Jurisdiction and Admissibility: African Court on Human and Peoples’ Rights (ACtHPR)

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A. Introduction

1 The African Court on Human and Peoples’ Rights (ACtHPR) (‘Court’) was established in 2004 as a result of the Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights (‘Protocol’) coming into force. There are a number of years between the various events that led to the Court being established: the African Charter on Human and Peoples’ Rights (1981) (‘African Charter’) was adopted in 1981, the Protocol establishing the Court followed in 1998; however, the Protocol was only ratified in 2004 and the Court only had the required number of judges to function in 2006. This long journey to have a Court and not just an African Commission on Human and Peoples’ Rights (ACommHPR) (‘Commission’) is part of a broader story about the adoptability of the African Charter, and the sacrifices made to ensure its political palatability at the time (Jallow, 2007, 32; Plagis and Riemer, 2020, 17; Ssenyonjo, 2013, 21). Nonetheless, the Court has been operational since 2006, when the first judges were elected. The first case was submitted to the Court in 2008, and the number of cases has grown steadily in recent years. As a result, the Court has also developed its position on a number of procedural matters, including numerous decisions pertaining to its jurisdiction and the admissibility of cases.

2 The procedures of the Court are regulated by three documents: the African Charter, the Protocol, and the Rules of Court. The Interim Rules of Court were adopted on 20 June 2008, then replaced by the Internal Rules of Court (‘Rules of Court’) after a harmonization process with the rules of the African Commission in 2009–2010, and these were updated in September 2020.

3 The Court may entertain two kinds of cases: contentious cases (Art 3 (1) of the Protocol) and advisory opinions (Art 4 (1) of the Protocol; Advisory Opinion: African Court of Human and Peoples’ Rights (ACtHPR)). While Member States of the African Union (‘AU’), AU organs, or an African organization recognized by the AU may request advisory opinions as set forth in Article 4 (1) of the Protocol, access to the Court for contentious cases is regulated primarily by Article 5 of the Protocol, which defines a number of groups that have access to the Court:

1. The following are entitled to submit cases to the Court
   a. The Commission;
   b. The State Party which has lodged a complaint to the Commission;
   c. The State Party against which the complaint has been lodged at the Commission;
   d. The State Party whose citizen is a victim of human rights violation;
   e. African Intergovernmental Organizations.

2. When a State Party has an interest in a case, it may submit a request to the Court to be permitted to join.

3. The Court may entitle relevant Non Governmental [sic] Organizations (NGOs) with observer status before the Commission, and individuals to institute cases directly before it, in accordance with article 34 (6) of this Protocol.
The docket of the Court consists primarily of complaints brought by individuals and NGOs (Art 5 (3) of the Protocol) (→ Individual Complaint: African Court on Human and Peoples’ Rights (ACtHPR)). This resembles the trends before other international courts in Africa, with many Regional Economic Community (‘REC’) Courts receiving complaints from individuals, communities, or NGOs (see for example the State reactions hereto in Alter and others, 2016; and the use of human rights to introduce environmental cases before REC Courts in Gathii, 2016). It should be noted, however, that recent withdrawals of the so-called ‘special declaration’ under Article 34 (6) of the Protocol, required for direct individual petitions, could result in a reduction of such petitions before the Court (for analyses of the various withdrawals see Adjolohoun, 2020; Davi and Amani, 2020; De Silva, 2019; De Silva and Plagis, 2020; Koagne Zouapet, 2020; Nyarko and Plagis, 2020; Windridge, 2018; Windridge, 2020).

The subsequent sections focus on the rules and jurisprudence related to the jurisdiction and admissibility of contentious cases. The majority of these are cases brought by individuals and NGOs, notwithstanding those contentious cases referred to the Court by the African Commission, which are dealt with separately. The jurisdiction of the Court will be considered first, followed by the admissibility criteria. This is done following the Court’s own practice, in which it deals with jurisdiction first, as ‘jurisdiction concerns the Court, [while] admissibility concerns the application,’ therefore, implying a necessity to ‘treat these two issues separately without mixing them’ (Mkandawire v Malawi, 2013, para 3). This would appear to reflect the approach adopted by the → International Court of Justice (ICJ), however, distinctions between jurisdiction and admissibility are not always clear cut. For example, the Court has had to deal with issues related to undue delay of filing cases, which touch on both temporal jurisdiction and the admissibility requirement of filing a case within a reasonable time (Kambole v Tanzania, 2020, paras 24 and 51–53). Before the Court settled its approach, there was much discussion on what was appropriate. For example, Judge Niyungeko protested against the less structured approach in the consolidated cases of Tanganyika Law Society and the Legal and Human Rights Centre, and Reverend Christopher Mtikila v Tanzania (2013, ‘Tanganyika Law Society case’, paras 2–7). Judge Ouguergouz considered the ICJ’s and other courts’ practice in Yogogombaye v Senegal (2009) paras 16, 35–38, and fn 20, and Judges Niyungeko and Guisse summarized what would become the new practice of the Court in the Mkandawire v Malawi (Joint Dissenting Opinion of Judges Niyungeko and Guisse, paras 2–4). The approaches of other regional human rights courts in dealing with jurisdiction and admissibility is not always clear cut. For example, the → European Court of Human Rights (EChtHR) differentiates between, on the one hand, jurisdictional criteria of admissibility, and, on the other, procedural and substantive criteria of admissibility (→ Admissibility: European Court of Human Rights (EChtHR)). According to Judge Ouguergouz, this could be explained by the fact that the EChtHR has fewer issues with jurisdiction than admissibility (Yogogombaye v Senegal, Separate Opinion Judge Ouguergouz, para 35) than the African Court, perhaps due to the personal jurisdiction limitations in the African system (see Section 1 (a)). Nonetheless, the approach adopted by the Court in its decisions is replicated here.

**B. Jurisdiction and Admissibility Criteria**

The Protocol does ‘not clearly delimit the jurisdiction of the Court’ (Ouguergouz, 2003, 711); it simply makes reference in Article 6 (2) of the Protocol to Article 56 African Charter, which contains seven cumulative admissibility criteria. The Court has the power to conduct a preliminary examination of its jurisdiction and the admissibility of an application (Rule 39 (1) Rules of Court). In general terms, it does so in line with Article 56 African Charter, and Rule 40 Rules of Court. Rule 40 refers to the conditions for admissibility of applications, as

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will be discussed further in Section B.2 below, and is virtually identical to Article 56 African Charter.

7 Broadly speaking, direct access to the Court for contentious cases is dependent on the State against which a case is filed ‘having fulfilled three cumulative conditions. First, it must be a State party to the African Charter … Second, the State must have ratified the [Protocol] … Third, it must have made a declaration under Article 34 (6) of the Court Protocol, accepting the competence of individuals and non-governmental organizations (NGOs) (enjoying observer status with the African Commission) to directly access the Court’ (Viljoen, 2018, 65; → Optional Clause). In addition to these three criteria, the Court has developed more specific criteria to determine whether it has jurisdiction, and whether an application is admissible.

1. Jurisdictional Criteria

8 There are four jurisdictional criteria—personal, material, temporal, and territorial—that must be fulfilled before applications can be considered further (Kambole v Tanzania, para 16). One of the most contentious jurisdictional criteria of the Court relates to the need to make a so-called ‘special declaration’ under Article 34 (6) of the Protocol, which allows individuals and NGOs to bring matters to the Court directly (Art 5 (3) of the Protocol). As a result, the personal jurisdiction of the Court is one of the areas most covered in its jurisprudence. For example, the first case decided on the merits by the Court was the Tanganyika Law Society case in 2013—four years after issuing its first decision in which the Court found that case to be inadmissible due to a lack of a declaration under Article 34 (6) of the Protocol (Yogogombaye v Senegal). In the four intervening years between the cases of Yogogombaye v Senegal and Tanganyika Law Society, the Court built a significant body of work on what did not constitute personal jurisdiction. However, since the Tanganyika Law Society decision in 2013, the Court has moved beyond personal jurisdiction and develop its jurisprudence in other jurisdictional areas.

9 The other criterion that has resulted in much discussion is the material jurisdiction of the Court, as regulated in Article 3 (1) of the Protocol. This is in part due to the Court’s jurisdiction over any human rights instrument ratified by the State concerned (Art 3 (1) of the Protocol; for analysis of this power see Rachovitsa, 2019). But while the personal and material jurisdiction of the Court have drawn much attention, neither the temporal nor the territorial jurisdictional criteria of the Court are included in the three documents—African Charter, Protocol, and Rules of Court—that regulate access to it (→ Access to Justice). Instead, the Court has developed its case law in these two areas on the basis that it is empowered to decide whether or not it has jurisdiction (Art 3 (2) of the Protocol; → Competence-Competence).

(a) Jurisdiction Rationae Personae

10 By far the most discussed element of the Court’s jurisdiction relates to the restrictions placed on its personal jurisdiction to hear cases brought by individuals, communities, and NGOs (Arts 5 (3) and 34 (6) of the Protocol). Generally, there is compulsory jurisdiction for States that are party to the Protocol, with the exception of cases brought by individuals and NGOs, which requires a special declaration under Article 34 (6) of the Protocol. As there have been no contentious inter-State cases thus far, and personal jurisdiction for individual petitions has posed many problems, the following section will deal with those cases submitted by NGOs or individuals that make use of Articles 5 (3) and 34 (6) of the Protocol,
as well as Rule 33 Rules of Court. Cases brought by the African Commission will be dealt
with separately in Section D below.

11 Some have considered Article 34 (6) of the Protocol the price of creating an African
Court (Ouguergouz, 2003, 718).

(6) At the time of the ratification of this Protocol or any time thereafter, the
State shall make a declaration accepting the competence of the Court to
receive cases under article 5 (3) of this Protocol. The Court shall not receive
any petition under article 5 (3) involving a State Party which has not made
such a declaration (Art 34 (6) of the Protocol).

While the need for a special declaration under Article 34 (6) has been a barrier to many
applications to the Court, the other elements of personal jurisdiction are broader than
before other human rights courts. For example, Articles 5 (3) and 34 (6) of the Protocol do
not require the individual or NGO making the application to be a victim of the violation in
order for them to bring the case. The Protocol does, however, require NGOs to have
observer status before the African Commission (La Convention Nationale des Syndicats du
Secteur Education (‘CONASYSED’) v Gabon, 2012, paras 5–10; for the approach of the
Commission see Murray, 2019, 696–97; 779–80).

12 Nonetheless, Article 5 (3) read together with Article 34 (6) of the Protocol has been a
bulwark against individuals and NGOs bringing cases, as only six of the African Union’s 55
Member States currently have in place the necessary declaration granting individuals and
NGOs standing to bring individual petitions directly before the African Court. In addition,
the alternative route via the African Commission has not resulted in a significant number of
cases being referred, with only three making their way to the Court at the time of writing.

13 In the first case decided by the Court in 2009, the Court emphasized that Articles 5 (3)
and 34 (6) of the Protocol, when read together, required the State to have made a special
declaration for individuals and NGOs to have direct access to the Court (Yogogombaye v
Senegal, para 34). As Senegal was yet to submit such a declaration, the Court found that it
had no jurisdiction (Yogogombaye v Senegal, paras 36–37 and 46). This case raised a
number of other issues, such as the need for the Court to both discuss jurisdiction more
comprehensively and also be willing to dismiss from the outset cases that clearly do not
pass the test of Article 34 (6) of the Protocol (Yogogombaye v Senegal, Dissenting Opinion
Judge Ouguergouz, para 40). The test applied in Yogogombaye v Senegal has become the
standard in later decisions (see for example, Falana v African Union, 2012, paras 56–62). In
his dissent, Judge Ouguergouz noted, perhaps somewhat optimistically, that there is nothing
in Article 34 (6) that prevents a State ‘from making the declaration “after” an application
has been introduced against it’ (Yogogombaye v Senegal, Dissenting Opinion Judge
Ouguergouz, para 28). Therefore, in theory, a submission can be made by an individual
whose State has not submitted the required declaration under Article 34 (6), but does so
after the application is submitted, and as a result gives the Court jurisdiction according to
Ouguergouz’s interpretation of the Protocol. Although in light of recent withdrawals of
special declarations and the slow pace at which States have made them, such a move seems
unlikely.

14 In other early cases, the Court transferred those submissions that failed the
jurisdictional tests of the Court to the African Commission. For example, in Ababou v
Algeria, 2011 the Court did not have jurisdiction to hear the case due to the lack of a
declaration under Article 34 (6) of the Protocol (Ababou v Algeria, para 11). However,
rather than simply finding that it had no jurisdiction in the case, the Court noted its power
under Article 6 (3) of the Protocol to transfer cases to the African Commission (Ababou v
Algeria, paras 12–13). The Court did the same in a string of other cases in 2011 (ie Amare v Mozambique, 2011; Association Juristes d’Afrique pour la bonne gouvernance v Côte d’Ivoire, 2011; Alexandre v Cameroon and Nigeria, 2011). However, in the Alexandre v Cameroon and Nigeria, Judge Ouguergouz voted against the transfer of the case to the African Commission and argued in his dissent that:

1) transferring cases to the African Commission should be considered a decision of the Court rather than a judgment, and that a more streamlined procedure was needed for dealing with cases in which the Court has a ‘manifest lack of jurisdiction’ in order to also spare Court resources and time (Alexandre v Cameroon and Nigeria, (Dissenting Opinion Judge Ouguergouz), para 2-4, 7);

2) the decision to transfer the case, as the Court had done in the three previous cases, was not compatible with Rule 119 of the Rules of the Commission, which requires the Court to have jurisdiction over a case for it to be transferred (Alexandre v Cameroon and Nigeria, (Dissenting Opinion Judge Ouguergouz), paras 11–12, 16–20); and

3) the Court did not adequately provide reasons for its decision to transfer the cases to the African Commission, and needs to develop objective criteria to decide when to transfer a case in order to ensure legal certainty (Alexandre v Cameroon and Nigeria, Dissenting Opinion Judge Ouguergouz, paras 22–30).

As Naldi points out, ‘[i]mplicit in [Judge Ouguergouz’s] criticism is the opinion that the issues of jurisdiction and admissibility have not been determined correctly’ (2014, 380). In the subsequent case law, the Court appears to agree with Judge Ouguergouz’s dissent and changed its tactics in terms of referring cases to the African Commission. For example, in later cases the Court issued decisions instead of judgments and no longer transferred cases to the African Commission (see, for example, CONASYSED v Gabon; Delta International and Lange v South Africa, 2012; Uko and ors v South Africa, 2012; Timan v Sudan, 2012; and Mahmoudi v Tunisia, 2012).

15 The recurring lack of personal jurisdiction in the early days of the Court’s decisions, due to only a small number of special declarations having been submitted by Member States, was challenged in two cases: Falana v African Union and Atemnkeng v African Union, 2013. In Falana v African Union, Mr Falana claimed that his rights, guaranteed in the African Charter, were violated by the fact that his home country, Nigeria, had still not submitted a declaration. Therefore, the AU, as a representative of its Member States, should be held responsible according to Mr Falana. The Court was faced with the problem of the AU not being a State entity, with a separate legal personality to that of its Member States, which, therefore, required a different approach (Falana v African Union, para 63, 68–70). In the end, the Court found, by seven votes to three, that as the AU was not a party to the Protocol it could not be subject to obligations under it (Falana v African Union, paras 70–71). The case included a number of dissenting and separate opinions arguing, among others, that the AU has powers to deal with human rights itself directly, that Article 34 (6) is inconsistent with the African Charter, but that the Court does not have the power to set aside Article 34 (6) nor declare it null and void (Falana v African Union, Dissenting Opinion Judges Akuffo, Ngoepe, and Thompson, paras 8.1–8.3; 17–18). Almost a year later, the case of Atemnkeng v African Union raised similar issues, claiming that Article 34 (6) violated the right to access the African Court (Atemnkeng v African Union, paras 17–18). The Court again found that it lacked jurisdiction rationae personae (Atemnkeng v African Union, paras 39–40), followed by dissents arguing that there should be no impediments to accessing the Court (Atemnkeng v African Union, Dissenting opinions of Akuffo, Ngoepe, and Thompson; also see Falana v African Commission on Human and Peoples’ Rights, 2015). Judge
Ouguergouz, however, agreed with the majority and reiterated his arguments from previous cases, and stated that cases that are without merit and/or are manifestly ill-founded should be ‘dismissed de plano by a simple letter from the Registrar’ (Atemnkeng v African Union, Separate Opinion Judge Ouguergouz, 1; Rule 38 Rules of Court, see for example Amare v Mozambique, para 8; also see Naldi, 2014, 379).

16 In subsequent cases, other issues related to personal jurisdiction were challenged. For example, objections to multiple States being implicated in an application despite not all States having made a special declaration, which the Court rejected as only States with a special declaration in place were listed as respondents (Nganyi and 9 ors v Tanzania, Judgment, 2016 (‘Nganyi case’), paras 61 and 63). Similarly, cases that involved allegations against a State without a special declaration did not prevent the Court from considering the case against those States that did have special declaration in place (Onyachi and Njoka v Tanzania, 2017 (‘Onyachi case’), para 44). Therefore, although the Court invited Kenya to intervene in the Onyachi case, Kenya opted not do so. As a consequence, the Court considered the case against Tanzania, but found that it lacked the personal jurisdiction to consider the allegations against Kenya (Onyachi case, para 45).

17 Effectively personal jurisdiction is regulated by the special declaration required under Article 34 (6) of the Protocol, with the additional criterion of the need to have observer status when an NGO brings a case. The latter criterion also raises issues in terms of whether an NGO can bring a case if it does not have observer status (Naldi, 2014, 337; Association Juristes d’Afrique pour la bonne gouvernance v Côte d’Ivoire). Therefore, although the phrasing of Article 34 (6) of the Protocol is rather simple, it has been one of the biggest barriers to bringing a case to the Court (see Viljoen, 2018).

(b) Jurisdiction Ratione Materiae

18 The material jurisdiction of the African Court is broad due to the formulation of Article 3 (1) of the Protocol (Mkandawire v Malawi, para 34). This allows the Court to have jurisdiction over not just the African Charter, but also other human rights instruments (Chacha v Tanzania, 2014, para 114; Actions Pour la Protection des Droits de l’Homme v Côte d’Ivoire, Judgment, 2016, (‘APDH case’) paras 47–65). That is not to say that the material jurisdiction of the African Court is without limitations. One such restriction is that the relevant convention must be ratified by the State concerned (Art 3 (1) Protocol; also see Ouguergouz, 2003, 713). This not only makes the material jurisdiction of the Court much broader than its regional counterpart, the African Commission (see Art 45 Charter), but also other regional human rights courts in the Americas and Europe (for an analysis see Rachovitsa, 2019).

19 Despite the broad wording of Article 3 of the Protocol, the Court does not always have material jurisdiction. In Youssef Ababou v Morocco, Decision, 2011 (‘Youssef Ababou case’), the Court found that it lacked jurisdiction on the basis of Article 3 of the Protocol as Morocco had not signed the Protocol and was not a member of the AU at the time (Youssef Ababou case, paras 11–13(1); for lack of material jurisdiction also see Efoua Mbozo’o Samuel v Pan African, Decision, 2011, paras 5–7). In Efoua Mbozo’o Samuel v Pan African, Judge Ouguergouz pointed to the power of the Court to reference articles in the Charter proprio motu in order to establish material jurisdiction (Efoua Mbozo’o Samuel v Pan African, Separate Opinion Judge Ouguergouz, paras 15–17).

20 The Court has also delved into the question of whether the Universal Declaration of Human Rights (1948) (‘UDHR’) falls within its material scope, as it is not a treaty ‘ratified by the States concerned’ as required by Article 3 (1) of the Protocol (Omary and ors v Tanzania, 2014, paras 69–72). In Omary and ors v Tanzania, the Court used its discretionary power under Article 3 (2) of the Protocol, and found that as the UDHR had attained the
status of → customary international law it could be used ‘as long as the alleged violation is also provided for by a treaty ratified by the State concerned’ (Omary and ors v Tanzania, paras 73–74).

21 In terms of the sources of law invoked, the Court has generally taken a liberal approach. In one of the longer decisions of the Court, Tanzania challenged both the jurisdiction and the admissibility of the case brought by Peter Joseph Chacha (Chacha v Tanzania, para 91). As decided by the Court, with regards to rationae materiae, applicants are not obliged to specify which rights in the Charter were violated when making an application to the Court (Chacha v Tanzania, para 118; also see Thomas v Tanzania, 2015, para 45; Nganyi case, paras 57–60). Instead, when an applicant only invokes national laws the Court can seek corresponding Charter articles, as Article 56 African Charter only requires that the case is related to ‘human and peoples’ rights’, and not that a specific article in the Charter is invoked by the applicants (Chacha v Tanzania, paras 113–14; 117–18). The Court relied on the decisions of other human rights courts and bodies in establishing this precedent, such as the African Commission (Southern African Human Rights NGO Network v Tanzania, 2010, para 51), the ECtHR (Guerra v Italy, 1998, para 44; Scoppola v Italy (No 2), 2009, para 54; Previti v Italy, 2009, para 293), and the → Inter-American Court of Human Rights (IACtHR) (Hilaire and ors v Trinidad and Tobago, 2002, para 42; → Admissibility: Inter-American Court of Human Rights (IACtHR)) (Chacha v Tanzania, paras 119–21).

22 However, the leeway provided in Article 56 African Charter is not without restriction. The Court has the ‘power to examine whether the evaluation of facts or evidence by domestic courts ... [were] manifestly arbitrary or resulted in a miscarriage of justice’, but not to assess a violation of national law (Onyachi case, paras 38–39; also see Abubakari v Tanzania, 2016, para 26). In doing so, the Court attempted to distanced itself from being used as an appeals court by applicants seeking to overturn domestic decisions (Mtingwi v Malawi, 2013, para 14), an argument that respondents have raised (Abubakari v Tanzania, para 22). In Abubakari v Tanzania, the Court reaffirmed its ability to examine the procedures before national courts and their consistency with applicable international human rights law, and that it would only be acting as an appellate court if it were to apply domestic law to the case (Abubakari v Tanzania, paras 25 and 28). Therefore, irrespective of which law the applicants invoke, the Court will seek corresponding Charter articles proprio motu when necessary, but refrain from applying domestic law.

(c) Jurisdiction Rationae Temporis

23 In terms of temporal jurisdiction, Article 56 (6) African Charter simply requires that applications are ‘submitted within a reasonable period from the time local remedies are exhausted or from the date the [Court] is seized of the matter.’ Despite the lack of clarity in the Protocol on temporal jurisdiction, the case law of the Court provides some additional guidance (Ouguergouz, 2003, 729).

24 For example, in Mkandawire v Malawi the question was raised whether or not the Court could have jurisdiction over alleged violations that took place before the Protocol establishing the Court came into force, but after the Charter had come into force. The Court found that as the Charter was in force at the time the violations took place, and the violations were ongoing, it had jurisdiction (Mkandawire v Malawi, para 32; also see Tanganyika Law Society case, para 84).
Generally speaking, the Court determines whether or not it has temporal jurisdiction based on three factors: 1) The date of entry into force of the relevant human rights instruments (Art 3 of the Protocol) and whether or not the African Charter was already in force at the time of the violation; 2) the date of entry into force of the Protocol; and 3) the date the declaration prescribed in Article 34 (6) of the Protocol was deposited, and if the declaration under Article 34 (6) of the Protocol was made only after the violation occurred, whether the alleged violations are ongoing (Beneficiaries of late Norbert Zongo and ors v Burkina Faso, Judgment, 2014 (‘Norbert Zongo case’), para 50, making reference to the ruling on preliminary objections, 2013 (‘Norbert Zongo, preliminary objections’); Chacha v Tanzania, para 126; APDH case, para 66; Thomas v Tanzania, para 64; Kambole v Tanzania, paras 22–24). In addition to these factors, the concept of continuous violation has also been instrumental to the Court’s approach to establishing violations (Norbert Zongo case, paras 74–77, Mkandawire v Malawi, para 36; African Commission on Human and Peoples’ Rights v Kenya, 2017 (‘African Commission case’), para 65). However, not all cases involve ongoing violations. For example, when a law is not general in nature and instead targets a specific community, and the implementation of that law has instantaneous effect, the violation is not considered ongoing (Boateng and 351 ors v Ghana, 2020, para 59–60).

(d) Jurisdiction Rationae Loci

As with the Court’s temporal jurisdiction, the Protocol does not provide much in way of guidance on the territorial jurisdiction of the Court. Ouguergouz suggests that the territorial jurisdiction of the Court coincides with that of the Commission (2003, 729), and interprets it rather widely: ‘The broad wording of Article 3 does not prevent the Court from also dealing with violations which can be imputed to a State party even if they occurred outside the territory falling within its jurisdiction.’

In one of the few cases to discuss territorial jurisdiction, the Court only mentioned that as the violations took place on the territory of the respondent State the Court had jurisdiction (APDH case, para 67). However, it did not go into detail on what might happen should the violation take place outside the territory of the respondent State. The Court later added in Konaté v Burkina Faso, 2014 that the respondent State could not dispute the territorial jurisdiction of the Court as ‘the alleged violations occurred in the territory of the Respondent State’ (Konaté v Burkina Faso, para 41).

2. Admissibility Criteria

The admissibility criteria of applications to the African Court are effectively regulated in the same way as communications submitted to the African Commission. Article 6 (2) of the Protocol refers to Article 56 African Charter (the articles are to be read together, see Mkandawire v Malawi, para 33; also repeated in Rule 40 Rules of Court). The seven admissibility criteria for individual cases are: 1) disclosing the identity of the applicant; 2) compatibility of the application with the Constitutive Act of the African Union (‘Constitutive Act’) and the Charter; 3) the application may not use disparaging language; 4) the application may not only be based on news or mass media information; 5) domestic remedies must be exhausted; 6) the application must be submitted within a reasonable time; and 7) it cannot concern cases previously settled by the parties. These seven admissibility criteria are considered cumulative (Omary and ors v Tanzania, para 86).

The seven criteria have not received equal attention, with issues of disclosing the identity of the applicant, basing applications on mass media reports, and not bringing cases previously settled by the parties, not featuring significantly in the case law of the Court. Those issues that have been discussed more in depth, include exhausting local remedies, raising new issues, and requesting an opinion from the Commission on the admissibility of a
case. Therefore, the analysis of this section does not follow the seven admissibility criteria laid out in Rule 40.

(a) Exhaustion of Local Remedies

30 Article 56 deals with the requirements of admissibility and in sub-paragraph (5), with the requirement for exhausting local remedies ‘unless it is obvious that this procedure is unduly prolonged.’ The same is reiterated in Article 50 African Charter. The Court places great importance on the exhaustion of local remedies: ‘The rule of exhaustion of domestic remedies reinforces and maintains the primacy of the domestic system in the protection of human rights vis-a-vis the Court’ (African Commission case, para 93; see also Isiaga v Tanzania, 2018, para 44). As the first case decided on the merits, the Tanganyika Law Society case contains some of the Court’s most important findings concerning admissibility criteria. For example, Article 6 (2) of the Protocol and Article 56 (5) African Charter are to be read together, and refer ‘primarily to judicial remedies’ (Tanganyika Law Society case, para 82.1).

31 The exhaustion of local remedies is ‘not a matter of choice. It is a legal requirement in international law’ (Chacha v Tanzania, para 142). The Court made reference to the African Commission’s work in Kenyan Section of the International Commission of Jurists, Law Society of Kenya and Kituo Cha Sheria v Kenya, 2004: ‘The African Commission is of the view that is incumbent on the Complainants to take all necessary steps to exhaust, or at least attempt the exhaustion of local remedies. It is not enough for the Complainants to cast aspersion on the ability of the domestic remedies of the State due to isolated incidences’ (Chacha v Tanzania, para 143, citing para 41; also see Anuak Justice Council v Ethiopia, 2006, para 58).

32 The test of exhaustion of domestic remedies comprises four elements. First and foremost, the test is restricted to local remedies (Tanganyika Law Society case, para 82.3). The three other substantive criteria established by the Court are that the local remedies must be available, effective, and sufficient (Tanganyika Law Society case, para 82.1; Konaté v Burkina Faso, para 95; APDH case, para 93). In developing this test, the Court often made reference to the work of other human rights courts and bodies to ground its decisions in a broader body of human rights law, as is often its practice (see for example Plagis, 2020a, 66–68; Plagis, 2020b).

33 The use of external sources to define its approach is evidenced in the Court’s approach to defining the term local remedies in Mkandawire v Malawi. The Court stated that local remedies are ‘understood in human rights jurisprudence to refer primarily to judicial remedies as these are the most effective means of redressing human rights violations.’ In other words, the Court narrowed the test to the exhaustion of ‘local judicial remedies’ (Mkandawire v Malawi, para 38.1, relying on the Inter-American Commission on Human Rights (IACtHR) decision Mariblanca Staff Wilson and Oscar E Ceville v Panama, 2003, paras 35–36).

34 Availability is defined by the Court as a remedy that ‘can be pursued by the Applicant without any impediment’ (Konaté v Burkina Faso, para 96). The Court found that a time limit of five days for the applicant to appeal his case in the domestic legal system, although short, was not an obstacle to its availability (Konaté v Burkina Faso, para 107).

35 Effectiveness of a remedy has been defined in terms of ‘its ability to solve the problem raised by the Applicant’ (Norbert Zongo case, paras 102–103; Konaté v Burkina Faso, para 92; Nganyi case, paras 88–89). In its finding, the Court relied, among others, on the IACtHR jurisprudence in Velasquez-Rodriguez v Honduras (1988; Norbert Zongo case, para 95). The Court indicated that administrative jurisdictions are not sufficient if they cannot test the
constitutionality of a law and, therefore, the applicants do not have to exhaust this avenue (APDH case, paras 97–98). The Court further specified that an effective remedy ‘offers prospects of success, is found satisfactory by the complainant or is capable of redressing the complaint’ (Konaté v Burkina Faso, para 108). As the Cour de Cassation in Burkina Faso cannot challenge the legality of the law, it was not considered an effective remedy (Konaté v Burkina Faso, paras 110–12).

36 Where domestic judicial remedies have not been exhausted, there are a number of exceptions: if ‘it is obvious that this procedure is unduly prolonged’ (Rule 40 Rules of Court and Art 56 (5) African Charter); if the measure would constitute an extra-ordinary procedure; if violations could have been remedied at the national level during the domestic trial; or if the outcome of the national procedure is already known.

37 The duration of proceedings applies to those initiated by the applicant, and those that have not yet been utilized, and is considered on a case-by-case basis (Norbert Zongo case, paras 90 and 92). In the Norbert Zongo case the Court determined that the procedure before domestic courts, which took almost eight years, was ‘unduly prolonged’ in terms of Article 56 (5) African Charter, and would have been further prolonged if the domestic appeals were followed. Therefore, the applicants did not have to exhaust domestic remedies (Norbert Zongo case, para 106; also see Nganyi case, paras 90–95). The Court also further clarified that unduly prolonged means ‘excessively or unjustifiably’ delayed, and made an exception for those States ‘caught in a civil strife or war, which may impact the functioning of the judiciary’ or in situations where the delay is ‘partly caused by the victim, his family or his representatives’ (Nganyi case, para 89 and 91). In Chacha v Tanzania, Judges Akuffo, Thompson and Kioko pointed out that the barriers in the domestic system ‘rendered the remedies inaccessible and unduly prolonged’ (Chacha v Tanzania, Dissenting Opinion Akuffo, Thompson, and Kioko, para 27; citing Sir Dawda K Jawara v Gambia, 2000). This view was supported by Judges Ngoepe and Ouguergouz, with the latter emphasizing the importance of the context of the applicant, such as the fact that Mr Chacha had not received legal assistance (Chacha v Tanzania, Dissenting Opinion Ouguergouz, para 54). In his dissent, Judge Ouguergouz argued that the burden of proof that local remedies were not exhausted lies with the respondent to show that a remedy would have been available and effective, and therefore, ‘able to redress the grievance in question and provide reasonable chances of success for the victim of the alleged violation’ (Chacha v Tanzania, Dissenting Opinion Ouguergouz, para 25).

38 The issue of extra-ordinary procedures was dealt with in the Thomas v Tanzania. Due to the ‘systematic and prolonged delays’ in the domestic appeals procedure in the case, the Court found that Alex Thomas did not have to file a constitutional petition for review as this would have constituted an extra-ordinary measure (Thomas v Tanzania, paras 56–57; 63–65; also see Abubakari v Tanzania, para 64 and 72; Nganyi case, para 95).

39 In the Onyachi case the applicant raised issues concerning alleged violations of his rights during the domestic proceedings (Onyachi case, para 54). The Court found that as these arose during the domestic judicial proceedings, the domestic courts had ‘ample opportunities to address these allegations even without the Applicants having raised them explicitly’ before domestic courts. Therefore, the applicants did not have to raise these issues independently in order to exhaust domestic remedies (Onyachi case, paras 54 and 57).
In the consolidated cases of Tanganyika Law Society, the Court did not require the first applicants to follow the same local judicial process as the second applicant, as the outcome was already known (Tanganyika Law Society case, para 82; also see APDH case, para 103). In that case, the Court found that the parliamentary processes available did not have to be followed as these were political processes, and were ‘not an available, effective and sufficient remedy [as they were] not freely accessible to each and every individual’. In addition, the process was ‘discretionary and may be abandoned anytime; [and] the outcome thereof depends on the will of the majority’. The Court, therefore, found that the parliamentary process was not comparable to an ‘independent judicial process’ (Tanganyika Law Society case, para 82). The Court has the power to conduct this test proprio motu (Mkandawire v Malawi, para 37).

(b) Incompatibility with the Constitutive Act of the African Union and the Charter

Rule 40 (2) requires that an application must be compatible with the Constitutive Act of the African Union and the Charter. In Thomas v Tanzania, the respondent claimed that the issues addressed in the application were incompatible with the Charter and the Constitutive Act as no provisions of the African Charter were cited (Thomas v Tanzania, para 50). The Court dismissed this objection on the basis that reference is made to ‘human and peoples’ rights’ in general, and there is no need to cite a specific article of the Charter (Thomas v Tanzania, para 52). Generally, the Court considers an applicant claiming a rights violation to be compatible with the Constitutive Act, as both the Charter and Constitutive Act reference ‘human and peoples’ rights’ in broad terms (Chacha v Tanzania, paras 114–24; Thomas v Tanzania, para 52; Nganyi case, para 79). As the Court clarified in Abubakari v Tanzania:

what is important for an Application to be compatible with the Constitutive Act of the African Union and the Charter is that, in their substance, the violations alleged in the Application are susceptible to be examined by reference to provisions of the Constitutive Act and/or the Charter and are not manifestly outside the scope of the Application [sic] of these two instruments (Abubakari v Tanzania, para 50).

In Konaté v Burkina Faso, the respondent claimed that the case was incompatible with the Constitutive Act due to the incorrect name of the State being used in the application. The Court rejected this argument as it was clear that the applicants intended to refer to Burkina Faso (Konaté v Burkina Faso, paras 48; 60–63).

(c) Disparaging Language

In determining whether disparaging language was used by the applicant in the APDH case (Art 56 (3) African Charter and Rule 40 (3) Rules of Court), the Court made reference to the work of the African Commission in Zimbabwe Lawyers for Human Rights & Associated Newspapers of Zimbabwe v Zimbabwe, 2009 (‘Zimbabwe Lawyers for Human Rights communication’), para 91): ‘in determining whether a certain remark is disparaging or insulting … the Commission has to satisfy itself whether the said remark or language … is used in a manner calculated to pollute the minds of the public or any reasonable man to cast aspersions on and weaken public confidence’, and requires evidence thereof from the respondent State (APDH case, para 81). For example, the respondent in Konaté v Burkina Faso argued that the use of the title ‘People’s Democratic Republic’ to refer to Burkina Faso was disparaging and insulting (Konaté v Burkina Faso, para 65), while the applicants claimed it was a simple typographical error (at para 66). Again, the Court made reference to Zimbabwe Lawyers for Human Rights communication, in which the African Commission defined ‘disparaging and insulting’ as a remark that dampens the integrity of an institution by ‘unlawfully and intentionally violating the dignity, reputation and integrity of a judicial official or body’ and whether it would affect public confidence in the institution. As Burkina Faso did not demonstrate that the addition of ‘People’s Democratic Republic’ undermined
the ‘dignity, reputation or integrity’ of Burkina Faso, the Court dismissed the objection (Konaté v Burkina Faso, paras 72–73).

(d) Unreasonable Delay in Filing the Application

43 Article 56 (6) African Charter and Rule 40 (6) Rules of Court do not set a deadline within which applications should be filed (Christopher Jonas case, para 48). Therefore, the Court has discretion in determining the reasonableness of the timeframe of submission of cases (Onyachi case, para 61), and does so on a case-by-case basis (Norbert Zongo, preliminary objections; Chacha v Tanzania, para 141; Abubakari v Tanzania, para 91; Anudo v Tanzania, 2018, para 57). For example, in Tanganyika Law Society, the applicants were entitled to wait for the outcome of the parliamentary process, which took a year, before submitting the application (Tanganyika Law Society case, para 83). In other words, there is ‘no fixed period within which to seize [the African Court]’ (Chacha v Tanzania, para 155, referencing Tanganyika Law Society case, para 83). In more recent cases, the Court has required the State to provide evidence of its claim that the case was filed with unreasonable delay (Kambole v Tanzania, paras 47–48).

44 The Court appears to use the date of the submission of the special declaration under Article 34 (6) of the Protocol as decisive in determining the reasonableness of the delay of the application (Abubakari v Tanzania, para 89). In Thomas v Tanzania, the Court considered the start of the timeframe as the moment that the respondent submitted its declaration under Article 34 (6) of the Protocol, rather than the moment that the Tanzanian Court of Appeal dismissed the applicant’s appeal (Thomas v Tanzania, para 73). In Abubakari v Tanzania, the question was whether the date of entry into force of the Protocol, or the date of the deposit of the declaration under Article 34 (6) of the Protocol, should determine the timeline (Abubakari v Tanzania, para 88). The Court chose the latter, which, in other words, implies that even if an applicant exhausted local remedies in the past, the Court would count the time from the moment the special declaration is made under Article 34 (6) of the Protocol.

45 In both Thomas v Tanzania and Abubakari v Tanzania the Court also considered the circumstances of the applicant in the determination of the timing of the case (Thomas v Tanzania, para 74; Abubakari v Tanzania, para 92). In the case of Thomas v Tanzania, the Court took into consideration that he was ‘lay, indigent, incarcerated’ and that the issue was ‘compounded by the delay in providing him with court records’ (Thomas v Tanzania, para 74; also see Abubakari v Tanzania, para 92). Such circumstances were reason enough for the Court to account for the delays, in some cases of over three years, between the respondent making its declaration under Article 34 (6) of the Protocol and the applicants submitting their cases to the Court (Thomas v Tanzania, para 74; Abubakari v Tanzania, para 90 and 93; Onyachi case, para 68).

(e) Raising New Issues

46 The Court allows for applicants to later clarify which articles of the African Charter they are invoking without considering these as raising new issues (Thomas v Tanzania, para 78).

(f) Requesting Opinion of the African Commission

47 Article 6 (1) of the Protocol that allows the ‘Court to request an opinion from the Commission while it decides on the admissibility of a case’, is something of a curiosity according to some observers (Naldi, 2014, 379). Although it appears such a request has not
yet taken place, there is also very little guidance in the Article itself explaining under which circumstances such a referral would take place (Naldi, 2014, 379).

(g) Other Formalities

48 Although the anonymity of the applicant has not yet been a major point of contention, another issue that has emerged more than once relates to the changing of the names of the parties of an application. In Omary and ors v Tanzania (initially named Ernest and ors v Tanzania), the Court allowed the applicants to substitute the name of the party that was erroneously mentioned with the correct name, as this ‘would not adversely affect either the procedural or substantive rights of the Respondent.’ (Ernest and ors v Tanzania, 2013, paras 6–8). The same occurred in the case of Konaté v Burkina Faso, where the applicants erroneously used the name ‘People’s Democratic Republic of Burkina Faso’ instead of simply Burkina Faso (Konaté v Burkina Faso, paras 44–47). Again, the Court took no issue with the name of the respondent being changed to simply ‘Burkina Faso’ in this case (Konaté v Burkina Faso, para 48).

49 Adjolohoun has also pointed to the practice of ‘bundling rights’ when it comes to declaring an application admissible (2020, 28). This practice includes accepting the ‘bundle of rights’ at the admissibility stage on the grounds ‘that domestic courts ought to have been aware of other issues while examining only the one issue that was actually brought to their purview.’ (Adjolohoun, 2020, 28; see Thomas v Tanzania, para 60; Nguza Viking (Babu Seya) and Johnson Nguza (Papi Kocha) v Tanzania, 2018, para 53; Onyachi case, para 54; Guehi v Tanzania, 2018, para 50).

50 In terms of the issue of forum shopping between the Commission and Court, in Mkandawire v Malawi the Court indicated that if an applicant withdrew their communication submitted to the Commission, there is nothing preventing that same applicant bringing their case to the Court or any other forum (Mkandawire v Malawi, para 33; → Forum Choice and Forum Shopping; → Forum Shopping: Human Rights Bodies).

C. Withdrawals of Special Declarations

51 Rwanda was the first State to withdraw its special declaration under Article 34 (6) of the Protocol. Withdrawals by a further three States followed in late 2019 and 2020, including Tanzania, Benin, and Côte d’Ivoire (for analyses of the various withdrawals see Adjolohoun, 2020; Davi and Amani, 2020; De Silva, 2019; De Silva and Plagis, 2020; Koagne Zouapet, 2020; Nyarko and Plagis, 2020; Windridge, 2018; Windridge, 2020). During the Umuhoza case against Rwanda, the Court had to decide whether it still had jurisdiction or not once the withdrawal was submitted. The Court found that the declaration ‘is separable from the Protocol and is therefore subject to withdrawal independently of the Protocol’ (Umuhoza v Rwanda, 2016, para 57). However, despite the withdrawal being discretionary, the power of withdrawal by States is not absolute due to the need for third parties to have legal certainty (Umuhoza v Rwanda, para 60). This power is, therefore, limited by the need for prior notice of one year (Umuhoza v Rwanda, para 61 and 66; drawing on the IACtHR case Ivcher Bronstein v Peru, 2001, para 24 (b)). The Court followed similar reasoning to Umuhoza v Rwanda, and retained the 12-month period to allow further applications in the intervening time for the sake of legal certainty with the subsequent withdrawals (see for example Cheusi v Tanzania, 2020, paras 38–39). However, the Court has not always communicated these timelines in the clearest fashion, which could counter the legal certainty it wishes to establish. For example, in the case of the withdrawal of the special declaration by Tanzania, the Court embedded the decision on the timeframe in one of the many ongoing cases before it involving Tanzania (see Cheusi v Tanzania, paras 36–40). This would make it harder for interested parties to find the exact timeframe, as it would require prior knowledge of which cases were ongoing at the time, and then to search
through each of them to find the relevant dates. This has since been remedied in part by the Court providing information on the dates of withdrawals on the Courts website, although that too has not been without its challenges.

D. Cases Referred by the Commission

52 The jurisdiction of the Court in cases referred to it by the African Commission works in much the same way as it does with cases submitted by individuals and NGOs. The Court has indicated that for the jurisdiction rationae materiae it makes no difference if a case is submitted by an individual, an NGO, or the African Commission (African Commission case, para 51; following its jurisprudence in Thomas v Tanzania and Abubakari v Tanzania). The Court has also found that Article 58 African Charter, requiring the African Commission to draw the attention of the Assembly of Heads of State and Government of the AU to serious or massive violations of rights, was not a barrier to the African Commission bringing a case to the Court due to ‘the principle of complementarity enshrined under Article 2 of the Protocol’ (African Commission case, para 53).

53 The main difference between individual petitions and cases referred to the Court by the African Commission relates to the jurisdiction rationae personae, which is regulated by Article 5 (1) of the Protocol. In the ACHPR v Kenya case, the respondent objected to the Court’s jurisdiction on the basis that those who brought the communication to the African Commission lacked standing before that forum (African Commission case, para 56). The Court stated that this was a matter for the African Commission to determine, and clearly delineated the separation of powers between the two institutions (African case, para 58).

54 For issues of admissibility, the Court has largely followed its previous case law with a couple of specificities that relate to referrals by the African Commission. Regarding the objection to admissibility of matters already pending before the Commission, the Court rejected the argument finding that the African Commission is no longer seized by the matter once it refers it to the Court, and, therefore, there is no parallel procedure in progress (African Commission case, paras 73–74). In terms of the identity of the applicants of the communication before the Commission, the Court again distanced itself from interfering in the procedures and processes of the African Commission (African Commission case, para 88). With regards to the exhaustion of local remedies, the Court found that domestic remedies are ‘presumed to be satisfied’ in cases referred to it by the Commission (African Commission case, para 94).

E. Conclusion

55 Despite a rocky start in relation to viable cases being brought to the Court when it first started operating, it has developed its own approach to jurisdiction and admissibility using the work of other international and regional human rights bodies. The initial batch of cases suffered from issues related mostly to a lack of jurisdiction rationae personae. In these early cases, the Court found that it had no jurisdiction under Articles 3 (5) and 34 (6) of the Protocol, which require States to make a declaration allowing individuals and NGOs to submit cases directly to the African Court. To date (March 2021) only ten States have ever deposited such a declaration, four of which have subsequently been withdrawn (Rwanda, Tanzania, Benin, and Côte d’Ivoire). Therefore, direct access to the Court remains out of reach for the majority of Africans.

56 Generally speaking, the Court follows a specific formula in deciding its jurisdiction and the admissibility of cases. First, it considers its jurisdiction (Rule 39 Rules of Court, which requires the Court to conduct a preliminary examination of its competence in the matter), followed by an analysis of the admissibility of the application (Arts 50 and 56 African Charter, and Rule 40 Rules of Court). Rule 40 lays out the seven conditions for admissibility.
of applications in much the same way as Article 56 African Charter does for the African Commission. Although other formalities have also arisen, such as changing the names of the parties, and procedural issues of forum shopping.

57 As the youngest regional human rights court, the body of work of the African Court is still relatively small when compared to its longer standing counterparts. Nonetheless, it has set important standards in a number of key cases to add clarity and detail to the procedural rules in the Protocol establishing the Court and Rules of Court when it comes to its jurisdiction and the admissibility of cases.

58 What has also become apparent from the Court’s decisions is that the dissenting and separate opinions have been instrumental in steering the direction of the Court in some instances. This was evident, for example, in the Court’s initial practice of referring cases to the African Commission when it did not have jurisdiction—a practice that ended after the dissenting opinion of Judge Ouguergouz in Alexandre v Cameroon and Nigeria. However, other areas that have also been challenged have not seen a significant change in practice, such as the Court not dismissing cases de plano when it clearly lacks jurisdiction. How the Court will deal with this in the future, should its docket grow, will have a large impact on its ability to process larger volumes of cases in a timely manner.

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Cited Bibliography


Further Bibliography


Cited Documents


Cited Cases

African Court on Human and Peoples’ Rights


*Cheusui v Tanzania*, Judgment, 26 June 2020, App No 004/2015.


*Ernest and ors v Tanzania*, Order on change of title of the application, 27 September 2013, App No 001/2012.


Guehi v Tanzania, Judgment, 7 December 2018, App No 001/2015.


Mahmoudi v Tunisia, Decision, 26 June 2012, App No 007/2012.

Mkandawire v Malawi, Merits, 21 June 2013, App No 003/2011.

Mtingwi v Malawi, Decision, 15 March 2013, App No 001/2013.


Nguza Viking (Babu Seya) and Johnson Nguza (Papi Kocha) v Tanzania, Judgment, 23 March 2018, App No 006/2015.

Omary and ors v Tanzania, Ruling on admissibility, 28 March 2014, App No 001/2012.

Onyachi and Njoka v Tanzania, Judgment, 28 September 2017, App No 003/2015.


Umuhoza v Rwanda, Ruling on jurisdiction, 3 June 2016, App No 003/2014.


African Commission on Human and Peoples’ Rights (ACommHPR)


Cudjoe v Ghana, Decision, 5 May 1999, Comm No 221/98.

Jawara v Gambia, Decision, 11 May 2000, Comm Nos 147/95 and 147/96.


Southern African Human Rights NGO Network and ors v Tanzania, Decision, 26 May 2010, Comm No 333/06.

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**European Court of Human Rights**

*Guerra and ors v Italy*, Merits and just satisfaction, 19 February 1998, App No 14967/89, ECtHR Reports 1998-I.

*Previti v Italy*, Decision, 8 December 2009, App No 45291/06.

*Scoppola v Italy (No 2)*, Merits and just satisfaction, 17 September 2009, App No 10249/03.

**Inter-American Commission on Human Rights**


**Inter-American Court of Human Rights**

*Hilaire and ors v Trinidad and Tobago*, Judgment, 21 June 2002, IACtHR Series C No 94.


*Velásquez-Rodríguez v Honduras*, Judgment, 29 July 1988, IACtHR Series C No 4.