

AFRICAN UNION

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**REPORT ON ELECTION AND APPOINTMENT OF FOUR (4)
JUDGES OF THE AFRICAN COURT ON HUMAN AND
PEOPLES' RIGHTS**

REPORT ON ELECTION AND APPOINTMENT OF FOUR (4) JUDGES OF THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

1. The election of the Judges of the African Court on Human and Peoples' Rights (AfCHPR) are based on the provisions of the Protocol to the African Charter on Human and Peoples' Rights on the establishment of an African Court on Human and Peoples' Rights (the Protocol) adopted in 1998 and the Rules of Procedure of the Executive Council.
2. Article 11 of the Protocol provides that the African Court shall be composed of eleven (11) Judges who should be jurists of high moral character and of recognized practical, judicial, or academic competence and experience in the field of human and peoples' rights.
3. Further, Article 11 of the Protocol provides that no two (2) Judges should be nationals of the same State.
4. Article 15(1) of the Protocol provides that the judges of the Court shall be elected for a period of six years and may be re-elected only once.
5. The Commission has the honor to inform the Executive Council that the terms of office of the following four (4) Judges of the AfCHPR expired in June 2020:
 1. **Mrs. Imani D. Aboud (Tanzania);**
 2. **Mr. Rafea Ben Achour (Tunisia);**
 3. **Mr. Angelo Vasco Matusse (Mozambique); and**
 4. **Mr. Sylvain Ore (Cote d'Ivoire)**
6. Outgoing Judges Number 1, 2 and 3 are eligible for re-election.

Modalities for Election

7. Article 14 of the Protocol provides that the Assembly should ensure that in the Court as a whole, there is representation of the main regions of Africa and of their principal legal traditions (Civil Law, Common Law, Islamic Law and Custom and African Customary Law). In addition, Council should ensure that there is adequate gender representation.
8. Further, the Commission would like to draw the attention of all Member States to Decision EX.CL/907 (XXVIII) on the Modalities on Implementation of Criteria for Equitable Geographical and Gender Representation in the African Union Organs, adopted by the Executive Council in Addis Ababa, in January 2016. Paragraph 2 of the said Decision provides as follows:
 - i) The regional representation, where applicable, shall be East (2), Central (2), North (2), South (2) and West (2), except in cases in which a region which has been duly informed has not presented candidates;
 - ii) Where applicable, one (1) seat shall be a floating seat and will rotate among the five (5) regions;
 - iii) At least one (1) member from each region should be a woman;
 - iv) The modalities shall become effective immediately.

9. In light of the above the Commission would like to inform the Council that the regional and gender representation at the AfCHPR after the end of the terms of office of the four (4) judges will be as follows:

REGION	JUDGES	GENDER	
		FEMALE	MALE
Central	2	1	1
East	Two(2) [one (1) occupying floating seat]	1	1
North	1	1	0
South	1	1	0
West	1	1	0
TOTAL	7	5	2

10. In this regard, during these elections, in accordance with the Modalities on Implementation of Criteria for Equitable Geographical and Gender Representation in the African Union Organs, the Judges shall be elected as follows:

- a) **Eastern Region:** One (1) Female Candidate,
- b) **Northern Region:** One (1) Male Candidate,
- c) **Southern Region:** One (1) Male Candidate, and
- d) **Western Region:** One (1) Male Candidate.

11. It will be recalled that the Commission, through its Note Verbale referenced BC/OLC/24/3067.20 dated 16 March 2020, invited Member States, to submit candidates on or before the deadline on 30 April 2020. Further, the Commission, through Note Verbale reference number BC/OLC/66.5/4067.20 dated 06 May, 2020, extended the deadline to 30 May 2020.

12. The Commission would like to inform the Executive Council that the candidatures received by the Commission from the States Parties to the Protocol are as follows:

NO	NAME	GENDER	COUNTRY	REGION
1	Abdullah Mohamed Abdusalam ABURAZIZA	M	Libya	Northern
2	Seyid Ould ELGHEYLANI	M	Mauritania	Northern
3	Aboud IMANI *	F	Tanzania	Eastern
4	Yare FALL	M	Senegal	Western
5	Rafaa BEN ACHOUR *	M	Tunisia	Northern
6	Angelo Vasco MATUSSE *	M	Mozambique	Southern
7	Dumisa Buhle NTSEBEZA	M	South Africa	Southern
8	Modibo SACKO	M	Mali	Western

* Candidates 3, 5 and 6 are eligible for re-election

13. It will be recalled that the Assembly vide decision Assembly/AU/Dec.760 (XXXIII) adopted in February 2020 in Addis Ababa, Ethiopia delegated its authority of appointment of members of AU Organs and institutions, including the AfCHPR, to the Executive Council.

14. In this regard the elected judges shall automatically and simultaneously be appointed by the Council.

**DRAFT DECISION ON THE ELECTION AND APPOINTMENT OF FOUR (4)
JUDGES OF THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS**

The Executive Council,

- 1. TAKES NOTE** of the Report of the Commission on the Election and Appointment of Four (4) Judges of the African Court on Human and Peoples' Rights;
- 2. ELECTS AND APPOINTS** the following judges of the AfCHPR for a term of **six (6) years:**

NO.	NAME	COUNTRY	REGION	GENDER
1				
2				
3				
4				

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