

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

IN THE MATTER OF

GENERAL KAYUMBA NYAMWASA AND SIX OTHERS

V.

REPUBLIC OF RWANDA

APPLICATION 016/2015

ORDER ON THE REQUEST FOR INTERIM MEASURES

24 MARCH 2017



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The Court composed of: Sylvain ORÉ; President, Ben KIOKO, Vice-President; Gérard NIYUNGEKO, El Hadji GUISSÉ, Rafâa BEN ACHOUR, Solomy B. BOSSA, Angelo V. MATUSSE and Ntyam S. O. MENGUE – Judges; and Robert ENO - Registrar.

In accordance with Article 22 of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights ("hereinafter referred to as the Protocol") and Rule 8 (2) of the Rules of Court ("hereinafter referred to as the Rules"), Justice Marie-Thérèse MUKAMULISA, a national of Rwanda, did not hear the Application.

In the matter of:

General Kayumba NYAMWASA
Mr. Kennedy Alfred Nurudin GIHANA
Mr. Bamporiki Abdallah SEIF
Mr. Frank NTWALI
Mr. Safari STANLEY
Dr. Etienne MUTABAZI
Mr. Epimaque NTAMUSHOBORA

represented by:

Professor Michelo HANSUNGULE

Centre for Human Rights, Faculty of
Law, University of Pretoria

V.

Republic of Rwanda

represented by:

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1. Mr. Malaala AIMABLE Civil Litigation Division Manager, Ministry of Justice

2. Mr. Rubango Kayihura EPIMAQUE Senior State Attorney

After deliberation,

Makes the following Order:

I. THE PARTIES

1. The Applicants are General Kayumba Nyamwasa, Mr. Kennedy Alfred Nurudin Gihana, Mr. Bamporiki Abdallah Seif, Mr. Frank Ntwali, Mr. Safari Stanley, Dr. Etienne Mutabazi and Mr. Epimaque Ntamushobora (hereinafter referred to as “the Applicants”) requesting certain interim measures. The Applicants claim to be citizens of the Republic of Rwanda who are currently in exile in the Republic of South Africa, having fled from Rwanda.

2. The Respondent is the Republic of Rwanda. It ratified the African Charter on Human and Peoples’ Rights (hereinafter referred to as “the Charter”) on 22 July 1983 and the Protocol on 6 May 2003 and is party to both instruments. The Respondent deposited, on 22 January 2013, a Declaration accepting the competence of the Court to receive cases from individuals and Non-Governmental Organisations, within the meaning of Article 34(6) of the Protocol read together with Article 5(3) of the Protocol.¹

II. SUBJECT OF THE APPLICATION

3. The Application is based on the exercise in Rwanda to amend the Constitution to allow the President of the Republic of Rwanda to seek election to serve for a third term as President. The Applicants allege that Article 101 of the Constitution of the Republic of Rwanda provides that the President shall serve for only two (2) terms.

¹ It should be noted that the Respondent withdrew this Declaration on 29 February 2016. On the decision of the Court in this regard, see paragraphs 22 and 23 of this Order.

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4. The Applicants allege that the campaign for the amendment of Article 101 of the Constitution has been conducted against a climate of fear and that any challenges to the amendments of the Constitution would likely not succeed as the judiciary of Rwanda is allegedly not independent, particularly since some judicial officers are also members of the Respondent's Ruling Party.
5. The Applicants further allege that this has been against a backdrop of arbitrary arrest, detentions and trials of leading political figures such as Victoire Ingabire Umuhiza, the former President, Pasteur Bizimungu, the former Minister, Charles Ntakirutika and Bernard Ntaganda. One of the Applicants, General Kayumba Nyamwasa, states that South African Courts have found that his attempted assassination was conducted by persons linked to the Respondent. The Applicants also allege that another military officer, Lieutenant Colonel Seveline Ngabo has been held *incommunicado* in an unknown location since 20 August 2010 and that despite the East African Court of Justice finding that his detention was unlawful, he has neither been presented in Court nor charged with any offence.
6. The Applicants also claim that the filing of an application by the Green Party in the courts in Rwanda to challenge the amendment of Article 101 of the Constitution, is a sham since this Party is a creation of the President and the whole exercise is intended to lend legitimacy to the process of the amendment of the Constitution by allowing these constitutional challenges.
7. The Applicants have filed affidavits in support of the Application. The affidavit by Safari Stanley states that local remedies in Rwanda are neither practical nor effective since the President of the Republic of Rwanda dictates how courts should decide matters before them. They add that, since the President has a personal interest in the matter, the outcome of any action at the local level would be to allow the amendment.
8. The Applicants base their Application on Articles 13 (freedom to participate in government), 19 (equality of peoples), 21 (freedom of peoples to dispose of their

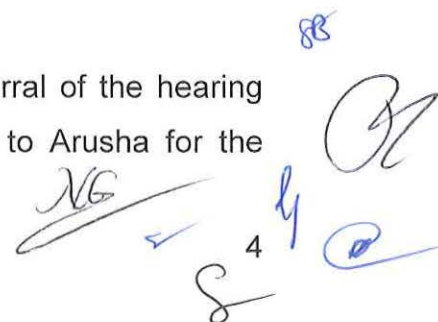
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wealth), 22 (the right to economic, social and cultural development) of the Charter and Article 23 (prohibiting amendments of constitutions to extend term limits for the presidency) of the African Charter on Democracy, Elections and Governance (hereinafter referred to as 'the Charter on Democracy'). The Applicants state that the Respondent is a party to the Charter and the Charter on Democracy. The Applicants also allege that the planned constitutional amendment is in contravention of Article 6(d) of the Treaty of the East African Community which sets out the fundamental principles of the East African Community, including '*recognition, promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human and Peoples' Rights*'.

III. PROCEDURE

9. The Application was filed on 22 July 2015. It was served on the Respondent and transmitted to the States Parties to the Protocol and the Executive Council of the African Union through the Chairperson of the African Union Commission, by notices dated 4 August 2015.
10. On 27 October 2015, the Respondent applied for extension of time, by thirty (30) days to file its Response. By a notice dated 13 November 2015, the Respondent was notified of the Court's decision to grant the extension of time to file the Response by 23 November 2015.
11. By a notice dated 13 November 2015, the Parties were informed that there would be a Public Hearing on the Request for Interim Measures on 25 November 2015 in Arusha, Tanzania in the course of the Court's 39th Ordinary Session.
12. On 18 November 2015, the Respondent filed the Response to the Application and it was transmitted to the Applicants by a notice of the same date.
13. On 18 November 2015, the Applicants requested a deferral of the hearing due to the inability of some of the Applicants to travel to Arusha for the

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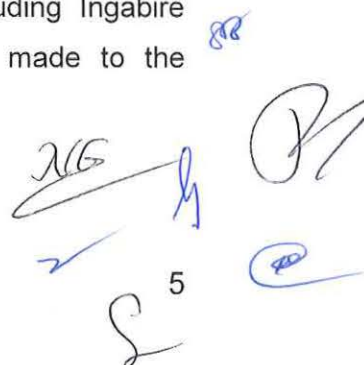


hearing due to lack of travel documents. The Applicants did not propose a specific date that the hearing should be deferred to.

14. Following the Applicant's request for a deferral of the hearing, by a notice dated 20 November 2015, the Parties were informed that the Court has decided to defer the Public Hearing.
15. On 12 December 2015, the Applicant's representative raised an objection to the deferral of the Public Hearing. The representative stated that this meant that the Application would be overtaken by events since the referendum with respect to which they sought orders would take place in a few days' time.
16. The Registry responded to the above mentioned communication from the Applicants' representative by a letter dated 29 December 2015, by chronicling the handling of the matter by the Court and emphasizing that the deferral of the public hearing was on the Applicants' request despite the Court having scheduled it due to the urgency of the situation.
17. The Applicants filed the Reply to the Response on 1 February 2016. On 5 February 2016, the Registry notified the Applicants that, since the Reply was filed out of time, they should seek the leave of Court for an extension of time to file the Reply. The Applicants sought this leave, by their notice received on 7 March 2016. The Court granted the leave and the Reply was served on the Respondent by a notice dated 14 July 2016.
18. 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 with respect of *Application No 003/2014, Ingabire Victoire Umuhoza v Republic of Rwanda* wherein the letter stated that:

"The Republic of Rwanda requests that after deposition of the same, the Court suspends hearings involving the Republic of Rwanda, [including Ingabire Victoire Umuhoza v Republic of Rwanda], until review is made to the Declaration and the Court is notified in due course".

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19. 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 withdrawal of its Declaration made under Article 34(6) of the Protocol, which was received at the African Union Commission on 29 February 2016.
20. By a notice dated 10 March 2016, the Applicants were notified of the deposit by the Respondent of a declaration withdrawing its Declaration filed under Article 34(6) of the Protocol, and invited to file any comments thereon within fifteen (15) days of receipt of the notice.
21. The Applicants filed observations regarding the Respondent's withdrawal of the Declaration on 16 May 2016. The Respondent did not file a Response to the Applicant's observations.
22. On 3 June 2016, the Court issued a Ruling in *Application No 003/2014, Ingabire Victoire Umuhoza v Republic of Rwanda* that the Respondent's withdrawal of its Declaration has no effect on that Application and it would continue with the hearing of that Application.
23. On 3 June 2016, the Court issued an Order in the current Application that,
"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" and "unanimously, decides to continue examining this Application".
24. This Order was transmitted to the Parties by a notice dated 5 July 2016.
25. The Court ordered that pleadings in the Application be closed with effect from 16 September 2016.

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IV. PRAYERS OF THE PARTIES

(a) Applicant's Prayers

26. In the Application, the Applicants are applying for interim measures.. They pray that the Court:

- a) "Order President Kagame and the Republic of Rwanda to strictly abide by and respect the clear wording of article 101 of the Republic of Rwanda Constitution, read with article 13 of the ACHPR and article 23 of the Democracy Charter
- b) Order the Senate of Rwanda not to entertain any motion purportedly instigated by the people of Rwanda to repeal article 101 because the people exhausted this power after they banned themselves from ever revisiting article 101
- c) Order the government of the Republic of Rwanda to comply with article 23(5) of the African Charter on Democracy, Elections and Governance which forbids any change of the constitution to give the president third or other term
- d) Order any relief(s) as the Court may deem necessary in the circumstances."

27. In their Reply to the Respondent's Response, the Applicants pray the Court to:

- a) "Declare that it has jurisdiction in terms of the Protocol and the Rules of procedure to hear the Application
- b) Declare the Application duly admissible.

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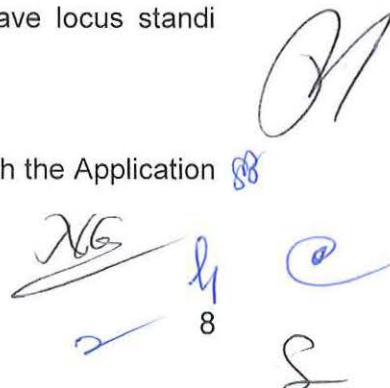
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- c) Simultaneously order the Respondent to abandon plans to hold a referendum on 17 or 18 December 2015 to amend Article 101 of its Constitution in light of the Article 23(5) prohibition of the Charter on Democracy.
- d) Declare that even if, but without conceding that Kayumba Nyamwasa and Safari Stanley for the reasons alleged in the Response have no right to seek remedy, other Applicants have this right and the Respondent by not referring to them anywhere in the Response does admit that the case is admissible in respect to these other Applicants.
- e) Order the Respondent to produce the Gacaca and Military Court judgments severally referred to in the Response to enable Kayumba Nyamwasa and Safari Stanely study them and make further representations with their rights.
- f) Order the Respondent to delete paragraph 31 of the Response threatening the Court against deciding against the Respondent and take necessary measures against the Respondent.
- g) Award costs of this Application to the Applicants.
- h) Make such orders and reliefs as it deems necessary."

(b) Respondent's Prayers

28. In its Response to the Application, the Respondent prays the Court to:

- a) "Declare that the Application is frivolous, vexatious, tendentious, politically motivated, an abuse of the process of the Court and an attempt to compromise the integrity of the Honourable Court
- b) Dismiss the Application without the necessity of summoning the respondents to the hearing in accordance with Rule 38 of the Rules of procedure
- c) Declare that criminal convicts still eluding justice cannot have locus standi before the Honourable Court
- d) Declare that the Court has no jurisdiction to hear and deal with the Application on grounds that it is defective and bad in law.



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- e) Declare the Application inadmissible on grounds that it falls short of admissibility conditions established by the Charter and Rules
- f) Award cost to Respondents
- g) Make such an order as it deems fit.”

V. ON THE REQUEST FOR INTERIM MEASURES

- 29. In its Response to the Request for interim measures, the Respondent raised objections, contending that the Application does not indicate what would remain for the Court to decide after issuing interim measures. They allege further that there are no people’s lives in danger or serious massive violations of human rights as required under Article 27(2) of the Protocol, to justify a request for interim measures.
- 30. Citing the Court’s Ruling in Application No. 004/2013 *Lohe Issa Konate v Burkina Faso*, the Respondent maintains that the purpose of interim measures is to avoid irreparable damage to the victims during the course of the consideration of the application on the merits. The Respondent further states that, there is no evidence that interim measures can be separated from the merits attributable to this request and the Court cannot grant interim measures without prejudging the potential merits if any of the Application.
- 31. In the Reply the Applicants state that the Court has the mandate to issue interim measures pursuant to Rule 51 of the Rules and that this Application raises a matter of extreme urgency. The Applicants further state that neither is the application for interim measures based on the number of people that have died nor does the Rule require that lives must have been lost for the Court to issue interim measures. The Applicants maintain that the measures requested are to prevent the Respondent from conducting the referendum. The Applicants aver that, the Court should exercise its

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jurisdiction since the Supreme Court of Rwanda has determined the application filed by the Green Party, to challenge the referendum.

32. This Order is with respect to the Applicants' Request for Interim Measures for the Respondent to be ordered not to proceed with the referendum to amend Article 101 of its Constitution, in light of a prohibition in this regard in Article 23(5) of the Charter on Democracy. The Applicants did not submit specific prayers on the merits of the Application.
33. The Court can indeed, pursuant to Article 27(2) of the Protocol issue the interim measures "*[i]n cases of extreme gravity and urgency, and when necessary to avoid irreparable harm to persons.*" This provision is mirrored in Rule 51(1) of the Rules which provides that "*[p]ursuant to article 27(2) of the Protocol, the Court may, at the request of a party, the Commission or on its own accord, prescribe to the parties any interim measure which it deems necessary to adopt in the interest of the parties or of justice*".
34. In view of the extreme urgency of the situation, whereby the request for interim measures was to stop the referendum on amendment of Article 101 of the Respondent's Constitution planned for 17 or 18 December, 2015, the Court decided to hold a Public Hearing on this request on 25 November 2015. The Applicants requested a deferral of the hearing due to the inability of some of the Applicants who wished to travel to Arusha for the same. The Applicants did not propose a specific date that the hearing should be deferred to. The referendum was duly held on 17 December 2015, thus defeating the purpose of any interim measures.
35. In light of the foregoing, the Court declines to grant the interim measures since the object of the request has been overtaken by events. The application for interim measures is therefore no longer of relevance and is consequently dismissed.

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36. For these reasons,

THE COURT,

Unanimously:

i) Declines to grant the interim measures requested.

ii) Orders that the application for interim measures be and is hereby dismissed.

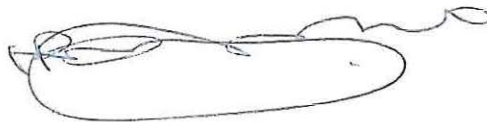
Done at Arusha, this 24th day of March in the year 2017, in English and French, the English version being authoritative.

Signed:

Sylvain ORÉ - President



Ben KIOKO, Vice –President



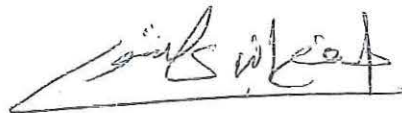
Gérard NIYUNGEKO –Judge



EI Hadji GUISSÉ- Judge



Rafâa BEN ACHOUR – Judge



Solomy B. BOSSA- Judge



Angelo V. MATUSSE- Judge



Ntyam S.O. MENGUE – Judge

and Robert ENO - Registrar.

S.O. Mengue

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CASE SUMMARY

APPLICATION NO 016/2015

KAYUMBA NYAMWASA & OTHERS V. REPUBLIC OF RWANDA

SUMMARY OF FACTS

1. The Applicants state that they are citizens of the Republic of Rwanda who are currently in exile in South Africa, having fled from Rwanda.
2. They allege that they are against the exercise in Rwanda to amend the Constitution to allow for the current President to run for the third term.
3. They allege that the campaign for the amendment of Article 101 of the Constitution has been conducted in a climate of fear and that any challenges to the amendments of the Constitution will likely not succeed as the judiciary of Rwanda is allegedly not independent, particularly since some judicial officers are also members of the ruling party.
4. The Applicants state that this has been against a backdrop of arbitrary arrest, detentions and trials of leading political figures. Mr. Kayumba Nyamwasa also states that South African Courts have found that his attempted assassination was conducted by persons linked to the State of Rwanda.
5. The Applicants allege that the filing of an application by the 'Green Party' in the courts in Rwanda to challenge the amendment of Article 101 of the Constitution, is a sham since this Party is a creation of the President of the Republic of Rwanda and that the whole exercise is intended to lend legitimacy to the process

of the amendment of the Constitution by ‘allowing’ these constitutional challenges.

COMPLAINTS

6. The Applicants allege violations of;
 - i. Articles 13, 19, 21, 22 of the African Charter on Human and Peoples’ Rights.
 - ii. Article 23 of the African Charter on Democracy, Elections and Governance.
 - iii. Article 6(d) of the Treaty of the East African Community
 - iv. Article 101 of the Constitution of the Republic of Rwanda

APPLICANTS’ PRAYERS

7. The Applicants are praying for Interim measures and prays that the Court:
 - i. *“Order President Kagame and the Republic of Rwanda to strictly abide by and respect the clear wording of article 101 of the Republic of Rwanda Constitution, read with article 13 of the ACHPR and article 23 of the Democracy Charter.*
 - ii. *Order the Senate of Rwanda not to entertain any motion purportedly instigated by the people of Rwanda to repeal article 101 because the people exhausted this power after they banned themselves from ever revisiting article 101*
 - iii. *Order the government of the Republic of Rwanda to comply with article 23(5) of the African Charter on Democracy, Elections and Governance which forbids any change of the constitution to give the president third or other term.*
 - iv. *Order any relief(s) as the Court may deem necessary in the circumstances”*

RESPONDENT’S PLEADINGS

8. The Respondent contends that some of the Applicants, Mr. Safari Stanley and Mr. Kayumba Nyamwasa lack the *locus standi* to bring the Application before this Court because the former is a convict of genocide and a fugitive from justice and

the latter is a convict of serious crimes including threatening state security, sectarianism, setting up an armed criminal gang and deserting the military, and that after he was sentenced to 24 years in prison, he fled and escaped justice. The Respondent alleges that both have International Warrants issued against them. The Respondent contends further that since the two Applicants are convicts of serious crimes, the Respondent does not suppose that the same would be granted *locus standi* before the Court pursuant to the Declaration it made in terms of Article 34(6) of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights.

9. The Respondent also contends that the Application is defective as it does not have a main relief to be determined after the ruling on interim measures.
10. The Respondent contends that the Application is inadmissible as it does not satisfy the conditions of admissibility pursuant to Article 56 of the African Charter on Human and Peoples' Rights and Rule 40 of the Rules of Court.
11. The Respondent contends that the Application is incompatible with the Constitutive Act of the African Union.
12. The Respondent maintains that the Applicants have not exhausted local remedies and that the notion of the dependency of the Rwandan judiciary is a political ploy to harm and disrepute the image of the Rwandan judiciary.

RESPONDENT'S PRAYERS

13. The Respondent prays that the Court:
 - i. Declare that the Application is frivolous, vexatious, tendentious, politically motivated, an abuse of the process of the Court and an attempt to compromise the integrity of the Honourable Court
 - ii. Dismiss the Application without the necessity of summoning the respondents to the hearing in accordance with Rule 38 of the Rules of procedure

- iii. Declare that criminal convicts still eluding justice cannot have locus standi before the Honourable Court
- iv. Declare that the Court has no jurisdiction to hear and deal with the Application on grounds that it is defective and bad in law.
- v. Declare the Application inadmissible on grounds that it falls short of admissibility conditions established by the Charter and Rules.
- vi. Award cost to Respondents.
- vii. Make such an order as it deems fit

APPLICANT'S REPLY TO THE RESPONSE

14. That the Applicants aver that the Court can still proceed with the case despite the lack of *locus standi* by some of the Applicants.
15. The Applicants state that the Court has the mandate to issue interim measures in terms of Rule 51 of the Rules of Court and that this Application raises a matter of extreme urgency such as their situation at hand.
16. The Applicants claim that the application is admissible under provisions of Article 34(6) of the Court's Protocol and that it is also compatible with the Constitutive Act of the African Union through Article 23 of the African Charter on Elections, Democracy and Governance, which Rwanda is a party to.
17. The Applicants claim that local remedies were exhausted with the judgment of the Green Party case by the Supreme Court of Rwanda. The Applicants claim further that it is well settled practice in human rights litigation that local remedies may be exhausted by a party other than one pursuing international remedy under the same matter.

18. The Applicant also alleges that the lack of judicial independence in Rwandan courts made it impracticable and ineffective for them to exhaust local remedies.
19. They argue that imprisonment does not take away one's right to access a court and that the Respondent's Response to the Application does not submit anything against the other five Applicants, save for the two, which it alleges to be convicts.
20. The Applicants also claim that the application does not involve any insulting language, rather just bare facts and criticisms that anger the Respondents.

APPLICANTS' PRAYERS IN THE REPLY TO THE RESPONDENT'S RESPONSE TO THE APPLICATION

- i. The Applicants request for the Court to order the Respondents to submit the judgments as per the Court's disclosure rules and Article 7 of the African Charter on Human and Peoples' Rights
- ii. The Court to declare that it has jurisdiction in terms of the Court's Protocol and the rules of procedure to hear the communication
- iii. The Court to declare the communication duly admissible.
- iv. The Court to simultaneously order the Respondent's Government to abandon plans to hold a referendum on 17 or 18 December 2015 to amend article 101 of the Constitution of the Republic of Rwanda in light of the Article 23(5) of the African Charter on Elections, Democracy and Governance prohibition in this regard.
- v. The Court to declare that even if, but without conceding, that Mr. Kayumba Nyamwasa and Mr. Safari Stanley for the reasons alleged in the Response have no right to seek a remedy before the Court, the other applicants in the communication have that right and by the Respondent not referring to them anywhere in the Response to the Application, seemingly admits that that the case is admissible in respect to these other Applicants.

- vi. The Court to order the Respondent to produce the Gacaca and Military court judgments severally referred to in the Response to enable Mr. Kayumba Nyamwasa and Mr. Safari Stanley study them and make further representations with their rights.
- vii. The Court to order the Respondent to delete, in its Response to the Application, the wording that seems to be threatening the Court against deciding against the Respondent and take necessary measures against the Respondent
- viii. The Court to award costs of this application to the Applicants
- ix. The Court to make such orders and reliefs as it deems necessary

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

IN THE MATTER OF

KAYUMBA NYAMWASA AND OTHERS

V.

REPUBLIC OF RWANDA

APPLICATION NO 016/2015

ORDER



ORIGINAL: ENGLISH

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;

KAYUMBA NYAMWASA 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 Kayumba Nyamwasa 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

- 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

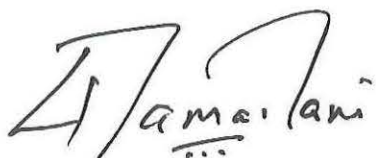
8. In a Ruling issued on 3 June 2016 in Application No 003/2014, *Ingabire Victoire Umuhoza v Republic of Rwanda*, the Court unanimously ruled that the Respondent's withdrawal of its declaration has no effect on the Application, and so it decided to continue with the hearing of the Application.
9. The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

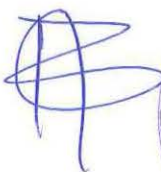
ORIGINAL: ENGLISH

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.