

AFRICAN UNION

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EXECUTIVE COUNCIL

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

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

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

1 JANUARY – 31 DECEMBER 2021

I. INTRODUCTION

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

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

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

4. The present Report is submitted in conformity with the above-cited Article of the Protocol. The Report describes the activities undertaken by the Court from 1 January to 31 December 2021, in particular, the judicial, administrative and outreach activities, as well as the implementation of decisions of the Executive Council, relating to the functioning of the Court.

II. STATUS OF RATIFICATION OF THE PROTOCOL AND THE DEPOSIT OF THE ARTICLE 34(6) DECLARATION, ACCEPTING THE JURISDICTION OF THE COURT TO RECEIVE CASES FROM INDIVIDUALS AND NON-GOVERNMENTAL ORGANIZATIONS (NGOS)

5. As at 31 December 2021, the Protocol had been ratified by thirty-two (32) 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, Malawi, Mali, Mauritania, Mauritius, Mozambique, Niger, Nigeria, Uganda, Rwanda, Sahrawi Arab Democratic Republic, Senegal, South Africa, Tanzania, Togo and Tunisia. **See Table 1.**

6. Two (2) additional ratifications and deposits were recorded in 2021, respectively from the Democratic Republic of Congo and from Guinea-Bissau.

7. Of the 32 States Parties to the Protocol, only eight (8) have accepted the jurisdiction of the Court to receive cases directly from individuals and NGOs, namely: Burkina Faso, Gambia, Ghana, Guinea-Bissau, Malawi, Mali, Niger and Tunisia, have deposited the Declaration required under Article 34(6) of the Protocol. **See Table 2.**

8. Two (2) additional Declarations were deposited in 2021, respectively from Guinea-Bissau and Niger.

9. Between 2016 and 2020, four (4) State Parties to the Protocol withdrew their Declaration to allow individuals and NGOs to file cases before the Court, namely 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.	Malawi	09/06/1998	09/09/2008	09/10/2008
19.	Mali	09/06/1998	10/05/2000	20/06/2000
20.	Mauritania	22/03/1999	19/05/2005	14/12/2005
21.	Mauritius	09/06/1998	03/03/2003	24/03/2003
22.	Mozambique	23/05/2003	17/07/2004	20/07/2004

23.	Niger	09/06/1998	17/05/2004	26/06/2004
24.	Nigeria	09/06/2004	20/05/2004	09/06/2004
25.	Rwanda	09/06/1998	05/05/2003	06/05/2003
26.	Sahrawi Arab Democratic Republic	25/07/2010	27/11/2013	27/01/2014
27.	Senegal	09/06/1998	29/09/1998	30/10/1998
28.	South Africa	09/06/1999	03/07/2002	03/07/2002
29.	Tanzania	09/06/1998	07/02/2006	10/02/2006
30.	Togo	09/06/1998	23/06/2003	06/07/2003
31.	Tunisia	09/06/1998	21/08/2007	05/10/2007
32.	Uganda	01/02/2001	16/02/2001	06/06/2001

of Countries – 55

of Signature – 52

of Ratification – 32

of Deposit - 32

Source: African Union Website.

Table 2: List of States 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
8.	Guinea Bissau	03/11/2021	03/11/2021

Source: African Union Website

Total # Eight (8)

III. CURRENT COMPOSITION OF THE COURT

10. During its 61st Ordinary Session held from 31 May to 26 June 2021, the Court elected a new Bureau. Hon. Lady Justice Imani D. Aboud of Tanzania and Hon. Justice Blaise Tchikaya of Congo were elected for a two-year term, to replace Hon. Justice Sylvain Oré of Côte d'Ivoire and Hon. Justice Ben Kioko of Kenya, respectively.

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

IV. ACTIVITIES UNDERTAKEN BY THE COURT

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

i. Judicial Activities

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

14. From 1 January to 31 December 2019, the Court received seventeen (17) new cases.

15. Since its establishment in 2006, the Court has received a total of three-hundred and twenty-five (325) Applications in contentious matters and fifteen (15) Requests for Advisory Opinion. The Court has disposed of a total of one-hundred and seventy-seven (177) Applications and fifteen (15) Requests for Advisory Opinion, and has two hundred and eight Applications pending before it.

a. Sessions held

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

- i. 60th Ordinary Session, from 15 February to 12 March 2011, virtually;
- ii. 61st Ordinary Session, from 31 May to 26 June 2021, virtually;
- iii. 62nd Ordinary Session, from 30 August to 24 September 2021, virtually; and
- iv. 63rd Ordinary Session, from 8 November to 3 December 2021, in Dar es Salaam, Tanzania.

b. Case Management

17. During the period under review, the Court focused on the expeditious disposal of cases, and in this regard, delivered 36 Rulings on Admissibility as well as on Judgments on merits and reparations and 2 Advisory Opinions. The Court also issued 26 orders, including 15 on provisional measures as shown in **Table 3 below**.

18. During the period under review the Court delivered 64 Decisions as follows:

- | | |
|---|----|
| i. Rulings on Jurisdiction and Admissibility- | 12 |
| ii. Judgments on merits and reparations – | 19 |
| iii. Judgments on reparations - | 5 |
| iv. Advisory Opinions - | 2 |
| v. Rulings on provisional measures – | 15 |
| vi. Orders for Re-opening Pleadings - | 3 |

vii.	Orders on Striking Out Applications -	2
viii.	Orders on Request for Intervention -	1
ix.	Order for Joinder of cases -	1
x.	Orders on change of title of Application –	2
xi.	Order on Procedure	2

Table 3: Judgments, Rulings and Opinions issued from January to December 2021**i. Judgments and Rulings**

No.	Application No.	Applicant	Respondent State	Remarks
1.	003/2015	Kennedy Owino Onyachi & Another	United Republic of Tanzania	Judgment on reparations 30 September 2021
2.	005/2015	Thobias Mang'ara Mango and Shukurani Masegenya Mango	United Republic of Tanzania	Judgment on Reparations 2 December 2021
3.	010/2015	Amir Ramadhani	United Republic of Tanzania	Judgment on Reparations 25 June 2021
4.	012/2015	Anudo Ochieng Anudo	United Republic of Tanzania	Judgment on Reparations 2 December 2021
5.	023/2015	Laurent Munyandilikirwa	Republic of Rwanda	Ruling on Jurisdiction and Admissibility 2 December 2021
6.	026/2015	Hamis Shaban alias Hamis Ustadh	United Republic of Tanzania	Judgment on Merits and Reparations 2 December 2021
7.	029/2015	Yusuph Hassan	United Republic of Tanzania	Ruling on Jurisdiction and Admissibility 30 September 2021
8.	032/2015	Kijiji Isiaga	United Republic of Tanzania	Judgment on reparations 25 June 2021

9.	001/2016	Chrizostom Benyoma	United Republic of Tanzania	Judgment on Merits and Reparations 30 September 2021
10.	004/2016	Evodius Rutechura alias Theobard Nestory	United Republic of Tanzania	Judgment on merits and reparations 26 February 2021
11.	005/2016	Sadick Marwa Kisase	United Republic of Tanzania	Judgment on Merits and Reparations 2 December 2021
12.	008/2016	Massoud Rajabu	United Republic of Tanzania	Judgment on Merits and Reparations 25 June 2021
13.	014/2016	Mohamed Selemani Marwa	United Republic of Tanzania	Judgment on Merits and Reparations 2 December 2021
14.	018/2016	Cosma Faustine	United Republic of Tanzania	Judgment on Merits and Reparations 30 September 2021
15.	022/2016	Mussa Zanzibar	United Republic of Tanzania	Judgment on merits and reparations 26 February 2021
16.	023/2016	Yahaya Zumo Makame and Others	United Republic of Tanzania	Judgment on Merits and Reparations 25 June 2021
17.	024/2016	Amini Juma	United Republic of Tanzania	Judgment on merits and reparations 30 September 2021
18.	026/2016	Bernard Balele	United Republic of Tanzania	Judgment on Merits and Reparations 30 September 2021
19.	035/2016	Robert Richard	United Republic of Tanzania	Judgment on Merits and Reparations 2 December 2021
20.	046/2016	Ladislaus Onesmo	United Republic of Tanzania	Judgment on Merits and Reparations 30 September 2021
21.	054/2016	Mhina Zuberi	United Republic of Tanzania	Judgment on merits and reparations 26 February 2021

22.	056/2016	Gozbert Henrico	United Republic of Tanzania	Judgment on Merits and Reparations 2 December 2021
23.	002/2017	Ernest Karatta and 1744 Others	United Republic of Tanzania	Judgment on Merits and Reparations
24.	003/2017	Confédération syndicale des Travailleurs du Mali	Republic of Mali	Ruling on Jurisdiction and Admissibility 25 June 2021
25.	028/2017	Layford Makene	United Republic of Tanzania	Ruling on Jurisdiction and Admissibility 2 December 2021
26.	034/2017	Kouadio Kobena Fory	Republic of Cote d'Ivoire	Judgment on Merits and Reparations 2 December 2021
27.	006/2018	<i>Collectif Anciens Travailleurs des la SOMADEX</i>	Republic of Mali	Ruling on Jurisdiction and Admissibility 2 December 2021
28.	033/2018	Alie Ben Hassen Ben Youcef Ben Abd Lhafid	Republic of Tunisia	Ruling on Jurisdiction and Admissibility 25 June 2021
29.	006/2019	Moussa Kante and 39 Others	Republic of Mali	Ruling on Jurisdiction and Admissibility 25 June 2021
30.	011/2019	Yusuph Said	United Republic of Tanzania	Ruling on Admissibility 30 September 2021
31.	020/2019	Komi Koutche	Republic of Benin	Ruling on Jurisdiction and Admissibility 25 June 2021
32.	065/2019	Sébastien Germain Marie Aikoué Ajavon	Republic of Benin	Judgment on Merits and Reparations 29 March 2021

33.	006/2020	Ghaby Kodeih	Republic of Benin	Ruling on Jurisdiction and Admissibility 30 September 2021
34.	016/2020	Glory Cyriaque Houssou and Landry A. Adalakoun	Republic of Benin	Ruling on Jurisdiction 2 December 2021
35.	027/2020	Sébastien Germaine Ajavon	Republic of Benin	Ruling on Jurisdiction and Admissibility 2 December 2021
36.	001/2021	Yaya Kone	Republic of Mali	Judgment on Merits and Reparations 2 December 2021

ii. Advisory Opinions

1.	Advisory Opinion No. 001/2020	Pan African Lawyers Union (Advisory Opinion) 16 July 2021
2.	Advisory Opinion No. 001/2021	Pan African Parliament 16 July 2021

iii. Orders Issued

1.	045/2020	Bashiru Rashid Omar	United Republic of Tanzania	Ruling on Provisional Measures 26 February 2021
2.	030/2017	Almas Mohamed Muwinda and Others	United Republic of Tanzania	Order on Re-Opening Pleadings 5 March 2021
2.	032/2020	Houngue Eric Noudehoeuonou	Republic of Benin	Ruling on Provisional Measures 29 March 2021
3.	047/2020	Adama Diarra	Republic of Mali	Ruling on Provisional Measures 29 March 2021

4.	002/2021	Sébastien Germain Marie Aikoué Ajavon	Republic of Benin	Ruling on Provisional Measures 29 March 2021
5.	028/2020	Houngue Eric Noudehouenou	Republic of Benin	Ruling on Provisional Measures 29 March 2021
6.	027/2020	Sébastien Germain Marie Aikoué Ajavon	Republic of Benin	Ruling on Provisional Measures 29 March 2021
7.	040/2020 043/2020	Abdul Omary Nondo , Deusdedit Valentine Rweyemamu and Paul Revocatus Kaunda	United Republic of Tanzania	Order on Joinder of Cases 30 March 2021
8.	027/2020	Sébastien Germain Marie Aikoué Ajavon	Republic of Benin	Ruling on Provisional Measures 1 April 2021
	003/2021	XYZ	Republic of Benin	Ruling on Provisional Measures 8 April 2021
	008/2021	Romaric Jesukpego Zinsou & 2 Others	Republic of Benin	Ruling on Provisional Measures 10 April 2021
	046/2020	Ado Shaibu and 5 Others	United Republic of Tanzania	Order Striking out the name of the First Applicant and change of title of the Application 4 May 2021
	013/2021	Symon Vuwa Kaunda and 5 others	Republic of Malawi	Ruling on Provisional Measures 11 June 2021
	006/2012	African Commission on Human and Peoples' Rights	Republic of Kenya	Order on Request for Intervention by Wilson Barngatuny Koimet and 119 Others and Peter Kibiegono Rono and 1300 Others 25 June 2021
	009/2021	Landry Angelo Adelakoun & others	Republic of Benin	Ruling on provisional measures 25 June 2021

	055/2016	Cleophas Maheri Motiba	United Republic of Tanzania	Order on Re-opening pleadings 5 July 2021
	003/2015	Kennedy Owino Onyachi and Charles John Mwaniki Njoka	United Republic of Tanzania	Order on Re-opening pleadings 20 July 2021
	019/2017	Ahmed Ally Kulukuni	United Republic of Tanzania	Order Striking out Application 3 August 2021
	007/2021	Romarc Jesukpego Zinsou & 2 Others	Republic of Benin	Ruling on Provisional Measures 2 September 2021
	048/2020	Marizu Goodwill	Republic of Ghana	Order Striking out Application 3 September 2021
	006/2021	Romarc Jesukpego Zinsou	Republic of Benin	Ruling on Provisional Measures 10 September 2021
	001/2021	Yaya Koné	Republic of Mali	Order on Procedure 5 October 2021
	004/2020	Houngue Eric Noudehouenou	Republic of Benin	Ruling on Provisional Measures 22 November 2021
	032/2020	Houngue Eric Noudehouenou	Republic of Benin	Ruling on Provisional Measures 22 November 2021
	034/2017	Kouadio Kobena Fory	Republic of Cote d'Ivoire	Order on Change of Title of Application 25 November 2021
	042/2020	Tike Mwambipile and Equality Now	United Republic of Tanzania	Order on Procedure 29 November 2021

c. Public Sitings

19. From 1 January to 31 December 2021, the Court organised two (2) virtual public sittings to hear oral submissions from parties, and six (6) public sittings to deliver judgments and rulings.

d. Non-compliance with the decisions of the Court

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

e. Legal Aid

21. During this period, 8 requests for legal aid were received of which 3 were granted and 5 were denied.

22. During this period, the Court considered 52 applications for registration on the Court Roster to provide legal aid, of which 44 were accepted and registered and 8 were denied for lack of submitting incomplete documents and not meeting prerequisite qualifications for registration as provided under the Legal Aid Policy of the Court. During this period, 21 counsel on the Courts Roster were also trained at the 4th Training of Counsel which took place from 4 - 6 August 2021 in Arusha Tanzania.

23. The Committee responsible for providing guidance of the Court's Legal Aid Program met twice to consider legal aid matters, consider the applications of counsel on the Courts Roster to provide legal aid and also endorsed its terms of reference, which were subsequently adopted by the Court.

24. The Court commenced on the process of reviewing its Legal Aid Policy with the aim of providing greater access to justice, taking into account the latest developments and to harmonise it with the provisions of the new Rules of Court. It also continued to develop the Manual on the procedures of the Court, which is meant to provide guidance to litigants, representatives and other stakeholders on accessing the Court and its procedures.

(ii). Non-judicial activities

25. 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

26. The Court took part in the 40th and 41st Ordinary Sessions of the Permanent Representatives Committee (PRC), the 38th and 39th Ordinary Sessions of the Executive Council, the 34th Assembly of Heads of State and Government of the African Union.

b. Implementation of Executive Council Decisions

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

*Undertake an in-depth study on the legal and financial implications on the establishment of an African Judicial Network within the African Union structures*¹

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

29. On 10 November 2020, the Court transmitted the draft Study on the establishment of an African Judicial Network, together with the financial implications, to the Office of the Secretary to the Commission for onward transmission to other stakeholders in accordance with Executive Council Decision. This study is attached to the present Report as **Annex III** to be considered by the PRC.

c. Execution of the 2021 budget

30. The budget appropriated to the Court for 2021 stood at US\$ 11,999,311, comprising \$ 10,678,510 [89 %] from Members States and \$ 1,302,802 [11%] from International Partners. The total budget execution as at end of 31 December 2021 is projected to be \$ 10,996,377 which represents a budget execution rate of 92%. As at 31 December 2021, the Court had received subvention for the year 2021 (for 4 quarters) amounting to, US\$ 10,078,388 from Members States and 1,330,953.9 from Partners.

V. CAPACITY BUILDING AND PROMOTIONAL ACTIVITIES

31. The Court undertook a number of capacity building and promotional activities, aimed at raising awareness among stakeholders, about its existence and activities. The activities undertaken included, *inter alia*, the adoption of its Strategic Plan for the period 2021-2025, the development of a knowledge management system and a judicial service delivery policy, sensitization visits, trainings, conferences and dialogues, as well as participation in meetings organised by some stakeholders.

a. Adoption of the Court's Strategic Plan (2021-2025)

32. The Court launched its third strategic plan for the period 2021-2025 during its 60th Ordinary Session held from 15 February to 12 March 2021. The Strategic Plan charts the

¹ See EX.CL/Dec. 1079 (XXXVI), para 3.

different steps the Court will take to increase its efficiency and effectiveness, with the ambition of gradually deepening the public's trust in the African Court.

b. Knowledge Management System

33. The Court has started the development of a Knowledge Management System (KMS) to ensure comprehensive storage, further expansion and availability of the Court's knowledge resources in order to improve efficiency, innovation, collaboration, learning, productivity and retention of organizational knowledge. The System intends to centralize the Court's knowledge resources, improve the Court's internal knowledge flow and information retrieval, reduce costs and ensure wide dissemination of its knowledge products within the Court and to other stakeholders.

34. The KMS will have three components: an E-Library of the African Court, an African Court Documents System and an African Jurisprudence Database. The E-Library of the African Court is a platform that will enable remote access to current and future electronic library resources by the Court's stakeholders and is aimed at becoming the most comprehensive e-library on African Human Rights Law and General African International Law. The African Court Document System will be an integrated system covering all Court documentation flow, tailored to the functionality of each Division/Unit and incorporating the Court's translation management system and its E-case management system. The African Jurisprudence Database will be a publicly accessible database of the jurisprudence of the African human rights bodies, to make the African human rights jurisprudence easily searchable using relevant filters (date, subject matter, parties, type of human rights violations, et cetera).

c. Judicial service delivery policy

35. The Court has started the development of a judicial service delivery policy. For human rights victims in pursuit of justice, it is important that access to the African Court's procedures are not overly burdensome. For that reason, the African Court is continuously monitoring and evaluating the factors that may influence the availability of the Court's procedures and the possible challenges involved therein. The importance of this approach is underlined by the fact that if the Court does not take the socio-economic context in which it operates into account and if it does not provide reasonable solutions to overcome the main obstacles preventing court users from pursuing their case, the Court may cease to serve and protect the interests of the most vulnerable members of the community, across different social categories including age, gender, country, disability, literacy levels, financial means and other possible relevant socio-economic categories. The Court's judicial service delivery policy builds on its earlier initiatives to provide legal aid, to allow for both paper and electronic submissions and by not charging any Court fees, to thereby avoid that there are any blind spots in the access to justice.

d. Sensitisation visits

36. During the period under consideration, the Court undertook two sensitisation visits to engage with States about the work of the Court in general, and in particular, to encourage them to deposit the Article 34(6) Declaration.

i. Sensitisation visit to Benin

37. The Court undertook a sensitization visit to the Republic of Benin from 21 to 22 October 2021, to encourage the country to reconsider its decision to withdraw its Article 34(6) Declaration.

38. The delegation of the Court, led by its President, met and held fruitful discussions with high-ranking government officials from the Ministry of Justice of Benin.

39. The authorities undertook to continue working with the Court and the African Union to reform the Court and ensure it plays a meaningful role in the protection of human rights on the continent.

ii. Sensitisation visit to Niger

40. The Court undertook a sensitization visit to the Republic of Niger from 25 to 26 October 2021, to encourage the country, which had already ratified the Protocol, to deposit the Declaration.

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

42. It is important to note that two days after the visit, Niger deposited the Article 34(6) Declaration.

e. First Retreat of Judges of the African Court

43. The African Court on Human and Peoples' Rights organised the first Judicial Retreat of Judges of the African Court from 2 to 3 June 2021 in a virtual manner. The main objective of the Judicial Retreat was to provide an opportunity for frank and constructive engagement between the Judges and key human rights stakeholders, looking at the impact of the African Court since its establishment, and making concrete proposals on how to enhance the effectiveness and efficiency of the Court in the protection of human rights.

44. The Judicial Retreat was attended by more than a hundred (100) distinguished jurists, human rights specialists and experts in judicial matters from African Union Member States, African Union Organs, Regional Economic Communities, International and Regional Courts, academia, bar associations, civil society organisations/NGOs, National Human Rights Institutions and the media.

45. After two days of frank and constructive discussions, the participants of the Retreat adopted conclusions and recommendations aimed at enhancing the relationship between the Court and human rights stakeholders on the continent as well as the effectiveness of the Court.

f. Fourth Training of Counsel on the Court's Roster

46. The 4th Training of Counsel took place from 4 - 6 August 2021 in Arusha Tanzania. It was a physical training which was attended by total of Eighty three (83) participants including: Twenty-one (21) Counsel on the Courts Roster of which 15 were males and 8 were females ; the President of the East Africa Law Society ; the Presidents of the Bar Associations of Kenya, Uganda, Rwanda, Burundi, Tanganyika Law Society and Zanzibar Law Society; the Representative of the East Africa Law Society and Pan Africa Lawyers Union; Representatives from the Office of the Solicitor General of the United Republic of Tanzania; other legal aid service providers that provide legal aid services to applicants before the Court; three (3) judges of the Court, including the President Registry staff; Legal Interns and AU Volunteers at the Court.

47. The overall objective of the training was to enhance and build the capacity of counsel to be able to effectively represent applicants before the Court. The specific objectives were the education and training of lawyers retained by the Court to represent applicants under the Courts Legal Aid Scheme; to enhance their skills to engage the procedures before this Court such as use of the amicable settlement procedure, advisory procedure, utilization of the newly created procedure in the Rules to ensure implementation and execution of the Courts' decisions and to foster a spirit of networking and collaboration amongst lawyers from different regions. Counsel for the training were drawn from: Benin; Cameroun; Congo -DRC; Côte d'Ivoire; Guinea Bissau; Kenya; Mali; Nigeria; Senegal; Tanzania; Tunisia; Uganda and Zimbabwe.

g. 5th Training of Journalists

48. The Court organised the Fifth Training of Journalists from 28 – 30 October 2021 in Dar es Salaam, Tanzania. The Training brought together 36 senior editors and other journalists from across the continent. The objectives of the Training was to empower the journalists with basic skills and knowledge on how to cover and report on Court activities. After the Training, the Journalists attended and covered the International Conference on the Implementation and Impact of decisions of the Court scheduled for 1 to 3 November 2021 and the 5th African Union Judicial Dialogue held from 4 to 5 November 2021, all in Dar es Salaam, Tanzania.

h. The Second International Human Rights Forum

49. The Second International Human Rights Forum bringing together the three main Regional Human Rights Courts, that is, the African Court on Human and Peoples' Rights (AFCHPR), the Inter-American Court of Human Rights (IACHR) and the European Court of Human Rights (ECHR), was held virtually on 25 March 2021, hosted by the European

Court of Human Rights. At the end of the one-day meeting, the three regional human rights court agreed to further strengthen their relationship, and in this regard agreed on the joint publication of their landmark jurisprudence.

i. The International Conference on the Impact and Implementation of decisions of the Court

50. The African Court organised an International Conference on the Implementation and Impact of Decisions of the Court: Challenges and Prospects from 1 to 3 November 2021, in Dar es Salaam, United Republic of Tanzania. The Conference was conducted in a hybrid format with some participants joining virtually while the majority attended in person. The main objective of the Conference was to analyse the manner in which the Court's decisions are received and implemented domestically across the African continent and to assess the level of impact they have generated on the African human rights landscape.

51. The Conference was attended by more than 200 delegates, representing 44 African Union (AU) Member States, AU Organs, Regional and Sub-regional Human Rights Courts, National Judiciaries and Legislatures, National Human Rights Institutions, Bar Associations and Law Societies, the academia, the media and civil society.

52. At the end of the Conference, the participants adopted concrete recommendations on how to enhance the implementation and impact of the decisions of the African Court.

j. Fifth African Judicial Dialogue

53. The Court organised, under the auspices of the African Union, and in collaboration with the government of the United Republic of Tanzania, the 5th African Union Judicial Dialogue, on the theme *"Building Trust in African Judiciaries*, with over 100 top judicial officials from across the continent, including Chief Justices, Constitutional Court Presidents and Judges in attendance.

54. The Dialogue adopted proposals on how to enhance the independence and efficiency of the judiciary and promote trust in African judiciaries.

k. Other promotional activities

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

VI. NETWORKING

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

56. The Court and the African Commission continue to strengthen their relationship and consolidate the complementarity envisaged under the Protocol. To this end, the two organs held their 9th Annual Meeting in Arusha, Tanzania, from 29 to 30 September 2021. The Court also participated in the opening ceremony of the 68th and 69th Ordinary Sessions of the African Commission and commemorated the 40th Anniversary of the adoption of the African Charter on Human and Peoples' Rights, and jointly commemorate the 2021 edition of Africa Human Rights Day organized by the African Union Commission. These meetings contributed in strengthening the complementary relationship between the African Commission and the African Court.

b. Relations with African Governance Architecture Platform Members

57. The Court closely engaged with the African Governance Architecture (AGA) Platform members. The Court 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 mobilising support for enhanced compliance with the decisions of AGA Platform members and to collaborate in the organisation of sensitization missions on the work of respective AGA Platform Members.

1. Cooperation with external partners

58. 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, 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- to provide legal representation to indigent applicants before the Court, Civil Society Organisations such as the Coalition for An Effective African Human Rights Court, Amnesty International- to disseminate the Court, NGOs, the academia and National Human Rights Institutions.

m. Engagement with States

59. As part of measures to engage with Member States to explore ways and means to work closely with States as principal stakeholders in the promotion and protection of human and peoples' rights on the continent, the Bureau of the African Court visited seventeen (17) Ambassadors in Addis Ababa, members of the PRC in September and October 2021.

60. This initiative was welcomed by members of the PRC who engaged with the delegation of the Court and proposed a number of measures to improve the relationship between the Court and Member States as well as other human rights stakeholders on the continent. It was unanimously agreed that there be a retreat between the Court and the PRC to further engage on the work of the Court, the challenges facing the Court and possible reform of the Court to enable it effectively discharge its mandate and play a

meaningful role in the realization of the objectives of the African Union and the aspirations of Agenda 2063.

61. As part of the said engagement with States, on 16 November 2021, the African Court briefing the PRC Sub-Committee on Human Rights, Democracy and Governance, on the work of the Court, including the successes, challenges and future of the Court.

VII. HOST AGREEMENT

62. The Court continues to work with the Host State, the United Republic of Tanzania, to effectively implement the Host Agreement. Given the critical shortage of office space and the continuous growth of the Court, the Host State decided in 2019 to construct a 15-room building at the current temporary site of the Court. Construction of the said structure is yet to commence as at the time of writing this Report.

63. Regarding the construction of the permanent premises of the Court, there has been no new development since 2017 when the government submitted to the AUC and the Court the draft architectural designs for the permanent premises.

VIII. ASSESSMENT AND RECOMMENDATIONS

i) Assessment

64. 2021 marks the 15th Anniversary of the operationalization of the African Court. For the past fifteen years, the Court has charted a viable path for the protection of human and peoples' rights on the continent, brought about renewed hope and optimism within the African human rights system, and positions itself firmly as a pivotal instrument in the continent's quest for regional integration, peace, unity, good governance, respect for human rights and development.

65. The jurisprudence established by the so far deals with a wide range of human rights issues shaping the socio-economic and political landscape of the continent, including issues of elections, good governance, freedom of expression, rights of indigenous peoples, etc.

66. As the Court continues to grow and deliver more judgments, its impact as a mechanism for the advancement of human rights, good governance and the rule of law in Africa has become apparent. There is no denying the fact that over the past 15 years, the Court's record has been a success, especially if compared to the record of similar regional courts within the same period. In terms of statistics, as of July 2021, the Court had received 325 Applications under contentious proceedings, issued 207 decisions and has 208 cases pending. It has received 15 requests for advisory opinion and disposed of all of them. The visibility of the Court has thus been greatly increased as a result of its judgments and orders.

67. Over the past 15 years, the Court has taken a number of initiatives to not only enhance its visibility, but to also promote access to justice and provide adequate remedies to victims of human rights violations. Some of these measures include, but are not limited to, adoption of new Rules of Procedure. These new Rules, which came into effect on 25 September 2020, among others, make it possible for the Court to monitor implementation of its own judgments, including the possibility of organising compliance hearings.

68. While waiting for the operationalisation of the AU Legal Aid Fund, the Court is currently operating a small legal aid scheme that provides legal assistance to indigent applicants; to ensure advocates before the Court understand the litigation process, the Court has conducted 4 trainings for over 100 Counsel from 27 countries in all five regions of the continent, and in this connection, has adopted a Code of Conduct for Counsel on the Roster.

69. To facilitate case management and make it transparent and accessible, the Court has installed an electronic case management system. When fully operational, this will allow for e-filing and the possibility for litigants to follow the progress of their cases before the Court. Over 52% of the judicial documents have been digitalised into the system.

70. To ensure adequate compensation for victims of human rights violations, the Court adopted internal reparations guidelines and a reparations fact sheet in 2019. The Court has also developed a framework on the monitoring of the implementation of the Court's decisions which was submitted to the Specialised Technical Committee on Justice and Legal Affairs in 2020 for consideration.

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

72. One of the major challenges facing the Court at the moment is the perceived lack of cooperation from Member States of the African Union, in particular, in relation to the low level of compliance with the decisions of the Court. Of the over 200 decisions rendered by the Court, as at the time of writing this Report, only one State Party, that is, Burkina Faso, had fully complied with the judgments of the Court. As at July 2021, only 7% of judgments of the Court had been fully complied with, 18% partially complied and 75% non-compliance. Some States have stated clearly before the Executive Council that they will not comply with the Court's decisions.

73. The African Court would like to underscore that its success as a human rights court, and indeed, that of the African human rights or justice system as a whole, is a collective responsibility, and requires the active and constructive participation of all stakeholders. Compliance with the Court's judgment is one way for States to manifest their commitment to not only the protection of human rights but also a commitment to the ideals of the African Union.

74. A worrying trend which seems to be emerging is for States against which the Court has rendered a judgment to withdraw or threaten to withdraw their Article 34(6) Declaration, which allows individuals and NGOs to seize the Court directly. Within a period of four years, four State Parties to the Protocol have withdrawn their Declarations².

75. The Court views these withdrawals as a decline in the efforts already made in building democracy, defense of human rights and the promotion of the rule of law, and these withdrawals may undermine the human rights protection mechanisms on the continent.

76. In response to these withdrawals and other challenges facing the Court, the latter, during its first Retreat of Judges of the Court, decided to enhance its judicial diplomacy efforts that focusses on engagement between the African Court with Member States of the African Union. To this end, between September and November 2021, the Court met and held fruitful discussions with 18 Ambassadors, members of the PRC in Addis Ababa, the Deputy Chairperson of the AUC, the Head of the Reform Unit, undertake sensitisation visits to Benin and Niger, and organized an International Conference with Member States and relevant stakeholders on the implementation and impact of decisions of the Court.

77. It is important to note that the engagement with States have begun bearing fruits. In November 2021 Niger deposited the Article 34(6) Declaration, while Guinea-Bissau ratified the Protocol and at the same time deposited the same Declaration.

78. Other challenges faced by the Court include the low number of ratifications of the Protocol, the very low number of States that have deposited the Article 34(6) declaration, inadequate awareness and inadequate resources to carry out its mandate effectively and efficiently.

79. More than two decades after the adoption of the Protocol, only thirty-two (32) of the fifty-five (55) Members States of the Union have ratified it, and of these 32, only eight (8) have deposited the Declaration required under Article 34(6) of the Protocol. Twenty-three (23) AU Member States are yet to ratify and deposit the Protocol, twenty (20) of which have already signed the Protocol.

80. From an administrative point of view, inadequate human and financial resources have also affected the smooth functioning of the Court and are causing delays in the delivery of effective justice, in line with the fundamental law principle of “justice delayed is justice denied”.

ii) Recommendations

² The States that withdrew are Rwanda, Tanzania, Côte d’Ivoire and Benin.

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

- i. Calls on the twenty-three (23) Member States of the African Union that have not yet acceded to the Protocol are urged 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 (20) 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 should reconsider their decision;
- iv. Requests Chairperson of the AUC should take all necessary measures to establish the Legal Aid Fund for African Union Organs ;
- v. Invites and encourage 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; and
- vii. The Joint Retreat between the PRC and Judicial, quasi-judicial, Legal and legislative organs of the Union, should be held as soon as possible, preferably within the first half of 2022.

ANNEX I

**LIST OF JUDGES OF THE AFRICAN COURT ON HUMAN AND PEOPLES'
RIGHTS AT DECEMBER 31 2021**

No.	Name	Term		Country
		Duration	Expiry	
1.	Lady Justice Imani Aboud	6	2026	Tanzania
2.	Justice Blaise Tchikaya	6	2024	Congo
3.	Justice Ben Kioko	6	2024	Kenya
4	Justice Rafâa Ben Achour	6	2026	Tunisia
5	Lady Justice Ntyam Ondo Mengue	6	2022	Cameroon
6	Lady Justice Marie-Thérèse Mukamulisa	6	2022	Rwanda
7	Lady Justice Tujilane Rose Chizumila	6	2023	Malawi
8	Lady Justice Chafika Bensaoula	6	2023	Algeria
9	Lady Justice Stella I Anukam	6	2024	Nigeria
10	Justice Dumisa Ntsebeza	6	2026	South Africa
11	Justice Modibo Sacko	6	2026	Mali

ANNEX II
REPORT ON NON-COMPLIANCE WITH THE DECISIONS OF THE COURT. (see attachment)

ANNEX III
IN-DEPTH STUDY ON THE LEGAL AND FINANCIAL IMPLICATIONS ON THE ESTABLISHMENT OF AN AFRICAN JUDICIAL NETWORK WITHIN THE AFRICAN UNION STRUCTURES (see attachment).

REPORT ON THE IMPLEMENTATION OF DECISIONS OF THE COURT

STATUS AS AT 30 NOVEMBER 2021

I. INTRODUCTION

This is a report on the implementation of decisions delivered by the Court as at 30 November 2021. The Report is divided into two parts: the first part deals with cases where the Court has decided on merits and reparations, and the second part with orders for provisional measures issued by the Court. On each case, the Report includes a statement on the status of implementation of the judgments and orders for provisional measures.

A. JUDGMENTS DELIVERED BY THE COURT

I. **Consolidated Applications_009 and 011/2011 – Tanganyika Law Society and the Legal and Human Rights Centre and Rev. Christopher R. Mtikila v. United Republic of Tanzania – Judgment of 14 June 2013 on the Merits and 13 June 2014 on Reparations**

1. **Violations found:** Articles 2, 3, 10 and 13(1) of the Charter
2. **Reparations Order:** take constitutional, legislative and all other necessary measures within a reasonable time to remedy the violations found and publish the summary of the judgment.
3. **Respondent State's Report:** 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.
4. The Respondent State has not filed further reports on measures taken to implement the Judgment yet this is especially urgent as the Respondent State is due to hold elections this year. The Respondent State should be reminded to the requisite report and the non-compliance should be included in the Court's Activity report to the policy organs. It should be noted that 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.

II. **Application 013/2011 – Beneficiaries of the Late Norbert Zongo et al v. Burkina Faso – Judgment of 28 March 2014 on Merits and 5 June 2015 on Reparations**

5. **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.**
6. **Reparations Order:** 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.
7. **Respondent State's Report:** The Applicants by email on 26 November 2016 indicated that they had been paid 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; that 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 suspects to the murder of Zongo and his companions; 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.

III. Application 002/2013 - African Commission on Human and Peoples' Rights v Libya Judgment of 3 June 2016
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8. **Violations found: Articles 6 and 7 of the Charter**
9. **Reparations Order:** to protect all the rights of Mr. Kadhafi as defined by the Charter by terminating the illegal criminal procedure instituted before the domestic courts
10. **Respondent State's Report:** 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.

IV. Application 004/2013 – Lohé Issa Konaté v. Burkina Faso – Judgment of 5 December 2014 on Merits and 3 June 2016 on Reparations

11. **Violations found: Articles 9 of the Charter, Article 19 of ICCPR and 66(2)(C) of the Revised ECOWAS Treaty**

12. **Reparations Order:** 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:
 - 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.
13. 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.
14. **Respondent State's Report:** By an email of 11 April 2018, the Counsel for 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.
15. By an email of 11 April 2018, the Respondent State's Counsel forwarded an official report indicating that the Respondent State has complied with all the Court's Orders. 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.

V. Application 005/2013 – Alex Thomas v. United Republic of Tanzania - Judgment of 20 November 2015 on Merits and 4 July 2019 on Reparations

16. **Violations found:** Articles 7(1)(a), (c) and (d) of the Charter and 14(3)(d) of the ICCPR
17. **Reparations Order:** pay the Applicant 1,500,000 Tanzanian Shillings as material damages, 2,000,000 Tanzanian Shillings as moral damages and 1,000,000 to identified relatives as indirect victim.
18. **Respondent State's Report:** 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 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.
19. 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.

VI. Application 006/2013 Wilfred Onyango Nganyi & 9 Others v United Republic of Tanzania – Judgment of 18 March 2016 on Merits and 4 July 2019 on Reparations

20. **Violations found:** Articles 7(1)(a), (c) and (d) of the Charter and 14(3)(d) of the ICCPR
21. **Reparations Order:** 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
22. **On reparations:** pay the Applicants and their relatives a combined total of 65,500 US Dollars and 3,000,000 Tanzanian Shillings as moral damages.
23. **Respondent State's Report:** 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 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.
24. **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.

VI. Application 007/2013 – Mohamed Abubakari v. United Republic of Tanzania – Judgment of 6 June 2016 on Merits and 4 July 2019 on Reparations

25. **Violations found:** Articles 7 of the Charter and 14 of the ICCPR

Reparations Order: pay the Applicant 2,000,000 Tanzanian Shillings, the wife 1,500,000 Tanzanian Shillings and to the Applicant's son 1,000,000 Tanzanian shillings as moral damages.

26. **Respondent State's Report:** 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.
27. 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.

VIII. Application 001/2014 – Actions Pour la Protection des Droits de L’Homme v Republic of Côte d’Ivoire – Judgment of 18 November 2016 on Merits and of 28 September 2017 on Interpretation.

28. **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
29. **Reparations Order:** 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.
30. **Respondent State's Report:** 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.
31. The Respondent State filed a Response to the report filed by the Applicant on 13 February 2020. In its Response, the Respondent State reiterates that it has fully implemented the Court's judgment, that it has promulgated a new law which brings about independence to the electoral commission. It further states that it consulted all stakeholders who were willing to participate in the process of reviewing the law. Lastly, it contends that the letter that came from APDH is not a true reflection of the views of the Applicant as they have changed their bureau and that the author of the report to the Court does not have authority to speak on behalf of APDH.

IX. Application 003/2014 – Ingabire Victoire Umuhoza v. Republic of Rwanda - Judgment of 24 November 2017 on Merits and 7 December 2018 on Reparations

32. **Violations found:** Articles 7(1)(c), 9(2) of the Charter and 19 of the International Covenant on Civil and Political Rights (ICCPR)
33. **Reparations Order:** pay the Applicant 10,230,000 FRw for material damages and 55,000 FRw for moral damages.
34. **Respondent State's Report:** The Respondent State has not filed any report on the implementation of the judgment despite its time to do so having elapsed on 16 September 2018. The Respondent State has informed the Court that it will no longer cooperate with it.

X. Application No. 046/2016 - APDF & IHRDA v Republic of Mali – Judgment of 11 May 2018

35. **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.
36. **Reparations Order:** amend the impugned law, harmonise its laws with the international instruments, and take appropriate measures to bring an end to the violations established.
37. **Respondent State's Report:** The Respondent State is yet to file a report on measures taken and the time to file this report was to elapse on 11 May 2020 but the Court suspended time limits effective 1 May 2020 and thus its time to report elapsed on 11 August 2020.

XI. Application No. 020/2016 Anaclet Paulo v United Republic of Tanzania – Judgment of 21 September 2018

38. **Violations found:** Article 7(1)(c) of the Charter
39. **Reparations Order:** pay the Applicant 300,000 Tanzanian Shillings as moral damages
40. **Respondent State's Report:** The Respondent State is yet to file a report even though its deadline to do so was 27 March 2019.

XII. Application No. 027/2015 Minani Evarist v United Republic of Tanzania – Judgment of 21 September 2018

41. **Violations found:** Article 7(1)(c) of the Charter
42. **Reparations Order:** pay the Applicant 300,000 Tanzanian Shillings as moral damages
43. **Respondent State's Report:** The Respondent State is yet to file a report even though its deadline to do so was 24 March 2019.

XIII. Application No. 016/2016 Diocles William v United Republic of Tanzania – Judgment of 21 September 2018

44. **Violations found:** Articles 7 and 7(1)(c) of the Charter
45. **Reparations Order:** Orders 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.
46. **Respondent State's Report:** The time Respondent State is yet to file a report on measures taken and its time to file this report elapsed on 21 September 2020. **The time for the Respondent State to file the observations elapsed on 23 May 2020 and it did not file any observations.**

XIV. Application No. 001/2015 Armand Guehi v United Republic of Tanzania – Judgment of 7 December 2018

47. **Violations found:** Articles 1, 5, 7(1)(d) of the Charter
48. **Reparations Order:** pay the Applicant 2,500 US Dollars as reparations
49. **Respondent State's Report:** The Respondent State is yet to file a report even though its deadline to do so elapsed on 14 June 2019.

XV. Application No. 009/2015 - Lucien Ikili Rashidi v United Republic of Tanzania – Judgment of 28 March 2019

50. **Violations found:** Articles 4, 5, 7(1)(d) and 12(1) of the Charter
51. **Reparations Order:** pay the Applicant 11,000,000 Tanzanian Shillings for himself and his beneficiaries as moral damages, 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 and principles earlier set out in the present Judgment and publish the judgment.

52. **Respondent State's Report:** The Respondent State is yet to file a report even though its deadline to do so was 2 October 2019.

XVI. Application No. 025/2016 - Kenedy Ivan v United Republic of Tanzania – Judgment of 28 March 2019
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53. **Violations found:** Article 7(1)(c) of the Charter
54. **Reparations Order:** pay the Applicant 300,000 Tanzanian Shillings as moral damages
55. **Respondent State's Report:** The Respondent State is yet to file a report even though its deadline to do so was 1 October 2019.

XVII. Application No. 053/2016 - Sebastien Germain Ajavon v Republic of Benin – Judgment of 29 March 2019 on Merits and 28 November 2019 on Reparations
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56. **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
57. **Reparations Order:** 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 notification of this Judgment.
58. Also, to 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.
59. To lift the preventive attachment on the accounts of the Applicant and the members of his family; lift the opposition to the execution of operations in accounts opened in the name of AGROPLUS; lift the suspension of SOCOTRAC SARL's container terminal and closure of Soleil FM radio station and SIKKA TV channel within three (3) months from the date of this Judgment.
60. Lastly, to amend Sections 12 and 19(2) of Law No. 2018-13 of 2 July 2018 establishing CRIET in order to make them consistent with the provisions of Articles 3(2) of the Charter and 14(5) of the ICCPR.
61. **Respondent State's Report:** The Respondent State is yet to file a report on measures taken and its time to file this report on the annulment of the judgment elapsed on 29 September 2019, while the reporting period on the reparations

judgment was to elapse on 28 May 2020 however, the Court suspended time limits effective 1 May 2020 and resumed the computation of time as of 1 August 2020. Thus the time for the Respondent State to file its report elapsed on 28 August 2020. **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.**

XVIII. Application No. 025/2015 - Majid Goa v United Republic of Tanzania – Judgment of 26 September 2019
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- 62. **Violations found:** Article 7(1)(c) of the Charter
- 63. **Reparations Order:** pay the Applicant 300,000 Tanzanian Shillings as moral damages
- 64. **Respondent State's Report:** The Respondent State is yet to file a report although its deadline elapsed on 26 March 2020.

XIX. Application No. 007/2015 - Ally Rajabu and others v United Republic of Tanzania – Judgment of 28 November 2019
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- 65. **Violations found:** Articles 4, 5, 7(1)(d) and 12(1) of the Charter
- 66. **Reparations Order:** pay each Applicant 4,000,000 Tanzanian Shillings 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.
- 67. **Respondent State's Report:** The time for the Respondent State to file its report was to elapse on 30 May 2020, however, the Court suspended its limits effective 1 May 2020 and resumed the same on 1 August 2020. Therefore, the Respondent state's time 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.

XX. Application No. 013/2015 – Robert John Penessis v United Republic of Tanzania – Judgment of 28 November 2019

- 68. **Violations found:** Articles 1, 5, 6, 12 of the Charter, Article 15 of UDHR
- 69. **Reparations Order:** 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.

70. **Respondent State's Report:** The time for the Respondent State to file its report was to elapse on 30 May 2020, however, the Court suspended its limits effective 1 May 2020 and resumed the same on 1 August 2020. Therefore, the Respondent state's time to file its report elapsed on 30 August 2020.

XXI. Application No. 017/2015 - Kennedy Gihana and Others v the Republic of Rwanda – Judgment of 28 November 2019
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71. **Violations found:** Articles 12(2) and 13(1) of the Charter
72. **Reparations Order:** pay each Applicant 465,000 Rwandese Francs

73. **Respondent State's Report:** The time for the Respondent State to file its report was to elapse on 30 May 2020, however, the Court suspended its limits effective 1 May 2020 and resumed the same on 1 August 2020. Therefore, the Respondent state's time to file its report elapsed on 30 August 2020. The Respondent State had informed the Court that it will not participate in the proceedings of the Court.

XXII. Application No. 006/2015 – Nguza Viking and Johson Nguza v United Republic of Tanzania – Judgment of 23 March 2018 on Merits and 8 May 2020 on Reparations

74. **Violations found:** Articles 1 and 7(1)(c) of the Charter
75. **Reparations Order:** 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.
76. **Respondent State's Report:** The Respondent State is yet to file its report on the merits even though it's time to file that report elapsed on 23 September 2018, while the time to file the report for the reparations' judgment elapsed on 8 February 2021.

XXIII. Application No. 004/2015 – Andrew Ambrose Cheusi v United Republic of Tanzania – Judgment of 26 June 2020

77. **Violations:** Article 7(1)(c) and 7(1)(d) of the Charter
78. **Reparations Order:** 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.

79. **Respondent State's Report:** The time for filing the Respondent's report was to elapse on 26 December 2020 but given the suspension of time limits between 1 May and 31 July 2020, the Respondent State's elapsed on 31 January 2021.

XIV. Application No. 028/2015 – Kalebi Elisamehe v United Republic of Tanzania – Judgment of 26 June 2020
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80. **Violations:** Article 7(1)(c) of the Charter
81. **Reparations Order:** pay the Applicant the sum of Tanzanian Shillings Three Hundred Thousand (TZS 300,000); 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.
82. **Respondent State's Report:** The time for filing the Respondent State's report was to elapse on 26 December 2020 but given the suspension of time limits between 1 May and 31 July 2020, the time for Respondent State to file its report elapsed on 31 January 2021.

XXV. Application No. 018/2018 – Jebra Kambole v United Republic of Tanzania – Judgment of 15 July 2020

83. **Violations:** Articles 2, 3(2) and 7(1)(a) of the Charter
84. **Reparations Order:** 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.
85. **Respondent State's Report:** The time for filing the Respondent's report was to elapse on 15 January 2021 but given the suspension of time limits between 1 May and 31 July 2020, the time for filing the Respondent State's report elapsed on 31 January 2021.

XXVI. Application No. – Suy Bi Gohore v Republic of Cote D'Ivoire – Judgment of 15 July 2020

86. **Violations:** 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.
87. **Reparations Order:** 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, and thereafter, every six (6) months until the Court considers that there has been full implementation thereof.
88. **Respondent State's Report:** On 1 September 2020, the Registry received the Respondent State's interim implementation report and it was transmitted to the Applicants on 4 September 2020. The report contains an explanation of some of the steps undertaken by the Government. On 14 September 2020, the Registry received the Response by the Applicants on Respondent State's interim implementation report and this was transmitted to the Respondent State. The Applicants in their report contested the interpretation of the Respondent State of the Court's decision. The Applicants' requested the Court to order the Respondent State to execute its judgment before any election. They also requested the Court to establish that any decision or action taken by the electoral commission in its current form cannot be considered legitimate. The Respondent State was requested to reply to the Applicants' observations within five (5) days. On 28 September, the Registry received a letter by the Respondent State indicating that it will submit a final execution report in the next couple of weeks. On 30 October 2020, the Registry sent a reminder to the Respondent State, bringing to its attention that the deadline of submitting an implementation report within three (3) months had expired on 25 October 2020 and requested it to submit the implementation report within three days. On the same day the Registry invited the Applicants to submit their observations within three days on the implementation of the Court's decision. 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. The Registry acknowledged receipt of the report and the observations and transmitted the files to the Applicants and the Respondent State, respectively on 11 November 2020, requesting both parties to submit their observations on the submissions within fifteen (15) days. The Registry is yet to receive the observations from the parties. In the Respondent State's implementation report, it claims to have implemented the Court's order to organise new Bureau elections for the electoral bodies at the local level. These elections were conducted in August 2020. With regard to the Court's order on the nomination process of electoral body members by civil society and political parties, in particular opposition parties, the Respondent State claims

that these entities already decide amongst themselves who to nominate, however, they have been requested to submit their own criteria to the Government so that the Respondent State can formalise these criteria. The Respondent State indicated 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, 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.

XXVII. Application 011/2015 – Christopher Jonas v. United Republic of Tanzania - Judgment of 28 September 2017 on Merits and 25 September 2020 on Reparations
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89. **Violations found:** Articles 7(1)(c) of the Charter
90. **Reparations Order:** pay the Applicant 300,000 Tanzanian Shillings for moral prejudice
91. **Respondent State's Report:** The Respondent has not filed any report on measures taken to implement the Judgment. Although there were no specific measures ordered.
92. **On reparations** - The Respondent State's time to file the report on implementation elapsed on 25 March 2021.

XXVIII. Application No. 033/2015 – James Wanjara and others v United Republic of Tanzania – Judgment of 25 September 2020
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93. **Violations:** Article 7(1)(c) of the Charter

94. **Reparations Order:** pay the Applicant the sum of Tanzanian Shillings Three Hundred Thousand (TZS 300,000)
95. **Respondent State's Report:** The Respondent State's time to file the report on implementation elapsed on 25 March 2021.

XXIX. Application No. 012/2017 – Leon Mugesera v Rwanda – Judgment of 27 November 2020

96. **Violations: Article 4, 5, and 18(1) of the Charter**
97. **Reparations Order:** awards the Applicant, Rwandan Francs ten million (RWF 10,000,000) for legal representation in the domestic courts; awards the Applicant, Rwandan Francs ten million (RWF 10,000,000) for moral prejudice to himself; awards Rwandan Francs five million (RWF 5,000,000) each for the three beneficiaries. 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. Awards the Applicant, Rwandan Francs Ten Million (RWF 10,000,000) for legal representation before this Court.
98. **Respondent State's Report:** The Respondent State's time to file the report on implementation elapsed on **27 April 2021**.

XXX. Application No. 059/2019 – XYZ v Republic of Benin – Judgment of 27 November 2020

99. **Violations: Article 13(1) of the Charter, Article 17(1) of ACDEG and Article 3 of the ECOWAS Protocol on Democracy**
100. **Reparations Order:** 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.
101. **Respondent State's Report:** The Respondent State's time to file the report on implementation elapsed on **27 February 2021**.

XXXI. Application No. 010/2020 – XYZ v Republic of Benin – Judgment of 27 November 2020
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102. **Violations: Articles 9(1), 22(1), 23(1), 26 of the Charter, Article 10(2) of the ACDEG**
103. **Reparations Order:** Orders the Respondent State to take all legislative and regulatory measures to guarantee the independence of the Constitutional Court, in particular with regard to the process for the renewal of their term of office; Orders the Respondent State to take all measures to repeal Law No. 2019-40 of 1

November 2019 amending Law No. 90-032 of 11 December 1990 on the Constitution of Republic of Benin and all subsequent laws, in particular Law 2019-43 of 15 November 2019 on the Electoral Code, and to comply with the principle of national consensus. Pay the Applicant 1 CFA franc.

- 104. Respondent State's Report:** The Respondent State's time to file the report on implementation elapsed on 27 February 2021.

XXXII. Application No. 062/2019 – Sebastien Ajavon v Republic of Benin – Judgment of 4 December 2020

- 105. Violations:** Articles 2, 4, 5, 7(1), 10, 13(1), 26 of the Charter; Article 8 (1)(d) and 8(2) of the International Covenant on Economic, Social and Cultural Rights; 10(2), 17(1) ACDEG; Article 3 Ecowas Protocol on Democracy and Good Governance

- 106. Reparations Order: Orders the Respondent State to repeal:** Article 27 paragraph 2 of Law No. 2018 - 23 of 18 September 2018; Articles 1 and 2 of Organic Law No. 2018-02 of 4 January 2018; Law No. 2019 - 39 of 31 July 2019 and to carry out all the necessary investigations that may allow victims to obtain recognition of their rights and reparation; Constitutional law No. 2019 - 40 of 07 November 2019 and all subsequent laws relating to the Electoral Code, and to comply with the principle of national consensus set forth in Article 10(2) of ACDEG.

- 107. Respondent State's Report:** The Respondent State's time to file the report on implementation elapsed on **4 March 2021**.

XXXIII. Application No. 003/2020 – Eric Houngue v Republic of Benin – Judgment of 4 December 2020
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- 108. Violations:** Articles 13(3) of the Charter; Article 10(2) ACDEG; Article 11 UDHR

- 109. Reparations Order:** take all measures to repeal Law 28 No. 2019-40 of 1 November 2019 revising Law No. 90-032 of 11 December 1990; Orders 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 and the violations which the Court has found.

- 110. Respondent State's Report:** The Respondent State's time to file the report on implementation elapsed on **4 April 2021**.

XXXIV. Application No. 022/2016 – Mussa Zanzibar v United Republic of Tanzania – Judgment of 26 February 2021
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- 111. Violations:** Article 7(1)(c) of the Charter

112. Reparations Order: pay the Applicant the sum of Tanzanian Shillings Three Hundred Thousand (TZS 300,000)

113. Respondent State's Report: The Respondent State's time to file the report on implementation elapsed on **26 August 2021**.

XXXV. Application No. 054/2016 – Mhina Zuberi v United Republic of Tanzania – Judgment of 26 February 2021

114. Violations: Article 7(1)(c) of the Charter

115. Reparations Order: pay the Applicant the sum of Tanzanian Shillings Three Hundred Thousand (TZS 300,000)

116. Respondent State's Report: The Respondent State's time to file the report elapsed on **26 August 2021**.

XXXVI. Application No. 065/2019 – Sebastien Ajavon v Republic of Benin – Judgment of 29 March 2021

117. Violations: Article 30 of the Protocol; Article 1 of the Charter

118. Reparations Order: pay the Applicant the symbolic amount of 1 CFA Franc (1 CFAF); Orders the Respondent State to comply with Article 30 of the Protocol by executing the Judgment of 29 March 2019, that is, by taking all necessary measures to annul the judgment N° 007/3C.COR delivered on 18 October 2018 by the CRIET in a way to erase all its effects.

119. Respondent State's Report: The Respondent State's time to file the report on implementation elapsed on **5 April 2021**.

XXXVII. Application No. 010/2015 – Amiri Ramadhani v United Republic of Tanzania – Judgment of 11 May 2018 on the Merits and 25 June 2021 on reparations

120. Violations found: Article 7(1)(c) of the Charter

121. Reparations Order: Ordered the Respondent State to take measures to remedy the violations found by paying the Applicant Tanzanian Shillings 300,000

122. Respondent State's Report: The time for the Respondent State to file its report is still running and will elapse on 25 December 2021

XXXVIII. Application No. 010/2015 – Kijiji Isiaga v United Republic of Tanzania – Judgment of 28 September 2017 on the Merits and 25 June 2021 on Reparations
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123. **Violations found:** Article 7(1)(c) of the Charter
124. **Reparations Order:** Ordered the Respondent State to take measures to remedy the violations found by paying the Applicant Tanzanian Shillings 300,000.
125. **Respondent State's Report:** The time for the Respondent State to file its report is still running and will elapse on 25 December 2021.

XXXIX. Application No. 008/2016 – Masoud Rajabu v United Republic of Tanzania – Judgment of 25 June 2021

126. **Violations found:** Article 7(1)(c) of the Charter and 14(3) of the ICCPR
127. **Reparations Order:** pay the Applicant 300,000 Tanzanian Shillings as moral damages for himself
128. **Respondent's Report:** The time for the Respondent State to file its report is still running and will elapse on 25 December 2021.

XL. Application No. 047/2016 – Ladislaus Onesmo v United Republic of Tanzania – Judgment of 30 September 2021
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129. **Violations found:** Article 7(1)(c) of the Charter and 14(3) of the ICCPR
130. **Reparations Order:** pay the Applicant 300,000 Tanzanian Shillings as moral damages for himself
131. **Respondent's Report:** The time for the Respondent State to file its report is still running will elapse on 25 December 2021.

Part B. Implementation of orders for provisional measures

S/N	Application Number	Applicant (s)	Respondent State	Order and Date of Delivery	Status of Implementation
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 18/03/2016	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; 4. The Order was delivered <i>proprio motu</i> depriving the Respondent of the right to be heard. 5. The reasons given for the qualification of extreme gravity were not sufficient
2.	015/2016	Habiyalimana Augustino and others	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 03/06/2016	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
3.	017/2016	Deogratius Nicholaus	United Republic of Tanzania	Refrain from executing the death penalty against the Applicant pending the	The Respondent State submitted that it cannot comply with the Court's order because of the

				determination of the Application. Report to the Court within 30 days of measures taken to implement the Order 03/06/2016	same reasons listed in App no. 003/016 John Lazaro
5.	021/2016	Joseph Mukwano	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 03/06/2016	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.	048/2016	Dominick Damian	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 18/11/2016	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.	049/2016	Chrizant John	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 18/11/2016	Respondent state has not reported on implementation of the order.

9.	050/2016	Crosperry Gabriel	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>18/11/2016</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.
10.	051/2016	Nzigiyimana Zabron	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>18/11/2016</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.
11.	052/2016	Marthine Christian	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>18/11/2016</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.
12.	056/2016	Gozbert Henerico	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>18/11/2016</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

13.	057/2016	Mulokozi Anatory	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>18/11/2016</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.
14.	001/2018	Tembo Hussein	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>11/02/2019</p>	No report has been filed yet
15.	003/2018	Ladislaus Chalula	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>17/05/2019</p>	No report has been filed yet
16..	012/2019	Ghati Mwita	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>09/04/2019</p>	No report has been filed yet

17..	055/2019	Charles Kajoloweka	Republic of Malawi	<p>Stay the enforcement of the order of costs by its Supreme Court of Appeal against the Applicant pending the determination on the merits</p> <p>Report to the Court within 30 days of measures taken to implement the Order</p> <p>27/03/2020</p>	No report has been filed yet
18.	004/2020	Houngue Eric noudehouenou	Republic of Benin	<p>Order to stay execution of the judgment of 25/07/2019 of the Court for Repression for Economic Crimes and terrorism against the Applicant until the delivery of the judgment on the merits.</p> <p>Report to the Court within 30 days of measures taken to implement the Order</p> <p>06/05/2020</p>	No report has been filed
20..	008/2020	Ghaby Kodeih	Republic of Benin	<p>Stay the execution of judgment No. 044/3e CD of 27 September 2019 for the demolition of a building pending the determination of the merits</p> <p>Report to the Court within 15 days of measures taken to implement the Order</p>	No report has been filed yet

				28/02/2020	
21.	012/2020	Guillaume Kigbafori Soro	Republic of Cote D'Ivoire	<p>Order to stay the execution of the arrest warrants issued against the Applicant and 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</p> <p>Report to the Court within 30 days of measures taken.</p> <p>22/04/2020</p>	No report has been filed yet
22.	012/2020	Guillaume Kigbafori Soro	Republic of Cote D'Ivoire	<p>Stay all acts taken against the Applicant until the decision of the Court on the merits.</p> <p>Take all necessary measures preventing the Applicant exercising his right to vote and to be elected in the 2020 Presidential elections</p> <p>Report to the Court within 30 days of measures taken.</p> <p>15/09/2020</p>	No report has been filed
23.	025/2020	Laurent Gbagbo	Republic of Cote D'Ivoire	Stay the inclusion of the Applicant's criminal conviction and the sentence on the criminal	No report has been filed yet

				<p>record until the Court decides on the merits</p> <p>Take steps to remove obstacles preventing the Applicant from enrolling in the voters' register</p> <p>Report to the Court within 15 days of measures taken.</p> <p>25/09/2020</p>	
24.	042/2019	Masudi Selemani Said	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>20/11/2020</p>	No report has been filed
25.	045/2020	Bashiru Rashid Omar	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>26 February 2021</p>	No report has been filed
26.	002/2021	Sebastien Germain Marie Aikoue Ajavon	Republic of Benin	<p>Stay the execution of judgment Nos 209/CA and 210/CA of 5 November 2020 and No 231/CA of 17 December 2020</p>	No report has been filed

				Report to the Court within 30 days of measures taken to implement the Order 29 March 2021	
27.	027/2020	Sebastien Germain Marie Aikoue Ajavon	Republic of Benin	Orders the stay of execution of judgment no. 41/CRIET/CJ/1S. Cor of 1 March 2021 pending the determination on the merits Report within 30 days of measures taken 1 April 2021	No report has been filed yet

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

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Annex III

**STUDY ON THE ESTABLISHMENT OF AN AFRICAN JUDICIAL
NETWORK**

EXECUTIVE SUMMARY

I. INTRODUCTION

1. In 2010, the African Court on Human and Peoples' Rights (the Court) organized a Colloquium for Regional judicial and quasi-judicial bodies on the continent, to discuss ways and means of enhancing the promotion and protection human and peoples' rights. One of the recommendations of the Colloquium was to organize such meetings regularly, and to involve national judiciaries as they are key stakeholders in the protection of human rights.

2. In 2013, the Court organized the first continental Judicial Dialogue bringing together Judges of continental, sub-regional and national courts. In attendance were Chief Justices, Presidents of Supreme and Constitutional Courts and other representatives of national judiciaries from over thirty (30) African Union Member States, Judges of Regional and sub-regional courts, as well as representatives of African Union institutions with a human rights mandate.

3. The first continental dialogue discussed the need to set the stage for fruitful interactions between national and international courts, with a view to maintaining constant dialogue with national Judges across the continent, to discuss ways and means to promote and protect human rights. The Dialogue also discussed how practical cooperation among them can be achieved.

4. One of the conclusions of the first continental Judicial Dialogue was that a proposal should be submitted to the African Union for the judicial dialogue to be institutionalized within the AU framework, and that it be held on a biennial basis. This proposal was made to the AU and by decision EX.CL/Dec. 806(XXIV), the Executive Council, at its Twenty Fourth Ordinary Session, adopted the proposal, thus institutionalizing the Dialogue within the auspices of the African Union.

5. The Second Continental Judicial Dialogue (the first held after the institutionalization and under the auspices of the African Union), was held from 4 to 6 November 2015, in Arusha Tanzania. The Dialogue was attended by a total of 197 participants from various areas of expertise in national and international judicial matters, including judges of the African Court, Chief Justices, Presidents and representatives of Supreme and Constitutional Courts from 44 African Union Member States.

6. One of the recommendations from the Second Judicial Dialogue was the need for the African Union to establish a continental judicial network that will bring together African judiciaries under one forum with a view to enhancing judicial operations on the continent, through inter alia, capacity-building training and continuous judicial education, information and sharing- best practices and knowledge among national and regional courts and jurisprudential harmonization. **The Executive Council also reiterated this in its Decision EX.CL/Dec. 1079(XXXVI):** where it explicitly requested that ***“the Commission and the PRC, in collaboration with the African Court, to undertake an***

in-depth study and present the legal and financial implications on the establishment of an African Judicial Network within the African Union structures”.

7. On this basis, the Court commissioned a consultancy service for the study of the state of judicial education in Africa and the need for establishing a continental African Judicial Network. The study reviewed various sub-regional, regional and international judicial networks operating in Africa,³ Latin America and Europe. Specifically, it selected and analyzed in-depth the Ibero-American Judicial Summit (Latin America), Joint Council on Constitutional Justice (Global/Transregional), Superior Courts Network (Council of Europe) and ACA-Europe (EU), highlighting the advantages and disadvantages of each of these networks from perspectives of ease of initial establishment, governance and organizational structure, institutional mandate, and delivering result.

8. In summary, the study found that, despite the proliferation of various judicial networks at sub-regional and international levels, unlike in Europe and South America, there is not a single continental judicial network in Africa to coordinate judicial institutions and assist them to effectively discharge their functions. According to the study, this continental ‘network deficit or gap’ has made it impossible to create common regional standards of rules, procedures and structures of institutions that are created to uphold the rule of law in Africa. This in turn has affected the harmonization of judicial education, and the role of the law to promote economic development and enhance regional integration.

9. The study accordingly concluded that:

The need for an African Judicial Network is clear. A review of existing international judicial networks operating across the African Union reveals that despite a striking proliferation of such networks in recent decades, there is at present no continent-wide judicial network to link courts across AU Member States, Regional Economic Communities and the continent-wide African Court on Human and Peoples’ Rights. The African Judicial Dialogue, organised on a biennial basis since 2013, is a valuable forum but cannot address this judicial network ‘gap’ as a stand-alone measure. An African Judicial Network can build on the successes of the African Judicial Network and expand on the activities that the Dialogue supports.

10. The study further suggested that an African Judicial Network should be designed in a way that takes the advantages and avoids the weaknesses of the European and Latin-America models. It should be tailored to the needs of the continent, and be one which is cost-effective, with a focused-mandate taking into account the linguistic diversities and differences in legal traditions of the continent.

11. The study also noted that a successful African Judicial Network will have representative governance model that gives greater flexibility and voice to participating courts in the development of the network. Furthermore, the study proposed that the Network will have an executive body that establishes good communication with

³ It is important to note that there are sub-regional judicial networks on the continent, for example, the Southern Africa.... (pls list those that already exist.)

participating courts and be responsive to feedback, both negative and positive. The quality and regularity of personal contact as well as non-repetition of activities carried out by other networks will help the Network to prevent 'network fatigue'. In this regard, the study underscored that it is not necessarily the case that more activities means a better network and as such, suggested that the African Judicial Network should adopt the multi-year thematic focus of the Ibero-American Judicial Summit.

12. The study further emphasized that establishing a network on a phased-approach allows for a spirit of experimentation and flexibility in crafting the network's activities. It also gives the governance organs time to find their feet and build 'buy in' and commitment of participating courts and potential participants. Beyond pilot trials, many networks' activities tend to expand over time. Accordingly, the study proposed that the African Judicial Network should also take this course and expand its activities gradually, rather than trying to do all at once from the very start.

II. ESTABLISHMENT OF THE COMMITTEE ON IMPLEMENTATION

13. At the Third Judicial Continental Dialogue which was held from 8 to 10 November, 2017 in Arusha, the United Republic of Tanzania under the theme of "Improving Judicial Efficiency in Africa", the study was considered. The gathering adopted the proposal for establishing an African Judicial Network and expressed the hope that the network will assist to disseminate and educate not only human rights law but also international criminal law and international humanitarian law, improve judicial education and strengthen the justice and rule of law sectors on the continent by building and strengthening the capacity of national and regional judiciaries.

14. (Not necessary) For purpose of implementing the initiative, the Dialogue proposed the creation of a Committee comprising five Judges to work with the Court on the implementation of the outcomes of the Dialogue.

15. The Registry of the Court considered the recommendation of the Third Judicial Dialogue and established a Committee composed of Five Judges, selected among the Presidents of the highest courts representing the five regions of the continent and two Judges of the African Court, including the President.

16. The Committee visited the Network of the Presidents of the Supreme Courts of the European Union in Paris, France, and the Judicial Center of Studies of Latin America in Santiago, Chile from 22-27 October 2018. In the course of its visit, the delegation garnered practical experiences regarding the establishment, operationalization, administration, mandates, challenges and achievements of the European Judicial Network and the Judicial Center of Studies of Latin America with a view to applying the lessons learnt for the establishment and operationalisation of the African Judicial Network.

17. At the end of the visits, the delegation held a debriefing meeting. It discussed the lessons learned. All members of the delegation underscored the importance of establishing an African Judicial Network, that serves as a platform for African Judges to come together and deliberate on ways of addressing their challenges and design solutions that are relevant to their contexts. Drawing on the experience of the Organization of American States (OAS), the Committee proposed that the proposal should be tabled at the Summit of the Assembly of the African Union.

18. The Committee further considered the draft Statute of the Network prepared by a consultant and proposed structural, editorial and slight substantive amendments. The Committee also recommended that the final version of the Statute be tabled for consideration at the Fourth Judicial Dialogue.

III. THE FOURTH AFRICAN JUDICIAL DIALOGUE

19. The Fourth Judicial Dialogue was held from 31 October-1 November 2019, in Kampala Uganda under the theme of “Tackling Contemporary Human Rights Issues: The Role of the Judiciary in Africa”. Over 400 participants from across Africa and beyond participated in the Dialogue, including about 46 Presidents and Chief Justices of African Judiciary or their representatives, Judges of the African Court and other African sub-regional courts and Judges of the European and Inter-American Courts.

20. The Fourth Dialogue also looked at the proposal of the Committee to consider the Statute for the Establishment of the African Judicial Network. After reviewing the Statute, the Dialogue adopted it unanimously and directed that the initiative should be sent to the political organs of the African Union for adoption and implementation.

21. In January/June 2020, the Court tabled the proposal of establishing African Judicial Network to the Permanent Representative Committee and subsequently, to the Executive Council of the African Union. The Executive Council, after considering the initiative, entrusted the Court to undertake an in-depth study on the organizational structure and financial implications on the Union of the establishment of the Network.

22. It is in accordance with this decision of the Executive Council that the Court has prepared the organogram of the Network and its financial implications for the Union.

IV. LEGAL AND FINANCIAL IMPLICATIONS OF THE ESTABLISHMENT OF THE NETWORK

23. Drawing on the development of the European Superior Courts Network and Southern American (Ibero-American) judicial networks, it is expected that the African Judicial Network will be established as a *sui generis* institution of the African Union. It will possess full juridical personality and capacity to contract, acquire and dispose of immovable and moveable property and institute legal proceedings. It should also conclude an agreement with the Host State on the status, privileges and immunities.

24. The Network will take an incremental approach, on a phased basis, to its establishment and development, adding activities over time, rather than attempting to set out a grand plan from the outset and seeking to do too much all at once. The Union should provide a seed-money to create the Network and cover administrative and operational costs at the beginning of its establishment for a period of three years.

25. However, at the end of the three years, it is envisaged that the Network, like the Inter-America Judicial Center of Studies, will be able to generate its own income from capacity-building trainings on various thematic areas and other short-term or continuous judicial education to national judiciaries and other stakeholders of Member States.

26. Until it becomes full-fledged, the Network will be hosted by the African Court with its own secretariat. With the view to minimizing costs, the Court will offer office and other administrative assistance. (Please see the attached proposed options of the organogram of the Network). Its headquarters will therefore temporarily be in Arusha.



STATUTE OF THE AFRICAN JUDICIAL NETWORK

2019

PREAMBLE

We, the Presidents and Representatives of the participating courts of the Third African Judicial Dialogue, meeting in Constituent Congress on 8, 9 and 10 November 2017 in Arusha, the United Republic of Tanzania:

- *Recalling* that the Constitutive Act of the African Union enshrines the commitment of Heads of State and Government of the Union “to promote and protect human and peoples’ rights, to consolidate institutions and democratic culture, to promote good governance and the rule of law”
- *Recalling* that the African Charter on Human and Peoples’ Rights recognises fundamental human rights as stemming from the attributes of human beings which justifies their national and international protection
- *Recalling* the commitment to good governance, democratic culture and the protection of human rights in other African Union instruments, including the African Charter on Democracy, Elections and Governance
- *Recalling* the human rights enshrined in United Nations instruments including the International Covenant on Civil and Political Rights and the International Covenant on Social, Economic and Cultural Rights
- *Recalling* the aspiration expressed in the Agenda 2063 programme of the African Union that the continent’s population “will enjoy affordable and timely access to independent courts and judiciary that deliver justice without fear or favour”
- *Recalling* that the Final Communiqué of the Second African Judicial Dialogue in Arusha, Tanzania, on 4-5 November 2015 encouraged greater collaboration between existing judicial forums for dialogue and the African Judicial Dialogue
- *Recalling* that the Final Communiqué of the Second African Judicial Dialogue in Arusha, Tanzania, on 4-5 November 2015 supported the establishment of a Continental Network of African Judiciaries
- *Recognising* the diversity in legal traditions and judicial systems across the African Union
- *Convinced* that a formal continent-wide network is needed to provide for effective collaboration between courts and other judicial bodies on the African continent

Adopted this Statute of the African Judicial Network during the Fourth African Judicial Dialogue, held from 31 October – 2 November, 2019 in Kampala, the Republic of Uganda.

ARTICLE 1

ESTABLISHMENT & SEAT

1. There is hereby established, within the framework of the African Union, an association to be known as the African Judicial Network, with the designated abbreviation AJN.
2. The seat of the African Judicial Network shall be in Arusha (Tanzania).

ARTICLE 2

OFFICIAL AND WORKING LANGUAGES

1. The official languages of the AJN shall be the official languages of the African Union.
2. The working languages of the African Judicial Network are Arabic, English, French and Portuguese.

ARTICLE 3

OBJECTIVES

1. The African Judicial Network is established to facilitate collaboration between and among continental, regional and national judicial institutions across the African Union. This involves: facilitating the African Court on Human and Peoples' Rights, courts of African Union Member States, and African Union Regions to work together in finding solutions to challenges they face in upholding the rule of law and the promotion and protection of human and peoples' rights.
2. Providing a forum for participating judicial bodies to assist one another in efforts to reform and strengthen their judiciaries and to share their best practices and jurisprudence with one another in order to ensure that together, they foster respect for the rule of law and human rights, and the delivery of accessible, impartial and expeditious justice to the African people
3. Providing a forum for linking the many existing international judicial networks in which courts of the African Union participate, and for linking judicial training and education bodies across the African Union.

ARTICLE 4

ACTIVITIES

Sub-Article 4.1

Realisation of objectives

The African Judicial Network shall seek to achieve the above objectives through a variety of means, including:

- (a) The African Judicial Dialogue, and other meetings, conferences and other events;
- (b) Information exchange between members;
- (c) Thematic studies;
- (d) Disseminating questionnaires;

- (e) Establishing databases;
- (f) Establishing web-based communications and intranets;
- (g) Publications;
- (h) Exchange programmes;
- (i) Continuing judicial education and training;
- (j) Standard-setting;
- (k) Liaison with external judicial networks and other relevant associations.

Sub-Article 4.2

Principle of Collaboration

The African Judicial Network shall as much as possible collaborate with other international judicial networks within the African Union.

ARTICLE 5

AFRICAN JUDICIAL NETWORK ORGANS

The organs of the African Judicial Network are:

- (a) Congress;
- (b) Management Board;
- (c) Secretariat

Sub-Article 5.1

Congress

1. The Congress is the supreme organ of the African Judicial Network. It is composed of all member courts of the African Judicial Network, including Full Members, Observer Members, and any additional categories of member created by the African Judicial Network.
2. The Congress shall be convened once every two years, or at least once every three years, at the African Judicial Network Dialogue.
3. At each meeting, the Congress will decide the venue of the next African Judicial Network Dialogue.
4. All members of the African Judicial Network shall be invited to attend the African Judicial Network Dialogue.
5. The quorum for a valid meeting of Congress is a simple majority of its members. Unless otherwise indicated, the Congress shall take decisions by consensus. If necessary, the Congress shall make decisions by a simple majority of the members present.
6. The Congress shall have two co-presidents. One president shall be the president of the highest domestic court of the host state for the next African Judicial Network

Dialogue. The second president shall be the President of the African Court on Human and Peoples' Rights.

7. Congress shall be responsible for the following:
 - (a) Adopting the Statute of the African Judicial Network;
 - (b) Deciding on any amendments to the Statute of the African Judicial Network;
 - (c) Adopting any secondary rules for the organisation of the African Judicial Network or the African Judicial Network Dialogue;
 - (d) Deciding on applications for membership of the African Judicial Network;
 - (e) Deciding on termination of membership of the African Judicial Network;
 - (f) Determining the Schedule of Activities of the African Judicial Network for the next two years;
 - (g) Considering and adopting the financial statement submitted by the Management Board;
 - (h) Adopting the budget estimate for the next two years;
 - (i) Approving nominations to the Management Board;
 - (j) Considering, and where appropriate, deciding on, all items submitted Management Board;
 - (k) Approving proposals made by the Management Board concerning the appointment of members of ad hoc committees;
 - (l) Deciding on the acceptance of any donations or other contributions offered to the African Judicial Network;
 - (m) Adopting any formal agreement or memorandum of understanding with any judicial network or other organisation; and
 - (n) Deciding on any dispute relating to the interpretation of this Statute.
8. Congress may, at its discretion, provide approval of any matter within its responsibility, retrospectively.

Sub-Article 5.2

Management Board

1. The Management Board is the executive and administrative organ of the African Judicial Network. It shall be composed of the following:
 - (a) A Judge (or retired Judge) of the African Court on Human and Peoples' Rights nominated by the President of the Court and Peoples' Rights and serving for a term of two years, which may be renewed;
 - (b) A Judge (or retired Judge) from the highest domestic court of the host state for the next African Judicial Network Dialogue, nominated by the President of the highest domestic Court and serving until the Dialogue has taken place;
 - (c) A Judge (or retired Judge) from two of the regional community courts, nominated by the respective Presidents of these Courts and serving for a term of two years, which may be renewed once. The regional community courts should be selected on the basis of adequate representation of different regions and legal traditions across the AU;
 - (d) Two judges (or retired judges) from highest domestic courts of AU Member States that are Full Members of the African Judicial Network, elected by the

Congress and serving for a single term of two years. The highest domestic courts should be selected on the basis of adequate representation of different regions and legal traditions across the AU;

- (e) One representative of the African Commission on Human and Peoples' Rights, nominated by the Chairperson of the Commission for a term of two years, which may be renewed;
 - (f) One representative of the African Committee of Experts on the Rights and Welfare of the Child, nominated by the Chairperson of the Committee for a term of two years, which may be renewed;
 - (g) A senior member of staff of the Registry of the African Court on Human and Peoples' Rights, nominated by the Registrar and serving for a period of indefinite duration;
 - (h) Up to three additional members of staff of the African Court on Human and Peoples' Rights, nominated by the Registrar and serving for a period of indefinite duration.
2. The Management Board shall be responsible for the following:
- (a) Day-to-day management of the African Judicial Network;
 - (b) Submitting reports to Congress concerning proposed amendments to the Statute;
 - (c) Drafting any secondary rules for the organisation of the African Judicial Network or the African Judicial Network Dialogue;
 - (d) Drafting a Schedule of Activities for the next two years, to be approved at each biennial meeting of Congress;
 - (e) Organising, in partnership with the Host State, the African Judicial Network Dialogue;
 - (f) Setting the agenda for the African Judicial Network Dialogue;
 - (g) Setting the theme of the African Judicial Network Dialogue, in consultation with the Members/Congress
 - (h) Receiving applications for membership and tabling the same to the Congress
 - (i) Proposing members of *ad hoc* working groups for approval by Congress;
 - (j) Proposing Network Ambassadors. The Management Board may also appoint Network Ambassadors on a provisional basis subject to subsequent approval by Congress;
 - (k) Compiling a financial statement to be submitted to each meeting of Congress;
 - (l) Preparing a budget estimate for the next two years for submission to Congress;
 - (m) Referring any other relevant matters to Congress concerning the African Judicial Network;
 - (n) Receiving communications concerning any donations or other contributions offered to the African Judicial Network;
 - (o) Communicating with members of the African Judicial Network, and with other organs and bodies of the African Judicial Network
 - (p) Implementing the decisions and resolutions of the Congress; and

- (q) Taking any action or decision required for the proper functioning of the African Judicial Network, with due regard to the views of the members of the African Judicial Network.
- (r) Appoint the Executive Director of the Secretariat
- 3. The Management Board may, at its discretion, invite any organisation to the African Judicial Network Dialogue that is not a member of the African Judicial Network, or any other individual person.

Sub-Article 5.3

Secretariat

1. The Secretariat shall be responsible for the day to day functions of the Network.
2. The Secretariat shall be headed by an Executive Director, who designs, plans and executes all tasks and activities of the Network and shall report to the Management Board.
3. The Secretariat as necessary shall recruit staff on a competitive basis and taking into account the representations of the different jurisdictions, languages and geographical regions of Africa.

ARTICLE 6

MEMBERSHIP

1. The African Judicial Network shall be composed of Full Members and Observer Members.
2. All final decisions as to membership rest with the Congress of the African Judicial Network.
3. The Management Board shall receive and table all requests for membership with recommendations to the Congress.

Sub-Article 6.1

Full Members

1. The following are entitled to be Full Members of the African Judicial Network:
 - (a) The highest domestic courts of African Union Member States;
 - (b) The African Court on Human and Peoples' Rights.
2. Full Members have voting rights.

Sub-Article 6.2

Observer Members

1. The following are entitled to be Observer Members of the African Judicial Network:
 - (a) The highest domestic courts of states outside the African Union.
 - (b) International courts within the African Union, which are not entitled to be Full Members of the African Judicial Network;
 - (c) International courts outside the African Union.
2. Observer Members do not have voting rights.

Sub-Article 6.3

Termination or Withdrawal of Membership

Membership may be terminated by:

- (a) Notice of withdrawal by a member court to the African Judicial Network;
- (b) Exclusion decided by the Congress.

ARTICLE 7

AD HOC WORKING GROUPS

1. The African Judicial Network may establish one or more *ad hoc* working groups to address selected themes and topics coming within the objectives of the African Judicial Network.
2. Each working group shall have adequately clear and detailed Terms of Reference.
3. An *ad hoc* working group may include participation of individuals who are not judges, including non-judicial court staff, academic experts, or other experts, as appropriate.
4. An *ad hoc* Working Group may, at the African Judicial Network's discretion, be styled as a Working Group, Sub-Committee, Commission, or by other nomenclature.

ARTICLE 8

NETWORK AMBASSADORS

1. The African Judicial Network may, at its discretion, nominate one or more judges, including retired judges, from within the African Union to act as a Network Ambassador. Judges may come from any court eligible to be a Full Member of the African Judicial Network.
2. Network Ambassadors will be responsible for promotion of the African Judicial Network and its activities.

3. Judges or retired judges nominated to act as Network Ambassadors shall be of high standing, competent and hold appropriate knowledge of human rights protection and of the African Charter on Human and Peoples' Rights in particular.
4. The term of a Network Ambassador's service shall be decided by consultation between the Management Board and the nominated Ambassador, and may be terminated at the initiative of either of the parties.
5. The Management Board may nominate Network Ambassadors on a provisional basis. All nominations must be approved by the Congress.
6. The specific roles of Ambassadors shall be defined in the Internal Rules of the Network.

ARTICLE 9

FOCAL POINTS

1. Each court that is a Full Member of the African Judicial Network may designate an individual to act as a Focal Point for the Full Member's communication with the Network, promote the Network's activities, and disseminate information concerning the Network.
2. The Focal Point should ideally be a Registrar (or equivalent) of the court.

ARTICLE 10

BUDGET

1. The African Judicial Network's budget shall be provided by the African Union.
2. The African Judicial Network may, at its discretion, engage in additional fundraising activities.
3. The Congress shall, as appropriate, decide on membership fees.

ARTICLE 11

FINANCIAL PROVISIONS

1. The operating costs of the seat of the African Judicial Network shall be part of its budget.
2. The African Judicial Network shall be responsible for travel expenses and other costs of individuals engaged in African Judicial Network activity, including members of the Management Board, *ad hoc* working groups, and Network Ambassadors.
3. Travel and subsistence expenses of the representative of each member court shall be the responsibility of the member court represented.

ARTICLE 12

RATIFICATION & AMENDMENT OF THIS STATUTE

1. This Statute shall become effective upon its adoption by the Constituent Congress of the African Judicial Network. The Statute shall be provided in four originals in the Arabic, English, French, and Portuguese languages. Each text shall be equally valid.
2. Any Full Member of the African Judicial Network may table amendments to this Statute in the form of written proposals submitted to the Management Board. The Management Board, may also table amendments in the form of written submissions.
3. The Management Board, following consideration of submitted amendments, shall prepare a report and submit it to the Congress for a vote.
4. Amendments may be adopted by a supermajority of two-thirds (2/3) of Congress members.

Approved in [PLACE] on [DATE].

ESTIMATED COSTS															
Scenario 1. Full structure															
		Year 1										Nb child	3		
	Option 1		Basic salary	Post Adj. A.	Spouse All.	Dependency All.	Housing All.	Pension Scheme Employer contr	Non Residence All.	Tot. Monthly costs	Annual /uncontrollable staff costs	Education	Medical	Life insurance	Tot Annual costs
1	Head of Secretariat (P6)	1	5,085.25	2,135.81	254.26	62.49	1860	1,130.45	-	10,528.26	126,339.10	30,000	2,800	2,000	161,139
2	Secretary and Admin Assistant (GSA5)	1	1,313.17	551.53	65.66	62.49		291.92	500	2,784.76	33,417.14	30,000	2,800	2,000	68,217
3	Head of Research and Training Officer (P 5)	1	4,228.83	1,776.11	211.44	62.49	1860	940.07	-	9,078.94	108,947.34	30,000	2,800	2,000	143,747
4	Principal Legal Officer (P 4)	1	3,573.25	1,500.77	178.66	62.49	1860	794.33	-	7,969.50	95,634.01	30,000	2,800	2,000	130,434
5	Finance and Administration officer (P2)	1	2,589.42	1,087.56	129.47	62.49	1627.5	575.63	-	6,072.06	72,864.72	30,000	2,800	2,000	107,665
6	Human Resources Officer (P 2)	1	2,589.42	1,087.56	129.47	62.49	1627.5	575.63	-	6,072.06	72,864.72	30,000	2,800	2,000	107,665
7	Publication, Communication and External Relations Officer (P 4)	1	3,573.25	1,500.77	178.66	62.49	1860	794.33	-	7,969.50	95,634.01	30,000	2,800	2,000	130,434
8	IT Specialist and Webmaster (P2)	1	2,589.42	1,087.56	129.47	62.49	1627.5	575.63	-	6,072.06	72,864.72	30,000	2,800	2,000	107,665
		8													
Annual cost															956,965.76
Scenario 2. Assistance of the Court 2 positions (Finance Officer and HR Officer)															
		Year 1										Nb child	3		
	Option 2		Basic salary	Post Adj. A.	Spouse All.	Dependency All.	Housing All.	Pension Scheme Employer contr	Non Residence All.	Tot. Monthly costs	Annual /uncontrollable staff costs	Education	Medical	Life insurance	Tot Annual costs
1	Head of Secretariat (P6)	1	5,085.25	2,135.81	254.26	62.49	1860	1,130.45	-	10,528.26	126,339.10	30,000	2,800	2,000	161,139
2	Secretary and Admin Assistant (GSA5)	1	1,313.17	551.53	65.66	62.49		291.92	500	2,784.76	33,417.14	30,000	2,800	2,000	68,217
3	Head of Research and Training Officer (P 5)	1	4,228.83	1,776.11	211.44	62.49	1860	940.07	-	9,078.94	108,947.34	30,000	2,800	2,000	143,747
4	Principal Legal Officer (P 4)	1	3,573.25	1,500.77	178.66	62.49	1860	794.33	-	7,969.50	95,634.01	30,000	2,800	2,000	130,434

[illegible]

		Qty										Nb child	3	
	Option 2		Basic salary	Post Adj. A.	Spouse All.	Dependency All.	Housing All.	Pension Scheme Employer contr	Tot. Monthly costs	Annual /uncontrollable staff costs	Education	Medical	Life insurance	Tot Annual costs
1	Director (D1)	1	6,511.50	2,734.83	325.58	62.49	1,860.00	1,447.51	12,941.90	155,302.82	30,000	2,800	2,000	190,103
2	Deputy Director (P 5)	1	4,228.83	1,776.11	211.44	62.49	1,860.00	940.07	9,078.94	108,947.34	30,000	2,800	2,000	143,747
3	Research and Training (P5)	1	4,228.83	1,776.11	211.44	62.49	1,860.00	940.07	9,078.94	108,947.34	30,000	2,800	2,000	143,747
4	Finance and Administration (P4)	1	3,573.25	1,500.77	178.66	62.49	1,860.00	794.33	7,969.50	95,634.01	30,000	2,800	2,000	130,434
5	Division of Language, Publication, External relations & communications (P4)	1	3,573.25	1,500.77	178.66	62.49	1,860.00	794.33	7,969.50	95,634.01	30,000	2,800	2,000	130,434
6	Special Assistant / Director (P 4)	1	3,573.25	1,500.77	178.66	62.49	1,860.00	794.33	7,969.50	95,634.01	30,000	2,800	2,000	130,434
7	Secretary /Deputy Director (P 2)	1	2,589.42	1,087.56	129.47	62.49	1,627.50	575.63	6,072.06	72,864.72	30,000	2,800	2,000	107,665
8	Principal Legal Officer (P4)	2	3,573.25	1,500.77	178.66	62.49	1,860.00	794.33	7,969.50	95,634.01	30,000	2,800	2,000	130,434
9	Senion Legal Officers (P3)	3	3,121.08	1,310.86	156.05	62.49	1,627.50	693.82	6,971.80	83,661.59	30,000	2,800	2,000	118,462
10	Legal Officers (P2)	4	2,589.42	1,087.56	129.47	62.49	1,627.50	575.63	6,072.06	72,864.72	30,000	2,800	2,000	107,665
11	Librarian (to confirm if P2)	1	2,589.42	1,087.56	129.47	62.49	1,627.50	575.63	6,072.06	72,864.72	30,000	2,800	2,000	107,665
12	Finance and Budget Officer (P 2)	1	2,589.42	1,087.56	129.47	62.49	1,627.50	575.63	6,072.06	72,864.72	30,000	2,800	2,000	107,665
13	Protocol Officer (P 2)	1	2,589.42	1,087.56	129.47	62.49	1,627.50	575.63	6,072.06	72,864.72	30,000	2,800	2,000	107,665
14	Security Officer (P 2)	1	2,589.42	1,087.56	129.47	62.49	1,627.50	575.63	6,072.06	72,864.72	30,000	2,800	2,000	107,665
15	Human Resources Officer (P2)	1	2,589.42	1,087.56	129.47	62.49	1,627.50	575.63	6,072.06	72,864.72	30,000	2,800	2,000	107,665
16	Communication Officer (P 3)	1	3,121.08	1,310.86	156.05	62.49	1,627.50	693.82	6,971.80	83,661.59	30,000	2,800	2,000	118,462

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DRAFT DECISION ON THE 2021 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 2021, and the recommendations therein; and commends the Court on the commemoration of the 15th Anniversary of its operationalization and for the work it has done over the past 15 years to develop important African human rights jurisprudence;
2. **RECALLS** its decision EX.CL/Dec. 1079 (XXXVI) adopted by the 36th Ordinary Session of the Executive Council held in Addis Ababa, Ethiopia, requesting the African Union Commission and the PRC, in collaboration with the Court, to undertake an in-depth study and present the legal and financial implications on the establishment of an African Judicial Network within the African Union structures.
3. **TAKES NOTE** of the Study presented by the Court, as well as the legal and financial implications on the establishment of an African Judicial Network within the structures of the African Union;
4. **ENDORSES** the establishment of an African Judicial Network within the structures of the African Union, as an autonomous body, to promote the activities of judicial institutions on the continent;
5. **CALLS ON** the AUC, in consultation with the African Court, to ensure the setting up of the network and its operationalization, within a reasonable time.
6. **NOTES WITH CONCERN** that two decades after its adoption, only thirty-two (32) Member States of the African Union have ratified the Protocol and only eight (8) of the 32 State Parties, have deposited the declaration required under Article 34 (6) thereof, allowing individuals and NGOs to bring cases directly to the Court;
7. **CONGRATULATES** the thirty-two (32) 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, Mali, Malawi, Mozambique, Mauritania, Mauritius, Nigeria, Niger, Rwanda, South Africa, Sahrawi Arab Democratic Republic, Senegal, Tanzania, Togo, Tunisia and Uganda.
8. **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.
9. **INVITES** the twenty-three (23) Member States that have not already done so, to accede to the Protocol, and invites the twenty (20) State Parties to the Protocol

that have not yet done so, to deposit the Declaration required under Article 34 (6) of the Protocol, and the four (4) State Parties that have withdrawn their Declarations to reconsider their decisions.

10. **NOTES** with concern the low level of compliance with the Court's decisions 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.
11. **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, 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.
12. **URGES** the Commission to expedite the processes of organizing the Joint Retreat between the PRC and Legal, Judicial, Quasi-judicial and Legislative Organs of the Union, with a view to considering the reform proposals for the said Organs.
13. **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.
14. **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 2022, on the implementation of this Decision.