

INFORMATION & COMMUNICATION DIRECTORATE

Press Release No:

Date: 25th June 2024.

Venue: Addis Ababa, Ethiopia.



The African Court of Justice and Human Rights: homegrown judicial mechanism for international crimes.

Judicial, human rights institutions and civil society organizations are rallying for the urgent ratification of the [Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights](#) also referred to as Malabo Protocol, expanding the space for homegrown solutions for Africa to prosecute crimes under international law and transnational crimes. 2024 marks the 10th year since the Protocol was adopted by the Assembly of Heads of State and Government, held in Malabo, Equatorial Guinea, on 27th June 2014, as a regional mechanism to complement and enhance global efforts while asserting African ownership within the international justice landscape.

The Malabo Protocol represents a significant step in the broader initiative to enhance accountability for international and transnational crimes. Once operational, the Court will prosecute cases including, but not limited to, the core crimes such as genocide, war crimes, crimes against humanity and crimes of aggression and new categories of “international crimes” such as corruption and the illicit exploitation of natural resources. It represents Africa’s collective commitment to combat impunity and enhance justice ensuring that mechanisms for accountability are robust and responsive to the continental needs and realities.

The African Union's Office of the Legal Counsel has been instrumental in championing and advocating for the ratification of the Protocol. To commemorate 10 years of the adoption of the Protocol, the Office of the Legal Counsel convened a high-level dialogue bringing together various stakeholders including AU human rights and judicial bodies, the Pan African Lawyers Union (PALU), Atrocities Watch Africa (AWA) and AU member states, government officials, UN organs, civil societies, among others stakeholders, to reflect on the delayed ratification by member states, discuss strategies to overcome the challenges, and advocate strongly for the ratification and eventual entry into force of the Malabo Protocol.

Underscoring the relevance and importance of the judicial body, **Prof. Hajer Gueldich**, Legal Counsel of the African Union noted the concerns that the Malabo Protocol shields leaders from accountability. She stated, "the Malabo Protocol's Article 46A bis, which grants immunity to sitting Heads of State and senior officials, has been widely criticized for its perceived incompatibility with Article 27 of the Rome Statute and the principles of the AU itself. This provision, often referred to pejoratively as the "impunity clause," has sparked intense debate about the role of the African Court in addressing international crimes and upholding the rule of law. However, the Malabo Protocol remains an important initiative for enhancing regional accountability and justice in Africa. Its potential to address impunity for serious crimes, including genocide, war crimes, and crimes against humanity, is significant."

Hon. Wilson Almeida Adão, Chairperson of the African Committee of Experts on the Rights and Welfare of the Child, elaborated on the impact of the Court in the pursuit of justice for grave violations of children's rights highlighting the elusive justice in instances of terrorist groups and traffickers exploiting and harming children. He noted that, "the Court is mandated to address pervasive abuses in conflict zones, including the recruitment of children into armed groups and instances of sexual violence. These acts, which have plagued regions and stunted development, can be systematically challenged through a legal framework that not only aims to hold perpetrators accountable but also provides much-needed recourse for victims who have traditionally lacked protection. Grave violations against children are not only perpetrated by state actors but also by non-state actors, including rebel groups, terrorist organizations, and even corporations that exploit child labor. The Court promises to address the longstanding issue of impunity enjoyed by those in positions of power, whether in political, military, or corporate domains."

The Protocol requires the ratification of 15 Member States to enter into force. Currently only Angola has deposited its instruments of ratification with the African Union Commission.

Call for Chapter Abstracts for Special Supplementary Issue

In celebration of the 10th Anniversary of the adoption of the Malabo Protocol, the African Union invites scholars, practitioners, and policymakers to contribute to a special supplementary issue reflecting on this significant milestone. The chapter abstracts should address, but are not limited to, the following themes:

1) Context, Theoretical, and Legal Frameworks

- Theoretical frameworks for understanding international justice and accountability in Africa.
- Analysis of the Malabo Protocol's contributions to international law.
- Comparative analysis of the Malabo Protocol with other regional and international instruments.

2) Challenges and Opportunities

- Examination of the challenges hindering the Protocol's ratification.
- Strategies for overcoming these challenges and promoting wider acceptance.
- Case studies of successful ratification and implementation efforts.

3) Impact on International Justice

- The role of the Malabo Protocol in advancing accountability for international and transnational crimes.
- Analysis of specific crimes under the Protocol's jurisdiction, such as corruption, terrorism, and unconstitutional changes of government.
- Impact on the African justice landscape and global efforts against impunity.

4) Interdisciplinary Perspectives

- Integration of perspectives from law, political science, sociology, and other relevant disciplines.
- The interplay between the Malabo Protocol and other regional initiatives.
- Contributions of civil society and non-governmental organizations in advocating for the Protocol.

5) Future Directions

- Prospects for the Malabo Protocol in the next decade.
- Recommendations for policymakers, legal practitioners, and scholars.
- Innovative approaches to enhancing the Protocol's effectiveness and relevance.

Interested contributors should submit abstracts of no more than 500 words, including 5 keywords, the research problem, research methods/approach, and preliminary findings/arguments. Additionally, please include a short bio, affiliation, and contact details.

Submissions can be submitted in either English or French no later than 25 August 2024. Persons whose abstracts are accepted will be notified by 25 September 2024 and will be expected to submit their full chapters by 25 January 2025 which will then be subjected to a double-blind peer review process before they are eligible for publication in June 2025.

Interested persons can submit their abstracts to Prof. Hajer Gueldich at gueldichh@africa-union.org and Ms. Mtendere Gondwe at gondwem@africa-union.org, copying Mr. Stephen Buabeng-Baidoo at BaidooS@africa-union.org; Ms.



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