

**48th ORDINARY SESSION OF THE AFRICAN COURT
ON HUMAN AND PEOPLES' RIGHTS**

26 FEBRUARY TO 23 MARCH 2018

ARUSHA, TANZANIA

OPENING STATEMENT BY THE PRESIDENT

- Mr Vice-President
- Honorable Judges and Dear Colleagues
- The Registrar and Staff of the Court

Once again, I will like to present to you and your loved ones my sincere wishes for a peaceful and prosperous new year. Let me renew these wishes that I had already presented to you all in my annual address for 2018 together with what I may call the guidelines I proposed we should adopt for the Court this year.

My opening statement at this first session of the year will focus on the annual message guided by the dual perspective of judicial efficiency and synergy in the African human rights system. Reinforcing the Judicial efficiency of the Court was a constant feature in my

speech throughout 2017. Beyond speeches over which we all share common views, 2018 requires tangible Judicial results from us. In simpler terms, throughout 2018, the Court must render the highest number of judgments on the merit ever delivered in a single year since it became operational. The state of preparatory work done by the Registry between the last session and this one gives me the courage say without doubt that we have abundant resources and that we may express doubts only at the level of the direct involvement of the judges in finalizing Court judgments. Be that as it may, I wish to remind everyone that the 2019 budget of the Court was adopted by the policy organs of the African Union on condition that the Court meets the objective of delivering at least three judgments per session. This condition is also linked to the increase in the duration of our Ordinary Sessions. To that end, let me suggest that we formalize the already widely approved proposal to observe a break session between the adoption of the final version of our judgments and their pronouncement. A careful study of our Court judgments reveals many typographical and substantial errors which are not worthy of the quality of justice we want for African litigants. This break of one session will equally spare us situations in which we have to pronounce a judgment on the merits and continue with the drafting after the judgment is rendered.

Honorable Judges, Staff of the Court, the challenges awaiting us this year are enormous and diverse. I am referring, for example, to the urgent need to rethink dialogue with many African Union institutions, States and the human rights community, especially the Civil Society. I think especially of where we stand in an African context characterized by reforms of the African Union and its institutions. As we are all aware, these reforms will directly impact the African Court and the idea of synergy already announced by preliminary reports of the Reforms Commission is an irrefutable logic. It is my wish that the Court should proactively adjust to the reforms to avoid being taken unawares by the restructuring decisions which will inevitably stream in throughout 2018. In that regard, I am of the view that the Court should come up with many ways of collaborating with the Banjul Commission and the Committee on the Rights and Welfare of the Child. Emphasis should be laid on the Commission, and we must take cognizance of the positive commitment of the staff of both institutions, we must endeavour to expedite judicial complementarity. Permit me to round up this issue by reminding everyone of the pressing need to review our approach to communication and to Public relations. The impressions and the feeling transmitted

by Member States of the African Union and by public opinion in general is that of a budget consuming and unproductive African Court. Without wishing to make matters worse, we must admit that this impression is not completely unfounded even though justice cannot be measured in terms of quantity. Henceforth, we must however explain to the African human rights community why the average time taken to finalize our judgments has increased by close to two years over the past four years. Besides, even for judgments delivered, there is no methodic or systematic approach towards dissemination. In other words, if the Court's activities are not subject to relevant and efficient publicity, the communication gap will give the impression that the Court is unproductive.

Honourable Judges and Staff of the Registry, I place this visit, which begins today, that of the delegation of Judges and Senior Staff of the ECOWAS Community Court of Justice within the purview of synergy of the African human rights system. In my opinion, this sister Court is today an indispensable stakeholder in judicial dialogue which the dual normative and structural community imposes on us. I am convinced that each one of us will personally contribute in making this visit a successful and memorable one.

Dear Colleagues, let me refer to us once more as judges. In my opinion, our mission is to hand over to posterity an African Court which efficiently delivers the mission of justice for which it was established. We will all leave at the end of our respective terms of office but the Court will remain and will be only what we make of it. If we accomplish our mission by thinking of the institution which is the Court and not of ourselves, we would have been useful to Africa. It is necessary to reiterate that without the direct involvement of judges, the Court cannot attain its full judiciary potential.

It is by insisting on the obligations and responsibility of our office as judges that I wish us all successful deliberations and on that note, I hereby declare open, the 48th Ordinary Session of the Court.

Thank you for your kind attention

Sylvain Oré