

African Court on Human and Peoples' Rights: 2018 Elections

In June 2018, the Executive Council of the African Union (AU) [elected](#) four judges to the 11-member African Court on Human and Peoples' Rights (AfCHPR) during the 31st Ordinary Session of the Assembly of Heads of State and Government of the AU. The newly elected Judges are: Imani Aboud (Tanzania), Stella Isibhakhomen Anukam (Nigeria), and Blaise Tchikaya (Congo). Judge Ben Kioko (Kenya), the current Vice President of the AfCHPR, was re-elected to a second six-year term. The judges will take office at the start of the first AfCHPR session following the elections, which is scheduled to begin on August 27, 2018 in Arusha, Tanzania. While judges ordinarily serve six-year terms, Imani Aboud was elected to complete the two years remaining in the term of Judge Solomy Balngi Bossa (Uganda), who was [elected](#) to the International Criminal Court in December 2017.

[Imani Aboud \(Tanzania\)](#)¹



Imani Aboud is a Tanzanian judge in the National High Court and was formerly a state attorney general. She is a founder of the national Tanzania Commission for Human Rights and Good Governance. Aboud's past work has focused on democratic elections and labor law reforms, including as a member of an independent commission that reviewed the 2007 Kenyan elections.

[Stella Isibhakhomen Anukam \(Nigeria\)](#)



Stella Isibhakhomen Anukam is a Nigerian lawyer and current Director of International and Comparative Law of the Nigerian Federal Ministry of Justice. She is a member of both the International Bar Association and the International Law Development Organization. Before being promoted to the position of Director in 2015, she held various positions within Nigeria's Federal Ministry of Justice.

[Ben Kioko \(Kenya\)](#)



Ben Kioko is a Kenyan lawyer first elected to the AfCHPR in 2012. Prior to serving as judge on the Court, Kioko served in the AU Legal Department as the Legal Counsel and Director. He has also been involved in the drafting and negotiations of over 20 treaties that were adopted under the auspices of the AU, and contributed to the drafting and negotiation of other human rights instruments. Kioko also serves on several human rights and international advisory boards.

[Blaise Tchikaya \(Congo\)](#)



Blaise Tchikaya is a professor of public international law and practicing lawyer, from Congo. Tchikaya has written extensively on international human rights issues and his work has been published in several journals. Tchikaya lectures on international jurisprudence in African States. In addition to his academic work, Tchikaya is a member of various research centers and professional associations.

¹ Photo from twitter post: <https://twitter.com/dailynewstz/status/1019186031357321222>

Two of the three judges whose terms expired between June and July 2018, Judge Gérard Niyungeko (Burundi) and Judge El Hadji Guisseé (Senegal), were completing their second term on the Court and were not eligible for re-election pursuant to [Article 15\(1\)](#) of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights (Protocol). Justice Ben Kioko (Kenya), whose term was also set to expire, is completing his first term on the AfCHPR and was eligible for re-election. Additionally, Judge Solomy Balungi Bossa (Uganda), elected in June 2014, resigned on February 26, 2018 and a candidate was [elected](#) to fill the vacancy.

Election Process

The election process for judicial appointments to the African Court of Human and Peoples' Rights is established by the [Protocol](#) to the [African Charter on Human and Peoples' Rights](#). Before an election is to take place, the Secretary General of the African Union will request nominations from States parties pursuant to Article 13 of the Protocol. States parties must respond to the request and submit their nominations within 90 days of the request. Pursuant to Article 12(1) of the Protocol, States parties to the Protocol are each permitted to nominate three candidates, two of which must be nationals of the nominating State party. The African Union Commission, the secretariat of the AU, will transmit the list of nominees to AU Member States at least 30 days prior to the Assembly's session during which the elections are to take place. Judges are elected by secret ballot to a six-year term that begins on the first day of the first AfCHPR session following the elections, as provided for in [Rule 2\(1\)](#) of the Rules of Court.

Rule 13 of the Rules of Court and Article 14 of the Protocol both require that gender representation is taken into account when electing judges to ensure a balanced representation. Rule 13 of the Rules of Court further requires a balanced representation of the "main regions of Africa and of their principal legal traditions." In connection with these requirements, the Executive Council of the AU adopted a [decision](#) in January 2016 that specifically instructs that there should be two judges on the Court from each African region (East, Central, North, South, and West), and that at least one of the judges from each region should be female. The remaining seat is considered a "floating seat" and rotates by region. The "floating seat" is currently occupied by Judge Marie-Theresa Mukamulisa (Rwanda), elected in July 2016 for a six-year term.

For the 2018 elections, the AU Commission called on States parties to nominate one male candidate from the Central region, one female and one male candidate from the Eastern region, and one female candidate from the Western region. The AU Commission noted several factors raised by civil society, including the candidates' minimum qualifications, in its call for nominations by States parties. For more information, see the AU Commission's [call for nominations](#) to Member States.