

Jurisdiction

Serious or massive violation

The African Commission need not refer cases it consider to involve serious or massive human rights violations first to the Assembly of Heads of State and Government of the African Union in terms of article 58 of the African Charter before referring the case to the Court. The Court plays a complementary role to the African Commission and therefore the Commission has the discretion to refer cases to the Court even if they involve a series of serious or massive human rights violations (*African Commission on Human and Peoples' Rights v Kenya*, application 006/2012, Judgement, 26 May 2017, para 53).