

AFRICAN SYSTEMS

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Practicing before the African Commission
on Human and Peoples' Rights and the
African Court on Human and Peoples'
Rights.

Background

- International human rights law is basically aimed at protecting individuals from State intrusion
- For this, there must be access to justice for victims of state encroachment into the lives of individuals
- At the African regional level, we have The Commission and the African Court – there are other sub-regional organs

The Commission

- African Commission on Human and Peoples' Rights
- African Charter
- Rules of Procedure of the African Commission on Human and Peoples' Rights of 2020
- The Universal Declaration of Human Rights
- The International Covenant on Civil and Political Rights
- The International Covenant on Economic, Social, and Cultural Rights

Get Started

- Gather your facts
- Research on the law(s) violated
- Check if the State Party is part of the AU and signatory to the Charter – if you are for the complainant
- Consider the parties
- Check out if local avenues have been exhausted
- Compose your complaint
- File your complaint
- Follow – up your complaint

Gather the facts

- Article 2 of the Charter
- Dates, events
- Relationship to complainant (s)
- Case –study: Communication 266/03: Kevin Mgwanga Gunme et al / Cameroon

Research on the law(s) violated

- ◆ Articles 1-26 of the Charter
- ◆ Article 60
- ◆ Article 61

Check if the State Party is part of the AU – Ratified the Charter

- Check ratification table – site
- Article 65 of the Charter

Consider the parties

- Locus standi
- Complainants
- State Party
- Article 56 of the Charter

Check out if local avenues have been exhausted

- Article 56
- Case law
- Communication 266/03 & others

Compose your complaint

- Article 56
- Language
- Clear
- Concise
- Consider the functions of the commission

File your complaint

- ◆ Article 42 of the Charter
- ◆ Rules of Procedure 2020
- ◆ Rule 88 on registration
- ◆ Rule 89 on language
- ◆ Rule 91 on representation
- ◆ Ensure respect for deadlines

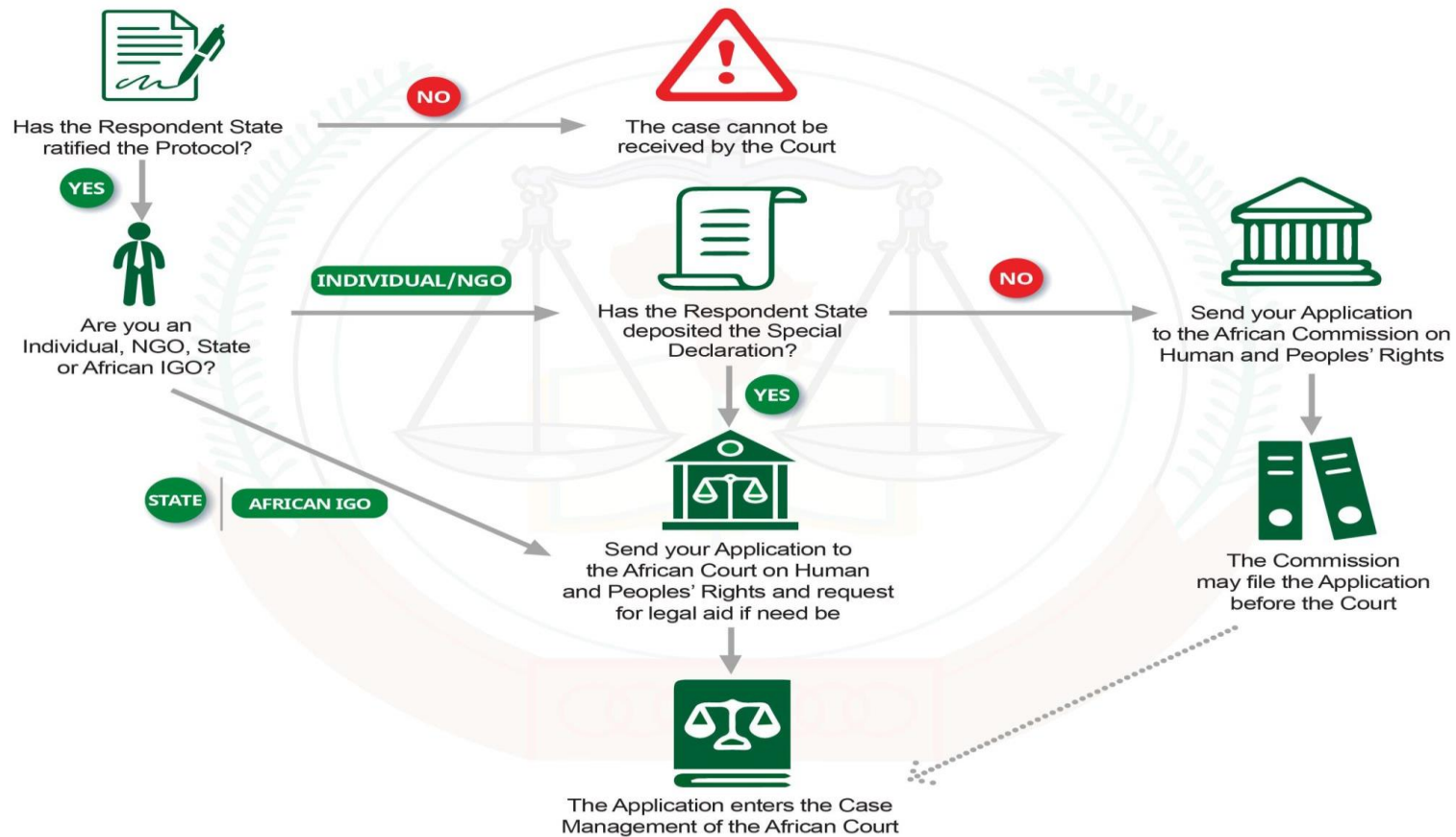
Follow -up with your complaint

- **Rule 27: General principles**
- **Rule 28: Ordinary Sessions**
- **Rule 29: Extraordinary Sessions**
- **Rule 96: Order of Consideration of Communications**
- **Enroll your e-mail with the commission – secretariat**
- **Enroll your email with NGOs affiliated with the Commission**
- **Remember – no procedures for enforcement**

The African Court

- African Charter
- Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights
- RULES OF COURT of the African Court
- How to file a case – visit the site: <https://www.african-court.org/wpafc/how-to-file-a-case/>
- African Court decisions

Getting started



◇ Image sourced from AfCHPR website.

Filing

- ◆ Legal representation
- ◆ Article 5 on who can institute an action
- ◆ Article 10 of the Protocol on representation
- ◆ Article 34 (6) – special note

Rules of Court

- ◆ Rule 31 on Rules of Court on representation
- ◆ Rules 39, 40, and 41 on access to Court
- ◆ Rule 50 on admissibility – a repeat of Article 56 of the Charter

Follow up your case



◇ Image sourced from AfCHPR website.

Case study

- ◆ 003/2018 - Ladislaus Chalula v. United Republic of Tanzania
- ◆ Dated Feb 5, 2025

Conclusion

- ◆ Relationship between The Court and the Commission
- ◆ Article 2 of the Protocol to the African Charter