

MEMORANDUM OF UNDERSTANDING

BETWEEN

**THE AFRICAN COURT ON HUMAN AND PEOPLES'
RIGHTS**

AND

AFRICA JUDGES & JURISTS' FORUM

PREAMBLE

WHEREAS the African Court on Human and Peoples' Rights (the African Court or the Court) has been established pursuant to the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, adopted by the Assembly of Heads of State and Government of the Organisation of African Unity (now the African Union), in June 1998 in Ouagadougou, Burkina Faso, and entered into force on 25 January 2004;

WHEREAS the African Court is mandated to hear and determine all cases and disputes submitted to it concerning the interpretation and application of the African Charter on Human and Peoples' Rights and any other human rights instrument ratified by the Member State concerned;

WHEREAS the Africa Judges and Jurists' Forum is a network of eminent judges and Jurists' who are committed to promoting the rule of law and development in Africa;

WHEREAS the Africa Judges and Jurists' Forum is mandated by its Board and Judicial Elders Council, to enter partnerships in furtherance of the rule of law and development in Africa;

CONSIDERING that the African Court and the Africa Judges and Jurists' Forum are desirous of collaboration on capacity development, research, and promoting the domestic application of the jurisprudence of the African Court;

WHEREAS the Strategic Plan of the African Court (2021 -2025) and the Strategic Plan of the Africa Judges and Jurists' Forum, respectively, provide for establishment of partnerships with like-minded organisations;

CONVINCED that cooperation between the African Court and the Africa Judges and Jurists' Forum (hereinafter jointly referred to as "the Parties"), will contribute to the attainment of their common objectives and enhance the protection of

human and peoples' rights, the rule of law, democratisation and development on the continent;

THE PARTIES to this Memorandum of Understanding hereby agree as follows:

Article 1: Areas of Cooperation

The areas of cooperation between the Parties include, but are not limited to:

- 1.1 *Capacity Building*: Strengthen the African Court's judicial expertise by leveraging the Africa Judges and Jurists' Forum's expertise in various areas of human rights law, legal research, and capacity development resources to provide specialised knowledge and insights to the Court's Judges and Registry staff, thereby enhancing the quality of the Court's jurisprudence and judicial processes, generally.
- 1.2 *Knowledge Exchange*: Establish reciprocal opportunities for legal scholars, legal researchers, and legal and other professionals from the African Court and the Africa Judges and Jurists' Forum to share and exchange knowledge on human rights protection, including on the application of human rights principles to address contemporary challenges and threats, and how the decisions of the African Court may be implemented more effectively in domestic jurisdictions.
- 1.3 *Resource Sharing*: Subject to copyright protection and other requirements, the Parties undertake to share and exchange electronic and documentary resources for research, training, and other purposes, through inter-library and other forms of cooperation.
- 1.4 *Joint Research Initiatives*: Undertake collaborative research projects on topics of mutual interest, including on emerging human rights issues in Africa, judicial independence, and the impact of the African Court's decisions on continental stability, and development of human rights standards across the continent.

1.5 *Publication and Dissemination of Information*: Jointly produce and disseminate publications, policy briefs, research papers and other knowledge products on various platforms on the litigation procedures and jurisprudence of the African human rights organs and developments in human rights law in Africa and globally.

Article 2: Consultation

2.1 The Parties will consult on the priority actions on the areas of cooperation.

2.2 The appropriate organs of the Parties shall consult on the design and implementation of activities, projects and plans under the areas of cooperation.

Article 3: Implementation

3.1 Collaboration between the Parties shall be conducted in a spirit of cooperation and coordination.

3.2 The Parties shall appoint focal points for the implementation of this Memorandum of Understanding.

3.3 Each Party shall, as far as possible and within its operational framework, respond favourably to requests for co-operation made in accordance with this Memorandum of Understanding.

3.4 The Parties commit to establishing effective arrangements, including the development of annual activity plans, to guarantee the successful implementation of this Memorandum of Understanding.

3.5 The Parties shall establish a Joint Committee for the regular monitoring and evaluation of the implementation of this Memorandum of Understanding.

Article 4: Role of the Court

The African Court commits to facilitating the engagement of legal and judicial expertise from the Africa Judges and Jurists' Forum by:

- 4.1 Inviting members and experts from the Africa Judges and Jurists' Forum to moderate and facilitate seminars, workshops, and discussions, enhancing the discourse with their specialised knowledge and perspectives.
- 4.2 Collaborating with the Africa Judges and Jurists' Forum to design and implement training courses for the Court's Judges and Registry staff on, *inter alia*, continuing judicial education, judicial independence, and administrative excellence.
- 4.3 Sharing the Court's decisions, jurisprudence, and practice with the Africa Judges and Jurists' Forum for dissemination amongst its members and to promote the application by national courts, of the principles espoused in these decisions.
- 4.4 Organizing and participating in joint activities that further the objectives of this Memorandum of Understanding and strengthen the partnership between the Parties.

Article 5: Role of the Africa Judges and Jurists' Forum

The Africa Judges and Jurists' Forum shall contribute to the partnership by:

- 5.1 Co-creating with the African Court, capacity development resources.
- 5.2 Creating platforms for the African Court to engage with judges of national courts, to promote the domestic application by national courts, of the decisions of the African Court.

5.3 Facilitate dialogues and other forms of engagements between national governments and the African Court, to promote domestic compliance with the decisions of the African Court.

5.4 Facilitate knowledge exchange opportunities for Judges and Registry staff of the African Court to engage with stakeholders from within and outside of Africa.

5.5 Sharing its human rights related research outputs with the African Court.

Article 6: Financing

6.1 Implementation of this Memorandum of Understanding shall depend on the availability of financial resources and in-kind contributions which the Parties can mobilize and deploy in accordance with their respective Regulations and Rules.

6.2 Each Party shall bear its own costs with respect to the implementation of this Memorandum of Understanding.

Article 7: Independence of The Parties

Each Party retains autonomous operation and is not deemed an agent, representative, of the other or in a joint venture with the other. No Party is authorised to enter contracts or commitments in the name of, or on behalf of the other.

Article 8: Exemption from Liability

8.1 No breach or performance or non-performance of an obligation under this Memorandum of Understanding shall give rise to any monetary liability on the part of a Party vis-à-vis the other.

8.2 Responsibilities for actions and inactions related to this Memorandum of Understanding lie with the respective Party involved, ensuring accountability in its fulfilment.

Article 9: Privileges, Immunities and Benefits

Nothing in this Memorandum of Understanding may be interpreted or construed as a waiver or modification of the privileges, immunities, and benefits, that the African Court enjoys by virtue of international agreements and national laws applicable to it.

Article 10: Duration.

The duration of this Memorandum of Understanding shall be five (5) years with an option for renewal based on agreement between the Parties.

Article 11: Assignment or transfer to third parties

The obligations of the Parties under this Memorandum of Understanding are not assignable or transferable, except by operation of law and by agreement of the Parties.

Article 12: Amendments

This Memorandum of Understanding may be amended by agreement of the Parties and the amendments shall be notified in writing.

Article 13: Termination

13.1 Either Party may terminate this Memorandum of Understanding by giving three (3) months written notice to the other Party. The termination shall take effect three (3) months after the date of such notification.

13.2 Notwithstanding termination, the Parties shall be bound by outstanding obligations and ongoing cooperative programs as stipulated within this Memorandum of Understanding until the completion of those obligations.

13.3 The Parties shall take action to ensure that the termination does not adversely affect the ongoing programs or any commitments subsisting under the terms of this Memorandum of Understanding.

Article 14: Dispute resolution

Any disputes regarding the interpretation and implementation of this Memorandum of Understanding shall be resolved through mutually respectful and amicable negotiations.

Article 15: Channels of communication and notice

The contacts for communication in the framework of this Memorandum of Understanding will be:

For the African Court

The Registrar
Office of the Registrar
P. O. Box 6274, Arusha, United Republic of Tanzania
Telephone: +255 732 979 556 or +255 732 979 509
E-mail: registrar@african-court.org

For the Africa Judges and Jurists' Forum

The Secretary General
Office 504A, Rosebank Mall Offices 50 Bath Avenue,
Rosebank 2196
Johannesburg, South Africa
Tel: +27 716 405 926
Email: info@africajurists.org

Article 16: Entry into force.

This Memorandum of Understanding shall enter into force on the date of its signature by the duly authorised representatives of the Parties and if signed on different dates this shall be the last such date of signature.

IN WITNESS WHEREOF, the Parties, each acting through its duly authorised representative, have signed the present Memorandum of Understanding in the English language.

FOR THE AFRICAN COURT

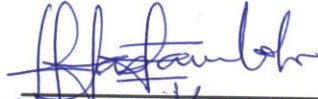
FOR THE AFRICA JUDGES & JURISTS' FORUM

Lady Justice Imani D. ABOUD
President

Mr Martin Okumu Masiga
Secretary General



20 May 2024, Arusha, Tanzania



21 May 2024, Kampala, Uganda