the latter shall be allowed seven (7) days to react.

General Provisions

63. In the interest of proper administration of justice, the Court shall not accept as representative of a party,, an individual, who had within the last three (3) years performed the duties of a member of the Court, Registrar, Deputy Registrar or legal officer.

**Adopted at the Fifth Extraordinary Session of the Court held from
1 to 5 October, 2012, held in Arusha, Tanzania.**