

AFRICAN UNION

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

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

1. The elections of the Judges of the African Court on Human and Peoples' Rights (African Court) 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. In addition, Article 11 of the Protocol provides that no two (2) Judges should be nationals of the same State.
4. The terms of office of the following three (3) Judges of the African Court on Human and Peoples' Rights shall expire in July 2018:

| NO. | NAME | COUNTRY | TERM OF OFFICE |
|-----|-----------------------------|----------------|---|
| 1. | Mr. Gerard NIYUNGEKO | Burundi | Re-elected in July 2012 for a 6 year term |
| 2. | Mr. El Hadj GUISSÉ | Senegal | ” “ “ “ |
| 3. | Mr. Ben KIOKO * | Kenya | Elected in July 2012 for a 6 year term |

* The last Judge is eligible for re-election, only once.

5. Additionally, **Ms. Solomy Balungi BOSSA (Uganda) (East)**, who was elected in June 2014 resigned on 26 February 2018 and ceased to exercise the functions of a Judge of the African Court on Human and Peoples' Rights.
6. This election, therefore, relates to the election of three (3) Judges following the expiry of the terms of office in July 2018 of the three (3) Judges shown in the table above as well for the replacement of one (1) Judge, **Ms. Solomy Balungi BOSSA (Uganda) (East)**. In terms of Article 15 (3) of the Protocol, *“a Judge elected to replace a Judge whose term of office has not expired shall hold office for the remainder of the predecessors' term.”*
7. Article 14 of the Protocol stipulates that *“the judges of the Court shall be elected by secret ballot by the Assembly from the list referred to in Article 13(2) of the present*

Protocol". However, the Judges of the Court shall be elected by secret ballot by the Executive Council by virtue of delegation of power by the Assembly in accordance with Article 9 (2) of the Constitutive Act of the African Union.

8. The Executive Council 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 (Article 14 of the Protocol).

9. Furthermore, the Commission would like to draw the attention of all Member States to decision EX.CL/907 (XXVIII) adopted by the Executive Council during the January 2016 Summit on the Modalities on Implementation of Criteria for Equitable Geographical and Gender Representation in the African Union Organs. 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.

10. The Commission would like to draw to the attention of Member States that after the expiry of the terms of office of the three (3) Judges in July 2018 and the resignation of one (1) Judge, the regional and gender representation at the African Court will be as follows:

a) Regional representation

| | | |
|----------------|---|--------------------------------|
| Central | : | One (1) |
| East | : | One (1) (Floating Seat) |
| North | : | Two (2) |
| South | : | Two (2) |
| West | : | One (1) |

b) Gender representation

| | |
|----------------------|------------------|
| Female Judge: | Four (4) |
| Male Judges : | Three (3) |

11. 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 following Judges shall be elected:

Central Region: One (1) Male Judge;
Eastern Region: Two Judges: One (1) Male and one (1) Female; and
Western Region: One (1) Female Judge.

12. All the Judges except the Female Judge from the Eastern Region will be elected for a term of six (6) years. The Female Judge from the Eastern Region will be elected to serve for the remainder of the term of Judge **Ms. Solomy Balungi BOSSA (Uganda) (East), namely two (2) years, up to June 2020**, in accordance with the provisions of Article 15 (3) of the Protocol and Modalities on Implementation of Criteria for Equitable Geographical and Gender Representation in the African Union Organs.

13. 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:

* Eligible for Re-election

| NO. | NAME | COUNTRY | GENDER | REGION |
|-----|----------------------------|--------------|--------|---------|
| 1 | ABOUD Imani D. | Tanzania | F | Eastern |
| 2 | ANUKAM Stella Isibhakhomen | Nigeria | F | Western |
| 3 | EGUE-ADOTE Eliane Berthe | Benin | F | Western |
| 4 | KEITA DIAKITE Saran | Mali | F | Western |
| 5 | KIOKO Ben * | Kenya | M | Eastern |
| 6 | MANIRAKIZA Pacifique | Burundi | M | Central |
| 7 | SALLA-WADDA Naceesay | Gambia | F | Western |
| 8 | SANOUE TOURE Fatimata | Burkina Faso | F | Western |
| 9 | SSALI Lydia N. Mugambe | Uganda | F | Eastern |
| 10 | TCHIKAYA Blaise | Congo | M | Central |

Annex: Curriculum Vitae of Candidates

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