

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

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**Interim Report of the African Court on Human and  
People's Rights notifying the Executive Council of  
Non-Compliance by a State, in accordance with Article  
31 of the Protocol**

## Introduction

1. Article 31 of the Protocol stipulates that, 'the Court shall submit to each regular session of the Assembly, a report on its work during the previous year. The report shall specify, in particular, the cases in which a State has not complied with the Court's judgment'.
2. The present interim report is not a report of the Court for the 'previous year', but, in the spirit of the said Article, seeks to bring to the attention of the Executive Council the non-compliance by Libya with the Court's Order of Provisional Measures, issued on 15 March, 2013, in the matter of **Application 002/2013 – African Commission on Human and Peoples' Rights v. Libya** ('the Application'), which, in the opinion of the Court must be reported without delay.

## Background

3. At its 28<sup>th</sup> Ordinary Session held in March 2013, the Court examined the Application, and, given the nature of the allegations contained therein and the power vested in it under Article 27(2) of the Protocol, concluded that it might be minded to issue an Order of Provisional Measures to the Respondent State Party, without hearing either Party, and, to that end, on 8 March 2013, notified the Parties accordingly.
4. On 15 March, 2013, the Court, issued an Order of Provisional Measures in the matter, and therein requested Libya to report to the Court on the measures it took to implement the Order within fifteen (15) days from the date of receipt of the order. (See Order attached).
5. The government of Libya was duly notified of the Order, through its Embassy in Addis Ababa, Ethiopia on 26 March, 2013. After the 15 days had elapsed and Libya had not informed the Court of the measures it had taken to implement the Order, the Court, on its own motion, decided, on 12 April, 2013, to extend by another fourteen (14) days the time limit set for Libya to comply with the Order.
6. The notice of extension of time was served on the government of Libya, through its Embassies in Addis Ababa, Ethiopia and Dar es Salaam, Tanzania, on 22 April, 2013 and 16 April, 2013, respectively.
7. To date, the government of Libya has not notified the Court of what measures (if any) it has taken to implement the Order of the Court.

## Recommendations

8. Given that an Order of Provisional Measures issued by the Court is as binding as any judgment of the Court, the Court notes that by not informing the Court of the measures taken to implement the order, in spite of an extension of time to do so, Libya has failed to comply with a judgment of the Court.
9. For this reason, and in conformity with Article 31 of the Protocol, the Court makes this report to the Assembly.
10. In accordance with Rule 51(4) of the Rules of Court, the Court recommends as follows:
  - a. The Assembly to express itself on Libya's non-compliance with the Court Order, and to call upon Libya to comply forthwith and, also, for Libya to report to the Court within 14 days on what measures Libya has taken to comply with the Court Order.
  - b. The Assembly to adopt a decision calling upon all Member States of the Union to comply with and implement Judgments and Orders of the Court, in accordance with Article 30 of the Protocol.
  - c. The Assembly to take such other measures as it deems appropriate to ensure that Libya fully complies with the Court order.

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