

CLARIFICATION

The Ministry of Justice of the Republic of Rwanda wishes to clarify that Rwanda did not withdraw from the African Court on Human and Peoples' rights.

Rwanda withdrew, for review, the Declaration made under Article 34(6) of the Protocol to the African Charter on Human and Peoples' Rights on the establishment of an African Court on Human and Peoples' Rights.

The brief background to this decision is as follows:

On **5th May 2003**, **Rwanda ratified the Protocol** to the African Charter on Human and Peoples' Rights (the Protocol) on the establishment of an African Court on Human and Peoples' Rights (the Court). The Protocol come into force in January 2005.

On **22nd January 2013**, **Rwanda made a unilateral Declaration** under Article 34 (6) of the Protocol which calls upon States *at the time of the ratification of the Protocol, or any time thereafter, to make a Declaration accepting the competence of the Court to receive cases under article 5 (3) of the Protocol, and the court shall not receive any petition under article 5 (3) involving a State Party which has not made such a Declaration.* Article 5(3) provides that the Court may entitle NGO's with observer Status before the Commission, and individuals, to institute cases directly before it in accordance with Art. 34(6).



Even though 33 African States have ratified the Protocol to date it is **only 7 States, including** Rwanda, that have made this Declaration. In good faith Rwanda unilaterally and voluntarily accepted to allow NGOs' and Individuals to lodge cases before the Court.

It was later realized that the Declaration, as it is currently framed, was being exploited and used contrary to the intention behind its making. Specifically, convicted genocide fugitives secured a right to be heard by the Honourable Court, ultimately gaining a platform for re-invention and sanitization in the guise of defending the rights of the Rwandan People.

On 29 February 2016 Rwanda decided to **withdraw, for review,** the Declaration, so that it continues to reflect the intention behind its making.

The Withdrawal was deposited with the African Union on 29th February 2016 with a copy to the Court.

The African Union officially communicated the withdrawal to the Court on 3rd March 2016.



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