

PROCEDURE

Jurisdiction

Material jurisdiction

The Court has jurisdiction to hear all cases concerning the interpretation of the African Charter, the Protocol and any other human rights instrument ratified by the respondent state (*Lohé Issa Konaté v Burkina Faso*, application 004/2013, order of provisional measures, 4 October 2013 para 35; *African Commission on Human and Peoples' Rights v Libya*, Merits, Application 002/2013, 3 June 2016, para 53; *Actions Pour la Protection des Droit de L'homme (APDH) v The Republic of Cote D'Ivoire*, application 001/2014, Judgement, 18 November 2016, para 47; *African Commission on Human and Peoples' Rights v Kenya*, application 006/2012, Judgement, 26 May 2017, para 51). The only pertinent issue that the Court need to consider in ascertaining whether it has material jurisdiction in accordance with article 3(1) of the Court's Protocol and rule 26(1)(a) of the Rules of Court is whether the application alleges violation(s) of the African Charter, the Protocol or any other human rights instrument ratified by the respondent state (*African Commission on Human and Peoples' Rights v Kenya*, application 006/2012, Judgement, 26 May 2017, para 51).

The Court retains jurisdiction where the alleged violations are violations of rights protected under the Charter and other ratified human rights instruments even if the applicant does not cite the specific provisions of the Charter or other human rights instrument ratified by the respondent state which they allege to have been violated (*Peter Joseph Chacha v The United Republic of Tanzania*, application 003/2012, judgment, 28 March 2014 para 114; *Wilfred Onyango Nganyi & 9 others v Tanzania v The United Republic of Tanzania*, application 006/2013, judgment, 18 March 2016 para 57).

If the Court finds a violation of the African Charter in relation to a particular situation it will not consider violations of corresponding provisions of other human rights treaties by the state concerned (*Tanganyika Law Society, The Legal and Human Rights Centre v The United Republic of Tanzania*, application 009/2011; *Reverend Christopher R. Mtikila v The United Republic of Tanzania*, application 011/2011, judgment, 14 June 2013, para 123; *Beneficiaries of late Norbert Zongo, Abdoulaye Nikiema alias Ablasse, Ernest Zongo and Blaise Ilboudo & The Burkinabe human and peoples' rights movement v Burkina Faso*, application 013/2011, judgment, 28 March 2014, para 157). The same applies with regard to a finding that a provision of the African Charter has not been violated when another human rights treaty guarantees the right in the same manner (*Zongo*, para 170). Where another treaty provides for more detailed protection the Court may consider it read together with the relevant provision of the African Charter. Thus the provision on protection of journalists in

article 66(2)(c) of the Revised ECOWAS Treaty was read together with the freedom of expression provision in article 9 of the Charter in *Zongo*.

An application can be based on provisions of the Universal Declaration of Human Rights as there are corresponding provisions in the African Charter and other human rights treaties (*Frank David Omary and others v The United Republic of Tanzania*, application 001/2012, ruling, 28 March 2014, paras 73 and 76)