

AfCHPR: COMPOSITION & ELECTION PROCESS

COMPOSITION OF THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

The African Court on Human and Peoples' Rights ([AfCHPR](#)) is the judicial organ of the African system for the protection of human rights. The African Court sits in Arusha, Tanzania and is an autonomous body of the African Union ([AU](#)). The Court was established by the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights (Protocol), and its jurisdiction extends to those States that have ratified the Protocol. The African Court is counterpart to the African Commission on Human and Peoples' Rights, with the Rules of Court requiring collaboration between the two bodies on areas of common concern.

Judges

The African Court is composed of **11 judges**, who are elected in their personal capacity and do not represent any government. Judges serve on the AfCHPR for a **period of six years**, and their terms may be renewed once. Judges who are elected to replace a judge whose term has not expired will hold office for the remainder of their predecessor's term. The AfCHPR President works on a full-time basis. The remaining African Court judges serve on a part-time basis. Their remuneration is decided by the African Union.

Article 11 of the Protocol requires that all judges on the African Court are "jurists of high moral character and of recognized practical, judicial or academic competence and experience in the field of human and peoples' rights." Article 11 of the Protocol also prohibits two or more nationals of the same State from serving on the African Court at any given time.

Sources of Law

- Rules of Court of the African Court on Human and Peoples' Rights ([text](#))
- Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights ([text](#))

Guidelines on Representation

Executive Council of the Assembly of the African Union, Decision on the Modalities on Implementation of Criteria for Equitable Geographical and Gender Representation in the African Union Organs, Doc. EX.CL/953 (XXVIII) (2016) ([text](#))

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 decided 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. For the 2020 elections, the AU Commission has issued a [call for nominations](#) to States parties to the Protocol with guidelines on how to meet these standards, specifically calling on States parties to nominate one female candidate from the Eastern region, one male candidate from the Northern region, one male candidate from the Southern region, and one male candidate from the Western region.

Current Composition *



[Justice Sylvain Ore](#) of Côte d'Ivoire
President (2014 – 2020)*

*serving second term



[Justice Ben Kiko](#) of Kenya, Vice President
(2018 – 2024)



[Justice Ntyam Ondo Mengué](#) of
Cameroon (2016 – 2022)



[Justice Rafaâ Ben Achour](#) of Tunisia (2014 –
2020)*

*eligible for reelection



[Justice Bensaoula Chafika](#) of Algeria
(2017 – 2023)



[Justice Angelo Vasco Matusse](#) of
Mozambique (2014 – 2020)*

*eligible for reelection



[Justice Blaise Tchikaya](#) of Republic of
Congo (2018 – 2024)



[Justice Marie Thérèse Mukamulisa](#) of
Rwanda (2016 – 2022)



[Justice Imani Daud Aboud](#) of Tanzania
(2018 – 2020)*



[Justice Tujilane Rose Chizumila](#) of Malawi
(2017 – 2023)

*eligible for reelection



[Justice Stella Isibhakhomen Anukam](#)
of Nigeria (2018 – 2024)

* Last updated July 15, 2020.

ELECTION OF JUDGES

Election Process

The election process for judicial appointments to the African Court is established by the Protocol to the African Charter on Human and Peoples' Rights and the Rules of Court.

Before an election is to take place, the Secretary General of the African Union will request nominations from States parties to the Protocol, 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, each State party to the Protocol is permitted to nominate three candidates, two of whom must be nationals of the nominating State party.

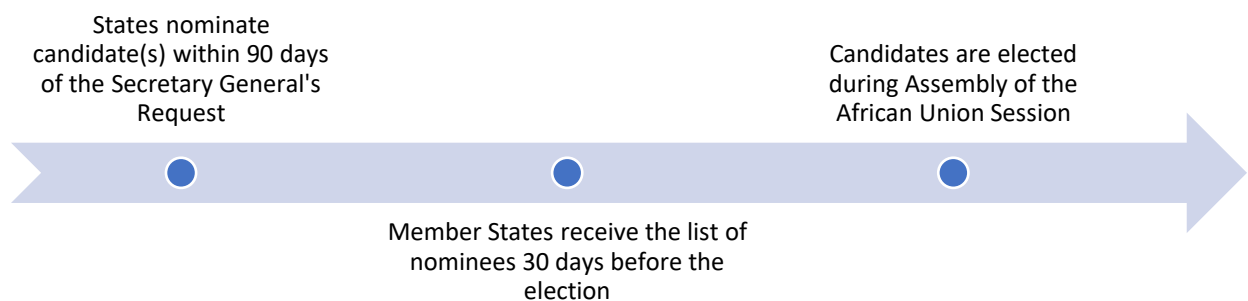
Sources of Law

- Rules of Court
- Protocol Establishing the African Court

The African Union Commission, the secretariat of the AU, will then transmit the list of nominees to AU Member States at least 30 days prior to the session of the Assembly of Heads of State and Government of the AU (the Assembly) during which the elections are to take place. The Executive Council of the AU decides on the election of the judges at its session immediately preceding the Assembly session, voting by secret ballot. The Assembly then votes on confirming the appointment of the judges. Judges' terms begin on the first day of the first AfCHPR session following the elections, as provided for in Rule 2(1) of the Rules of Court.

The Assembly is the "supreme organ" of the African Union and consists of Heads of State and Government from each Member State. The Assembly must meet at least once a year in ordinary session, but it usually holds two sessions per year. The first session is typically held in January, while the timing of second session varies, taking place at some point between May and July. The Executive Council is composed of foreign ministers or other government representatives designated by Member States; it is responsible for drafting Assembly session agendas and draft decisions, among other duties.

Timing



Note: This process repeats when terms are approaching their end date, six years after election.

Members of the Court retain their current positions until they are replaced at the beginning of the incoming member's term. If a judge is involved in a case in which the Court has already held an oral hearing, the judge will continue to sit on the Court and work on the case until all stages are completed. While judges are elected by the AU Assembly, they may only be removed by the unanimous decision of all of the other judges.

Bureau of the African Court

Of the elected judges, a President and a Vice President is elected to form the Bureau of the Court. According to the Rules of Court, the President and Vice President are elected for a two-year term, and may be reelected once. Their term begins to run on the same date as the terms of office of the judges elected in a biennial election, or on a date shortly thereafter. Unless the outgoing President is a candidate running for reelection, Rule 10 of the Rules of Court tasks the outgoing President with holding the elections and determining who obtained the required absolute majority. If the President is running for reelection, another member of the Court serving the functions of the Presidency will run the election. The incoming President takes office immediately and conducts the election for the Vice President. The President and Vice President are both elected by secret ballot after the judge acting as President announces the votes required to achieve the required majority.

ROLE OF CIVIL SOCIETY

The process of selecting candidates for nomination and possible election determines the future composition of the Court. Civil society involvement is essential in ensuring that nominations for judges meet the requirements set forth in the relevant rules.

The African Union typically issues an announcement calling for nominations prior to an election. Civil society should monitor the [announcements page](#) of the AU to stay informed about upcoming elections and nominees being considered for election. While the role of civil society is limited at the Court level, opportunities exist at the national level.

The Open Society Justice Initiative, in partnership with the International Commission of Jurists, has published a [report](#) on the domestic nomination process of candidates to regional human rights systems in Africa, the Americas, and Europe. The report provides a detailed profile of Algeria, Ethiopia, Ivory Coast, Mozambique, South Africa, and Uganda. It finds that States and regional bodies often fall short of their international legal obligations with respect to their nomination and election processes, and recommends to States that they hold a meaningful consultation with civil society to improve the nomination process at the domestic level, among other recommendations.