



THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

AND

THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

GUIDELINES ON SUBMISSION AND TRANSFER OF CASES

(3 JUNE 2025)

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

RECALLING that the African Commission on Human and Peoples' Rights (the Commission) was established under Article 30 of the African Charter on Human and Peoples' Rights (the Charter), to promote and protect human and peoples' rights in Africa in accordance with Article 45 of the Charter;

CONSIDERING that the African Court on Human and Peoples' Rights (the Court) was established under 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 (the Protocol) to complement the protective mandate of the Commission, in line with Article 2 of the Protocol;

RECOGNIZING that under Article 5(1)(a) of the Protocol, the Commission is entitled to submit cases to the Court;

MINDFUL OF Article 6(3) of the Protocol pursuant to which the Court may consider cases or transfer them to the Commission;

NOTING Article 8 of the Protocol which provides that the Rules of Procedure of the Court shall lay down the detailed conditions under which the Court shall consider cases brought before it, bearing in mind the complementarity between the Commission and the Court;

CONSCIOUS that the Protocol and the Rules of both institutions do not address all aspects of complementarity and that divergent interpretations regarding its implementation have been progressively reflected upon and mutually clarified over the years;

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

ADOPT the following guidelines to record the mutual agreements of the two institutions, and streamline the procedures concerning the submission and transfer of cases between the Commission and the Court, as applicable.

1 SUBMISSION OF CASES BY THE COMMISSION TO THE COURT

1.1 Initiating of cases for submission

1. The Commission may, in accordance with the provisions of its Rules of Procedure, the Protocol and the Rules of Court, submit a case to the Court.

1.2 Form and content of the Application

2. The Commission shall submit cases to the Court by means of an Application, in accordance with the provisions of the Rules of Court, the

Court's Practice Directions and other policies, as applicable, that govern the submission of Applications.

1.3 Representation of the Commission before the Court

3. The Commission may be represented by one or more Commissioners, and assisted by one or more members of the Secretariat or counsel appointed by the Commission.
4. The Commission shall notify the Court of the names and addresses of its representatives in the cases it files before the Court, and shall keep the Court informed of any changes of representation or addresses and of all circumstances relevant to the representation in any particular case.
5. The responsibilities of the representatives of the Commission may include the drafting of submissions, gathering and managing evidence, representing the Commission in oral proceedings, liaising with the Court and responding to requests from the Court. In discharging their functions, they shall act in accordance with such directives as they may receive from the Commission.

1.4 Correspondence

6. The Court shall transmit all correspondence and pleadings to the Commission and its representatives.

1.5 Registration of the case

7. The Application submitted by the Commission to the Court shall be registered as follows: Application number (which resets every year); Year the Application was filed; Official abbreviated name of the Commission (ACHPR); Name of the original complainant or victim(s) in brackets; v period; the official name of the State. An illustration would be: *Application [Number]/[Year] ACHPR (original complainant or victim(s)) v. [Respondent State]*. Where the victim requests to remain anonymous and the request for anonymity has been granted, the Court may use a pseudonym or it may reference the main human rights issue at stake or refer to the victim(s) in a more general sense.

1.6 Notification of the State(s)

8. If the Commission submits a case to the Court, the Court shall be responsible for notifying the State(s) of the Application in accordance with the provisions of the Rules of Court.

1.7 Procedures before the Court

9. The Court shall apply the provisions of the Rules of Court governing its proceedings to Applications submitted by the Commission, taking into consideration the particular nature of the Commission and the

complementarity relationship between the two organs, without breaching the principle of equality of arms governing parties before the Court.

1.8 Notification of decisions of the Court to the original complainant

10. The Commission shall be responsible for notifying the decisions of the Court to the original complainant(s).

2 TRANSFER OF CASES BY THE COURT TO THE COMMISSION

2.1 Initiating of cases for transfer

11. The Court may, in accordance with the provisions of the Protocol, the Rules of Court and the Rules of Procedure of the Commission, decide to transfer a case to the Commission.

2.2 Form and content of the case

12. The Court shall transfer the entire case file, accompanied by a summary report that provides the reasons for transferring the case to the Commission.
13. The Court may decide to transfer a case in its entirety or only in respect of specific issues.

2.3 Form of the decision to transfer a case

14. The Court's decision to transfer a case to the Commission shall be in the form of an Order.

2.4 Notification of decision to transfer

15. The Court shall apply the provisions of the Rules of Court governing the notification of decisions to the decision to transfer of a case.

3 FINAL PROVISIONS

3.1 Implementation of decisions

16. The Commission may promote the implementation of the Court's decisions through its respective mechanisms, including country rapporteurs, special mechanisms, state reporting procedures, letters of urgent appeal, letters of concern, meetings and missions.
17. The Commission may participate in the respective hearings organised by the Court in case of a dispute as to compliance with its decisions.

18. The Commission and the Court may collaborate on joint initiatives for information sharing regarding the implementation of their decisions, including joint databases, reporting and national focal point mechanisms.
19. Considering that the protection of human rights in Africa is a shared responsibility, the Commission and the Court may promote the implementation of their decisions in relevant forums and through close collaboration with other African Union (AU) organs, including the Assembly, the Executive Council, the Specialised Technical Committee (STC) on Justice and Legal Affairs, the Peace and Security Council (PSC), the Permanent Representative Committee (PRC) Sub-Committee on Democracy, Governance and Human Rights, the African Governance Architecture and the African Peace and Security Architecture (AGA/APSA) Platform, the Pan-African Parliament (PAP), the African Peer Review Mechanism (APRM), the AU Economic, Social and Cultural Council (ECOSOCC), as well as other African and international institutions, such as the UN human rights mechanisms.

3.2 Application of guidelines

20. These guidelines are intended to complement and clarify the provisions of the Charter, the Protocol, the Rules of Procedure of the Commission and the Rules of Court.
21. From the date of adoption, these guidelines shall apply to all pending and future cases before the Commission and the Court.
22. Before each Session, the Secretary of the Commission shall make a list of cases and transmit them to the Members of the Commission, who shall indicate which cases should be considered for submission to the Court.
23. Before each Session, the Registrar of the Court shall make a list of cases and transmit them to the Judges of the Court, who shall indicate which cases should be considered for transfer to the Commission.

3.3 Review and amendment

24. These Guidelines may be reviewed and amended if the Commission or the Court makes a written proposal to that effect. The proposal shall indicate the provisions to be amended and its proposed amendment.
25. The Bureaux of the Commission and the Court shall consult with each other within fifteen (15) days upon receipt of the written proposal for amendment on the organisation of a meeting at which the proposed amendment shall be discussed. Members of the Commission and Judges of the Court shall be notified of the meeting, at least thirty (30) days prior to the date of the said meeting.
26. The amendment shall be adopted by a simple majority of members of both the Commission and the Court and shall come into force upon adoption.

Adopted by the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights, in Arusha, United Republic of Tanzania, on the 3rd Day of June 2025.