

AFRICAN UNION

الاتحاد الأفريقي

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EXECUTIVE COUNCIL

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

AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي		UNIÃO AFRICANA
<p align="center">AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES</p>		

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

1 JANUARY – 31 DECEMBER 2022

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 of the African Union. The Seat of the Court is in Arusha, the United Republic of Tanzania.

3. Article 31 of the Protocol requires 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 2022, in particular, the judicial, administrative and outreach activities, as well as measures taken to implement 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 JURISDICTION OF THE COURT TO RECEIVE CASES FROM INDIVIDUALS AND NON-GOVERNMENTAL ORGANIZATIONS (NGOS)

5. As at 31 December 2022, the Protocol had been ratified by thirty-three (33) Member States of the African Union, namely: Algeria, Benin, Burkina Faso, Burundi, Cameroon, Chad, Congo, Côte d'Ivoire, Comoros, Democratic Republic of Congo, Gabon, Gambia, Ghana, Guinea-Bissau, Kenya, Libya, Lesotho, Madagascar, 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 thirty-three (33) State Parties to the Protocol, only eight (8) have deposited the Declaration required under Article 34(6) thereof, accepting the jurisdiction of the Court to receive cases directly from individuals and NGOs. These States are Burkina Faso, Gambia, Ghana, Guinea-Bissau, Malawi, Mali, Niger and Tunisia. **See Table 2.**

7. Between 2016 and 2020, four (4) State Parties to the Protocol withdrew their Declaration to allow individuals and NGOs to file cases directly before the Court. These States are Rwanda (2016), Tanzania (2019), Benin (2020) and Côte d'Ivoire (2020).

Table 1: List of States 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.	Democratic Republic of Congo	09/09/1999	08/12/2020	08/12/2020
5.	Burundi	09/06/1998	02/04/2003	12/05/2003
6.	Cameroon	25/07/2006	17/08/2015	17/08/2015
7.	Chad	06/12/2004	27/01/2016	08/02/2016
8.	Congo	09/06/1998	10/08/2010	06/10/2010
9.	Cote d'Ivoire	09/06/1998	07/01/2003	21/03/2003
10.	Comoros	09/06/1998	23/12/2003	26/12/2003
11.	Gabon	09/06/1998	14/08/2000	29/06/2004
12.	The Gambia	09/06/1998	30/06/1999	15/10/1999
13.	Ghana	09/06/1998	25/08/2004	16/08/2005
14.	Guinea Bissau	09/06/1998	3/11/2021	3/11/2021
15.	Kenya	07/07/2003	04/02/2004	18/02/2005
16.	Libya	09/06/1998	19/11/2003	08/12/2003
17.	Lesotho	29/10/1999	28/10/2003	23/12/2003
18.	Madagascar	09/06/1998	12/10/2021	12/10/2021
19.	Malawi	09/06/1998	09/09/2008	09/10/2008
20.	Mali	09/06/1998	10/05/2000	20/06/2000
21.	Mauritania	22/03/1999	19/05/2005	14/12/2005
22.	Mauritius	09/06/1998	03/03/2003	24/03/2003
23.	Mozambique	23/05/2003	17/07/2004	20/07/2004
24.	Niger	09/06/1998	17/05/2004	26/06/2004
25.	Nigeria	09/06/2004	20/05/2004	09/06/2004
26.	Rwanda	09/06/1998	05/05/2003	06/05/2003

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

of Countries – 55 # of Signature – 52 # of Ratification – 33 # of Deposit – 33

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.	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	03/02/2020
7.	Niger	28/10/2021	28/10/2021
8.	Guinea Bissau	03/11/2021	03/11/2021
Source: African Union Website		Total	# Eight (8)

III. COMPOSITION OF THE COURT

8. During its 41st Ordinary Session held from 14 to 15 July 2022 in Lusaka, Zambia, the Executive Council elected and appointed Hon. Justice Dominic Dennis Adjei, a national from Ghana, as Judge of the Court. Hon. Justice Dominic D. Adjei took oath and assumed duty on 29 August 2022 during the Court's 66th Ordinary Session.

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

IV. ACTIVITIES UNDERTAKEN BY THE COURT

10. During the period under review, the Court undertook several judicial as well as non-judicial activities.

i. Judicial Activities

11. The judicial activities undertaken by the Court relate to the receipt and examination of cases filed before it, through, *inter alia*, case management, organization of public hearings and delivery of judgments, rulings and orders.

12. From 1 January to 31 December 2022, the Court received seven (07) new cases.

13. Since its establishment in 2006, the Court has received a total of three-hundred and thirty-one (331) Applications in contentious matters and fifteen (15) Requests for Advisory Opinion. The Court has disposed of a total of one-hundred and sixty-four (164) Applications and fifteen (15) Requests for Advisory Opinion, and has one hundred and sixty eight (168) Applications pending before it.

a. Sessions held

14. During the reporting period, the Court held four (4) Ordinary Sessions as follows:

- i. 64th Ordinary Session, from 28 February to 26 March 2022, in Arusha, Tanzania;
- ii. 65th Ordinary Session, from 30 May to 25 June 2022, in Arusha, Tanzania;
- iii. 66th Ordinary Session, from 5 to 30 September 2022, in Arusha, Tanzania; and
- iv. 67th Ordinary Session, from 7 November to 2 December 2022, in Arusha, Tanzania.

b. Case Management

15. This section highlights the broader aspects of case management and includes the adoption and implementation of relevant policies impacting case management such as standardized models and templates of court documents.

16. During the period under review, the Court delivered 56 Decisions as follows:

- | | |
|--|----|
| i. Rulings on jurisdiction and admissibility | 21 |
| ii. Judgments on merits and reparations | 16 |
| iii. Judgments on reparations | 2 |
| iv. Judgment on review | 1 |
| v. Orders for provisional measures | 2 |
| vi. Orders for re-opening of pleadings | 4 |
| vii. Orders for amendment of pleadings | 2 |

viii.	Orders on striking out of an Application	5
ix.	Order on procedure	2
x.	Order on request for intervention	1

17. **Table 3** below shows the decisions rendered by the Court from January to December 2022.

Table 3: Decisions rendered by the Court from January – December 2022

A. Judgments and Rulings

No.	Application No.	Applicant	Respondent State	Remarks
1.	006/2012	African Commission on Human and Peoples' Rights	Republic of Kenya	Judgment on reparations 23 June 2022
2.	006/2016	Mgosi Mwita Makungu	United Republic of Tanzania	Judgment on reparations 23 June 2022
3.	013/2016	Stephen John Rutakikirwa	United Republic of Tanzania	Judgment on merits and reparations 24 March 2022
4.	021/2016	Joseph Mukwano	United Republic of Tanzania	Judgment on merits and reparations 24 March 2022
5.	055/2016	Cleophas Maheri Motiba	United Republic of Tanzania	Judgment on merits and reparations 22 September 2022
6.	052/2016	Marthine Christian Msuguri	United Republic of Tanzania	Judgment on Merits and Reparations 1 December 2022
7.	056/2016	Gozbert Henerico	United Republic of Tanzania	Judgment on merits and reparations 10 January 2022
8.	017/2017	Abdallah Sospeter Mabomba and others	United Republic of Tanzania	Ruling on jurisdiction and admissibility 22 September 2022
9.	020/2017	Igola Iguna	United Republic of Tanzania	Judgment on merits and reparations 1 December 2022
10.	021/2017	John Martin Marwa	United Republic of Tanzania	Ruling on jurisdiction and admissibility 22 September 2022

11.	022/2017	Harold Mbalanda Munthali	Republic of Malawi	Judgment on merits and reparations 23 June 2022
12.	024/2017	Hamisi Mashishanga	United Republic of Tanzania	Ruling on jurisdiction and admissibility 1 December 2022
13.	027/2017	Mamadou Dabo and Others	Republic of Mali	Ruling on jurisdiction and admissibility 1 December 2022
14.	030/2017	Almas Mohamed Muwinda & others	United Republic of Tanzania	Judgment on merits and reparations 24 March 2022
15.	035/2017	Sijaona Chacha Machera	United Republic of Tanzania	Judgment on merits and reparations 22 September 2022
16.	036/2017	Rajabu Yusuph	United Republic of Tanzania	Ruling on jurisdiction and admissibility 24 March 2022
17.	005/2018	Joseph John	United Republic of Tanzania	Judgment on merits and reparations 22 September 2022
18.	008/2018	Fousseyni Diarra and others	Republic of Mali	Ruling on jurisdiction and admissibility 22 September 2022
19.	016/2018	Hussein Ally alias Fundumu	United Republic of Tanzania	Ruling on jurisdiction and admissibility 22 September 2022
20.	028/2018	Bernard Anbataayela Mornah	Republic of Benin and 7 Other States	Judgment on merits and reparations 22 September 2022
21.	029/2018	Oumar Mariko	Republic of Mali	Judgment on merits and reparations 24 March 2022
22.	031/2018	Laurent Métognon and others	Republic of Benin	Ruling on jurisdiction and admissibility 24 March 2022

23.	002/2019	Yacouba Traore	Republic of Mali	Ruling on jurisdiction and admissibility 22 September 2022
24.	004/2019	Lamine Sissoko and Others	Republic of Mali	Ruling on jurisdiction and admissibility 22 September 2022
25.	007/2019	Tiégoro Sangare and others	Republic of Mali	Judgment on merits and reparations 23 June 2022
26.	012/2019	Ghati Mwita	United Republic of Tanzania	Judgment on merits and reparations 1 December 2022
27.	013/2019	Dibgolongo Ulrich Sergio	Burkina Faso	Ruling on jurisdiction and admissibility 22 September 2022
28.	014/2019	Baguian Géremy	Burkina Faso	Ruling on jurisdiction and admissibility 22 September 2022
29.	004/2020	Houngue Éric Noudehouenou	Republic of Benin	Ruling on jurisdiction and admissibility 22 September 2022
30.	008/2020	Ghaby Kodeih and Nabih Kodeih	Republic of Benin	Ruling on jurisdiction and admissibility 23 June 2022
31.	013/2020	Komi Koutché	Republic of Benin	Ruling on jurisdiction and admissibility 22 September 2022
32.	026/2020	Emil Touray and others	Republic of The Gambia	Ruling on jurisdiction and admissibility 24 March 2022
33.	028/2020	Houngue Éric Noudehuenou	Republic of Benin	Judgment on merits and reparations 1 December 2022
34.	032/2020	Houngue Éric Noudehouenou	Republic of Benin	Ruling on jurisdiction and admissibility

				22 September 2022
35.	042/2020	Tike Mwambipile and Equality Now	United Republic of Tanzania	Ruling on jurisdiction and admissibility 1 December 2022
36.	047/2020	Adama Diarra	Republic of Mali	Ruling on jurisdiction and admissibility 1 December 2022
37.	015/2021	Kouamé Patrice Kouassi and Baba Sylla	Republic of Côte d'Ivoire	Judgment on merits and reparations 22 September 2022
38.	017/2021	Ibrahim Ben Mohamed Ben Ibrahim Belguith	Republic of Tunisia	Judgment (merits and reparations) 22 September 2022
39.	001/2022	Kouadio Kobena Fory	Republic of Côte d'Ivoire	Judgment on Review

Orders issued				
No.	Application No.	Applicant	Respondent State	Remarks
1	049/2016	Chrizant John	United Republic of Tanzania	Order on re-opening of pleadings 13 May 2022
2	051/2016	Nzigiyimana Zabron	United Republic of Tanzania	Order on amendment of pleadings-oral proceedings 23 June 2022
3	052/2016	Marthine Christian Msuguri	United Republic of Tanzania	Order on re-opening pleadings 8 March 2022
4	029/2017	Magweiga Mahiri	United Republic of Tanzania	Order on striking out Application 24 March 2022
5	002/2018	Henry Massanja	United Republic of Tanzania	Order on striking out Application 24 March 2022
6	004/2018	Ngasa Nhabi	United Republic of Tanzania	Order on striking out Application 23 June 2022
7	026/2018	Mohamed Ali Abbès	Republic of Tunisia	Order on striking out Application 23 June 2022
8	008/2019	Ibrahim Ayed	Republic of Tunisia	Order on re-opening of pleadings 7 June 2022
9	023/2019	Thomas Boni Yayi	Republic of Benin	Order on striking out Application

				22 September 2022
10	Consolidated Applications No. 039,040,041/2019	Chacha Jeremiah Murimi and others	United Republic of Tanzania	Order on amendment of pleadings 28 July 2022
11	004/2020	Houngue Éric Noudehouenou	Republic of Benin	Ruling on provisional measures 15 August 2022
12	019/2020	Baedan Dogbo Paul and Baedan M'Bouke Faustin	Republic of Côte d'Ivoire	Order on re-opening of pleadings 1 April 2022
13	010/2021	Houngue Éric Noudehouenou	Republic of Benin and 6 Other States	Ruling on provisional measures 1 December 2022
14	012/2021	Landry Angelo Adalakoun & others	Republic of Benin	Ruling on provisional measures 24 March 2022
16	017/2021	Ibrahim Ben Mohamed Ben Ibrahim Belghuith	Republic of Tunisia	Order on procedure 24 March 2022
17	002/2022	Ibrahim Ben Mohamed Ben Ibrahim Belghuith	Republic of Tunisia	Order on procedure 23 June 2022
18	005/2022	Maher Ben Mohamed Taher Zayd	Republic of Tunisia	Ruling on Provisional Measures
19	006/2022	Salaheddine Kchouk	Republic of Tunisia	Ruling on Provisional Measures

c. Measures adopted to expedite the consideration of cases

18. The Court recognizes that when litigants appear before it, they require justice to be delivered expeditiously, as justice delayed is justice denied. To this end, it has adopted several measures to ensure that matters brought before it are disposed of within the shortest time possible. These measures include, but are not limited to, amicable settlement, pilot judgment procedure and joinder of cases.

d. Enhancing the Rate of Disposal of Pending Cases

19. During its 64th Ordinary Session, the Court adopted various approaches to deal with backlog of cases *en masse*, such as joinder of cases and amicable settlement. In June 2022, during its 65th Ordinary Session, the Court established a Working Group on Proposals for Enhancing Finalization of Cases Pending before it, and during its 66th Ordinary Session, the Court considered a comparative study on the number of cases that can be joined for purposes of rendering a judgment.

20. The Court is yet to utilize the pilot-judgment procedure that is provided for under its 2020 Rules, however, it has commenced the groundwork to guide its practice of disposing of a number of cases through this procedure. This procedure would allow the Court to deal with several cases which reveal a systemic or structural problem within the State Party or State parties concerned. This will lead to a reduction of the Court's backlog of cases and enhance the speedy administration of justice.

21. All these measures seek to ensure that cases brought before the Court are dealt with expeditiously and in the interest of justice.

e. Facilitating access to the Court for potential litigants

22. To facilitate access to and simplify the procedures before it, the Court embarked on a review of Case Management Standard Operating Procedures. To this end, it adopted several simplified Forms for use in instituting different types of proceedings and these forms are available in Arabic, English, French and Portuguese from the Court's website.

23. These Forms include:

- i. Form for Application for Contentious Proceedings
- ii. Form for Application for Interpretation of Judgment
- iii. Form for Application for Intervention
- iv. Form for Application for Review of Judgment
- v. Form for Application for Setting Aside a Judgment in Default
- vi. Form for Request for Advisory Opinion
- vii. Form for Request for Provisional Measures

24. These forms will facilitate litigants' access to the Court and the processing of applications.

25. In August 2022, Staff of the Registry of the Court undertook a refresher training on the use of the Electronic Case Management System in order to enhance their skills for the effective processing of applications electronically. The electronic case

management system is envisaged to allow parties to file their pleadings electronically and for Judges and relevant Registry staff to be able to access and treat the files electronically.

f. Public Sitings

26. From 1 January to 31 December 2022, the Court organized six (6) public sittings to deliver judgments, orders and rulings.

g. Non-compliance with the decisions of the Court

27. 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 set by the Court.

h. Legal Aid Programme

28. The Court administers a Legal aid programme, which seeks to provide legal assistance to indigent applicants, and enhance access to justice. During this period, 11 cases were considered for legal aid. Four (4) cases were granted legal aid, although one (1) is pending the applicant's acceptance for legal aid. Seven (7) cases were denied because in three (3) of these, the applicants already had legal representation and in four (4), the applicants lacked jurisdiction to seize the Court.

29. The Court considered 32 applications for registration on the Court Roster for counsel to provide legal aid, of which 25 were received from men and 7 from women. Of the 32 received, 20 were accepted and 12 rejected for either not submitting complete documents or not meeting prerequisite qualifications for registration as provided under the Legal Aid Policy of the Court.

B. Non-judicial activities

30. 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

31. The Court took part in the 43rd and 44th Ordinary Sessions of the Permanent Representatives Committee (PRC), the 40th and 41st Ordinary Sessions of the Executive Council, the 35th Assembly of Heads of State and Government of the African Union. The Court also took part in the 4th Mid-Term Coordination Committee Meeting held on 17 July 2022 in Lusaka, Zambia, as well as the Extra-ordinary session on Humanitarian Matters and AU Donors and Extraordinary Summit on Terrorism and Unconstitutional Changes held from 27 – 28 May 2022 in Malabo, Equatorial Guinea.

b. Implementation of Executive Council Decisions

32. During the 39th Ordinary Session of the Executive Council held from 14 to 15 October 2021 in Addis Ababa, Ethiopia, the Executive Council adopted Decision **EX.CL/Dec.1126(XXXIX)**, paragraphs 48 and 50 thereof providing as follows:

48. "REQUESTS the African Union Commission (AUC) in consultation with the African Court on Human and Peoples' Right (AfCHPR) to consider the case of Mr. Gakumba Nzamwita in accordance with the Ruling of the AU Administrative Tribunal, and the provisions of the AU Staff Regulations and Rules as well as the legal opinion provided by the Office of the Legal Counsel during the 42nd Ordinary Session of the PRC meeting on the matter".

50. "ALSO DIRECTS AfCHPR to put in place internal justice system to deal with staff matters before they are escalated to the AU Administrative Tribunal so as to avoid costs to the organization, and further DIRECTS AfCHPR to consult with the AUC Human Resources Management Directorate on the working conditions of staff, where necessary".

33. During its 64th Ordinary Session held in March 2022, the Court considered the said Executive Council decision and formulated its responses which were transmitted to the Cabinet of the Deputy Chairperson on 25 March 2022.

34. On 7 October 2022, on the request of the Deputy Chairperson (DCP), a delegation of the Court, led by its President, met with the DCP, and representatives from the Cabinet of the Chairperson, the Office of the Legal Counsel, the Director of Internal Oversight and the Director of Human Resources and Management to discuss the same. The AUC undertook to prepare a report on the status of implementation of the decision.

35. During its 41st Ordinary Session, held from 14 to 15 July 2022 in Lusaka, Zambia, the Executive Council adopted the *Decision on the Report of the Retreat between the African Court on Human and Peoples' Rights (AFCHPR) and the Permanent Representatives' Committee (PRC), including Amendments of the Niamey Decision relating to the benefits of Judges – (EX.CL/Dec. 1177(XLI)*, paragraphs 5, 6, 7 and 8 thereof as follows:

"5. DECIDES to amend paragraph 14 of Decision EX.CL/Dec.1057 (XXXV) to read as follows: 'Also Decides to maintain the current terms and conditions of service with a view to ensuring harmonization of entitlements, allowances, benefits and conditions of service of all Judges of the African Court'.

6. REQUESTS the Commission and the AfCHPR, within the framework of the ongoing institutional reform, to propose new entitlements and benefits for the Judges of the AfCHPR.

7. AUTHORIZES the PRC, through the relevant Sub-Committee, to approve supplementary budget to cover expenses occasioned by the review of Decision EX/CL/Dec.1057 (XXXV).

8. REQUESTS the Commission and the AfCHPR to report to the Executive Council in February 2023 on the implementation of this Decision".

36. During its 66th Ordinary Session held in September 2022, the Court established an internal Committee composed of Judges to formulate concrete reform proposals, including on possible new entitlements and benefits of Judges, as the basis of engagement with the Reform Unit of the African Union Commission. It is expected that these proposals will be discussed with Experts recruited by the Reform Unit for the purpose of the institutional reform process.

37. With respect to the implementation of paragraph 7 of the Decision, it is regrettable that the PRC Sub-Committee on General Supervision of Administrative, Budgetary and Financial Matters could not approve supplementary budget during the 2022 Financial Year to pay the arrears due to the Judges. The Court hopes that appropriate measures will be taken within the AU Financial Rules and Regulations to ensure full and expedient implementation of Decision **EX.CL/Dec. 1177(XLI)**.

c. Execution of the 2022 budget

38. The budget appropriated to the Court for 2022 stood at US\$ 11,911,668, comprising \$ 10,590,867 [89 %] from Members States and \$ 1,320,801 [11%] from International Partners. The total budget execution as at end of 31 December 2022 is \$10,862,415 which represents a budget execution rate of 92%. As at 31 December 2022, the Court had received subvention for the year 2022 (for 4 quarters) amounting to US\$ 10,509,832 from Members States and 1,233,653 from Partners.

d. Capacity building and promotional activities

39. The Court undertook several capacity building and promotional activities, aimed at raising awareness among stakeholders, about its existence and activities. The activities undertaken included, *inter alia*, engagement with Civil Society Organizations, sensitization visits, trainings, conferences and dialogues, as well as meetings organized by key stakeholders.

e. Engagement with Civil Society Organizations and Human Rights Institutions

40. The Court undertook several activities, aimed at, among other things, raising awareness among stakeholders, about its existence and activities in line with its objectives in the Strategic Plan for the period 2021-2025. Some of these activities are summarized in the table below.

List of outreach and capacity building activities undertaken by the Court in 2022				
No.	Date	Activity	Venue	Organiser
1	26-28 January 2022	Retreat for lawyers of the African Court, African Commission	Maputo, Mozambique	African Court

		and Committee of Experts on the Rights of the Child		
2	28 February 2022	Opening of the Judicial Year of the Court	Arusha, Tanzania	African Court
3	10-11 March 2022	Retreat between the Court and the PRC	Arusha, Tanzania	African Court
4	22-25 March 2022	Meeting of the Court and UEMOA	Arusha, Tanzania	African Court
5	25-28 April 2022	60 th Anniversary of the Constitutional Court of Turkey	Ankara Turkey	Constitutional Court of Turkey
6	26-27 April 2022	Consultative Workshop NHRIs in Eastern and Southern Africa	Addis Ababa Ethiopia	Dir Social Development , Culture and Sport AUC
7	2-5 May 2022	Global conference for the Celebration of the 2022 edition of the World Press Freedom Day Special session for CJ of Regional Human Rights Courts	Punta del Este Uruguay,	Inter-American Court of Human Rights and UNESCO
8	27-29 June 2022	Tri-Partite Judicial Dialogue, between the African Court, the East African Court of Justice and ECOWAS Court of Justice	Zanzibar, Tanzania	African Court, East African Court of Justice and ECOWAS Court of Justice
9	10-11 July 2022	Technical Consultative Meeting UNOHCHR-AU organs for Human Rights	Lusaka Zambia	AUC -PAPS
10	26-30 September 2022	Peer to Peer visits to the International Court of Justice, the International Criminal Court and the European Court of Human Rights	The Hague, Netherlands and Strasbourg, France	African Court

11	10-14 October 2022	Retreat between the African Court and the African Commission	Addis Ababa, Ethiopia	African Court
12	18-19 October 2022	Workshop for Regional Human Rights Mechanisms	Geneva, Switzerland	UN-OHCHR
13	26 – 29 October 2022	International Association of Women Judges (IAWJ) Regional Conference	Kampala, Uganda	IAWJ
14	26-29 October 2022	East African Court of Justice (EACJ) 2 nd Annual Judicial Conference	Kampala, Uganda	EACJ
15	16 November 2022	International Association of Refugee and Migration Judges (IARMJ) Africa Chapter Conference	Arusha, Tanzania	IARMJ
16	22-23 November 2022	Sixth Congress of the Conference of Constitutional Jurisdictions of Africa (CJCA)	Rabat, Morocco	Morocco Constitutional Court
17	23-26 November 2022	Th 27 th East Africa Law Society Annual conference and general meeting	Arusha, Tanzania	East Africa Law Society
18	25 November 2022	Final round of the All-Africa International Humanitarian Law Moot Court competition	Arusha Tanzania	International Committee of the Red Cross
19	29 November -2 Dec 2022	Annual Jurists Conference (AJC)	Arusha, Tanzania	Kenyan Section of the International Commission of Jurists ICJ-Kenya
20	5-6 December 2022	1 st Anniversary of the creation of the Constitutional Court of Algeria	Algiers, Algeria	Constitutional Court of Algeria

f. Sensitization visits

41. During the period under consideration, the Court undertook four sensitization visits to engage with States about the work of the Court in general, and, to encourage those that have not already done so, to ratify the Protocol and/or deposit the Article 34(6) Declaration, as the case may be.

i. Sensitisation visit to Comoros

42. The Court undertook a sensitization visit to the Union of the Comoros from 2 to 7 April 2022, to encourage the country, which has already ratified the Protocol, to consider depositing the Declaration envisaged under Article 34(6) thereof.

43. The delegation of the Court, led by its President, met and held fruitful discussions with high-ranking government officials from the Government of Comoros, including the Minister of Foreign Affairs and the Minister of Justice.

44. The authorities undertook to consult internally and put in place the necessary framework before it can deposit the Declaration.

ii. Sensitisation visit to Zambia

45. The Court undertook a sensitization visit to the Republic of Zambia from 11 to 13 July 2022, to encourage the country to ratify the Protocol and deposit the Article 34(6) Declaration.

46. 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 Justice, the Second Speaker of Parliament, the Deputy Chief Justice and the President of the Law Association of Zambia.

47. The authorities undertook to consult with all relevant stakeholders in the country before making a decision.

iii. Sensitisation visit to Mauritania

48. The Court undertook a sensitization visit to the Islamic Republic of Mauritania from 15 to 18 August 2022, to encourage the country, which has already ratified the Protocol, to consider depositing the Declaration envisaged under Article 34(6) of the said Protocol.

49. 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 Justice, the Minister of Foreign Affairs, the President of the Supreme Court, the President of the Constitutional Court and the Arab Maghreb Union.

50. The authorities undertook to consult with all relevant stakeholders in the country before making a decision.

iv. Sensitisation visit to Ethiopia

51. The Court undertook a sensitization visit to the Federal Democratic Republic of Ethiopia from 3 to 7 October 2022, to encourage the country to ratify the Protocol and deposit the Article 34(6) Declaration.

52. 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 Justice, the State Minister, Ministry of Foreign Affairs, the President of Federal Supreme Court, the Chief Commissioner of the Ethiopian Human Rights Commission and representatives of the Civil Society.

53. In the course of the visit, in collaboration with the Ethiopian Human Rights Commission, the Court organized a half-day Seminar on the work of the Court and a training to staff of the Commission and Civil Society on the jurisprudence of the Court. On order to foster its institutional collaboration, the Court also signed a Memorandum of Understanding with the Supreme Court of Ethiopia.

54. The authorities undertook to consult with all relevant stakeholders in the country in order to ratify the Protocol and deposit the Declaration.

g. Tripartite Judicial Dialogue between the African Court, the East African Court of Justice and the ECOWAS Community Court of Justice

55. For the first time, the African Court on Human and Peoples' Rights, the ECOWAS Community Court of Justice (ECCJ) and the East African Court of Justice (EACJ), in collaboration with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI), the Konrad-Adenauer-Stiftung, Swedish International Development Agency, the Office of the High Commissioner for Human Rights of the United Nations and the Strengthening Good Governance and Human Rights in Africa Program of the German International Cooperation (GIZ), organised a Judicial Dialogue between Regional and Sub-regional Courts in Africa, from 27 to 29 June 2022, in Zanzibar, United Republic of Tanzania.

56. The main objective of the Dialogue was to discuss issues of common interest, including the challenges faced by the Courts and how to strengthen cooperation among them. The specific objectives included: to provide opportunities for Knowledge sharing among African Regional and Sub Regional Courts with a human rights mandate; to exchange judicial issues faced by the three courts such as common challenges faced by the three courts in the protection of human rights as well as best practices; to contribute to the exploration of potential institutional developments that could enhance their cooperation and facilitate their interaction including with legal staff of the three courts; to identify avenues for cooperation and shared actions in the enforcement of decisions and amicable settlements; and to discuss the evolution of the cooperation since the first dialogue and evaluate the implementation of the action plan of the last dialogue; and to explore an avenue for cooperation with other regional and international tribunals including UN Treaty bodies.

57. After three days of frank and constructive discussions, the three Courts adopted conclusions and recommendations aimed at improving their relationship and

advancing the promotion and protection of human rights, as well as the proper administration of justice on the continent.

h. Peer-to-Peer visits to Judicial Institutions in Europe

58. The Court undertook a peer-to-peer visit to Judicial institutions in Europe from 26 to 30 September 2022. A delegation of the Court visited the International Court of Justice, International Criminal Court in The Hague, Netherlands, and the European Court of Human Rights in Strasbourg, France, to exchange views, experiences and best practices on how to enhance the protection of human rights in particular and international justice as a whole.

i. Retreat between the African Court and the African Commission

59. The African Court on Human and Peoples' Rights and the African Commission on Human and Peoples' Rights, within the framework of their complementary relationship, held a Joint Retreat from 12 to 14 October 2022 in Addis Ababa, Ethiopia.

60. The broad objective of the Retreat was to allow the Court and the Commission to develop practical solutions for realizing the complementarity provided for in the Protocol establishing the Court and in the Rules of both institutions. In furtherance of this broad objective, the Retreat also aimed to achieve the following:

- i. The adoption of a roadmap with practical and time bound steps for implementing complementarity between the Court and the Commission;
- ii. Familiarization with the working methods/procedures of both the Court and the Commission, particularly in light of new rules of procedure of the two institutions;
- iii. Developing a framework delineating the roles of both the Court and the Commission in realizing complementarity;
- iv. Identifying liaison persons, both on the part of the Court and the Commission, to be used for enhancing and following up on initiatives towards realizing complementarity.

61. After three days of frank and constructive discussions, the two AU Human Rights Organs adopted a Roadmap on Complementarity aimed at enhancing their relationship and ensuring the effective promotion and protection of human rights on the continent. The said Roadmap is attached to this Report as **Annex III**.

j. Joint Retreat between the African Court and the Permanent Representatives' Committee (PRC)

62. The African Court on Human and Peoples' Rights and the Permanent Representatives' Committee of the African Union held a Joint Retreat from 10 to 11 March 2022 in Arusha, United Republic of Tanzania under the theme: *"15 Years of the African Court: looking backwards to move forward"*.

63. The Joint Retreat brought together Representatives of forty-eight (48) Member States of the African Union, eleven (11) Judges of the Court and twelve (12) staff from the African Union Commission (AUC), led by the Deputy Chairperson of the Commission.

64. The Retreat was held with the main objective of strengthening the relationship between the Court and the PRC, and within this framework, to find solutions to the challenges facing the Court, as well as create a platform for meaningful engagement with Member States.

65. The Retreat adopted key recommendations on how to strengthen the relationship between the Court and Member States and to strengthen the Court to effectively discharge its mandate. The Retreat *inter alia*, (i) requested the Court to consider submitting, in accordance with the provisions of the Protocol, an amendment to Article 34(6) of the Protocol; (ii) requested the Court to undertake more sensitization missions and invite Member States to facilitate in this regard; (iii) encouraged State Parties to adopt a compliance framework and establish focal points to recognize and implement the decisions of the Court at the domestic level; (iv) emphasized the need for an institutionalized biennial retreat so as to develop and deepen a constructive relationship with all Member States; (v) requested the Court to submit a new structure of its Registry to the relevant sub-committee of the PRC, taking into account the current needs and core business of the Court.

66. With respect to the terms and conditions of service of Judges of the Court, the Retreat recommended to the Court, in consultation with the AUC, and following due process, to submit a proposal through the relevant sub-committees of the PRC, for the review of Decision EX.CL/Dec.1057/1072 (XXXV) adopted during the Thirty-Fifth Ordinary Session of the Executive Council, held in Niamey, Republic of Niger, from 4 to 5 July 2019, relating to the entitlements of the Judges of the Court, for consideration at the 41st Ordinary Session of the Executive Council.

67. To give effect to this recommendation, during its 41st Ordinary Session held from 14 to 15 July 2022 in Lusaka, Zambia, the Executive Council adopted Decision EX.CL/1378(XLI), on the Report of the Retreat between the African Court on Human and Peoples' Rights (AFCHPR) and Permanent Representatives' Committee (PRC), including amendment of the Niamey Decision relating to the benefits of judges. The Conclusions of the Retreat are attached to this Report as **Annex IV**.

k. First Joint Retreat of Legal Officers of the African Court, African Commission and Committee on the Rights and Welfare of the Child

68. Legal officers of the African Commission, the African Court and the Committee on the Rights of the Child held the First Joint Retreat from 28 to 30 January 2022 in Maputo, Mozambique. The objectives of the Retreat included, *inter alia*, facilitating learning by staff members and their in-depth knowledge of the working practices of the Commission, the Court and the Committee in line with their collaborative relationships; undertaking specific tasks which require their joint efforts; coordinating activities between the Commission, the Committee and the Court; making staff members

conversant with the Rules of Procedure of these institutions; and facilitating information sharing and general collaboration between the three institutions.

69. At the end of the three-day Retreat, concrete recommendations were adopted in the form of a Communique and a Draft Staff Exchange Framework, to facilitate exchange of staff amongst the three organs. The Staff Exchange Framework was endorsed by the Plenaries of the three organs and thereafter signed by the Heads of the three organs on 12 July 2022 in Lusaka, Zambia. The Maputo Communique is attached to this Report as **Annex V**.

C. Other outreach and networking initiatives

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

70. 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 a Joint Retreat in Addis Ababa, Ethiopia, from 12 to 14 October 2022. The Court also participated in the opening ceremony of the 72nd and 73rd Ordinary Sessions of the African Commission and commemorated the 35th Anniversary of the operationalization of the Commission. These meetings contributed in strengthening the relationship between the two organs.

b. Relations with African Governance Architecture Platform Members

71. The Court engaged closely with the African Governance Architecture (AGA) Platform, and actively participated in different AGA technical and political meetings held throughout the year and sought to identify areas for closer cooperation and synergy with the different AGA Platform Members, particularly in the domain of mobilizing support for enhanced compliance with the decisions of AGA Platform members and to collaborate in the organization of sensitization missions on the work of respective AGA Platform Members.

c. Cooperation with external partners

72. The Court undertook a peer-to-peer visit to Judicial institutions in Europe from 26 to 30 September 2022. A delegation of the Court visited the International Court of Justice, International Criminal Court in The Hague, Netherlands, and the European Court of Human Rights in Strasbourg, France, to exchange views, experiences and best practices on how to enhance the protection of human rights in particular and international justice as a whole.

73. The Court continues to work with relevant stakeholders, including external partners, in the discharge of its mandate. The Court has maintained a good working relationship with human rights stakeholders working on the protection of human rights on the continent, including Member States, AU Organs, sub-regional courts, Bar Associations and Law Societies, such as the Pan African Lawyers Union and the East Africa Law Society Civil Society Organizations the academia and National Human Rights Institutions.

d. Host Agreement

74. The Court continues to work with the Host State, the United Republic of Tanzania, to effectively implement the Host Agreement. On 10 September 2022, the President of the Host State, Her Excellency Samia Suluhu Hassan, granted audience to the Judges of the Court. During this meeting, the Judges and the President of Tanzania had very frank and constructive discussions on a number of issues relating to the work of the Court, including the construction of the permanent premises of the Court and to reposit the Article 34(6) Declaration.

V. ASSESSMENT AND RECOMMENDATIONS

i. Assessment

75. Since the operationalization of the Court in 2006, it has contributed in advancing the African human rights jurisprudence and enhance the protection of human and peoples' rights on the continent. The jurisprudence of the Court deals with a wide range of issues shaping the socio-economic and political landscape of the continent, including issues of elections, good governance, freedom of expression, and the rights of indigenous peoples, etc.

76. Since June 2021, the Court has embarked on initiatives to meaningfully engage with relevant stakeholders in the promotion and protection of human and peoples' Rights on the continent. To this end, it has adopted a wide range of initiatives to enhance its visibility and enable relevant stakeholders understand the operations of the Court.

77. In 2022, the Court institutionalized the official opening of the Judicial Year – a ceremony that will mark the opening of the Court's business for each year. On 28 February 2022, for the maiden edition of the event, the Court was honoured with the presence of His Excellency Oluyemi Oluleke Osinbajo GCON, Vice President of the Federal Republic of Nigeria, who delivered the Keynote address. This address was livestreamed and watched by hundreds of human rights stakeholders across the continent.

78. The Court continued with its judicial diplomacy and had fruitful and constructive engagements with human rights stakeholders on the continent, in particular, Member States. The Court held a very successful Retreat with the PRC from 10 to 11 March 2022 in Arusha, Tanzania. This Retreat offered both the Court and the PRC the opportunity to understand each other and build a relationship of trust, dedicated to the realization of the objectives of the African Union and Agenda 2063.

79. The Retreat with the African Commission on Human and Peoples' Rights was also very significant. For the first time, the two human rights bodies met in the format of a retreat with key facilitators drawn from among African personalities with huge knowledge about the two bodies, but also with substantial knowledge of the African human rights system. At the end of the Retreat, the two bodies committed to a set of

initiatives in a Complementarity Roadmap, which seek to strengthen their relationship and enhance the protection of human rights on the continent.

80. The Tripartite Judicial Dialogue between the African Court, the East African Court of Justice and the ECOWAS Community Court of Justice signaled the beginning of a collaboration of sub-regional and continental courts, with a view to advancing the protection of human rights and the administration of justice as a whole. It is envisaged that all sub-regional Courts on the continent will be part of future Dialogues.

81. The Court recognizes that its mandate is to complement and supplement the work that Member States are doing at the domestic level to promote and protect human and peoples' rights. The Court is not and cannot replace the domestic institutions charged with this exercise, as the primary responsibility for the promotion and protection of human rights resides with Member States.

82. To this end, the Court's Judicial Diplomacy, recognizes Member States as the principal stakeholder in the protection of human rights. In this light, the Court has decided to intensify its engagement with Member States to ensure that they adequately understand the role of the Court and how the Court operates. It is in this light that the Court took the opportunity of the audience with Her Excellency the President of Tanzania, in September 2022 to engage the President on the work of the Court. At the said meeting the President of Tanzania undertook to reconsider the decision of Tanzania to withdraw its Declaration. The Court intends to engage closely with those States that have withdrawn their Declarations and to continue engaging with other States to sensitize them about its work.

83. The effective promotion and protection of human and peoples' rights is a collective responsibility. It requires all stakeholders to play their part. Member States as duty bearers hold the most responsibility as it is member states that negotiate, adopt, ratify and domesticate international human rights instruments. It is Member States that set up domestic and international human rights institutions to ensure these institutions help them implement the human rights obligations they have undertaken under international human rights instruments. Again, it is Member States that put in place measures to implement decisions, judgments and recommendations of human rights bodies. It is Member States that fund and elect the members of the Court and determine the Court's budget, structure and other resources to enable it discharge its mandate. The role of Member States in the promotion and protection of human rights therefore cannot be overemphasized. The success or failure of the African Court therefore will depend, to a very large extent, on the level of cooperation that the Court receives from Member States.

84. Almost two decades since its establishment, the Court continues to face a growing number of challenges that threaten not only the effective discharge of its mandate, but its very existence.

85. One of the major challenges facing the Court now is the low level of compliance with its decisions. Of the over 200 decisions rendered by the Court, less than 10% have been fully complied with, 18% partially implemented and 75% not implemented

at all. Non-compliance with court decisions threatens not only the rule of law but also undermines public confidence in the legal and judicial system.

86. Another challenge which is emerging is that States against which the Court has rendered decisions, either withdraw or threaten to withdraw the Declaration they deposited under Article 34(6) of the Protocol, which allows individuals and NGOs to seize the Court directly. These withdrawals have the tendency to undermine the commendable efforts that have been made in building democracy, defense of human rights and the promotion of the rule of law.

87. 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 to the Court and inadequate resources to carry out its mandate effectively and efficiently. More than two decades after the adoption of the Protocol, only thirty-three (33) of the fifty-five (55) Member States of the Union have ratified it, and of these 33, only eight (8) have deposited the Declaration required under Article 34(6) of the Protocol. Twenty-two (22) AU Member States are yet to ratify the Protocol and deposit the Declaration, twenty (20) of which have already signed the Protocol.

88. From the administrative point of view, given the increasing workload of the Court, there is need to review the structure of the Registry of the Court adopted in 2012. The Court thus welcomes the decision of the Joint Retreat between itself and the PRC requesting the Court to submit a new structure of the Registry for consideration by the relevant Sub-Committee of the PRC.

ii. Recommendations

89. Based on the above, the Court submits the following recommendations for consideration and adoption by the Executive Council:

- i. **Calls on** the twenty-two (22) Member States of the African Union that have not yet acceded to the Protocol to do so, to ensure full recognition of the African Court's jurisdiction by all fifty-five (55) AU Member States;
- ii. **Calls on** the twenty-five (25) State Parties to the Protocol that have not yet deposited the Declaration under Article 34(6) to do so;
- iii. **Urges** the four (4) State Parties to the Protocol that withdrew their Article 34(6) Declaration to reconsider their decision;
- iv. **Requests** the Chairperson of the AUC to take all necessary measures to establish the Legal Aid Fund for African Union Human Rights Organs;
- v. **Invites** and encourages all Member States and other relevant human rights stakeholders on the continent to make generous voluntary contributions to the Legal Aid Fund to ensure its sustainability and success;
- vi. **Requests** Member States of the African Union to cooperate with the Court and comply with its decisions;

- vii. **Calls** on the Court to present to the relevant Sub-Committee of the PRC a new structure of the Registry of the Court for consideration.
- viii. The process of reforming the Court should be finalized as soon as possible.


ANNEX I

**LIST OF JUDGES OF THE AFRICAN COURT ON HUMAN AND PEOPLES'
RIGHTS AS AT DECEMBER 31, 2022**

No.	Name	Term		Country
		Duration	Expiry	
1.	Lady Justice Imani D. Aboud	6	2026	Tanzania
2.	Justice Blaise Tchikaya	6	2024	Congo
3.	Justice Ben Kioko	6	2024	Kenya
4	Justice Rafaâ Ben Achour	6	2026	Tunisia
5	Lady Justice Ntyam Ondo Mengue	6	2028	Cameroon
6	Lady Justice Tujilane Rose Chizumila	6	2023	Malawi
7	Lady Justice Chafika Bensaoula	6	2023	Algeria
8	Lady Justice Stella I. Anukam	6	2024	Nigeria
9	Justice Dumisa Ntsebeza	6	2026	South Africa
10	Justice Modibo Sacko	6	2026	Mali
11	Justice Dennis D. Adjei	6	2028	Ghana

ANNEX II

REPORT ON NON-COMPLIANCE WITH THE DECISIONS OF THE COURT

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		

**SIXTY-SEVENTH ORDINARY SESSION OF THE AFRICAN COURT ON
HUMAN AND PEOPLE'S RIGHTS
ARUSHA, TANZANIA
7 NOVEMBER – 2 DECEMBER 2022**

**REPORT ON THE IMPLEMENTATION OF ORDERS OF PROVISIONAL
MEASURES**



AS AT 7 NOVEMBER 2022

I. INTRODUCTION



1. This is a report of the status of implementation of orders for provisional measures issued by the Court.
2. The report only covers those orders for provisional measures in cases where the main application is still pending. The report does not cover cases where the request for provisional measures was dismissed.

II. SUMMARY OF THE ORDERS AND THEIR STATUS

3. Below is a summary of all Applications in which orders for provisional measures have been issued and their implementation status. The status of implementation of the orders has been included in the Activity Reports of the Court, the latest one being the 2021 Activity Report

S/N	Application Number	Applicant (s)	Respondent State	Order and Date of Delivery	Status of Implementation
				REPUBLIC OF BENIN	
1.	002/2021	Sebastien Germain Marie Aikoue Ajavon	Republic of Benin	Stay the execution of judgment Nos 209/CA and 210/CA of 5 November 2020 and No 231/CA of 17 December 2020 Report to the Court within 30 days of measures taken to implement the Order 29 March 2021	No report has been filed
				REPUBLIC OF COTE D'IVOIRE	
1.	012/2020	Guillaume Kigbafori Soro	Republic of Cote D'Ivoire	Order (1) to stay the execution of the arrest warrants issued against the Applicant and	No report has been filed yet

				<p>against A. Logognon, C Loukimane, K. Soro, Yao Soumaila, S. Kando, K. Souleymane, T. Kone P.R. Soro, F. Sekongo, M.K. Ouattara, M. Djibo, A. Toure, B. Toure, L. Ouattara, G. N'Drin, D. Kone, A. Zebret and release them conditionally Report to the Court within 30 days of measures taken. 22 April 2020;</p> <p>Order (2); Stay all acts taken against the Applicant until the decision of the Court on the merits. Take all necessary measures preventing the Applicant exercising his right to vote and to be elected in the 2020 Presidential elections Report to the Court within 30 days of measures taken.</p> <p>15 September 2020</p>	
2.	025/2020	Laurent Gbagbo	Republic of Cote D'Ivoire	Stay the inclusion of the Applicant's criminal conviction and the sentence on the criminal record until the Court decides on the merits	No report has been filed yet


				Take steps to remove obstacles preventing the Applicant from enrolling in the voters' register Report to the Court within 15 days of measures taken. 25 September 2020	
				REPUBLIC OF MALAWI	
1	055/2019	Charles Kajoloweka	Republic of Malawi	Stay the enforcement of the order of costs by its Supreme Court of Appeal against the Applicant pending the determination on the merits Report to the Court within 30 days of measures taken to implement the Order 27 March 2020	No report has been filed yet
				UNITED REPUBLIC OF TANZANIA	
1.	003/2016	John Lazaro	United Republic of Tanzania	Refrain from executing the death penalty against the Applicant pending the determination of the Application. Report to the Court within 30 days of measures taken to implement the Order 18 March 2016	The Respondent State submitted that it cannot comply with the Court's order because of the following reasons: 1. The order seeks to overturn the decision of the Court of Appeal of Tanzania; 2. The sentence for murder is provided for by statute and has been deemed constitutional by its Court of Appeal; 3. The ICCPR recognizes the application of the death penalty for serious offences;

					<p>4. The Order was delivered <i>proprio motu</i> depriving the Respondent of the right to be heard.</p> <p>5. The reasons given for the qualification of extreme gravity were not sufficient</p>
2.	015/2016	Habiyalimana Augustino and others	United Republic of Tanzania	<p>Refrain from executing the death penalty against the Applicant pending the determination of the Application.</p> <p>Report to the Court within 30 days of measures taken to implement the Order 3 June 2016</p>	<p>The Respondent State submitted that it cannot comply with the Court's order because of the same reasons listed in App no. 003/016 John Lazaro</p>
3.	017/2016	Deogratius Nicholaus	United Republic of Tanzania	<p>Refrain from executing the death penalty against the Applicant pending the determination of the Application.</p> <p>Report to the Court within 30 days of measures taken to implement the Order 03 June 2016</p>	<p>The Respondent State submitted that it cannot comply with the Court's order because of the same reasons listed in App no. 003/016 John Lazaro</p>
4.	048/2016	Dominick Damian	United Republic of Tanzania	<p>Refrain from executing the death penalty against the Applicant pending the determination of the Application.</p> <p>Report to the Court within 30 days of measures taken to implement the Order 18 November 2016</p>	<p>The Respondent State submitted that it cannot comply with the Court's order because of the same reasons listed in App no. 003/016 John Lazaro.</p>
5.	049/2016	Chrizant John	United Republic of Tanzania	<p>Refrain from executing the death penalty against the Applicant pending the determination of the Application.</p> <p>Report to the Court within 30 days of measures taken to implement the Order</p>	<p>Respondent state has not reported on implementation of the order.</p>

				18 November 2016	
6.	050/2016	Crospery Gabriel	United Republic of Tanzania	Refrain from executing the death penalty against the Applicant pending the determination of the Application. Report to the Court within 30 days of measures taken to implement the Order 18 November 2016	The Respondent State submitted that it cannot comply with the Court's order because of the same reasons listed in App no. 003/016 John Lazaro.
7.	051/2016	Nzigiyimana Zabron	United Republic of Tanzania	Refrain from executing the death penalty against the Applicant pending the determination of the Application. Report to the Court within 30 days of measures taken to implement the Order 18 November 2016	The Respondent State submitted that it cannot comply with the Court's order because of the same reasons listed in App no. 003/016 John Lazaro.
8.	052/2016	Marthine Christian	United Republic of Tanzania	Refrain from executing the death penalty against the Applicant pending the determination of the Application. Report to the Court within 30 days of measures taken to implement the Order 18 November 2016	The Respondent State submitted that it cannot comply with the Court's order because of the same reasons listed in App no. 003/016 John Lazaro.
9.	057/2016	Mulokozi Anatory	United Republic of Tanzania	Refrain from executing the death penalty against the Applicant pending the determination of the Application. Report to the Court within 30 days of measures taken to implement the Order 18 November 2016	The Respondent State submitted that it cannot comply with the Court's order because of the same reasons listed in App no. 003/016 John Lazaro.
10.	001/2018	Tembo Hussein	United Republic of Tanzania	Refrain from executing the death penalty against the Applicant pending	No report has been filed yet

				the determination of the Application. Report to the Court within 30 days of measures taken to implement the Order 11 February 2019	
11.	003/2018	Ladislaus Chalula	United Republic of Tanzania	Refrain from executing the death penalty against the Applicant pending the determination of the Application. Report to the Court within 30 days of measures taken to implement the Order 17 May 2019	No report has been filed yet
12.	012/2019	Ghati Mwita	United Republic of Tanzania	Refrain from executing the death penalty against the Applicant pending the determination of the Application. Report to the Court within 30 days of measures taken to implement the Order 9 April 2019	No report has been filed yet
13.	042/2019	Masudi Selemani Said	United Republic of Tanzania	Refrain from executing the death penalty against the Applicant pending the determination of the Application. Report to the Court within 30 days of measures taken to implement the Order 20 November 2020	No report has been filed
14.	045/2020	Bashiru Rashid Omar	United Republic of Tanzania	Refrain from executing the death penalty against the Applicant pending the determination of the Application. Report to the Court within 30 days of	No report has been filed

				measures taken to implement the Order 26 February 2021	
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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		


**SIXTY-SEVENTH ORDINARY SESSION OF THE AFRICAN COURT ON
HUMAN AND PEOPLES' RIGHTS**

**7 NOVEMBER – 2 DECEMBER 2022
ARUSHA – TANZANIA**

**REPORT ON THE IMPLEMENTATION OF JUDGMENTS OF THE COURT
AS OF 7 NOVEMBER 2022**


I. INTRODUCTION

1. This is a report on the implementation of judgments delivered by the Court as at 7 November 2022.
2. Since the report's focus is on the status of the implementation of the judgments of the Court, the report does not include any discussion of judgments in which the Court did not find any violations.
3. The cases are grouped according to the Respondent State concerned and the States are grouped alphabetically.

REPUBLIC OF BENIN		1. Sebastien Germain Ajavon	
 <p>Respondent's Action: The Respondent State is yet to file a report on measures taken and its time to file this report on three judgments. Its time to file the report on Apps no 013/2017, 062/2019 and 065/2019 elapsed on 1 August 2020, 4 March 2021 and 5 April 2021 respectively.</p> <p>Media reports indicate that the Respondent State has amended the Law establishing the CRIET Court and set up the Appeal Court as ordered in the judgment.</p>	<p>App no. 013/2017</p> <p>Judgment on merits 29 March 2019 and on reparations of 28 November 2019</p> <p>Violations found: Articles 3, 5, 7(1)(a),(b),(c), 14 and 26 of the Charter and Articles 14(3)(d), 14(5) and (7) of ICCPR</p> <p>Reparations: To take all the necessary measures to annul judgment No. 007/3C.COR delivered on 18 October 2018 by CRIET in a way that erases all its effects and to report thereon to the Court within six (6) months from the date of</p>	<p>App no. 062/2019</p> <p>Judgment on merits and reparations of 4 December 2020</p> <p>Violations found: Articles 2, 4, 5, 7(1), 10, 13(1), 26 of the Charter; Article 8 (1)(d) and 8(2) of the ICESR; 10(2), 17(1) ACDEG; Article 3 ECOWAS Protocol on Democracy and Good Governance</p> <p>Reparations: repeal Article 27 paragraph 2 of Law No. 2018; Articles 1 and 2 of Organic Law No. 2018-02; Law No. 2019 – 39, carry out all the necessary investigations that may allow victims to obtain recognition of their rights and reparation; repeal all provisions prohibiting the right to strike, guarantee the independence of the Constitutional Court and the Judiciary.</p>	<p>App no 065/2019</p> <p>Judgment on merits and reparations of 29 March 2021</p> <p>Violations found: Articles 30 of the Court's Protocol and Article 1 of the Charter</p> <p>Reparations: To implement the decision in Application no. 013/2017</p>

	<p>notification of this Judgment.</p> <p>pay the Applicant 36,330,444,947 CFA for material loss and to pay the Applicant 3,045,000,000 CFA for moral damages for himself, his wife and his three children</p>		
2. XYZ			
<p>Respondent's Action: The Respondent has not filed any report. Its time to file the report to App no 059/2019 and 010/2020 elapsed on 27 February 2021.</p>	<p>App no. 059/2019</p> <p>Judgment on merits and reparations of 27 November 2020</p> <p>Violations found: Article 13(1) of the Charter, Article 17(1) of ACDEG and Article 3 of the ECOWAS Protocol on Democracy</p> <p>Reparations: take necessary measures to bring the composition of COS-LEPI into conformity with the provisions of Article 17(1) of the ACDEG and Article 3 of the ECOWAS Protocol on Democracy before any election.</p>	<p>App no. 010/2020</p> <p>Judgment on merits and reparations of 27 November 2020</p> <p>Violations found: Articles 9(1), 22(1), 23(1), 26 of the Charter, Article 10(2) of the ACDEG</p> <p>Reparations: the Respondent to guarantee the independence of the Constitutional Court and also repeal Law No. 2019-40 of 1 November 2019 on the Constitution of Republic of Benin and all subsequent laws, in particular Law 2019-43 on the Electoral Code and also pay the Applicant 1 Franc.</p>	

<p>Respondent's Action: The Respondent has not filed any report. Its time to file the report elapsed on 27 February 2021.</p>	<p style="text-align: center;">3. Eric Houngue</p> <p>App no. 003/2020</p> <p>Judgment on merits and reparations of 27 November 2020</p> <p>Violations found: Articles 13(3) of the Charter; Article 10(2) ACDEG; Article 11 UDHR</p> <p>Reparations: repeal Law 28 No. 2019-40; the Respondent State to comply with the principle of national consensus enshrined in Article 10(2) of the ACDEG for any constitutional revision; take all measures to repeal Inter-Ministerial Decree 023MJL/DC/SGM/DACPG/SA 023SGG19 dated 22 July 2019; take all necessary measures to ensure cessation of all effects of the constitutional revision.</p>
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<p>BURKINA FASO</p>  <p>Respondent's Action: The sum of 233,135,409 (two hundred and thirty three million one hundred and thirty five thousand four hundred and nine) CFA francs, representing the amounts owed to them was paid.</p> <p>on 30 March 2015, the Prosecutor General of Faso filed a motion with the Examining Magistrate seeking to reopen proceedings in the Norbert ZONGO case which was granted on 8 April 2015 and in December 2015, three soldiers were arrested as</p>	<p style="text-align: center;">1. Beneficiaries of the Late Norbert Zongo et al</p> <p>App no. 013/2011</p> <p>Judgment of 28 March 2014 on Merits and 5 June 2015 on Reparations</p> <p>Violations found: Articles 1, 7, 9(1) of the Charter and Article 66(2) of the Revised (Economic Community of West African States (ECOWAS) Treaty</p> <p>Reparations: pay 25 million CFA for each spouse, 15 million CFA to each child, and 10 million CFA to each parent; 1 CFA to MBDHP; 40 million CFA for legal fees within 6 months of the judgment; publish the summary of the judgment; reopen investigations with a view to apprehend, prosecute and bring to justice the perpetrators of the assassination of Norbert Zongo.</p>
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<p>suspects to the murder of Zongo and his companions;</p> <p>On 28 November 2016, the Respondent State they had published the Court's judgment in their official gazette and in one of the daily newspapers 'Sidwaya'. In July 2017, the Respondent State also indicated that the summary of the judgment had been published in its official website.</p>	
<p>On 11 April 2018, the Respondent State forwarded a report detailing the measures taken to comply with the Judgment. The report indicated that all amendments ordered to be undertaken with regard to the decriminalisation of defamation were done through the promulgation of Law Number 057-2015/CNT and Law Number 058-2015 CNT of 4 September 2015 on the Legal Regime governing Print Media in Burkina Faso. The official summary of the Judgment was published in the official journal of 15 October 2015, all payments have been made as ordered and the Applicant's criminal records have been expunged.</p>	<p style="text-align: center;">2. Lohé Issa Konaté</p> <p>App no. 004/2013</p> <p>Judgment of 5 December 2014 on Merits and 3 June 2016 on Reparations</p> <p>Violations found: Articles 9 of the Charter, Article 19 of ICCPR and 66(2)(C) of the Revised ECOWAS Treaty</p> <p>Reparations: To amend its legislation on defamation in order to make it compliant with Article 9 of the Charter, Article 19 of the International Covenant on Civil and Political Rights and Article 66 (2)(c) of the Revised ECOWAS Treaty:</p> <ol style="list-style-type: none"> a. by repealing custodial sentences for acts of defamation; and b. by adapting its legislation to ensure that other sanctions for defamation meet the test of necessity and proportionality, in accordance with its obligations under the Charter and other international instruments. <p>Also, to pay the Applicant 25,000,000 CFA as loss of income, to refund the Applicant 108,000 CFA, 10,000,000 for moral damages.</p>

REPUBLIC OF COTE
D'IVOIRE



Respondent's Action:

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. 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 in response reiterated that it has fully implemented the Court's judgment, that it has promulgated a new law which brings about independence to the electoral commission. It further states that it consulted all stakeholders who were willing to participate in the process of reviewing the law. Lastly, it

**1. Actions Pour la Protection des Droits
de L'Homme**

App no. 001/2014

Judgment of **18 November 2016** on Merits and of **28 September 2017** on Interpretation

Violations found: Articles 3(2), 13(1) and (2) of the Charter, Articles 10(3) and 17 of the African Charter on Democracy, Elections and Governance, Article 3 of the ECOWAS Democracy Protocol and Article 26 of ICCPR


Reparations: to amend Law No. 2014-335 of 18 June 2014 on the Independent Electoral Commission and make it compliant with the aforementioned instruments to which it is a Party



<p>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>Respondent's Action: On 1 September 2020, the Respondent State's interim implementation report of the steps undertaken by the Government. On 14 September 2020, The Applicants indicated in their report that they contested the interpretation of the Respondent State of the Court's decision. The Respondent State was requested to reply to the Applicants' observations within five (5) days. 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. 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</p>	<p style="text-align: center;">2. Suy Bi Gohore</p> <p>App no. 044/2019</p> <p>Judgment of 15 July 2020 on merits and reparations</p> <p>Violations found: Articles 3(7), 3(8), 13, 17 of the African Charter on Democracy, Elections and Governance and Article 3 of the ECOWAS Protocol on Democracy and Good Governance.</p> <p>Reparations: The Respondent State is to take the necessary measures before any election to ensure that new Bureau elections, based on the new composition of the electoral body, are organised at the Local levels; to take the necessary measures before any election to ensure that the process of nomination of members of the electoral body by political parties, especially opposition parties, as well as civil society organisations are driven by those entities, based on pre-determined criteria, with the authority to organise themselves, consult, hold elections as necessary, and submit the required nominees; and to report to the Court on these measures taken within three (3) months from the date of notification of this Judgment.</p>

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 it will submit an additional implementation report once this process of formalization has been finalized. The Applicants in their observations on the implementation of the Court's decision claim that the Respondent State has not implemented the Court's decision at all. 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,


<p>the Respondent State did not accept these nominations. The 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; especially considering that the local electoral bodies are now presided over by a member of the ruling party at a rate of 100%, according to the Applicants. The Applicants finally submit that since the Respondent State had not implemented the orders of the Court before the elections on 31 October 2020, these elections should be considered null and void.</p>	
<p>Respondent's action: The Respondent State's time to file the report elapsed on 2 May 2022. It is yet to file the report.</p>	<p>3. Kouadio Kobena</p> <p>Application no. 034/2017</p> <p>Judgment of 2 December 2021 on merits and reparations</p> <p>Violations found: Articles 7(1)(d) of the Charter.</p> <p>Reparations: pay the Applicant a total of forty-five million Francs (45,000,000) CFA</p>
<p>The time to file the report elapses on 22 March 2023</p>	<p>4. Kouassi Kouame Patrice and Baba Sylla</p> <p>Application no. 015/2021</p> <p>Judgment of 22 September 2022 on merits and reparations</p> <p>Violations found: Articles 6 and 13 of the Charter and Article 6 of the ECOWAS Protocol on Governance</p>

	Reparations: pay the Applicants, the sum of Three Million Four Hundred and Eighty-Five Thousand (3,485,000) CFA francs
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<p>REPUBLIC OF KENYA</p>  <p>Respondent's Action: The Respondent State has not reported on measures taken to implement the Judgment on merits. The time limit for reporting elapsed on 26 November 2017.</p> <p>Nevertheless it is to be noted that information on the establishment of a Task Force on Implementation of the Judgment of the Court via Gazette Notice Number GN/10944/2017 dated 23 October 2017 as amended by Gazette Notice Number GN/2446/2018 dated 28 February 2018 is in the public domain.</p> <p>The time to report on the measures taken to implement the reparations judgment elapses on 23 June 2023.</p>	<p>African Commission on Human and Peoples' Rights</p> <p>App no. 006/2012</p> <p>Judgment of 26 May 2017 on Merits and of 23 June 2022 on reparations</p> <p>Violations found: Articles 1, 2, 8, 14 17(2) and (3), 21 and 22 of the Charter</p> <p>Reparations: pay the Applicant Kenyan Shillings, one hundred and fifty-seven million, eight hundred and fifty thousand (157,850,000) Ksh to be deposited in a community development fund. Furthermore, the Respondent should establish and operationalise the Committee for the management of the development fund</p> <p>The Respondent State to: take all necessary measures, legislative, administrative or otherwise to identify, in consultation with the Ogiek and/or their representatives, and delimit, demarcate and title Ogiek ancestral land and to grant collective title to such land in order to ensure, with legal certainty, the Ogiek's use and enjoyment of the same.</p> <p>To commence dialogue and consultations between the Ogiek and their representatives and the other concerned parties for purposes of reaching an agreement on whether or not they can be allowed to continue their operations by way of lease and/or royalty and benefit sharing with the Ogiek in line with all applicable laws or compensate third parties in lieu of an agreement and return the land to the Ogiek.</p> <p>Guarantee full recognition of the Ogiek within a year as an indigenous people of Kenya in an effective manner;</p> <p>Recognise, respect and protect the right of the Ogiek to be effectively consulted, in accordance with their tradition/customs in respect of all development, conservation or investment projects on Ogiek ancestral land.</p> <p>Publish the official English summaries of the judgment.</p>
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<p>THE STATE OF LIBYA</p>  <p>Respondent's Action: The Respondent state has not filed any Reports to date, the time limit for the Respondent State to file its Report elapsed on 22 November 2016. Nevertheless, unconfirmed media reports indicate that Mr. Kadhafi was released in 2017.</p>	<p>African Commission on Human and Peoples' Rights</p> <p>App no. 002/2013</p> <p>Judgment of 3 June 2016 on merits</p> <p>Violations found: Articles 6 and 7 of the Charter</p> <p>Reparations: to protect all the rights of Mr. Kadhafi as defined by the Charter by terminating the illegal criminal procedure instituted before the domestic courts.</p>	
<p>REPUBLIC OF MALI</p>  <p>Respondent's Action: The Respondent State is yet to file a report on measures taken and the time to file this report elapsed on 11 August 2020.</p>	<p>1. Association pour le Progrès et la Défense des Droits des Femmes Maliennes and the Institute for Human Rights and Development in Africa</p> <p>App no. 046/2016</p> <p>Judgment of 18 November 2018 on merits</p> <p>Violations found: Article 2, 2 (2), 6(a) and (b), 21 (1) and (2) of the Maputo Protocol, and Articles 1(3), 2, 3, 4 and 21 of the African Charter on the Rights and Welfare of the Child, Articles 5(a) and 16 (1) of the Convention on the Elimination of All Forms of Discrimination against Women</p> <p>Reparations: amend the impugned law, harmonise its laws with the international instruments, and take appropriate measures to bring an end to the violations established.</p>	
<p>Respondent's Action:</p>	<p>2. Oumar Mariko</p> <p>App no. 029/2018</p>	

<p>The time to report on the measures taken to implement the reparations judgment elapsed on 24 September 2022. The Respondent is yet to file a report on the measures taken to implement the judgment.</p>	<p>Judgment of 24 March 2022 on merits and reparations Violations found: Articles 7(1)(d) and 26 of the Charter, Article 14(1) of ICCPR, Article 17(1) of the African Charter on Democracy, Elections and Governance and Article 3 of the ECOWAS Protocol on Democracy and Good Governance. Reparations: pay the Applicant , one million Francs (1,000,000 CFA), amend the laws governing the Constitutional Court to include provisions that ensure respect for the principle of adversarial proceedings, include provisions on the procedure for recusal of judges within three (3) years from the notification of this judgment; take all necessary measures to fully fulfil its obligation to guarantee the independence of the Constitutional Court, within three (3) years of notification, take all necessary measures, in any case before any election, to repeal Sections 27 and 28 of the Electoral Law, within three (3) years from the notification; take all necessary measures to fully fulfil its obligation to establish and strengthen independent and impartial electoral bodies, within three (3) years from the notification of judgment.</p>
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<p>THE REPUBLIC OF MALAWI</p>  <p>Respondent's Action:</p> <p>The time for the Respondent State to file the report is still running and will elapse on 23 December 2022.</p>	<p>Harold Mbalanda Munthali</p> <p>App no. 022/2017</p> <p>Judgment of 23 June 2022 on merits and reparations Violations found: Articles 1, 3(2), 7(1) and 7(1)(a) of the Charter Reparations: pay the Applicant, Malawian Kwacha Two hundred and nine million (MKW 209,000,000)</p>
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THE REPUBLIC OF RWANDA



Respondent's Action:

The Respondent State has not filed any report on the implementation of the judgments despite its time to do so having elapsed on 16 September 2018 for App no. 003/2014, 1 August 2020 for App no 017/2015 and 27 April 2021 for App no 012/2017

The Respondent State has informed the Court that it will no longer cooperate with it.

1. Ingabire Victoire Umuhoza

App no. 003/2014

Judgment of **24 November 2017** on merits and **7 December 2018** on reparations

Violations found: Articles 7(1)(c), 9(2) of the Charter and 19 of the International Covenant on Civil and Political Rights (ICCPR)

Reparations: pay the Applicant, a sum of Rwandan Francs ten million, two hundred and eight five thousand (RWF 10, 285,000)

2. Kennedy Gihana and others

App no. 017/2015

Judgment of **28 November 2019** on merits and reparations

Violations found: Articles 12(2) and 13(1) of the Charter


Reparations: pay each Applicant Rwandan Francs four hundred and sixty-five thousand (RWF 465,000)

3. Leon Mugesera

App no 012/2017

Judgment of **27 November 2020** on merits and reparations

Reparations: pay the Applicant a total sum of, Rwandan Francs thirty-five million (RWF 35,000,000); Orders the Respondent State to appoint an independent medical doctor to assess the Applicant's state of health and to determine the measures required to assist him.

<p>THE UNITED REPUBLIC OF TANZANIA</p>	<p>Tanganyika Law Society and the Legal and Human Rights Centre and Rev. Christopher R. Mtikila v. United Republic of Tanzania</p>
 <p>Respondent's Action: The Respondent state filed 3 Reports in this regard on 17 April 2015, 18 January 2016 and on 3 January 2017. The Respondent State indicated that the implementation of the Court's judgment was contingent on the outcome of a referendum on the proposed Constitution and that the proposed Constitution had made provision for independent candidates in the Local, Parliamentary and Presidential elections. On 3 January 2017, the Respondent State informed the Court that the referendum was still pending.</p> <p>on 16 October 2020, the Legal and Human Rights Centre and the Tanganyika Law Society filed an Application before the Court in which their main prayer is that the Respondent State should be compelled to take steps to implement the judgment herein. This case has been registered but no Response has been filed.</p>	<p>Consolidated Applications no 009 and 011/2011</p> <p>Judgment of 14 June 2013 on merits and 13 June 2014 on reparations</p> <p>Violations found: Articles 2, 3, 10 and 13(1) of the Charter</p> <p>Reparations: take constitutional, legislative and all other necessary measures within a reasonable time to remedy the violations found and publish the summary of the judgment.</p>
<p>On merits-The Respondent maintained that the order to take all necessary measures within a reasonable time to remedy the violations found, specifically precluding the reopening of the</p>	<p>1. Alex Thomas</p> <p>App no. 005/2013</p> <p>Judgment of 20 November 2015 on merits and 4 July 2019 on reparations</p>

<p>defence case and the retrial of the Applicant was un-implementable and thus the Respondent applied for an interpretation of the Judgment. This interpretation was given by the Court on 28 September 2017. Be that as it may, the Respondent State has not filed a follow up report to indicate the measures it has taken after the interpretation Order.</p> <p>On reparations - The Respondent State has not filed any report on the implementation of the reparations judgment despite its time to do so having elapsed on 5 January 2020.</p>	<p>Violations found: Articles 7(1)(a), (c) and (d) of the Charter and 14(3)(d) of the ICCPR</p> <p>Reparations: pay the Applicant Tanzanian Shillings Three million, five hundred thousand (TZS 3,500,000) and Tanzanian Shillings one million (TZS 1,000,000) to identified relatives as indirect victim.</p>
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<p>On merits- The Respondent State has filed reports on the implementation of the judgment on Merits indicating that stakeholders were informed regarding the legal aid provisions of the law and their obligation to inform suspects/ accused persons of the provision of legal aid. The Legal Aid Act was gazetted in March 2017. The Respondent State reports that by the time the Court Ordered it to provide legal aid to the Applicants for the pending proceedings against them in the domestic court, the High Court had already concluded their appeals being criminal appeals No. 47 and 48 of 2014. The Judgment was delivered on 10 December 2015, where the High Court dismissed the Applicants' appeals. The Respondent also reports that it is reflected at page 11 of the Court's judgment that some of the Applicants had secured the services of a lawyer Advocate Mwesijo. He however later disqualified himself from representing the Applicants. The Respondent State reports further that, the Applicants filed their notice of intention to appeal against the</p>	<p style="text-align: center;">2. Wilfred Onyango Nganyi</p> <p>App no. 006/2013</p> <p>Judgment of 18 March 2016 on merits and 4 July 2019 on reparations</p> <p>Violations found: Articles 7(1)(a), (c) and (d) of the Charter and 14(3)(d) of the ICCPR</p> <p>Reparations: On the judgment on merits; the Court ordered the Respondent State to take all necessary measures within a reasonable time to expedite and finalise all criminal appeals by or against the Applicants in the domestic courts. On reparations, pay the Applicants and their relatives a combined total of sixty five thousand, five hundred US Dollars (65,500 USD) and Tanzanian Shillings Three Million (3,000,000).</p>
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<p>High Court decision to the Court of Appeal of Tanzania. The Respondent State is waiting to be served with a memorandum of Appeal by the Applicants. The Respondent State has not filed any reports regarding the reparation judgment. On reparations: The Respondent State has not filed any report on the implementation of the reparations judgment despite its time to do so having elapsed on 5 January 2020.</p>	
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<p>On Merits- the Respondent State reported that stakeholders of the criminal justice system were informed of the provisions of the law with regard to legal aid and their obligation to inform suspects/ accused persons of the provision of legal aid. The Respondent State also reported that the Legal Aid Act 2017 was passed. That the Act regulates and coordinates the provisions of legal aid services to indigent persons, recognises paralegals, repeals the Legal Aid Criminal Proceedings Act and provides for related matters. It also sought interpretation on the remedy of the violations which was provided by the court on 28 September 2017. The Respondent state did not file a follow up report to that.</p> <p>On reparations - The Respondent State has not filed any report on the implementation of the judgment despite its time to do so having elapsed on 5 July 2020.</p>	<table border="1"> <tr> <th data-bbox="625 855 1500 898">3. Mohamed Abubakari</th> </tr> <tr> <td data-bbox="625 898 1500 1993"> <p>App no. 007/2013</p> <p>Judgment of 6 June 2016 on merits and 4 July 2019 on reparations</p> <p>Violations found: Articles 7 of the Charter and 14 of the ICCPR</p> <p>Reparations: pay the Applicant, a total sum of Tanzanian Shillings four million, five hundred thousand (TZS 4,500,000)</p> </td> </tr> </table>	3. Mohamed Abubakari	<p>App no. 007/2013</p> <p>Judgment of 6 June 2016 on merits and 4 July 2019 on reparations</p> <p>Violations found: Articles 7 of the Charter and 14 of the ICCPR</p> <p>Reparations: pay the Applicant, a total sum of Tanzanian Shillings four million, five hundred thousand (TZS 4,500,000)</p>
3. Mohamed Abubakari			
<p>App no. 007/2013</p> <p>Judgment of 6 June 2016 on merits and 4 July 2019 on reparations</p> <p>Violations found: Articles 7 of the Charter and 14 of the ICCPR</p> <p>Reparations: pay the Applicant, a total sum of Tanzanian Shillings four million, five hundred thousand (TZS 4,500,000)</p>			

<p>Respondent's action: The Respondent State is yet to file a report even though its deadline to do so elapsed on 21 September 2020.</p> <p>Nevertheless, on 24 February 2020, 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 elapsed on 23 May 2020 and it did not file any observations.</p>	<p style="text-align: center;">4. Diocles William</p> <p>App no. 001/2015</p> <p>Judgment of 21 September 2018 on merits and reparations</p> <p>Violations found: Articles 7(1) and 7(1)(c) of the Charter</p> <p>Reparations: the Respondent State to reopen the case within six (6) months in conformity with the guarantees of a fair trial pursuant to the Charter and other relevant international human rights instruments and conclude the trial within a reasonable time and, in any case, not exceeding two (2) years from the date of notification of this judgment.</p>
<p>Respondent's action: The Respondent State is yet to file a report even though its deadline to do so elapsed on 14 June 2019.</p>	<p style="text-align: center;">5. Armand Guehi</p> <p>App no. 001/2015</p> <p>Judgment of 7 December 2018 on merits and reparations</p> <p>Violations found: Articles 1, 5, 7(1)(d) of the Charter</p> <p>Reparations: pay the Applicant, a total sum of two thousand, five hundred (USD 2500) United States Dollars</p>
<p>Respondent's action: The Respondent State is yet to file a report even though its deadline to do so was 2 October 2019. The Applicant has filed numerous requests for the Court to intervene so that the Respondent State complies with the Court's judgment. All the Applicant's requests were transmitted to the Respondent for it to file its observations within thirty (30) days. The time for the Respondent to file its observations herein elapsed without it filing any observations.</p>	<p style="text-align: center;">6. Lucien Ikili Rashidi</p> <p>App no. 009/2015</p> <p>Judgment of 28 March 2019 on merits and reparations</p> <p>Violations found: Articles 4, 5, 7(1)(d) and 12(1) of the Charter</p> <p>Reparations: pay the Applicant, Tanzanian shillings, eleven million (11,000,000), take all necessary measures to ensure that searches of the kind referred to in the instant case are conducted in strict compliance with its international obligations</p>

<p>On 5 March 2021 the Applicant forwarded a letter to the Court indicating that he had requested the Burundi representative to the African Union and the President of Burundi to intervene and facilitate the implementation of the judgment.</p>	
<p>Respondent's action: The time for the Respondent to file its report elapsed on 30 August 2020. On 29 September 2020. The Applicants' Counsel submitted to the Court a request for financial assistance to supervise the implementation of the judgment. The Registry acknowledged receipt of the Applicants' letter and informed Counsel that the Court's current Legal Aid Policy does not cover support to Counsel on monitoring and implementation of judgments.</p>	<p>7. Ally Rajabu and others App no. 007/2015</p> <p>Judgment of 28 March 2019 on merits and reparations</p> <p>Violations found: Articles 4, 5, 7(1)(d) and 12(1) of the Charter</p> <p>Reparations: pay each Applicant Tanzanian Shillings four million (TZS 4,000,000) as moral damages, remove mandatory death penalty sentence from its penal code, rehearing of the case on sentencing and publish the judgment within 3 months.</p>
<p>Respondent's action: The time for the Respondent to file its report elapsed on 30 August 2020. The Respondent is yet to file its report. The Applicant transmitted requesting the Court to enforce its judgment.</p>	<p>8. Robert John Penessis App no. 013/2015</p> <p>Judgment of 28 March 2019 on merits and reparations</p> <p>Violations found: Articles 1, 5, 6, 12 of the Charter, Article 15 of UDHR</p> <p>Reparations: pay the Applicant 15,000,000 Tanzanian Shillings as moral damages for the Applicant and his mother and 300,000 Tanzanian shillings for every month that the Applicant is in detention until the time of his release.</p>
<p>Respondent's action: The Respondent is yet to file its report its time to do so elapsed on 8 February 2021.</p>	<p>9. Nguza Viking and Johson Nguza App no. 006/2015</p> <p>Judgment of 23 March 2018 on merits and of 8 May 2020 on reparations</p> <p>Violations found: Articles 1 and 7(1)(c) of the Charter</p>

	<p>Reparations: pay the first Applicant the sum of Tanzanian Shillings twenty million (TZS 20,000,000) and the second Applicant the sum of Tanzanian Shillings Five Million (TZS 5,000,000) ;Publish the Judgment within three (3) months of its notification, on the official websites of the Judiciary and the Ministry of Constitutional and Legal Affairs, and ensure that the Judgment remains accessible for at least one (1) year after the date of such publication.</p>
<p>Respondent's action: The Respondent has not filed a report even though its time for filing the report elapsed on 31 January 2021</p>	<p style="text-align: center;">10. Ambrose Cheusi</p> <p>App no. 004/2015</p> <p>Judgment of 26 June 2020 on merits and reparations</p> <p>Violations found: Articles 7(1)(c) and 7(1)(d) of the Charter</p> <p>Reparations: pay the Applicant the sum of Tanzanian Shillings five million seven hundred twenty five thousand (TZS 5, 725,000); Judgment within three (3) months of its notification, on the official websites of the Judiciary and the Ministry of Constitutional and Legal Affairs, and ensure that the Judgment remains accessible for at least one (1) year after the date of such publication.</p>
<p>Respondent's action: The Respondent is yet to file its report even though its time to file the report elapsed on 31 January 2021.</p>	<p style="text-align: center;">11. Jebra Kambole</p> <p>App no. 018/2018</p> <p>Judgment of 15 July 2020 on merits and reparations</p> <p>Violations found: Articles 2, 3(2) and 7(1)(a) of the Charter</p> <p>Reparations: the Respondent State to take all necessary constitutional and/or legislative measures, within a reasonable time, to ensure that article 41(7) of its Constitution is amended and aligned with the provisions of the Charter to eliminate, among others, a violation of Articles 2, 3(2) and 7(1) of the Charter; Publish the Judgment within three (3) months of its notification, on the official websites of the Judiciary and the Ministry of Constitutional and Legal Affairs, and ensure that the Judgment remains accessible for at least one (1) year after the date of such publication.</p>

<p>Respondent's action: The Respondent has not filed a report even though its time for filing the report elapsed on 30 March 2021</p>	<p style="text-align: center;">12. Kennedy Owino and another</p> <p>App no. 003/2015</p> <p>Judgment of 28 September 2018 on merits and of 30 September 2021 on reparations</p> <p>Violations found: Articles 1, 6, 7(1), 7(1)(c) and 22 of the Charter</p> <p>Reparations: pay each of the Applicants, Tanzanian Shillings five million (TZS 5,000,000) for moral damages suffered and for the Respondent to release the Applicants</p>
<p>Respondent's action: The Respondent has not filed a report even though its time for filing the report elapsed on 30 March 2021</p>	<p style="text-align: center;">13. Amini Juma</p> <p>App no. 024/2016</p> <p>Judgment of 30 September 2021 on merits and reparations</p> <p>Violations found: Articles 1, 4, 5, 7(1)(d) of the Charter</p> <p>Reparations: pay the Applicant Tanzanian Shillings four million (TZS 4,000,000), remove mandatory death penalty sentence from its penal code, rehearing of the case on sentencing and publish the judgment within 6 months</p>
<p>Respondent's action: The Respondent has not filed a report even though its time for filing the report elapsed on 2 June 2022</p>	<p style="text-align: center;">14. Anudo Ochieng Anudo</p> <p>App no. 012/2015</p> <p>Judgment of 22 March 2018 on merits and of 2 December 2021 on reparations</p> <p>Violations found: Article 7 of the Charter, 14 of the ICCPR and 15(2) of the UDHR</p> <p>Reparations: pay the Applicant a sum of Tanzanian Shillings seventy million (TZS 70,000,000)</p> <p>the Respondent State to take all the necessary steps to restore the Applicant's rights, by allowing him to return to the national territory, ensuring his protection and submitting a report to the Court within forty-five (45) days of notification of this Judgment. Respondent State to amend its legislation to provide individuals with judicial remedies in the event of a challenge to their citizenship and Publish the judgment.</p>

<p>Respondent's action: The Respondent has not filed a report even though its time for filing the report elapsed on 2 June 2022</p>	<p>15. Tobias Mango and another App no. 005/2015 Judgment of 11 May 2018 on merits and of 2 December 2021 on reparations Violations found: Articles 1, 6, 7 (1),7 (1) (c) and 22 of the Charter Reparations: pay the Applicants, Tanzanian Shillings two million and five hundred thousand (TZS 2,500,000) each for direct victims and pay Applicants, Tanzanian Shillings four million, five hundred thousand (TZS 4,500,000) for indirect victims.</p>
<p>Respondent's action: The Respondent has not filed a report even though its time for filing the report elapsed on 2 June 2022</p>	<p>16. Robert Richard App no. 035/2016 Judgment of 2 December 2021 on merits and reparations Violations found: Article 7(1)(d) of the Charter Reparations: pay the Applicant, Tanzanian Shillings five Million (TZS 5,000,000)</p>
<p>Respondent's action: The time for the Respondent to file its report will elapse on 23 December 2022</p>	<p>17. Mgesi Mwita Makungu App no. 006/2016 Judgment of 7 December 2018 on merits and of 23 June 2022 on reparations Violations found: Article 7(1)(a) of the Charter Reparations:</p>
<p>Respondent's action: The time for the Respondent to file its report will elapse on 22 March 2023</p>	<p>18. Joseph John App no. 005/2018 Judgment of 22 September on merits and reparations Violations found: Articles 6 and 7(1)(c) of the Charter Reparations: pay the Applicant, Tanzanian Shillings six hundred thousand (TZS 600,000)</p>

CASES WHERE THE COURT FOUND A VIOLATION OF THE RIGHT TO DEFENCE AND MADE THE SAME ORDER

Application no	Application name	Violation found	Date of judgment on merits and reparations	Respondent's action
020/2016	19. Anaclet Paulo	Article 7(1)(c) of the Charter as read together with	21 September 2018	The Respondent State has not filed any report
	20. Minani Evarist		21 September 2018	
025/2016	21. Kenedy Ivan		28 March 2019	
025/2015	22. Majid Goa		26 September 2019	
028/2015	23. Kalebi Elisamehe		26 June 2020	

011/2015	24. Christopher Jonas	Article 14(3) of ICCPR	Judgment of 28 September 2017 on merits and 25 September 2020 on Reparations	
033/2015	25. James Wanjara		25 September 2020	
022/2016	26. Mussa Zanzibar		26 February 2021	
054/2016	27. Mhina Zuberi		26 February 2021	
010/2015	28. Amir Ramadhani		Judgment of 11 May 2018 on the Merits and 25 June 2021 on reparations	
032/2015	29. Kijiji Isiaga		Judgment of 28 September 2017 on the Merits and 25 June 2021 on Reparations	
008/2016	30. Masoud Rajabu		25 June 2021	
001/2016	31. Chrizostom Benyoma		30 September 2021	
047/2016	32. Ladislaus Onesmo		30 September 2021	
026/2015	33. Hamis Shaban Hamis Ustadh		2 December 2021	
005/2016	34. Sadick Marwa Kisase		2 December 2021	
013/2016	35. Stephen John Rutakikirwa		24 March 2022	

THE REPUBLIC OF TUNISIA	Ibrahim Ben Mohammed Ben Belghuith
 <p>Respondent's Action: The time for the Respondent State to file the report is still running and will elapse on 22 March 2023.</p>	<p>App no. 017/2021 Judgment of 22 September 2022 on merits and reparations Violations found: Articles 1, 7(1)(a) as read with Article 26 and 13 of the Charter Reparations: Respondent State to repeal Presidential Decrees No. 117 of 22 September 2021, which includes Decrees Nos. 69, 80 and 109 of 26, 29 July, 24 August 2021, and Decrees Nos. 137 and 138 of 11 October 2021 and to return to constitutional democracy within two (2) years of notification. Take all necessary measures for the operationalisation of an independent Constitutional Court and remove all legal impediments thereto within two (2) years of notification.</p>

ANNEX III

ROADMAP ON COMPLEMENTARITY BETWEEN THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS AND THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS



COMPLEMENTARITY ROAD MAP

OF

**THE AFRICAN COMMISSION ON HUMAN AND PEOPLES'
RIGHTS AND THE AFRICAN COURT ON HUMAN AND
PEOPLES' RIGHTS**

FOR

2023-2025

COMPLEMENTARITY ROADMAP OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS AND THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS FOR 2023-2025

THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS (THE COMMISSION) AND THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS (THE COURT);

RECALLING Articles 3(h), 4(m) and 4(o) of the Constitutive Act of the African Union (AU) which emphasise the protection of human and peoples' rights as a fundamental objective and principle of the AU;

FURTHER RECALLING the aim of the Member States of the Organization of African Unity (OAU), now the AU, to strengthen the Commission;

RECALLING Article 30 of the African Charter on Human and Peoples' Rights establishing the African Commission on Human and Peoples' rights to promote human and peoples' rights and to ensure their protection in Africa;

CONSCIOUS of the object and purpose of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (the Protocol) to complement and reinforce the protective mandate of the Commission;

BEARING IN MIND the provisions of Articles 1, 45-63 of the African Charter on Human and Peoples' Rights (the Charter), Articles 2-10 and 26-31 of the Protocol, Rules 30(7) and 127-135 of the Rules of Procedure of the Commission (2020) and Rules 34-39, 42, 75, 82-83 and 86 of the Rules of Court (2020);

EMPHASIZING Agenda 2063 which sets out the AU's desired future for Africa and in particular, Aspiration 3, which seeks to achieve an Africa of good governance, democracy, respect for human and peoples' rights, justice and the rule of law;

CONSIDERING that it is the primary obligation of African States to recognize and give effects to the rights, duties and freedoms enshrined in the African Charter;

FULLY RESPECTING the cardinal principle of subsidiarity in carrying out their respective mandates;

CONSIDERING the commendable steps already taken by the Commission and the Court to strengthen their relationship, including through institutionalizing annual meetings, transferring cases to each other and cooperating in the development of each other's rules of procedure, and regularly participating in each other's activities;

RECOGNIZING the persistent challenges faced by both the Commission and the Court, including insufficient human, technical and financial resources, limited implementation of their decisions and inadequate compliance with the procedural rules of the Charter and the Protocol as well as the limited number of ratifications of the

Protocol and declarations deposited under Article 34(6) of the Protocol to grant individuals and Non-Governmental Organisations (NGOs) direct access to the Court; **MINDFUL** of the enduring low visibility and limited knowledge of the procedures and the processes of the Commission and the Court among key human rights stakeholders across the continent which results in their underutilization and their underappreciation;

TAKING INTO CONSIDERATION the Strategic Framework of the Commission (2021-2025) to promote, monitor and protect human and peoples' rights guaranteed by the Charter and the Strategic Plan of the Court (2021-2025) to deepen trust in the African Court by enhancing its efficiency and effectiveness;

AWARE of the AU Strategic Action Plan for the Promotion and Protection of Human and Peoples' Rights in Africa (2022-2031);

NOTING the AU Institutional Reform Process and particularly the principles on which it is based, specifically, continental prioritization, institutional realignment, connecting with Africans, operational efficiency and effectiveness, and sustainable financing;

RECOGNIZING that Article 5 of the Protocol on the Court does not include the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) in its complementarity arrangements;

REITERATING that greater synergy among the Commission and the Court is needed to foster greater continental legal integration and to contribute to the corpus of African human rights law that may form the foundation of sustainable peace and development across the continent;

REAFFIRMING the Commission's and the Court's commitment to ensuring that the African Human Rights System is practical, efficient and effective;

FIRMLY CONVINCED that the enhancement of the protection and promotion of human rights in Africa requires the continued reinforcement of the relationship between the Commission and the Court;

HAVE AGREED TO:

On increased efficiency and effectiveness of procedures

1. Hold meetings, at least once a year and whenever necessary, to exchange on experiences, lessons learned and best practices on expediting the finalisation of Communications and Applications, including on:
 - i. The digitalisation of the Communications and Applications system.
 - ii. The improvement and expediting of translation services.

- iii. Standard Operating Procedures (SOPs), internal case management policies and guidelines, practice directions, forms and templates, to be reviewed, as necessary.
2. Jointly mobilise political support to enhance the operational efficiency of the Commission and the Court to ensure the timely delivery of justice and an effective continental human rights protection including soliciting the appointment of an AU champion for human and peoples' rights who concurrently with former Commissioners and Judges will be responsible for:
 - i. Defending the independence, impartiality and integrity of the African human rights system.
 - ii. Spearheading a campaign to secure the outstanding twenty-two (22) ratifications of the Court's Protocol by 2025 and to deposit the Declaration under Article 34(6) of the Protocol to grant individuals and NGOs direct access to the Court.
 - iii. Advocating for the establishment and operationalisation of an African Human Rights Fund to mobilise additional and necessary resources from among human rights' stakeholders and to enable the human rights mechanisms to adequately fulfil their mission.
 - iv. Urging the host governments to expedite the construction of the permanent premises of the Commission and the Court to improve the working conditions of the Commissioners, Judges, Secretariat and Registry staff for the efficient and effective performance of their professional responsibilities.
 3. Improve our cooperation and regularly harmonise our rules, guidelines and practices in relation to the protection of human rights.
 4. Inform each other more regularly within the respective applicable legal frameworks, of new Communications and Applications, to enhance the ability to develop a better overview and understanding of each other's docket. This may in turn facilitate cooperation in specific cases, where relevant, and to reinforce the harmonisation of jurisprudence among them.
 5. Take steps to establish and operationalise the Commission's litigation unit, and ensure that it has adequate financial, technical and human resources to effectively carry out its mandate, including to ensure submission of cases to the Court.
 6. Ensure joint capacity building of legal professionals and civil society organisations (CSOs) submitting cases before the Court and the Commission, including through:

- i. The development of a joint framework for virtual and physical joint trainings for legal professionals and CSOs for increased utilisation of the Communications and Applications procedures and to enhance the quality of applications submitted to the Commission and the Court.
- ii. The joint development of Massive Open Online Courses (MOOCs) on litigation before the AU human rights bodies and their jurisprudence.
- iii. The joint development of training materials and establishment of an online repository where such materials can be accessed.
- iv. The development of a joint Roster of Legal Counsel, including those that have been trained on litigation before the Commission and the Court, to then allow, in exceptional circumstances, the provision of legal aid at the Commission, through the Court's legal aid scheme.
- v. Enhance coordination and collaboration among the two institutions in following-up on the operationalisation of the AU Legal Aid Fund.

On improved access to procedures

7. Call on the AU Commission Chairperson to accede to the request made by the ACERWC for the amendment of Article 5 of the Protocol to enable the ACERWC to seize the Court on contentious matters with a request from the AU Commission Chairperson to AU Member States and AU Policy Organs to expedite the process to amend Article 5 of the Protocol, following the advisory opinion of the Court, the study by the ACERWC and the recommendation of the African Union Commission on International Law (AUCIL) on the same.
8. Fully support the integration of the ACERWC in our existing complementary relationship including the joint annual meeting between the Commission and the Court.
9. Continue to use our respective mechanisms to mobilise support for pan-continental ratification of all relevant African human rights instruments and the deposition of the declaration under Article 34(6) of the Protocol to grant individuals and NGOs direct access to the Court, including during country visits and during the consideration of state reports.
10. Transfer, where necessary, Communications and Applications to each other to expeditiously deal with the protection of human and peoples' rights in Africa.

On amicable settlement

11. Collaborate on a joint study on amicable settlement, to share information and experiences about the same and to jointly develop a policy and guidelines on amicable settlement and use the same consistently.

12. Consult the Commission on transferring cases from the Court to the Commission that are eligible for amicable settlement.

On implementation of decisions

13. Liaise more frequently with national authorities, including National Human Rights Institutions (NHRIs), as well as the AU policy organs, particularly the Permanent Representative Committee and its Sub-Committee on Democracy, Governance and Human Rights as well as the African Governance Architecture (AGA) Platform Members, on the follow-up on the implementation of our decisions.
14. Continue to use our respective mechanisms to urge States to comply with the Judgments made by the Court as well as recommendations and resolutions of the Commission with respect of the protection of human and peoples' rights in Africa.
15. Take steps towards establishing and operationalising the Commission and the Court's Compliance Monitoring Units by 2025 for them to work closely with the AU Policy Organs, AU Member States, civil society and other stakeholders to effectively and systematically monitor compliance with the decisions of the Commission and the Court, respectively, and to ensure that they have adequate financial, technical and human resources to effectively carry out their mandate.

On outreach and cooperation

16. Improve our inter-institutional coordination and utilisation of institutional mechanisms such as AGA, the African Peace and Security Architecture (APSA), the different United Nations (UN) human rights bodies, and other regional human rights mechanisms (e.g. in Europe and in America) to raise awareness among their members and personnel about the Commission and the Court's decisions, principles, guidelines and general comments, to foster mutual exchanges of information and to improve results-based engagement.
17. Jointly encourage relevant ministries of AU Member States to appoint national focal points, who in conjunction with the relevant NHRIs will coordinate with the Secretariat and the Registry to better coordinate the relationship between AU Member States and the Commission and the Court and to ensure effective follow up on the respective State's commitments in relation to the Commission and the Court, including with regard to the implementation of our decisions.
18. Undertake joint activities such as sensitization visits on ratification of AU human rights treaties, participate in our respective Ordinary Sessions, sensitisation activities (including conferences, seminars, workshops, symposia, dialogues), joint publications, the development of human rights educational tools, retreats, documentaries, exchange programs, study visits, media landscape reports, research projects, studies, joint mailing lists, joint knowledge management strategies, practice guides on specific rights, case law information notes,

functional research bibliographies, MOOCs on African Human Rights Bodies, the development of an online searchable African Jurisprudence Database and the development of a common human rights repository.

19. Earmark activities in our Annual Work Plans in which the respective organs can participate.
20. Identify concrete areas where resources can be usefully shared including in the domains of sharing library and research materials, communication services, language services and technical assistance.
21. Organise joint orientation sessions for newly elected Commissioners and Judges.
22. Expedite the operationalisation of the framework for the staff exchange programme adopted in Lusaka, Zambia in 2022 and to organise the first staff exchange by 2024.

ON IMPLEMENTING THE ROADMAP

The Commission and the Court have decided:

23. To each appoint two focal points amongst the Commissioners and the Judges, as Commissioners Rapporteur and Judges Rapporteur on Complementarity to monitor the implementation of this Roadmap and inform each other regularly of the measures taken to implement the relevant parts of the present Road Map.
24. That the Rapporteurs on complementarity will develop a joint workplan for the implementation of this Roadmap by 31 January 2023.
25. That the Rapporteurs on Complementarity will present a joint performance report during annual meetings of the Commission and the Court on the different measures taken to implement this Road Map.
26. The Commission and the Court will include in their respective annual report information on the implementation of the Road Map.

**Adopted by the Commission and the Court,
This 14th Day of October 2022 – Addis Ababa, Ethiopia**

ANNEX IV

**CONCLUSIONS OF THE JOINT RETREAT BETWEEN THE AFRICAN COURT ON
HUMAN AND PEOPLES' RIGHTS AND THE PERMANENT REPRESENTATIVES'
COMMITTEE (PRC) OF THE AFRICAN UNION**

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

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

**CONCLUSIONS OF THE JOINT RETREAT
BETWEEN THE PERMANENT REPRESENTATIVES' COMMITTEE
OF THE AFRICAN UNION AND THE AFRICAN COURT
ON HUMAN AND PEOPLES' RIGHTS**

10-11 MARCH 2022

ARUSHA, UNITED REPUBLIC OF TANZANIA

I. INTRODUCTION

1. The African Court on Human and Peoples' Rights (the Court) and the Permanent Representatives' Committee (PRC) of the African Union held a Joint Retreat from 10-11 March 2022 in Arusha, United Republic of Tanzania under the theme: "15 Years of the African Court: looking backwards to move forward".
2. The Joint Retreat brought together Representatives of forty eight (48) Member States of the African Union, including the delegation of the Republic of Benin which was led by His Excellency Severin Maxime Quenum, Minister of Justice and Legislation and Keeper of the Seals, eleven (11) Judges of the Court and twelve (12) staff from the African Union Commission (AUC).
3. The Retreat was held with the main objective of strengthening the relationship between the Court and the PRC, and within this framework, to find solutions to the challenges facing the Court, as well as create a platform for meaningful engagement with Member States.

II. OPENING CEREMONY

4. During the opening ceremony, speeches were delivered by Hon. Lady Justice Imani D. Aboud, President of the African Court on Human and Peoples' Rights, Her Excellency Dr. Monique Nsanzabaganwa, Deputy Chairperson of the African Union Commission, representing His Excellency Moussa Faki Mahamat, Chairperson of the AUC, His Excellency Ambassador Mohamed Lamine Thiaw, Chairperson of the PRC. The Retreat was officially opened by His Excellency Ambassador Mbarouk Nassor Mbarouk, Deputy Minister of Foreign Affairs and East African Cooperation, representing Her Excellency Hon. Liberata Mulamula (MP), Minister of Foreign Affairs and East African Cooperation of the United Republic of Tanzania.
5. The speakers underscored in their remarks, the importance of the Retreat and the need for continuous dialogue between the Court and Member States to enhance the effectiveness of the Court and the protection of human rights on the continent.

III. TOPICS DISCUSSED

6. The Retreat considered four main topics, namely:
 - i. The role and place of the African Court within the African Union framework and the realisation of Agenda 2063;
 - ii. The challenges facing the Court and the role of Member States in addressing the challenges;
 - iii. The terms and conditions of service of Judges of the African Court; and
 - iv. Study on the establishment of an African Judicial Network.

IV. KEY OUTCOMES OF THE DISCUSSIONS

7. After two days of frank and constructive discussions, the Retreat adopted the following key outcomes:

**A. ON THE ROLE AND PLACE OF THE COURT WITHIN THE
AFRICAN UNION FRAMEWORK AND ITS REALIZATION OF
AGENDA 2063**

- (i) Emphasized the need for the Reform Unit of the AUC to review the role and place of the Court with a view to ensuring it is provided with the necessary structure to enable it play its rightful and meaningful role within the new African Union dispensation, and the realisation of Agenda 2063;
- (ii) Encouraged the Court to develop robust and collaborative mechanisms with key national stakeholders, including the Ministries of Justice, Attorneys General, national courts, legislatures, and the Civil Society actors, and to popularize its work through social media and promotional materials, such as Law reports, videos and press releases;
- (iii) Encouraged the Court and State Parties, through the PRC, to enhance confidence, trust and cooperation between the Court and Member States and to continue to work together for the benefit of the continent;
- (iv) Highlighted the need to rationalize the multiple Protocols related to the establishment of a Court of Justice and Human Rights on the continent;
- (v) Requested the Chairperson of the AUC to advocate and spear-head the ratification of the Protocol after rationalization;
- (vi) Requested the Court, in collaboration with the AUC and relevant sub-committees of the PRC, to develop key performance indicators and targets regarding the protection of human rights on the continent for the next ten years of the Implementation of Agenda 2063;
- (vii) Encouraged the Court to build synergies with national and sub-regional courts.

**B. ON THE CHALLENGES FACING THE COURT AND THE ROLE OF
MEMBER STATES IN ENHANCING THE EFFECTIVENESS OF THE
COURT**

- (i) Urged State Parties to fulfil their obligations undertaken when they ratify the Protocol, including the deposit of the Article 34(6) Declaration and the implementation of decisions of the Court in pursuance of Article 30 of the Protocol;
- (ii) Requested the Court to consider submitting, in accordance with the provisions of the Protocol, an amendment to Article 34(6) of the Protocol;
- (iii) Encouraged State Parties to harmonize their national laws with the African Charter and to improve synergy between the Court and their national institutions, particularly the judiciary;
- (iv) Encouraged State Parties to fully participate in the judicial processes of the African Court, including filing of pleadings within the time allocated, in amicable settlement procedures and in public hearings;
- (v) Requested the Court to undertake more sensitisation missions and invite Member States to facilitate in this regard;
- (vi) Encouraged State Parties to adopt a compliance framework and establish focal points to recognise and implement the decisions of the Court at the domestic level;

- (vii) Emphasized the need for an institutionalized biennial retreat so as to develop and deepen a constructive relationship with all Member States;
- (viii) Requested the Court to prepare, within the next six months, a draft roadmap to clearly delineate the role of the PRC and the Court in dealing with the challenges facing the Court and to submit a report to the PRC, through the AUC;
- (ix) Requested the Court to submit a new structure of its Registry to the relevant sub-committee of the PRC, taking into account the current needs and core business of the Court.

C: ON THE TERMS AND CONDITIONS OF SERVICE OF JUDGES OF THE COURT

- i. Requested the Court, in consultation with the AUC, and following due process, to submit a proposal through the relevant sub-committees of the PRC, for the review of Decision EX.CL/Dec.1057/1072 (XXXV) adopted during the Thirty-Fifth Ordinary Session of the Executive Council, held in Niamey, Republic of Niger, from 4 to 5 July 2019, relating to the entitlements of the Judges of the Court, for consideration at the 41st Ordinary Session of the Executive Council.
- ii. Further requested the Court to liaise with the office of the DCP to ensure that the proposal is submitted early enough before the next session of the Executive Council in June/July 2022.

D. THE STUDY ON THE ESTABLISHMENT OF THE AFRICAN JUDICIAL NETWORK

The Retreat requested the Court to work with the Office of the Legal Counsel to determine the legal status of the African Judicial Network within the AU structure before submitting the financial and structural implications of the said Network to the relevant Sub-Committees of the PRC.

V. Establishment of Technical Committee

8. A Technical Committee was constituted to finalise the Outcome Document and to circulate the same to all the participants. The Committee was composed as follows:

(i). For the PRC: Adv. Sabonga Mpongosha, Republic of South Africa, Mr. Nashiru Abdulai, Republic of Ghana and Mr. Tamer Azzam, Arab Republic of Egypt.

(ii). From the African Court: Hon. Lady Justice Stella Anukam (Chairperson of the Committee), Dr. Robert Eno (Registrar of the Court); and Ms. Grace Wakio Kakai (Head of Legal Division of the Court).

(iii) From the AUC: Mr. Francis Olatundji (Legal Officer) - Office of the Legal Counsel.

VI. CLOSING CEREMONY

9. The Delegates expressed appreciation to the People and Government of the United Republic of Tanzania for their hospitality and acknowledged the great work done by the Court and the AUC for the smooth organization of the Retreat.
10. At the closing ceremony, speeches were delivered by Hon. Lady Justice Imani D. Aboud, President of the Court and His Excellency Ambassador Mohamed Lamine Thiaw, Chairperson of the PRC.

Adopted by Technical Committee set up by the Retreat this 22 Day of March 2022

ANNEX V

MAPUTO COMMUNIQUE ON THE RETREAT OF LEGAL OFFICERS BETWEEN THE AFRICAN COURT, AFRICAN COMMISSION AND COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD (See attachment)



ACERWC



MAPUTO COMMUNIQUÉ

**FIRST JOINT RETREAT OF LEGAL OFFICERS OF THE AFRICAN COMMISSION
ON HUMAN AND PEOPLES' RIGHTS, THE AFRICAN COMMITTEE OF EXPERTS
ON THE RIGHTS AND WELFARE OF THE CHILD AND THE AFRICAN COURT
ON HUMAN AND PEOPLES' RIGHTS**

26-28 JANUARY 2022

MAPUTO, MOZAMBIQUE

Organization and objectives

2. The African Commission on Human and Peoples' Rights (the Commission), the African Committee of Experts on the Rights and Welfare of the Child (the Committee) and the African Court on Human and Peoples' Rights (the African Court) held a joint retreat for legal officers from 26 to 28 January 2022 in Maputo, Mozambique.
3. The main objective of the retreat was to provide a forum for legal officers of the three Organs to exchange ideas on substantive and operational issues that they face in relation to their work and the best practices to enhance their productivity and ultimately that of their respective Organs through enhanced complementarity and synergy.
4. The Retreat was attended by the heads of the three Organs, the heads of the Secretariats/Registry, Legal Officers of the African Commission, the African Committee, the African Court, in-house and freelance interpreters, protocol, finance and administrative personnel.
5. Proceedings of the retreat were conducted in Arabic, English, French and Portuguese simultaneously.

Opening ceremony

6. In his remarks, Honourable Commissioner Remy Ngoy Lumbu - Chairperson of the Commission, recalled that the Rules of the Procedure and the Strategic plans of the Commission, the Committee and the Court emphasised on the need for collaboration between the three organs. He further stated that themes of the joint retreat would enable discussions that strengthen the mandates of the three organs. The Chairperson noted, that the participation of the legal officers in the retreat is a testimony to their devotion and interest in enabling the organs to execute their mandates. He hoped that the retreat would formulate concrete proposals and accordingly renew the commitment of the Bureau of the Commission to support the legal officers in the implementation of the recommendations.
7. Honourable Joseph Ndayisenga, Chairperson of the Committee, indicated that such forums as the joint retreat are crucial to avoid duplication of work and to develop efficient and effective ways to deal with human and children's rights issues on the continent. He stated that the retreat creates an opportunity for all of the participants to brainstorm on the modalities of sorting out the challenges faced by the three organs and have an increased understanding about the operation and working methods of each of the organs to better appreciate the significance of the work undertaken by them. His hope was that at the end of the retreat, areas of collaboration among the three Organs and possible areas in which the Organs can undertake joint activities would have been identified. Finally, it was his wish that this retreat would be the beginning of continuous and regular joint sittings and retreats among the organs.

8. The President of the Court, Hon. Lady Justice Imani D. Aboud, indicated that the retreat was being held at an opportune time because the three organs face major institutional challenges involving a changing landscape of human rights protection in Africa, a peculiar socio-political context, and a complex paradigm concerning the role of states in upholding the rule of law regionally and globally. She indicated that this context requires a shift in approach in the pursuit of the respective mandates of the three organs. The President stated that there is a need to rethink the approaches to both litigation and adjudication to improve the system as a whole. Lastly, she proposed that complementarity should be enlarged beyond the protective frontier provided for under Article 2 of the Court Protocol and to devise new approaches so as to ensure that the complementarity between the Organs is achieved.
9. Her Excellency Justice Helena Mateus Kida, Minister of Justice, Constitutional and Religious affairs, Republic of Mozambique, in her opening remarks, commended the special rapporteurs of the Commission for upholding human rights and international humanitarian law in line with the AU Agenda 2063 and the Sustainable Development Goals 2030. She indicated that Mozambique had recently ratified the treaty on the rights of the elderly and the treaty on the rights of persons with disabilities. Lastly, she underlined Mozambique's commitment to human rights especially as a founding member of the African Union and noted that the Protocol to the African Charter on Human and Peoples' Rights on Rights of Women in Africa is popularly referred to as the "Maputo Protocol".

Subjects and topics covered during the Conference

10. After the Opening ceremony, the following topics were discussed over the 3-day Conference through presentations and plenary discussions:
 - i. General Presentation on the mandates, structure, operations and challenges faced by the Secretariats and Registry;
 - ii. Management of Communications/Applications and Requests for Advisory Opinions;
 - iii. Presentations on Use of Amici Curiae, Expert Witnesses, Investigative Missions and Public Hearings in proceedings under Protective Mandates;
 - iv. Use of Amicable Settlement in Proceedings under Protective Mandates;
 - v. Strategies for Enhancing Finalisation of Communications/Applications and Judgment/Decision Drafting Procedures and Guidelines/procedures of follow up on implementation of decisions;
 - vi. Proposals on joint training of Legal Professionals/Civil Society Organisations representing parties before the three institutions;
 - vii. Proposals on enhancing complementarity and synergy under the three institutions' protective mandates, including on follow-up on execution and implementation of decisions;
 - viii. Proposals on enhancing complementarity and synergy under the three institutions' promotional mandates;
 - ix. Practical Cooperation.

Conclusions and recommendations

On the Management of Communications/Applications and Requests for advisory Opinions

10. The participants noted that proper management of Communications/Applications leads to expedited and efficient delivery of justice.

The participants therefore:

11. Call upon the three organs to share best practices on the management of Communications/Applications such as the digitisation of the Communications/Applications system and the Communications Handling Guide (forms and templates).

On the Use of Amicus Curiae, Expert Witnesses, Investigative Missions and Public Hearings in proceedings under Protective Mandates

12. The Participants noted that the procedures on amicus curiae, witnesses and investigative missions are instrumental in providing information to the organs and hence need to be better utilised. The Participants further noted that public hearing proceedings enhance the visibility of the Organs and increase the utilisation of the procedures. The Participants observed that the three organs have differences in procedures on amicus curiae, investigations, hearings and examination of witnesses which required harmonisation for a more consistent approach.

The participants therefore:

13. Call upon the three organs to harmonise their rules and practices on amicus curiae, examination of witnesses, investigations, and public hearings, and to harness effective collaboration among the three organs;
14. Call upon the three organs to make use of the amicus curiae mechanism by filing amicus briefs in the other two tribunals when necessary;
15. Urge the three organs to develop guidelines on areas of cooperation investigative missions and fact-finding missions and to undertake joint investigative missions with a view of boosting the complementarity of the three organs.

On the Use of Amicable Settlement under the Protective Mandate

16. The participants alluded to the importance of alternative dispute mechanisms such as amicable settlement and noted the fact that the three organs lacked clarity on the best way to utilise this important mechanism in their protective mandate.

The participants therefore:

17. Call upon the three Organs to collaborate of a joint-study on amicable settlement and share information and experiences about the same;
18. To jointly develop a policy and guidelines on amicable settlement and use the same consistently.

On the Strategies for Enhancing Finalisation of Communications/Applications and Judgment/Decision Drafting Procedures and Guidelines/procedures of follow up on implementation of decisions

19. The participants noted that enhanced finalisation of Communications/Applications was imperative in ensuring that justice is not delayed and therefore denied. In this regard, the participants identified internal and external factors which hindered the finalisation of Communications/Applications. The internal factors include the Commissioners' and Judges Rapporteur's schedules which impacts on their availability to work more intensely on cases and challenges in translation of documents. The external factors include non-compliance with the processes and procedures by parties; non-responsiveness from parties and the general lack of knowledge on the procedures and processes relating to communications and applications of the three organs by African citizens.
20. The participants emphasised that implementation of the decisions of the three organs not only enhances the delivery of justice but also the legitimacy of the institutions. To this end, robust follow-up mechanisms are required to be put in place as well as increased cooperation by the parties appearing before the three organs.

The participants therefore:

21. Call upon the three organs to utilise its Rules of Procedure and other internal mechanisms including standard operating procedures, internal case management policies and practice directions in innovative ways so as to enhance finalisation of Communications/Applications.
22. Urge the three Organs to foster regular exchanges of experiences, lessons learned and best practices on expediting the finalisation of Communications/Applications.
23. Urge the three Organs to liaise more frequently with each other, with the African Union policy organs and with national organs in the follow-up on the implementation of their decisions.
24. Call upon the AU Commission, in particular the Office of the Legal Counsel and the Department of Political Affairs, Peace and Security, to work more closely with the three organs to navigate AU policy decision-making processes and ensure

diligent follow-up of the decisions of the three organs by the AU Commission and the AU policy Organs.

On the Proposals for joint training of Legal Professionals/Civil Society Organisations representing parties before the three institutions, procedure of CSO engagements

25. The participants noted that the right to defence is one of the salient tenets of a fair trial. It was also noted that access to justice demands that parties are not only represented before tribunals but also effectively represented;
26. It was acknowledged that the lack of knowledge of the processes and procedures before the three organs was an impediment to the delivery of justice. To this end, a better utilisation of resources and enhancement of collaboration in the delivery of justice required joint capacity building of legal professionals and Civil Society Organisations appearing before the three Organs.

The participants therefore:

27. Urge the three organs to develop a framework for virtual and physical joint trainings and engagement with Civil Society Organisations;
28. Urge the three organs to undertake joint trainings for legal professionals and Civil Society Organisations for increased utilisation of the Communications/Applications procedures of the three organs and enhance the quality of applications submitted to the three organs;
29. Call upon the three organs to coordinate and collaborate in following-up on the operationalisation of the AU legal aid fund;
30. Urge the three organs to coordinate and collaborate in the development of training materials and establish an online repository where such materials can be accessed;
31. Call upon the Commission and the Committee to harness the services of the lawyers on the Court's Roster especially those who have undergone training on litigation before the Court in filing Applications before the Court;
32. Call on the Commission and Committee upon the operationalisation of the AU Legal Aid Fund to train the lawyers on the Court's roster on litigation before these bodies with a view of providing legal aid to indigent applicants before the two organs.

On the Proposals for enhancing complementarity and synergy under the three institutions' protective mandates, including on follow-up on execution and implementation of decisions

33. Noting the provisions of Article 45 of the African Charter on Human and Peoples' Rights, Article 2 of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, Articles 32-46 of the African Charter on the Rights and Welfare of the Child, Rules 129 (1) and (2), Rule 137 of the Rules of procedure of the Commission, Rule 34 of the Rules of Court and Rule 81(1) and (2) of the Revised Rules Procedure of the Committee, it is imperative that the three Organs realize a complementary relationship to enhance the respect, promotion and protection of human rights in Africa;
34. It was noted that greater synergy among the three organs is needed to foster greater continental legal integration and to contribute to the *corpus* of African human rights law that may form the foundation of sustainable peace and development across the continent;
35. It was acknowledged that neither the Charter nor the Protocol stipulate the precise arrangements of this complementarity and thus the three Organs must clearly define its parameters in order to fully utilise the mechanism.

The participants therefore:

36. Encourage the establishment of a Working Group tasked with the development of a framework delineating the roles between the Court, the Commission and the Committee and strategies to optimise their effectiveness in the execution of their complementary mandates;
37. Call upon the Court and the Commission to ensure that effective complementarity is fully realised through the operationalisation of their Rules of Procedure in relation to utilising the contentious jurisdiction of the Court generally, and on compliance with its decisions more specifically;
38. Recommend the reconsideration of the role envisaged for the Commission in contentious proceedings before the Court by according it a special status as it will allow the Commission to fully deploy its structure, strengths and expertise, towards the resolution of human rights disputes, including through enhanced litigation before the Court and through a leading role in facilitating amicable settlements;
39. Urge the Committee and the Court to follow-up on the amendment of Article 5 of the Protocol to enable the Committee to seize the Court on contentious matters;
40. Urge the Committee, Commission and Court to inform each other of new Applications/Communications to enhance the ability of the three Organs to

develop a better overview and understanding of each other's docket to facilitate cooperation in specific cases, where relevant;

41. Invite AU Member States and AU Policy Organs to expedite the process to amend Article 5 of the Protocol to enable the Committee to seize the Court on contentious matters, following the recommendation of the African Union Commission on International Law on the same;
42. Urge the Commission and the Committee in consultation with the Court, as appropriate, in the spirit of complementarity to develop a criteria for deciding on cases to be filed before the Court, to develop guidelines to govern the procedure for submitting cases to the Court and to enhance the capacity of the Commission and Committee (subject to the amendment of Article 5 of the Court's Protocol) to file cases before the African Court;
43. Urge the three Organs to reinforce the harmonisation of jurisprudence among them.
44. Urge the Commission and the Court to integrate the Committee in their existing complementary relationship including the joint annual meeting;

On the Proposals for enhancing complementarity and synergy under the three institutions' promotional mandates

45. It was noted that low visibility and knowledge of the procedures and the processes of the three Organs results in the underutilisation and under appreciation of the organs which in turn impedes access to justice;
46. It was acknowledged that the importance of the implementation of the decisions of the three organs demands coordinated efforts to achieve optimal results.

The participants therefore:

47. Urge the three organs to coordinate and undertake joint sensitisation missions as well as utilise mechanisms such as the African Governance Architecture to increase the visibility of the three Organs, enhance cooperation with stakeholders and also follow-up on implementation of decisions of the Court;
48. Urge the African Commission and the African Committee to include in their treaty monitoring function through the state reporting procedures the issue of compliance with the judgments of the African Court.
49. Urge the three Organs, bearing in mind the specificities of their various mandates, to undertake Joint activities under the AGA Platform such as: Advocacy visits on ratification of AU human rights treaties, Ordinary Sessions, Sensitisation activities/conferences/seminars/workshops/symposiums, Promotion Missions, Human rights publications, Retreats of Commissioners/Judges and Staff,

Documentaries, Exchange Programs/Study visits, Media landscape reports, Research projects, Joint mailing lists, Joint knowledge management strategies, appointment of focal points, Practice Guides, Case Law Information Notes, Functional research bibliographies, MOOCs on African Human Rights bodies, and shared website links;

50. Encourage each of the three Organs to earmark activities in their Annual Work Plans in which other Organs can participate and invite them to do so.

On Practical cooperation among the Commission, the Committee and the Court

51. The participants underlined the importance of enhanced levels of cooperation, including in the domains of sharing library and research material, communication services, language services, technical assistance and staff through secondment and exchange programs and organisation of joint trainings;
52. Noted therefore that it is in the interest of relevant stakeholders to share their resources based on a rationalisation of existing resources, fill capacity gaps, and avoid duplication of efforts.

The participants therefore:

53. Call on the three Organs to put in place a mechanism for the sharing of library resources and research materials, language services and technical assistance, including in the development of internal guidelines and policies governing the functioning of the respective Organs.
54. Urge the three Organs to operationalise and then utilise the framework for the staff exchange programme developed.
55. Urge the three Organs to encourage relevant ministries of AU Member States to appoint focal points who will coordinate with the Secretariats and Registry of the three Organs to assist in the preparation of joint sensitisation missions, fact finding missions, to better coordinate the relationship between AU Member States and the three Organs and to ensure effective follow up on the respective State's commitments in relation to the three Organs, including with regard to the implementation of their decisions.

Implementation of the conclusions and recommendations of the Maputo Communiqué

56. Participants invite the Heads of the three Organs to call upon all above mentioned stakeholders to ensure the full implementation of the recommendations made in this Communiqué.

57. Welcomes the current and future Heads of the three Organs to follow-up on the implementation of this Communiqué.
58. Strongly encourage the legal officers of the three Organs to inform each other of the measures taken to implement the relevant parts of the present Communiqué.
59. Call on the three organs to appoint focal points who would prepare a timetable for the implementation of relevant recommendations.
60. Recommend that the three Organs organise similar retreats on a biennial basis in the format they deem appropriate.

Adopted at Maputo, Mozambique on the Twenty-Eighth Day of January in the Year Two Thousand and Twenty-Two in Arabic, English, French and Portuguese, all versions being authoritative.

**DRAFT DECISION ON THE 2022 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 2022;
2. **WELCOMES** the organization of a Joint Retreat between the African Court on Human and Peoples' Rights and the Permanent Representatives Committee (PRC) of the African Union from 10-11 March 2022 in Arusha, Tanzania;
3. **INVITES** the Commission, the PRC and the Court to work closely to ensure the effective implementation of the outcomes of the said Retreat.
4. **REQUESTS** the Court to submit a new structure of its Registry to the relevant sub-committee of the PRC, taking into account the current needs and core business of the Court.
5. **FURTHER WELCOMES** the Joint Retreat between the African Court on Human and Peoples' Rights and the African Commission on Human and Peoples' Rights held from 12 to 14 October 2022 in Addis Ababa, Ethiopia, and the adoption of a Complementarity Roadmap to guide and strengthen the relations between these two human rights bodies of the African Union
6. **INVITES** the Commission and the PRC to work closely with the two organs and provide them the necessary technical and financial support to enable them effectively implement the Complementarity Roadmap.
7. **NOTES WITH CONCERN** that more than two decades after its adoption, only thirty-three (33) Member States of the African Union have ratified the Protocol and only eight (8) of the 33 State Parties, have deposited the Declaration required under Article 34 (6) thereof, allowing individuals and NGOs to bring cases directly to the Court;
8. **CONGRATULATES** the thirty-three (33) State Parties to the Protocol, namely; Algeria, Benin, Burkina Faso, Burundi, Cameroon, Chad, Côte d'Ivoire, Comoros, Congo, Gabon, The Gambia, Ghana, Guinea Bissau, Kenya, Libya, Lesotho, Madagascar, Mali, Malawi, Mozambique, Mauritania, Mauritius, Nigeria, Niger, Rwanda, South Africa, Sahrawi Arab Democratic Republic, Senegal, Tanzania, Togo, Tunisia and Uganda.
9. **FURTHER CONGRATULATES** the eight (8) State Parties that have deposited the Declaration under Article 34(6) of the Protocol, namely: Burkina Faso, Gambia, Ghana, Guinea Bissau, Malawi, Mali, Niger and Tunisia.
10. **INVITES** Member States that have not already done so, to accede to the Protocol, and to deposit the Declaration required under Article 34 (6) of the Protocol.

11. **NOTES** with concern the low level of compliance with the decisions of the Court and **CALLS** for complete compliance with the Court's decisions and **INVITES** each Member State to appoint a national focal point to ensure effective follow up on all matters relating to the Court, including on compliance with the Court's decisions.
12. **URGES** the Chairperson of the AUC, in conformity with previous Executive Council Decisions, that is, (EX.CL/Dec.973 (XXXI); (EX.CL/Dec.994 (XXXII); EX.CL/Dec.1044 (XXXIV); (EX.CL/Dec.1064 (XXXV); and (EX.CL/Dec.1079), to take all necessary measures to operationalize the Legal Aid Fund for AU Human Rights Organs, 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.
13. **URGES** the Commission to expedite the processes of finalizing the reform process of the Court.
14. **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 commence the construction of the Court premises.
15. **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 2023, on the implementation of this Decision.