

**ROUNDTABLE ON STRATEGIES TO STRENGTHEN
HUMAN RIGHTS PROTECTION IN AFRICA**

DAY 1: 20 OCTOBER 2011

SESSION 1: OPENING

08h30 – 08h50: registration

Chair: George Kegoro, Kenya Section of the International Commission of Jurists

09h00- 10h30: Welcome and opening remarks

Tito Byenkya, CEO, East Africa Law Society, chairperson, African Court Coalition

Elizabeth Millard, Cyrus Vance Centre for International Justice of the New York City Bar

Keynote address: Dr W Mutunga, Chief Justice, Republic of Kenya

10h30 – 10h45: Discussion

10h45 – 11h00: TEA/COFFEE/HEALTH BREAK

SESSION 2: REFLECTIONS ON THE AFRICAN COURT

CHAIR: Prof Vincent Nmeielle, Faculty of Law, University of the Witwatersrand

11h00 -11h20: The role of the African Court in the current climate of human rights protection in Africa – a perspective from Africa. The African Commission on Human and Peoples' Rights has been the premier institution tasked with protecting and promoting human rights. It has developed a rich jurisprudence in human rights protection in Africa. The African Committee on the Rights and Welfare of the Child is a further institution tasked with a specific area of human rights protection.

[Mumba Malila, former deputy chairperson, African Commission on Human and Peoples' Rights]

11h20 – 11h40: Structural and institutional strengths and weaknesses of the African Court affecting its effectiveness. Access to the African Court; enforcement of judgments, including provisional measures; the budget of the African Court are some of the issues having an impact on the effectiveness of the Court.

[Gerard Niyungeko, president, African Court on Human and Peoples' Rights]

11h40 – 12h00: The location of the African Court in the other regional systems responsible for protection of human rights – a perspective from outside Africa. The African Court is perhaps the youngest regional judicial mechanism across the regions. While Africa may look to the European and Inter-American human rights system for inspiration, the realities in Africa may provide these systems with new approaches to addressing human rights violations.

[**Margarette Macaulay, judge, Inter-American Human Rights Court**]

12h00 – 13h00: DISCUSSION

13h00 – 14h00: LUNCH

SESSION 3: ACCESS TO REGIONAL JUDICIAL MECHANISMS FOR VICTIMS OF HUMAN RIGHTS ABUSES

14h00- 15h30

CHAIR: Ms Sheila Muwanga, Foundation for Human Rights Initiative, Kenya Human Rights Commission

Access to the African Court on Human and Peoples' Rights is critical to an effective court and redress to victims of human rights violations. In some instances, regional courts have original jurisdiction, while in others the exhaustion of local remedies is a requirement before access. Who has access to these courts? Does the principle of exhausting local remedies undermining access to justice for victims of human rights violations? Is the condition of access to these courts a limitation or an opportunity for litigants? Lessons to be learnt from the Economic Community of West African States Court of Justice; East Africa Court of Justice; Southern African Development Community Tribunal; the Inter-American and European human rights systems

Panellists: 4

James Cavallero, Harvard Law School

Lloyd Kuvuya, Southern Africa Litigation Centre

Alex Mngongolwa, Legal and Human Rights Centre, Tanzania

15h30- 15h45: TEA/COFFEE/HEALTH BREAK

SESSION 4: ENFORCEMENT OF JUDGMENT IN MUNICIPAL COURTS

CHAIR: Maitre Amadou Kane, member of the Executive Committee of the Coalition and Senegal Bar Association

15h45 – 16h00: Challenges in the enforcement of African Court judgments at municipal level

Dr Robert Eno: African Court on Human and Peoples' Rights

16h00 – 16h15: The *Mike Campbell v Zimbabwe* judgment of the SADC Tribunal. Challenges in seeking enforcement in Zimbabwe and South Africa. The applicable procedures at domestic level to recognise such judgments.

Blessing Gorejena/Brian Penduka, Zimbabwe Human Rights NGO Forum

16h15 – 16h30: Lessons from the ECOWAS Court of Justice. An example of quick justice for victims? *Hadijatou v Mani Koraoau v Niger*

Mr Moussa Coulibaly, President, West Africa Bar Association

16h30 – 16h45: Examples from the European Human Rights Court and the Inter-American Human Rights Court.

Ms Margarette Macaulay, Inter-American Human Rights Court

16h45 – 17h15: Discussion

COCKTAIL

DAY 2: 21 OCTOBER 2011

CHAIR: Mr Moses Adriko, Advocates for Public International Law Uganda

09h00 – 09h15: RECAP OF FIRST DAY

SESSION 5: THE PROSECUTION OF INTERNATIONAL CRIMES IN AFRICA

09h15 – 10h30: The extension of the African Court to include Overview of the legal instrument in the context of the International Criminal Court. A background to the developments at the African Union

The key aspects of the protocol on the amendments to the Protocol on the Statute of the African Court of Justice and Human Rights

The implications of this new court on the African Court and its core mandate of holding States responsible for violations for human and peoples' rights

Does Africa need a supra-national judicial body with criminal jurisdiction? What does this mean for State sovereignty; universal jurisdiction? Arguments for and against

Panellists: 3

Prof Tiyanjana Maluwa, Assoc. Dean for Int'l Affairs, Dickinson School of Law & Director, School of International Affairs, Pennsylvania State University

Prof Vincent Nmehielle, School of Law, University of the Witwatersrand

Prof Chris Maina Peter, School of Law, University of Dar-es-Salaam]

10h15 – 10h30: TEA/COFFEE/HEALTH BREAK

10h30 – 11h00: DISCUSSION

SESSION 6: LITIGATION CHALLENGES – FROM THE PERSPECTIVE OF THE LEGAL REPRESENTATIVE

CHAIR: Ms Jane Serwanga, FIDA-Kenya

Litigation at regional human rights bodies such as the African Court, African Commission, the Inter-American Human Rights Court and the European has its challenges. The complainant/victim; the preparation of the application; budget; securing lawyers; location of the regional judicial body; attendance at the hearing; the length of time to reach judgment; and follow-up with the implementation of a decision at local level are some of the considerations for a legal representatives launching actions at regional judicial bodies. Pro-bono litigation to support public interest litigation

11h00-11h45: Panellists: 4

Mr James Cavallaro, Harvard Law School

Mr Alex Mngongolwa, lawyer and board member of the Legal and Human Rights Centre, Tanzania

Mr Abdelwaheb Matar, lawyer, Tunisia Bar Association

Mr Ted Maynard, Cyrus Vance Centre for International Justice of the New York City Bar

11h45 – 12h15: DISCUSSION

SESSION 7: THE WAY FORWARD

CHAIR: Arnold Tsunga, International Commission of Jurists

12h 15 – 12h45: Summary of discussions and highlighting key recommendations

12h45 – 13h00: Closing remarks

LUNCH

ANNUAL GENERAL MEETING

Chair: Tito Byenkya, Chairperson, African Court Coalition

14h30- 14h40: Welcome, adoption of the agenda

14h40 – 15h00: Report from the Executive Committee: activities and finances
Tabling of the Executive Committee Manual and Strategic Plan for 2012-
20 15 for adoption

15h00-15h15: Tabling of constitutional amendments

15h15 – 15h30: Voting procedure

16h00: Meeting of new Executive Committee

18H00: TAMARIND DHOW DINNER

DAY 3: 22 OCTOBER

DEPARTURE OF PARTICIPANTS