

AFRICAN UNION
الاتحاد الأفريقي



ORIGINAL: ENGLISH
UNION AFRICAINE
UNIÃO AFRICANA

AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS
COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

IN THE MATTER OF

KENNEDY GIHANA AND OTHERS

V.

REPUBLIC OF RWANDA

APPLICATION NO 017/2015



The Court composed of: Augustino S. L. RAMADHANI, President, Elsie N. THOMPSON, Vice-President; Gérard NIYUNGEKO, Fatsah OUGUERGOUZ, Duncan TAMBALA, Sylvain ORÉ, El Hadji GUISSÉ, Ben KIOKO, Rafâa BEN ACHOUR, Solomy B. BOSSA, Angelo V. MATUSSE, Judges; and Robert ENO, Registrar,

In the matter of;

KENNEDY GIHANA AND OTHERS

V.

REPUBLIC OF RWANDA;

After deliberations,

Makes the following Order:

I. Parties

1. The Court received, on 22 July 2015, an Application by Kennedy Gihana and others, (hereinafter referred to as “the Applicants”), instituting proceedings against the Republic of Rwanda (hereinafter referred to as “the Respondent”).
2. The Respondent ratified the African Charter on Human and Peoples’ Rights (hereinafter, referred to as “the Charter”) on 22 July 1983, and the Protocol to the Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights (hereinafter referred to as “the Protocol ”) on 6 June 2003; and deposited the declaration accepting the competence of the Court to receive cases from individuals and non-governmental organisations, in accordance with Article 34(6) of the Protocol, on 22 June 2013.

II. Subject of the Order

3. By a letter dated 1 March 2016, received at the Registry of the Court on 2 March 2016, the Respondent notified the Court of its deposition of an instrument of withdrawal of its Declaration made under Article 34(6) of the Protocol. The letter further stated that:

“The Republic of Rwanda requests that after deposition of the same, the Court suspends hearings involving the Republic of Rwanda, including the case referred above, until review is made to the Declaration and the Court is notified in due course.”

4. By a letter dated 3 March 2016, the Office of Legal Counsel and Directorate of Legal Affairs of the African Union Commission notified the Court of the submission of the Respondent's instrument of withdrawal of its Declaration made under Article 34(6) of the Protocol, which was received at the African Union Commission on 29 February 2016.
5. When the Court received the Respondent's instrument of withdrawal, it had already set down a public hearing for 4 March 2016 in respect of *Application No 003/2014, Ingabire Victoire Umuhoza v Republic of Rwanda*.
6. Following the Public Hearing, on 18 March 2016, the Court issued an Order in which it:

“i. Orders that the Parties file written submissions on the effect of the Respondent's withdrawal of its Declaration made under Article 34(6) of the Protocol, within fifteen (15) days of receipt of this Order

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ii. Decides that its ruling on the effect of the Respondent's withdrawal of its Declaration under Article 34(6) of the Protocol shall be handed down at a date to be duly notified to the Parties.

iii. Orders the Applicant to file written submissions on the procedural matters stated in paragraph 15 above, within fifteen (15) days of receipt of this Order".

7. Following the orders in paragraph 6 above, the Court decided to adjourn all cases filed against Rwanda, pending its ruling on the effect of the Respondent's withdrawal.

III. Effects of withdrawal of Declaration

8. In a Ruling issued on 3 June 2016 in Application No 003/2014, *Ingabire Victoire Umuhoza v Republic of Rwanda*, the Court unanimously ruled that the Respondent's withdrawal of its declaration has no effect on the Application, and so it decided to continue with the hearing of the Application.

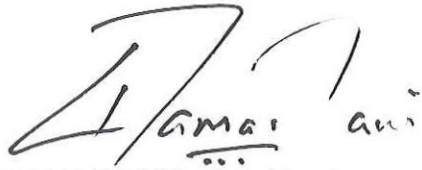
9. The Court's Ruling in *Ingabire Victoire Umuhoza v Republic of Rwanda*, therefore, is to the effect that the withdrawal of Rwanda's Declaration does not have the effect of suspending proceedings of cases that have been filed against Rwanda before the Court.

10. For these reasons;

THE COURT, unanimously, decides to continue examining this Application.

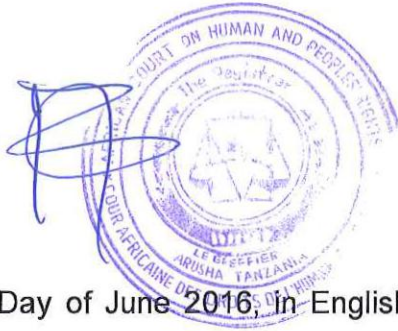
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Signed:



Augustino S.L. RAMADHANI, President

Robert ENO, Registrar



Done at Arusha, this 3 Day of June 2016, in English and French, the English version being authoritative.