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2018 MID-TERM ACTIVITY REPORT OF THE AFRICAN COURT ON
HUMAN AND PEOPLE,S RIGHTS
(AfCHPR)

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

MID -TERM ACTIVITY REPORT OF THE AFRICAN COURT ON HUMAN
AND PEOPLES, RIGHTS

1 JANUARY • 30 JUNE 2018

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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). 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 the Mid-Term Activity Report of the Court, submitted in conformity with the above-cited Article of the Protocol. The Report describes the activities undertaken by the Court from 1 January to 30 June 2018, 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 competence of the Court to receive cases from individuals and Non-governmental organizations (NGOs)

5. As at 30 June, 2018, the Protocol had been ratified by thirty (30) Member States of the African Union, namely: Algeria, Benin, Burkina Faso, Burundi, Cameroon, Chad, Congo, Côte d'Ivoire, Comoros, Gabon, The Gambia, Ghana, Kenya, Libya, Lesotho, Malawi, Mali, Mauritania, Mauritius, Mozambique, Niger, Nigeria, Uganda, Rwanda, Sahrawi Arab Democratic Republic, Senegal, South Africa, Tanzania, Togo and Tunisia. See Table 1.

6. Of the 30 State Parties to the Protocol, only eight (8), namely: Benin, Burkina Faso, Cote d'Ivoire, Ghana, Malawi, Mali, Tanzania and Tunisia, have made the declaration under Article 34(6) thereof, accepting the jurisdiction of the Court to receive cases from individuals and non-governmental organizations (NGOs). See Table 2.

Table 1: List of countries that have ratified/acceded to the Protocol				
No.	Country	Date of Signature	Date of Ratification/ Accession	Date of deposit
1.	Algeria	13/07/1999	22/04/2003	03/06/2003
2.	Benin	09/06/1998	22/08/2014	22/08/2014
3.	Burkina Faso	09/06/1998	31/12/1998	23/02/1999
4.	Burundi	09/06/1998	02/04/2003	12/05/2003
5.	Cameroon	25/07/2006	17/08/2015	17/08/2015
6.	Chad	06/12/2004	27/01/2016	08/02/2016
7.	Congo	09/06/1998	10/08/2010	06/10/2010
8.	Cote d'Ivoire	09/06/1998	07/01/2003	21/03/2003
9.	Comoros	09/06/1998	23/12/2003	26/12/2003
10.	Gabon	09/06/1998	14/08/2000	29/06/2004
11.	The Gambia	09/06/1998	30/06/1999	15/10/1999
12.	Ghana	09/06/1998	25/08/2004	16/08/2005
13.	Kenya	07/07/2003	04/02/2004	18/02/2005
14.	Libya	09/06/1998	19/11/2003	08/12/2003
15.	Lesotho	29/10/1999	28/10/2003	23/12/2003
16.	Malawi	09/06/1998	09/09/2008	09/10/2008
17.	Mali	09/06/1998	10/05/2000	20/06/2000
18.	Mauritania	22/03/1999	19/05/2005	14/12/2005
19.	Mauritius	09/06/1998	03/03/2003	24/03/2003
20.	Mozambique	23/05/2003	17/07/2004	20/07/2004
21.	Niger	09/06/1998	17/05/2004	26/06/2004
22.	Nigeria	09/06/2004	20/05/2004	09/06/2004
23.	Rwanda	09/06/1998	05/05/2003	06/05/2003
24.	Sahrawi Arab Democratic Republic	25/07/2010	27/11/2013	27/01/2014
25.	Senegal	09/06/1998	29/09/1998	30/10/1998
26.	South Africa	09/06/1999	03/07/2002	03/07/2002
27.	Tanzania	09/06/1998	07/02/2006	10/02/2006
28.	Togo	09/06/1998	23/06/2003	06/07/2003
29.	Tunisia	09/06/1998	21/08/2007	05/10/2007
30.	Uganda	01/02/2001	16/02/2001	06/06/2001

of Countries • 55, # of Signature • 52, # of Ratification • 30, # of Deposit • 30

Source: African Union Website.

No.	Country	Date of Signature	Date of deposit
1.	Benin	22/05/2014	08/02/2016
2.	Burkina Faso	14/07/1998	28/07/1998
3.	Cote d'Ivoire	19/06/2013	23/07/2013
4.	Ghana	09/02/2011	10/03/2011
5.	Malawi	09/09/2008	09/10/2008
6.	Mali	05/02/2010	19/02/2010
7.	Tanzania	09/03/2010	29/03/2010
8.	Tunisia	13/04/2017	29/05/2017

Source: African Union Website

Total # Eight (8)

III. Current composition of the Court

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

IV. Activities undertaken by the Court

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

i) Judicial Activities

9. The judicial activities 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.

10. From 1 January to 30 June 2018, the Court was seized with eleven (11) new cases. Since its establishment therefore, the Court has received a total of 183 Applications, disposed of 56, issued 24 orders for interim measures, and has 127 Applications pending before it. Since its establishment, the Court has rendered 87 decisions as follows:

i)	Judgments on the merits	12
ii)	Rulings on admissibility	07
iii)	Rulings on jurisdiction/competence	20
iv)	Judgments on Applications for review	03
v)	Judgments on Interpretation of Judgment	03
vi)	Judgments on reparations	04

vii) Advisory opinions rendered	12
viii) Orders for provisional measures issued	24
ix) Rulings on Preliminary objections	02
Total	87

a) Sessions held

11. During the reporting period, the Court held two (2) Ordinary Sessions, as follows:

- i) 48th Ordinary Session, from 26 February to 23 March , 2018, in Arusha, Tanzania; and
- ii) 49th Ordinary Session, from 16 April to 11 May, 2018, in Arusha, Tanzania.

b) Case Management

12. During the period under review, the Court delivered ten (10) judgments and deferred 127 Applications for further consideration.

13. Table 3 below shows the number of Judgments delivered by the Court during this period.

Table 3: Judgments delivered between 1 January and 30 June 2018

No.	Application No.	Applicant	Respondent	Remarks
1.	005/2015	Thobias Mangwara Mango and Shukurani Masegenya Mango	The United Republic of Tanzania	Judgment on the Merits
2.	006/2015	Nguza Vicking (Babu Seya) and Johnson Nguza (Papi Kocha)	The United Republic of Tanzania	Judgment on the Merits
3.	022/2015	Rutabingwa Chrysanthe	The Republic of Rwanda	Ruling on Admissibility
4.	010/2015	Amiri Mohamed Ramadhani	The United Republic of Tanzania	Judgment on the Merits
5.	012/2015	Anudo Ochieng Anudo	The United Republic of Tanzania	Judgment on the Merits.
6.	032/2015	Kijiji Isiaga	The United Republic of Tanzania	Judgment on the Merits
7	002/2016	George Maili Kemboje	The United Republic of Tanzania	Judgment on the Merits
8.	038/2016	Gombert Jean-Claude Roger	The Republic of Côte d'Ivoire	Ruling on Admissibility
9.	040/2016	Mariam Kouma and Ousmane Diabate	The Republic of Mali	Ruling on Admissibility
10.	046/2016	APDF & IHRDA	The Republic of Mali	Judgment on the Merits.

14. All the decisions taken on the above matters have been communicated to the parties, in accordance with Article 29(1) of the Protocol.

15. The Court is processing the pending matters before it in accordance with the relevant provisions of the Protocol and its Rules.

c) Public Sittings

16. From 1 January to 30 June 2018, the Court organised fourteen (14) public sittings, to hear oral arguments from parties, as well as deliver judgments and rulings.

17. Table 4 below indicates the public sittings organised during the period under consideration.

Table 4 • Public sittings organised between 1 January and 30 June, 2018

No.	Date of Public sitting	Purpose of public sitting	Application No.	Applicant	Respondent
1.	10 May 2018	Hear oral arguments	001/2015	Armand Guehi	The United Republic of Tanzania
2.	19-20 March 2018	Hear oral arguments	013/2015-	John Robert Pennesis	The United Republic of Tanzania
3.	11 May 2018	Delivery of Judgment	005/2015	Thobias Mangwara Mango and Shukurani Masegenya Mango	The United Republic of Tanzania
4.	23 March 2018	Delivery of Judgment	006/2015	Nguza Vicking (Babu Seya) and Johnson Nguza (Papi Kocha)	The United Republic of Tanzania
5	11 May, 2018	Delivery of Judgment	022/2015	Rutabingwa Chrysathe	The Republic of Rwanda
6.	11 May 2018	Delivery of Judgment	010/2015	Amiri Mohamed Ramadhani	The United Republic of Tanzania
7.	21 March, 2018	Delivery of Judgment	012/2015	Anudo Ochieng Anudo	The United Republic of Tanzania
8.	21 March, 2018	Delivery of Judgment	032/2015	Kijiji Isiaga	The United Republic of Tanzania
9	11 May 2018	Delivery of Judgment	002/2016	Geoge Maili Kemboge	The United Republic of Tanzania
10.	21 March, 2018	Delivery of Ruling	038/2016	Gombert Jean-Claude Roger	The Republic of Côte d'Ivoire
11.	21 March, 2018	Delivery of Ruling	040/2016	Mariam Kouma and Ousmane Diabate	Republic of Mali
12.	11 May, 2018	Delivery of	046/2016	APDF & IHRDA	Republic of Mali

		Judgment				
13.	8 May 2018	Hearing arguments	oral	001/2017	Alfred Agbesi Woyome	Republic of Ghana
14.	9 May 2018	Hearing arguments	oral	013/2017	Sebastien Gemain Ajavon	Republic of Benin

d) Status of implementation of the Judgments of the Court

18. 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. The table below shows the extent of implementation of the Court's judgments, orders and rulings:

i) Implementation of decisions on the merits and orders for reparations

No	App. No.	Applicant	Respondent	Date of Judgment/ Order	Order of the Court	Remarks and status of implementation
1.	Consolidated Applications 009 and 011/2011	Tanganyika Law Society and Legal and Human Rights Centre and Reverend Christopher Mtikila	United Republic of Tanzania	14/6/2013 (Judgment on Merits) & 13/6/2014 (Ruling on Reparations in Application 011/2011)	(i) Take constitutional, legislative and other measures within a reasonable time to remedy the violations found by the Court and to inform the Court of the measures taken. (ii) Publish the official English summary, of the judgment of 14 June 2013, developed by the Registry of the Court, which must be translated into Kiswahili at the expense of the Respondent State and published in both languages, once in the official Gazette and once in a national newspaper with widespread circulation; (iii) Publish the judgment of	On 18 January 2016, Tanzania published the judgment of 14 June 2013 on an official government website. On 14 April 2016, the Court sent to the Government, a Revised Summary of the Judgment for purposes of publication in the Official Gazette and a newspaper with wide circulation. The government has not reported on the measures taken to publish the Revised Summary of the judgment. The government has also not taken the constitutional, legislative

					<p>14 June 2013 in its entirety, in English, on an official website of the Respondent State, and remain available for a period of one (1) year.</p> <p>(iv) Submit to the Court, within nine (9) months a report of measures taken to implement the orders.</p>	<p>and other measures to remedy the violations found, as ordered by the Court since by the Respondent State's report dated 22 December 2017, the referendum on the proposed new constitution which provides for independent candidates is pending.</p> <p>The Court has not received any report indicating that this status has changed.</p>
2.	013/2011	Norbert Zongo & Others	Burkina Faso	<p>Judgment on Merits delivered on 28/3 2014</p> <p>Ruling on Reparations delivered on 5/6 /2015 (Ruling on Reparations</p>	<p>In the Judgment on Merits, the Court found that the Respondent State has violated Article 7 of the Charter and consequently violated Article 1 of the Charter.</p> <p>In the Ruling on Reparations:</p> <p>(i) Orders the Respondent State, to pay twenty-five (25) million CFAF to each spouse; fifteen (15) million CFA F to each son and daughter; and ten (10) million CFAF to each father and mother concerned;</p> <p>(ii) orders the Respondent State in addition to pay a token sum of one (1) CFAF to the MBDHP;</p> <p>(iii) Orders the Respondent State to pay the Applicants the sum of forty (40) million CFAF being the fees owed to their Counsel;</p> <p>(iv) Orders the Respondent State to reimburse the Applicants the out-of-pocket expenses incurred by their Counsel during their stay at the Seat of the Court in</p>	<p>Regarding the Judgment on Merits and Ruling on Reparations, the Counsel for the Applicants, by email of 26 May, 2016, informed the Court that Burkina Faso has:</p> <p>(i) paid the Applicants 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 the beneficiaries of Norbert ZONGO and his three companions;</p> <p>(ii) 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;</p> <p>(iii) on 8 April 2015, an Order to re-open investigations was issued by the Examining Magistrate of the Ouagadougou High Court and in December 2015,</p>

					<p>Arusha in March and November 2013, in the amount of three million one hundred and thirty-five thousand, four hundred and five CFAF and eighty cents (3,135,405.80);</p> <p>(v) Orders the Respondent State to pay all the amounts mentioned above within six months (from date of judgment), failing which interest will accrue for delayed payment, calculated at the rate applicable at the Central Bank of West African States (BCEAO), for the entire duration of the delay until full payment of the amounts owed;</p> <p>(vi) Orders the Respondent State to publish within six (6) months of the date of the Judgment: (a) the summary of the Judgment in French drafted by the Registry of the Court, once in the Official Gazette of Burkina Faso and once in a widely read national Daily; (b) the same summary on the website of the Respondent State and retain the publication on the said website for one year;</p> <p>(vii) Orders the Respondent State to reopen investigations with a view to apprehend, prosecute and bring to justice the perpetrators of the assassination of Norbert Zongo and his three companions; and</p> <p>(viii) Orders the Respondent State to submit to it within six months,</p>	<p>three soldiers belonging to the former Presidential Security Regiment (RSP), namely Christophe KOMBACERE (Soldier), Corporal Wamasba NACOUKMA and Sergeant Banagoulo YARO were indicted by the Prosecutor for the murder of Norbert ZONGO and his companions.</p> <p>On 28 November 2016, the Respondent submitted copies of the Official Gazette Special Bis No. 07 of 9 November 2015 and the Newspaper Sidwaya of 10 September 2015 Edition Number 7997 where the summary of the Judgment was published.</p> <p>In July 2017, the Respondent through the Ambassador in Addis Ababa, Ethiopia, provided information that the summary of the judgment was published on the website www.sig.bf/category/actualites/page/53 from 9 September 2015.</p> <p>By emails dated 11 and 27 April 2018 the Respondent State transmitted the Report on measures it has taken to implement the judgment of the Court.</p> <p>The Report indicates that the publication of the judgment and summary thereof has been done,</p>
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					effective from date of judgment, a report on the status of compliance with all the Orders contained in the Judgment.	compensation ordered has been paid on 9 December 2015 and the investigations ordered have been opened.
3.	006/2012	ACHPR	Kenya	26/5/ 2016	<p>i) Declares that the Respondent has violated Articles 1, 2, 8, 14 17(2) and (3), 21 and 22 of the Charter;</p> <p>ii) Declares that the Respondent has not violated Article 4 of the Charter;</p> <p>iii) Orders the Respondent to take all appropriate measures within a reasonable time frame to remedy all the violations established and to inform the Court of the measures taken within six (6) months from the date of this Judgment;</p> <p>iv) R e s e r v e s its r u l i n g o n r e p a r a t i o n s ;</p> <p>v) Requests the Applicant to file submissions on Reparations within 60 days from the date of this judgment and thereafter, the Respondent shall file its Response thereto within 60 days of receipt of the Applicant's submissions on Reparations and Costs</p>	<p>The Respondent State has not reported on measures taken to implement the Judgment yet the time to do so elapsed on 25 November 2017</p> <p>It is to be noted that information on the establishment of a Task Force on Implementation of the Judgment of the Court via Gazette Notice Number GN/10944/2017 dated 23 October 2017 as amended by Gazette Notice Number GN/2446/2018 dated 28 February 2018 is in the public domain.</p>

4.	002/2013	ACHPR	Libya	3/62016	<p>i) Order the Respondent State to respect all the rights of Mr. Kadhafi as defined by the Charter by terminating the illegal criminal procedure instituted before the domestic courts.</p> <p>ii) Order Libya to submit to the Court on the measures taken to guarantee the rights of Mr. Kadhafi within sixty (60) days from the date of notification of this judgment.</p>	Libya has not informed the Court of the measures it has taken to implement the Court orders, in spite the undertaking it made before the PRC in June 2017, to do so.
5.	004/2013	Loh... Issa Konat...	Burkina Faso	5/12/ 2014 (Judgment on Merits)	<p>Order in Judgment on Merits</p> <p>i) To amend its legislation on defamation in order to make it compliant with Article 9 of the Charter, Article 19 of the International Covenant on Civil and Political Rights and Article 66 (2)(c) of the Revised ECOWAS Treaty:</p> <p>ii) by repealing custodial sentences for acts of defamation; and</p> <p>iii) by adapting its legislation to ensure that other sanctions for defamation meet the test of necessity and proportionality, in accordance with its obligations under the Charter and other international instruments.</p> <p>iv) To report to the Court within a reasonable time, on the measures taken to implement the amendments to the</p>	By emails dated 11 and 27 April 2018, the State transmitted 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 of 04 September 2015, Portant R„gime Juridique de la Presse „crite au Burkina Faso and Law Number 058-2015/CNT of 04 September 2015, Portant Regime Juridique de la Presse en Ligne au Burkina Faso.

					<p>above-mentioned legislation and in any case, not exceeding two years, from the date of the Judgment.</p> <p>In the Ruling on Reparations, the Respondent State was ordered:</p> <p>i) To expunge from the Applicant's judicial records, all the criminal convictions pronounced against him;</p> <p>ii) To revise downwards the amount of fines, damages and costs charged against the Applicant to ensure that it is compliant with the criteria of necessity and proportionality as stated in the Court's Judgment on the merits regarding other sanctions;</p> <p>iii) To pay the Applicant the sum of twenty-five million (25,000,000) CFA Francs, (equivalent to US\$ 50,000), as compensation for loss of income;</p> <p>iv) To refund the sum of one hundred and eight thousand (108,000) CFA Francs, (equivalent to US\$ 216), incurred by the Applicant as medical and transport expenses;</p> <p>v) To pay ten million (10,000,000) CFA Francs, (equivalent to US\$ 20,000), to the Applicant as compensation for the moral damage suffered by him and his family;</p>	
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					<p>vi) To pay all the amounts ordered within six months, effective from this date, failing which it will also be required to pay interest on arrears calculated on the basis of the applicable rate of the Central Bank of the Community of West African States (BCEAO), throughout the period of delayed payment and until the accrued amount is fully paid;</p> <p>vii) To publish within six months, effective from the date of this Judgment: (a) the summary in French of this Judgment as prepared by the Registry of the Court, once in the Official Gazette of Burkina Faso and once in a widely read national Daily; and (b) publish the same summary on an official website of the Respondent State, and maintain the publication for one year;</p> <p>viii) To submit to the Court within six months from the date of publication of the Judgment, a report on the status of its implementation.</p>	<p>On 28 June 2016, the Counsel for the Respondent State wrote an email to the Registry to acknowledge receipt of the Judgment and requesting for the summary of the Judgment. On 17 August 2016, the Registry sent to him the summary of the judgement to be published. In his response the lawyer requested the Registry to assist in getting the bank account details of the Applicant's Lawyer, as the Ministry of the Finance of the Respondent State wished to make the payment ordered by the Court. The Registry forwarded the email to the Applicant's lawyer and advised Mr Anicet that he can contact the Applicant and his lawyers directly to finalise</p>
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Ruling on
Reparations
(3/6/ 2016)

						<p>the payments.</p> <p>By an email of 11 April 2018, the Respondent State's Counsel transmitted 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.</p>
6.	005/2013	Alex Thomas	Tanzania	20/11/2015	<p>Take all necessary measures, within a reasonable time to remedy the violation found, specifically, precluding the reopening of the defence case and the retrial of the Applicant, and to inform the Court, within six (6) months from the date of the judgment, of measures taken.</p>	<p>The Respondent Applied for interpretation of the judgment and the Court delivered judgment on the Application on 28 September 2017.</p> <p>After the Judgment on the Application for Interpretation of Judgment the Respondent State is yet to report on the measures taken to implement the Judgment on the Merits</p>
7.	006/2013	Wilfred Onyango Nganyi and 9 Others	Tanzania	18/3/2016	<p>The Respondent to provide legal aid to the Applicants for the proceedings pending against them in the domestic courts.</p> <p>The Respondent to take all necessary measures within a reasonable time to expedite and finalise all criminal appeals by or</p>	<p>The Respondent filed a report dated 22 December 2016 that:</p> <ol style="list-style-type: none"> 1. By the time the Court Ordered the Respondent to provide legal aid to the Applicants for the pending proceedings against them in the

					<p>against the Applicants in the domestic courts.</p> <p>The Respondent to inform the Court of the measures taken within six months of this judgment.</p>	<p>domestic court was delivered, the High Court had already concluded the appeals filed by the Applicants, 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.</p> <p>2. The Legal Aid Bill, 2016 is being prepared pursuant to a Cabinet decision. It is to regulate and coordinate the provisions of legal aid services to indigent persons, to recognise paralegals, to repeal the Legal Aid Criminal Proceedings Act, Chapter 21 of the Laws of Tanzania and provide for related matters. The Bill would be tabled for debate in the February 2017 Parliamentary Session.</p> <p>There has been no further updates from the Respondent State in this regard.</p>
8.	007/2013	Mohammed Abubakari	Tanzania	3/62016	The decision was that the Court Orders the Respondent State to take all appropriate measures within a reasonable time	The Respondent Applied for interpretation of the judgment and the Court delivered judgment on the Application on 28

					frame to remedy all violations established, excluding a reopening of the trial, and to inform the Court of the measure so taken within six (6) months from the date of this Judgment.	September, 2017. After the Judgment on Application for Interpretation of Judgment the Respondent State is yet to report on the measures taken to implement the Judgment on the Merits.
9.	001/2014	Actions Pour la Protection des Droits de L'Homme	Côte d'Ivoire	18/11/2016	<p>The Order of the Court was as follows:</p> <p>i) Rules that the Respondent has violated its obligation to establish an independent and impartial electoral body as provided under Article 17 of the African Charter on Democracy and Article 3 of the ECOWAS Democracy Protocol, and consequently, also violated its obligation to protect the right of the citizens to participate freely in the management of the public affairs of their country guaranteed by Article 13 (1) and (2) of the African Charter on Human and Peoples' Rights;</p> <p>ii) Rules that the Respondent State has violated its obligation to protect the right to equal protection of the law guaranteed by Article 10 (3) of the African Charter on Democracy, Article 3 (2) of the African Charter on Human and Peoples' Rights and</p>	<p>The Respondent Applied for Interpretation of the judgment and the Court delivered judgment on the Application on 28 September 2017.</p> <p>After the Judgment on Application for Interpretation of Judgment the Respondent State is yet to report on the measures taken to implement the Judgment on the Merits. The time in this regard elapsed on 17 November 2017.</p>

					<p>Article 26 of the International Covenant on Civil and Political Rights;</p> <p>iii) Orders the Respondent State to amend Law No. 2014-335 of 18 June 2014 on the Independent Electoral Commission to make it compliant with the aforementioned instruments to which it is a Party;</p> <p>iv) Orders the Respondent State to submit to it a report on the implementation of this decision within a reasonable time which, in any case, should not exceed one year from the date of publication of this Judgment</p>	
10.	003/2014	Ingabire Victoire Umuhoza	Rwanda	24/11/2017	<p>The Order of the Court was as follows:</p> <p>i) Holds that the Respondent has not violated Article 7 (1) (b) and (d) of the Charter as regards the right to presumption of innocence and the right to be tried by a neutral and impartial tribunal;</p> <p>ii) Holds that the Respondent State has not violated Article 7 (2) of the Charter as regards the right to the application of the principle of equality of crime and punishment;</p> <p>iii) Holds that the Respondent State has not violated Article 7 (1)</p>	<p>The time for the Respondent State to report on measures taken to implement the Judgment is still running.</p> <p>It should be noted that during the presentation of the 2017 Activity Report of the Court before the Executive Council in January 2018, the Respondent State reiterated its decision of not cooperating with the Court.</p>

					<p>(c) of the Charter relating to the searches conducted on the Counsel and on the defence witness;</p> <p>iv) Holds that the Respondent State has violated Article 7 (1) (c) of the African Charter on Human and Peoples' Rights as regards the procedural irregularities which affected the rights of the defence listed in paragraph 97 of this judgment;</p> <p>v) Holds that the Respondent State has violated Article 9 (2) of the African Charter on Human and Peoples' Rights and Article 19 of the International Covenant on Civil and Political Rights on freedom of expression and opinion;</p> <p>vi) Orders the Respondent State to take all necessary measures to restore the rights of the Applicant and to submit to the Court a report on the measures taken within six (6) months;</p> <p>vii) Dismisses the Applicant's prayer for the Court to order her direct release, without prejudice to the Respondent State's power to take the measure itself;</p> <p>viii) Defers its decision on other forms of reparation;</p> <p>ix) Grants the Applicant, pursuant to Rules 63 of</p>	
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					its Rules, a period of thirty (30) days from the date of this Judgment to file her observations on the Application for reparation and the Respondent State to file its Response within thirty (30) days from the date of receipt of the Applicant's observations.	
11	003/2015	Kennedy Owino Onyachi	Tanzania	28/9/2017	<p>The Order of the Court was as follows:</p> <ul style="list-style-type: none"> i) Declares that the Respondent has not violated Article 3, 5, 7 (1) (a), 7 (1) (b) and 7 (2) of the Charter; ii) Finds that the Respondent violated Article 1, 6, 7 (1) and 7 (1) (c) of the Charter; iii) Orders the Respondent State to take all necessary measures that would help erase the consequences of the violations established, restore the pre-existing situation and re-establish the rights of the Applicants. The Respondent should inform the Court within six (6) months, from the date of this judgment of the measures taken; iv) Grants, in accordance with Rule 63 of the Rules of Court, the Applicants to file submissions on the request for reparations within thirty (30) days hereof, and the Respondent to reply 	The time for the Respondent State to report on measures taken to implement the Judgment elapsed on 3 April 2018 and no report has been filed.

					thereto within thirty (30) days of the receipt of the Applicant's submissions;	
					v) Reserves its ruling on the prayers for other forms of reparation and on costs.	
12	012/2015	Anudo Ochieng Anudo	Tanzania	22/3/2018	<p>The Order of the Court was as follows:</p> <p>i) Declares that the Respondent State arbitrarily deprived the Applicant of his Tanzanian nationality in violation of Article 15(2) of the Universal Declaration of Human Rights;</p> <p>ii) Declares that the Respondent State has violated the Applicant's right not to be expelled arbitrarily;</p> <p>iii) Declares that the Respondent State has violated Articles 7 of the Charter and 14 of the ICCPR relating to the Applicant's right to be heard;</p> <p>iv) Orders the Respondent State to amend its legislation to provide individuals with judicial remedies in the event of dispute over their citizenship;</p> <p>v) Orders the Respondent State to take all the necessary steps to restore the Applicant's</p>	The time for the Respondent State to file the report on measures to implement the Judgment elapsed on 6 May 2018, and no report was submitted.

					<p>rights, by allowing him to return to the national territory, ensure his protection and submit a report to the Court within forty-five (45) days.</p> <p>vi) Reserves its Ruling on the prayers for other forms of reparation and on costs.</p> <p>vii) Allows the Applicant to file his written submissions on other forms of reparation within thirty (30) days from the date of notification of this Judgment; and the Respondent State to file its submissions within thirty (30) days from the date of receipt of the Applicant's submissions.</p>	
ii) Implementation of Orders for Provisional Measures						
001/2015	Armand Gu...hi	Tanzania	18/3/2016	<p>i) To refrain from executing the death penalty against the Applicant pending the determination of the Application;</p> <p>ii) To report to the Court within 30 days from the date of receipt of the order on measures taken to implement the order.</p>	The Respondent State has notified the Court that it is unable to implement the Order of the Court.	

007/2015	Ally Rajabu	Tanzania	18/3/2016	<p>i) To refrain from executing the death penalty against the Applicant pending the determination of the Application;</p> <p>ii) To report to the Court within 30 days from the date of receipt of the order on measures taken to implement the order.</p>	The Respondent State has notified the Court that it is unable to implement the Order of the Court.
003/2016	John Lazaro	Tanzania	18/3/2016	<p>i) To refrain from executing the death penalty against the Applicant pending the determination of the Application;</p> <p>ii) To report to the Court within 30 days from the date of receipt of the order on measures taken to implement the order.</p>	The Respondent State has notified the Court that it is unable to implement the Order of the Court.
004/2016	Evodius Rutachura	Tanzania	18/3/2016	<p>i) To refrain from executing the death penalty against the Applicant pending the determination of the Application;</p> <p>ii) To report to the Court within 30 days from the date of receipt of the order on measures taken to implement the order.</p>	The Respondent State has notified the Court that it is unable to implement the Order of the Court.
015/2016	Habiyalimana Augustono and Another	Tanzania	5/6/2016	<p>i) To refrain from executing the death penalty against the Applicant pending the determination of the Application;</p> <p>ii) To report to the Court within 60 days from the date of receipt of the order on measures</p>	In the first report on implementation of the Order filed on 12 April 2017, the Respondent State disputes the authority of the Court to issue the measures without hearing the parties and the need to issue such measures as

					taken to implement the order.	there is no risk of irreparable harm. In the second report on Implementation of the Order filed in 28 June 2017, the Respondent informed the Court that it is unable to implement the Order of the Court
017/2016	Deogratus Nicolaus Jeshi	Tanzania	5/6/2016	<ul style="list-style-type: none"> i) To refrain from executing the death penalty against the Applicant pending the determination of the Application; ii) To report to the Court within 60 days from the date of receipt of the order on measures taken to implement the order. 	<p>In the first report on implementation of the Order filed on 12 April 2017, the Respondent State disputes the authority of the Court to issue the measures without hearing the parties and the need to issue such measures as there is no risk of irreparable harm.</p> <p>In the second report on Implementation of the Order filed in 28 June 2017, the Respondent informed the Court that it is unable to implement the Order of the Court</p>	
018/2016	Cosma Faustine	Tanzania	5/6/2016	<ul style="list-style-type: none"> i) To refrain from executing the death penalty against the Applicant pending the determination of the Application; ii) To report to the Court within 60 days from the date of receipt of the order on measures taken to implement the order. 	<p>In the first report on implementation of the Order filed on 12 April 2017, the Respondent State disputes the authority of the Court to issue the measures without hearing the parties and the need to issue such measures as there is no risk of irreparable harm.</p> <p>In the second report on Implementation of the Order filed in 28 June</p>	

						2017, the Respondent informed the Court that it is unable to implement the Order of the Court
021/2016	Joseph Mukwano	Tanzania	5/6/2016	<ul style="list-style-type: none"> i) To refrain from executing the death penalty against the Applicant pending the determination of the Application; ii) To report to the Court within 60 days from the date of receipt of the order on measures taken to implement the order. 	The Respondent State has notified the Court that it is unable to implement the Order of the Court.	
024/2016	Amini Juma	Tanzania	5/6/2016	<ul style="list-style-type: none"> i) To refrain from executing the death penalty against the Applicant pending the determination of the Application; ii) To report to the Court within 60 days from the date of receipt of the order on measures taken to implement the order. 	The Respondent State has notified the Court that it is unable to implement the Order of the Court.	
048/2016	Dominick Damian	Tanzania	18/11/2016	<ul style="list-style-type: none"> i) To refrain from executing the death penalty against the Applicant pending the determination of the Application; ii) To report to the Court within 60 days from the date of receipt of the order on measures taken to implement the order. 	The Respondent State has notified the Court that it is unable to implement the Order of the Court.	
049/2016	Chrizant John	United Republic of Tazaniza	18/11/2016	<ul style="list-style-type: none"> i) To refrain from executing the death penalty against the Applicant pending the determination of the Application; ii) To report to the Court within 60 days from the date of receipt of the 	The Respondent State has notified the Court that it is unable to implement the Order of the Court.	

					order on measures taken to implement the order.	
050/2016	Crospery Gabriel and Another	United Republic of Tanzania	18/11/2016	<ul style="list-style-type: none"> i) To refrain from executing the death penalty against the Applicant pending the determination of the Application; ii) To report to the Court within 60 days from the date of receipt of the order on measures taken to implement the order. 	The Respondent State has notified the Court that it is unable to implement the Order of the Court.	
052/2016	Marthine Christian Msuguri	United Republic of Tanzania	18/11/2016	<ul style="list-style-type: none"> i) To refrain from executing the death penalty against the Applicant pending the determination of the Application; ii) To report to the Court within 60 days from the date of receipt of the order on measures taken to implement the order. 	The Respondent State has notified the Court that it is unable to implement the Order of the Court.	
051/2016	Nzigiyiman a Zabron	United Republic of Tanzania	18/11/2016	<ul style="list-style-type: none"> i) To refrain from executing the death penalty against the Applicant pending the determination of the Application; ii) To report to the Court within 60 days from the date of receipt of the order on measures taken to implement the order. 	The Respondent State has notified the Court that it is unable to implement the Order of the Court.	
053/2016	Oscar Josiah	United Republic Of Tanzania	18/11/2016	<ul style="list-style-type: none"> i) To refrain from executing the death penalty against the Applicant pending the determination of the Application; ii) To report to the Court within 60 days from the date of receipt of the order on measures taken to implement the order. 	The Respondent State has notified the Court that it is unable to implement the Order of the Court.	
056/2016	Gozbert Henrico	United Republic of Tanzania	18/11/2016	<ul style="list-style-type: none"> i) To refrain from executing the death penalty against the Applicant pending the determination of the Application; ii) To report to the Court 	The Respondent State has notified the Court that it is unable to implement the Order of the Court.	

					within 60 days from the date of receipt of the order on measures taken to implement the order.	
057/2016	Mulokozi Anatory	United Republic of Tanzania	18/11/2016	<ul style="list-style-type: none"> i) To refrain from executing the death penalty against the Applicant pending the determination of the Application; ii) To report to the Court within 60 days from the date of receipt of the order on measures taken to implement the order. 	The Respondent State has notified the Court that it is unable to implement the Order of the Court.	
001/2017	Alfred Agbesi Woyome	Ghana	24/11/2017	<ul style="list-style-type: none"> a) Stay the execution of attaching the Applicant's Property, until this Application is heard and determined; b) Report to the Court within fifteen (15) days from the date of receipt of this Order on the measures taken to implement this Order. 	<p>On 9 January 2018, the Respondent State filed its Report on its Implementation of the Courts Order on Provisional Measures. It stated as follows:</p> <ul style="list-style-type: none"> i) The execution of the Applicant's property had already been effected before the Applicant's Application was brought before the Court. This was done through a writ of execution issued by the Supreme Court of Ghana on 29 July 2014. The valuation of the Applicant's properties had also been effected long before the Order for Provisional Measures order of the Court. ii) The Supreme Court of Ghana considered 	

						<p>the Order for Provisional Measures issued by the African Court through an application brought by the Applicant but declined to suspend its ruling on the order for the stay of execution of the Applicant's property on the basis of the finality of its orders as the highest Court in Ghana with sole and exclusive jurisdiction in matters concerning the interpretation of the Constitution of Ghana and that its orders were final.</p> <p>iii) Although Ghana has ratified the Court's Protocol, it has not incorporated the provisions thereof into the laws of Ghana for the Protocol to become binding on the Ghanaian Courts, as required by the Ghanaian Constitution. That the Ghanaian Courts Act, 1993 (Act 459) sets out the process for substantial treatment, recognition and enforcement of foreign judgments by Ghanaian Superior Courts. The Act requires, in a</p>
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						<p>nutshell, that the President of Ghana exercise this power through legislation. The foreign judgment must meet the conditions of being final and conclusive between the parties.</p> <p>iv) The Applicant has pending processes before the Ghanaian Supreme Court that concern the reversal of two orders of the Supreme Court dated 8 June, 2017 and 24 July, 2017, respectively. The ruling on this motion was adjourned to 17 January 2018. The practice of the Ghanaian Supreme Court is that it will not continue with an execution when there are applications for reversal of its decisions pending, even though there is no order to stay the execution of a judgment by the Supreme Court.</p> <p>v) The Applicant has taken undue advantage of the care and caution of the Ghanaian Supreme Court by submitting various applications before the Supreme Court</p>
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						<p>to avoid the execution of Supreme Court judgments. The properties for which the Applicant has obtained an Order for Provisional Measures from the African Court are claimed by other persons. Until the interests of various companies and individuals are determined by the Supreme Court, the sale of the properties will not be carried out.</p> <p>vi) The Applicant obtained an Order for Provisional Measures from the African Court seeking to stay a sale of his properties and, at the same time, other entities in Ghana also claim to own the same properties, this confirms that the Applicant is resorting to ...legal subterfuge and manipulations, so as to avoid a recovery of monies unconstitutionally and illegally paid to him. That the processes initiated by the Applicant at the Supreme Court in 2017 to avoid the execution of the Supreme Court's</p>
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						<p>judgment of 2014 and the Application to the African Court is an abuse of process.</p> <p>vii) The Respondent concluded that it would honour the Court's Order and requested the Court for an expedited hearing on the merits of the Application to avoid further injury to the Republic of Ghana and in light of the objections relating to jurisdiction and inadmissibility of the Applicant's claims.</p>
012/2017	Leon Mugesera	Rwanda	28/09/2017	<p>i) to allow the Applicant access to lawyers;</p> <p>ii) to allow the Applicant to be visited by his family members and to communicate with them, without any impediment;</p> <p>iii) to allow the Applicant access to all medical care required, and to refrain from any action that may affect his physical and mental integrity as well as his health; and</p> <p>iv) to report to the Court within fifteen (15) days from the date of receipt of this Order, on measures taken to implement this Order.</p>	<p>The Respondent State has not informed the Court of measures it has taken to implement the Order.</p> <p>It should be noted that during the presentation of the 2017 Activity Report of the Court before the Executive Council in January 2018, the Respondent State reiterated its decision of not cooperating with the Court.</p>	

(ii). Non-judicial activities

19. 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 Summit

20. The Court took part in the 35th Ordinary Session of the Permanent Representatives Committee (PRC), the 32nd Ordinary Session of the Executive Council, as well as the 30th Assembly of Heads of State and Government of the African Union, held in January 2018 in Addis Ababa, Ethiopia.

b) Implementation of Executive Council Decisions

21. In its Decision EX.CL/Dec.994(XXXII), the Executive Council entrusted certain tasks to the Court and requested the latter to report to the June/July 2018 Session of Council. The Executive Council had requested the Court to:

- i) finalize the study on the establishment of a Trust Fund for the Court for consideration by AU Policy Organs in June/July 2018 Summit (paragraph 2 of Decision).

22. The draft study has been transmitted to the PRC, through the office of the Secretary General of the African Union Commission, and the Court will present the same during the 36th Ordinary Session of the PRC in Nouakchott, Mauritania.

- ii) develop and submit a policy on dealing with Partners in documented, transparent, accountable and verifiable ways that Member States are confident do not interfere with the Court,s independence and impartiality, for consideration and approval by the Policy Organs by the June/July 2018 Summit (paragraph 12 of Decision)

23. On 20 March 2018, the Court wrote to the Director of Legal Affairs/Legal Counsel of the AUC, highlighting the difficulty it was facing in the implementation of this task, and sought guidance and assistance on how to implement same. A reminder to this effect was sent to the Office of the Legal Counsel by email of 28 April 2018. As at the time of reporting, the Court and the OLC had not agreed on how best to implement this decision.

24. The Executive Council had also requested the African Union Commission to conduct a human resources and management audit in order to ensure that the Court has the required capacity to execute its mandate and to address any human resource challenges that may be faced by the Court and report to the Policy Organs by the June/July 2018 Summit. The Court is working with the Commission on how best to carry out the audit.

c) Execution of the 2018 budget

25. The budget appropriated to the Court for 2018 stands at US\$ 11,820,159.36, comprising \$ 10,581,742 [89.50%] from Members States and \$ 1,238,417 [10.50%] from International Partners. The total budget execution as at end of 30 June 2018 is expected to amount to \$5,295,435, which represents a budget execution rate of 44.80%. As at 30 June 2018, the Court had received subvention for the first two quarters amounting to, US\$ 5,545,638.24 from Members States and \$ 0 from Partners.

V. Promotional activities

26. The Court undertook a number of promotional activities, aimed at raising awareness among stakeholders, about its existence and activities. The activities undertaken included, inter alia, sensitization visits and seminars, as well as participation in meetings organised by other stakeholders.

a) Sensitization visits

27. The Court undertook a sensitization visit to the Sahrawi Arab Democratic Republic (SADR) from 5 to 7 February, 2018, to encourage the country, which has already ratified the Protocol, to make the Declaration.

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

29. The authorities undertook to take necessary measures to deposit the declaration within the shortest time possible.

b) Other promotional activities

30. 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

i) Relations with the African Commission on Human and Peoples, Rights

31. The Court and the African Commission continue to strengthen their relationship and consolidate the complementarity envisaged in the Protocol.

ii) Cooperation with external partners.

32. The Court continues to work with relevant stakeholders, including external partners, in the discharge of its mandate. The two principal partners of the Court, namely, the European Commission (EC) and the German International Cooperation (GIZ), continue to support the capacity development as well as outreach programmes of the Court, including sensitization missions, seminars and conferences. Other partners of the Court include the World Bank.

33. The Court has maintained a close working relationship with other stakeholders working on the protection of human rights on the continent, including Bar Associations and Law Societies, National Human Rights Institutions, the Coalition for an Effective African Court and the Pan African Lawyers€ Union.

VII. Host Agreement

34. The Host Government and the Court held a meeting on 12 April 2018 at the Seat of the Court in Arusha, Tanzania, and discussed among other things, how to finalised the draft architectural designs and begin construction of the permanent premises of the Court. Focal points were identified from both sides to follow up on the effective implementation of the Host Agreement. The Host Government, the African Union Commission and the Court are still to discuss how to operationalise the Task Force established by the Executive Council in Decision EX.CL/Dec.994(XXXII).

VIII. Assessment and Recommendations

i) Assessment

a) Positive Developments

35. The Court continues to engage with relevant stakeholders on the continent, including Member States, National judiciaries, organs of the African Union, National Human Rights Commissions, Civil Society Organizations, to enhance its effectiveness and the protection of human rights on the continent.

36. The workload of the Court continues to increase. Between 1 January and 30 June 2018, it registered a total of 11 Applications, held 2 Ordinary Sessions, organized 14 public sittings and delivered 10 judgments. As the Court continues to receive more cases and deliver judgments, as well as safeguards its integrity and independence, its visibility and citizens' confidence will be enhanced. With these positive indicators, there is good reason to remain optimistic that the number of cases filed before the Court will continue to grow and the Court will effectively discharge its role as the judicial arm of the Union. This increase is a demonstration of the fact that more and more States, NGOs, individuals and the civil society in general are becoming aware of the existence and work of the Court.

37. To sustain this momentum and build the Court as a viable pillar in Africa's quest for socio-economic and political development, Member States and all other stakeholders must play their respective roles, including in particular, ensuring universal ratification of the Protocol and making of the Article 34(6) declaration, facilitating individual and NGOs direct access to it, providing the Court with the necessary human and financial resources, and complying with orders, decisions and judgments of the Court.

a) Challenges

38. The above positive developments notwithstanding, the Court continues to face a number of challenges, which may endanger the successes recorded thus far and threaten its effectiveness. These challenges include, the low level of ratification of the Protocol, slow rate of deposit of the declaration allowing individuals and NGOs direct access to the Court, lack of awareness of the Court, non-compliance with Court decisions, inadequate resources and the fact that Judges work on a part-time basis.

39. One of the major challenges to the effectiveness of the Court in particular and the protection of human rights in Africa as a whole, is the low level of ratification of the

Protocol, and the even lower number of Article 34(6) declarations made and deposited. Almost two decades after the adoption of the Protocol, it has been ratified by only thirty (30) of the fifty-five (55) Member States of the African Union; and of these 30, only eight (8) have deposited the declaration required under Article 34(6) of the Protocol.

40. The fact that only 30 Member States are parties and only 8 have deposited the declaration means that the Court does not have jurisdiction to hear cases from individuals and NGOs, from the vast majority of Member States of the Union, because the States have either not ratified the Protocol or deposited the declaration. Effectively therefore, the Court does not have the capacity to receive cases for alleged human rights violations from a large number of citizens of the Union.

41. Another challenge the Court faces is non-compliance with its judgments and orders. To date, the Court has rendered judgments on the merits against four countries, established that these countries have violated provisions of the African Charter on Human and Peoples' Rights or other international human rights instruments to which they are parties, and in conformity with Article 27 of the Protocol, made orders on how these countries should remedy the violations. These countries are Burkina Faso, Côte d'Ivoire, Kenya, Libya, Rwanda and Tanzania.

42. Apart from Burkina Faso which has fully complied with the judgments of the Court, the other countries have either partially complied (Tanzania) or not complied at all (Côte d'Ivoire, Kenya, Libya and Rwanda). See table under paragraph 18 above on the status of implementation of orders and judgments of the Court.

43. Under Article 31 of the Protocol "[t]he Court shall submit to each regular session of the Assembly, a report on its work. The report shall specify, in particular, the cases in which a State has not complied with the Court's judgment f. Article 29(2) of the same Protocol provides that "the [Executive Council] shall be notified of the judgment and shall monitor its execution on behalf of the Assembly,."

44. During its 35th Ordinary Session held in January 2018, the PRC recommended to the Executive Council, and the latter endorsed the recommendation that Council's decisions on the Activity Report of the Court should no longer mention names of countries that have not complied with the judgments of the Court. In spite the intervention of the President of the Court during the 32nd Executive Council Meeting, explaining that this decision was contrary to the spirit and letter of Article 31 of the Protocol and would undermine the effectiveness of the African human rights protection system, Council proceeded not to mention the names of Libya, Rwanda and Tanzania which had not complied with the Judgments of the Court as at January 2018.

45. The Court is of the view that the Executive Council decision EX.CL/Dec.994(XXXII) adopted at its 32nd Ordinary Session not to mention names of countries that do not comply with the Court's judgments does not give Council the opportunity to effectively monitor execution of those judgments on behalf of the Assembly as mandated under Article 29 of the Protocol. Furthermore, since Council communicates to the Assembly through decisions, the latter has no way of knowing that Council has discharged its mandate.

46. From the administrative point of view, inadequate human and financial resources have affected the smooth functioning of the Court. For the Court to be able to discharge its mandate effectively, and assert its independence, it must be empowered to have an independent and uninterrupted source of funding, in the form of, for example, a Trust Fund. That is why the Court fully welcomes Executive Council decision EX.CL/Dec.994(XXXII) to fund the Court 100% starting in 2019, and for the finalization of the study on the Trust Fund for the Court. It is hoped that the study on the establishment of a trust fund will go a long way to finding a sustainable solution to this challenge.

47. The Court notes that the proposal to fully fund the Court comes in the midst of the reform of the African Union as a whole, including in particular, the initiative for self-financing. Within this framework, the Court received a delegation of the Reform Implementation Unit (RIU) from the Bureau of the Chairperson, led by the Head of the Unit on 16 March 2018. After a fruitful and frank exchange, the Court submitted to the delegation, concrete recommendations on how to improve the African human rights system.

48. A further difficulty facing the Court at the moment is the acute shortage of office space. The submission of the architectural designs by the Government of the Host State is an important step towards the construction of the permanent premises for the Court. The Court had a meeting with the Host State on 12 April 2018 and discuss measures to be put in place to expedite the finalization of the designs and commence construction of the premises. Further meetings are envisaged, which will discuss, among other things, how to operationalize the Task Force set up by the Executive Council in decision EX.CL/Dec.994(XXXII).

49. The Court notes that many Stakeholders do not quite understand or appreciate its role, mandate and contribution to the realization of the objectives of the African Union. It is in this light that the President of the Court paid a courtesy visit on the current Chairperson of the PRC, H. E. the Ambassador of Rwanda, on 23 April, 2018. During

the meeting, the PRC Chairperson affirmed the need for regular consultations between the Court, other African Union organs with the PRC, and to this end, lend her support to the Joint Retreat between the PRC and AU organs proposed for later this year.

ii) Recommendations

50. Based on the above, the Court submits the following recommendations for consideration and adoption by the Assembly:

- i) The Member States of the Union that have not yet acceded to the Protocol and/or deposited the Declaration under Article 34(6) thereof, should do so;
- ii) The Assembly should adopt the study on the establishment of a Trust Fund for the Court and authorize the PRC, the Commission, in collaboration with the Court, to prepare the Statute of the Fund, taking into account the on-going reforms within the Union, in particular, the initiative for self-financing by Member States of the Union's activities.
- iii) The Chairperson of the AUC should take all necessary measures to establish the Legal Aid Fund in accordance with the Statute for Legal Aid Fund for African Union Human Rights Organs, adopted by the Assembly in January 2016;
- iv) The Assembly should invite and encourage all Member States and other relevant human rights stakeholders on the continent to make generous voluntary contributions to the Fund to ensure its sustainability and success;
- v) The Court should submit a study on the framework for the implementation of Judgments of the Court to enable the Executive Council effectively monitor execution of the judgments of the Court in accordance with Articles 29 and 31 of the Protocol;
- vi) Member States of the Union should cooperate with the Court and comply with its judgments.

ANNEX I
LIST OF JUDGES OF THE AFRICAN COURT ON HUMAN AND PEOPLES,
RIGHTS AS AT JUNE 30 2018

No.	Name	Term		Country
		Duration	Expiry	
1	Justice Sylvain Or...	6	2020	Cote d'Ivoire
2	Justice Ben Kioko	6	2018	Kenya
3	Justice G...rard Niyungeko	6	2018	Burundi
4	Justice El Hadji Guiss...	6	2018	Senegal
5	Justice Raffā Ben Achour	6	2020	Tunisia
6	Justice Angelo Vasco Matusse	6	2020	Mozambique
7	Lady Justice Ntyam Ondo Mengue	6	2022	Cameroon
8	Lady Justice Marie-Th...rþse Mukamulisa	6	2022	Rwanda
9	Lady Justice Tujilane Rose Chizumila	6	2023	Malawi
10	Lady Justice Chafika Bensaoula	6	2023	Algeria

DRAFT
DECISION ON THE MID-TERM ACTIVITY REPORT OF THE AFRICAN
COURT ON HUMAN AND PEOPLES, RIGHTS
Doc. EX.CL/1088(XXXIII)

The Executive Council,

1. TAKES NOTE of the Mid-Term Activity Report of the African Court on Human and Peoples' Rights (the Court) for the period 1 January ^ 30 June, 2018, and the recommendations therein;
2. WELCOMES the study on the Establishment of a Trust Fund for the Court, prepared by the African Court, in consultation with the PRC and the Commission;
3. ENDORSES the said study and CALLS ON the PRC, the AUC, in collaboration with the Court and other relevant Organs of the Union, to prepare the Statute of the Trust Fund for the Court, specifying the legal, structural and financial implications of the establishment of the Fund and submit it to the January 2019 Session of the Executive Council;
4. INVITES the Chairperson of the AUC to take all necessary measures to operationalize the Legal Aid Fund in 2018, 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;
5. REQUESTS the Court, in collaboration with the PRC and the Commission, to undertake an in-depth study on mechanisms and framework of implementation, to enable the Executive Council effectively monitor execution of the judgments of the Court in accordance with Articles 29 and 31 of the Protocol;
6. NOTES that, two decades after its adoption, only thirty (30) Member States of the African Union have ratified the Protocol and only eight (8) of the 30 State Parties, have deposited the declaration required under Article 34 (6) thereof, allowing individuals and NGOs to bring cases to the Court;
7. CONGRATULATES the thirty (30) Member States that have ratified the Protocol, namely; Algeria, Benin, Burkina Faso, Burundi, Cameroon, Chad, Cote d'Ivoire, The Comoros, Congo, Gabon, The Gambia, Ghana, Kenya, Libya, Lesotho, Mali, Malawi, Mozambique, Mauritania, Mauritius, Nigeria, Niger, Rwanda, South Africa, Sahrawi Arab Democratic Republic, Senegal, Tanzania, Togo, Tunisia and Uganda;

8. FURTHER CONGRATULATES the eight (8) State Parties that have deposited the declaration under Article 34(6) of the Protocol, namely: Benin, Burkina Faso, Cote d'Ivoire, Ghana, Malawi, Mali, Tunisia and the United Republic of Tanzania;
9. INVITES those Member States that have not already done so, to accede to the Protocol and deposit the declaration required under Article 34 (6) of the Protocol.
10. EXPRESSES ITS APPRECIATION to the Government of the United Republic of Tanzania for the facilities it has placed at the disposal of the Court, and for the architectural designs for the construction of the permanent premises of the Court submitted to the AUC, and URGES the Government of the United Republic of Tanzania, the PRC and the African Union Commission, in collaboration with the Court, working under the framework of the Task Force established by decision EX.CL/Dec.994(XXXII), to take steps to ensure the expeditious construction of the premises, bearing in mind the structures of the African Court of Justice and Human and Peoples` Rights;
11. REQUESTS the Court, in collaboration with the PRC and the AUC, to report at the next Ordinary Session of the Executive Council in January 2019, on the implementation of this Decision.

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2018-06-29

2018 Mid-Term Activity Report of the African Court on Human and People's Rights (AfCHPR)

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