

Admissibility

Indicate authors -article 56(1)

Respondent not properly identified

An error in the identity of the applicant or respondent, such as an error in the name of the respondent state would not constitute a ground for inadmissibility of a case since the Court has the discretion to amend the title of a case. Such an amendment in the title of the case would not adversely affect the procedural and substantive rights of the respondent. (*Lohé Issa Konaté v Burkina Faso*, application 004/2013, judgment, 5 December 2014, para 46).

An application against a body which is not a state party to the Protocol and/or has not made the required declaration under article 34(6) of the Protocol, lies outside the jurisdiction of the Court. As such a case against the African Union is not admissible before the Court (*Atemnkeng v AU* para 40). Only state parties may be cited as respondent by the Court (*Falana v AU*, separate opinions of Mutsinzi, Ouguergouz).

The Registrar of the Court may *proprio motu* register a case against a state party where government officials are cited as respondents in the case. (*Peter Joseph Chacha v The United Republic of Tanzania*, application 003/2012, judgment, 28 March 2014).

In terms of cases referred to the Court by the Commission, the Court need not determine the identity of the original complainants before the Commission in determining the admissibility of an application since the Commission rather than the original complainants is the applicant before the Court (*African Commission on Human and Peoples' Rights v Kenya*, application 006/2012, Judgement, 26 May 2017, para 88).