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<p>AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES P.O. Box 6274 Arusha, Tanzania – Telephone: +255 27 2970430/31/32/33/34 Website: www.african-court.org / Email: Presidents.Office@african-court.org</p> <p><u>OFFICE OF THE PRESIDENT</u></p>		

**OPENING SPEECH OF HON. LADY JUSTICE IMANI DAUD ABOUD ON THE
OCCASION OF OFFICAL OPENING OF THE 2025 JUDICIAL YEAR OF THE
AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS**

THEME: ADVANCING JUSTICE THROUGH REPARATIONS

ARUSHA, TANZANIA

3 FEBRUARY 2025

- **Your Excellencies José Maria Pereira Neves, President of the Republic of Cabo Verde and Guest of Honour together with your delegation**
 - **Her Excellency Dr. Monique Nsanzabaganwa, Deputy Chairperson of the African Union Commission in virtual attendance**
 - **Hon. Ambassador Shaib Mussa, representing Hon. Mahmoud Thabit Kombo, Minister of Foreign Affairs and East African Cooperation of the United Republic of Tanzania**
 - **Hon. Jumanne Sagini, Deputy Minister of Constitutional and Legal Affairs representing Hon. Dr. Damas D. Ndumbo, Minister of Constitutional and Legal Affairs of the United Republic of Tanzania**
 - **Mr. Marcel Akpovo, Regional Representative for East Africa and to the African Union representing H.E. Volker Turk, United Nations High Commissioner for Human Rights**
 - **Your Lordships and Your Ladyships Chief Justices of African Union Member States**
 - **Hon. Paul Christian Makonda, The Regional Commissioner of Arusha**
 - **Excellencies Members of the Permanent Representatives Committee to the African Union**
 - **Hon. Justice Modibo Sacko, Vice President of the African Court on Human and Peoples' Rights**
 - **Hon. Judges of the African Court on Human and People's Rights**
 - **Distinguished Representatives of African Union Member States and Organs,**
 - **Honourable Judges of international, Regional and National Courts,**
 - **Esteemed Members of the Diplomatic Corps,**
 - **Representatives of National Human Rights Institutions, Legal Professionals, Academia and Civil Society,**
 - **Members of the media and press, Ladies and Gentlemen.**
- Ladies and gentlemen**

1. It is with profound honor and deep humility that I welcome you to this momentous occasion: the official opening of the 2025 Judicial Year of the African Court on Human and Peoples' Rights.
2. I extend my warmest wishes for a happy, healthy, and prosperous 2025 to each of you. May this year strengthen our collective resolve to advance justice and human rights across the African continent. Your presence, both physical and virtual, is a powerful testament to your unwavering commitment to justice, equality, accountability, and the vital work of this Court in safeguarding human rights throughout Africa.
3. We are privileged to have with us today a distinguished gathering, including the Deputy Chairperson of the African Union Commission, Heads of AU Organs and AUC Departments, representatives of Presidents of regional and sub-regional Courts, esteemed Ambassadors accredited to the United Republic of Tanzania, Ethiopia, UNECA, and the African Union, Chief Justices from AU Member States, leaders of regional, sub-regional, and national Bar Associations, national focal points, eminent members of the academia, and representatives of the media. A heartfelt *karibuni* to you all.
4. We are particularly honored by the presence of His Excellency **Mr. José Maria Neves**, President of the Republic of Cape Verde, our Guest of Honor and Keynote Speaker. This historic visit—the first by a sitting Head of State to an event of the Court—affirms His Excellency's and the Republic of Cape Verde's deep commitment to justice and human rights, and is a source of immense pride for the entire African human rights community. We express our profound gratitude for your presence, Your Excellency!

Excellencies, dear colleagues, dear friends,

5. This year, we convene under a theme of paramount importance: “Advancing Justice through Reparations.” This theme, aligned with the African Union's 2025 theme, “Justice for Africans and People of African Descent Through Reparations,” resonates deeply with our shared history, the ongoing struggles for justice, and our aspirations for a brighter future. It compels us to confront the enduring legacies of historical injustices and to embrace reparations as a critical pathway to justice, healing, and the restoration of dignity for Africans and people of African descent.
6. The African Court's selection of this theme is deliberate and timely. The scars of history—slavery, colonialism, apartheid, systemic racism, and economic exploitation—remain painfully visible across our continent. These injustices are not relegated to the past; their insidious effects continue to manifest in social inequalities, economic disparities, and the erosion of cultural heritage that persist to this day.

Excellencies, dear friends,

7. Reparations are far more than mere financial compensation. They represent a fundamental form of justice, a necessary means of addressing the moral, social, and economic debts incurred as a result of historical and systemic injustices. Reparations seek to heal the deep wounds of the past while providing guarantees that such atrocities will never be repeated. They serve as both a powerful acknowledgment of past wrongs and a concrete roadmap towards genuine restoration and reconciliation.
8. Historically, Africa has championed the cause of reparations. From the 1993 Abuja Proclamation on Reparations, which articulated the moral debt owed to African peoples, to the 2001 Durban Declaration, which emphasized the eradication of racism, and the 2023 Accra International Conference on Reparations, the African Union has consistently underlined the necessity of reparatory justice.

9. The AU's position on reparations affirms the shared responsibility of African nations to address these historical injustices. It underscores the inextricable link between justice and reparations, and highlights the imperative of comprehensive measures that extend beyond mere acknowledgment to concrete, transformative action.
10. By aligning our theme of this Year's Judicial Opening with that of the African Union, we, as the African Court—the apex and sole judicial organ of the African Union, entrusted with the protection of human rights on the continent—reaffirm our unwavering commitment to this vital cause. We recognize that reparations are not merely a political or legal issue; they are fundamentally a matter of human rights. They are about acknowledging the inherent humanity and dignity of those who suffered, restoring what was unjustly taken, and ensuring that justice prevails.

Excellencies, Colleagues,

11. The global dimension of reparations cannot be overlooked. The transatlantic slave trade and colonial exploitation were not confined to Africa; they were integral components of a global system that dehumanized Africans and enriched other nations. The devastating consequences of these systems continue to shape the lives of millions of people of African descent in the Americas, Europe, the Caribbean, and beyond. This theme serves as a powerful reminder that reparations are not only about what was taken, but also about what must be restored: dignity, opportunity, equality, and a sense of belonging.
12. In this regard, I should emphasize that reparations are a critical vehicle for achieving justice, addressing not only individual harm but also the pervasive collective and systemic injustices that have plagued African societies for centuries. For Africa, this means confronting the deeply entrenched legacies of colonial exploitation that have left many of our nations economically disadvantaged and socially fragmented. Reparations are ultimately about reclaiming agency over our collective future by courageously acknowledging the truth about our past.

13. Furthermore, reparations serve as a vital mechanism for healing and reconciliation. The process of acknowledging and addressing historical harm fosters reconciliation, not only between nations but also within communities. It helps rebuild trust in institutions and strengthens the social fabric of societies that have been torn apart by systemic discrimination, violence, and the denial of basic human rights.

Excellencies, and dear friends,

14. The African Court has played a crucial role in this vital discourse and promoting the protection of human and peoples' rights through reparations. Our mandate, as enshrined in the Protocol, positions us as a guardian of justice and human rights across the continent. Through our jurisprudence, we have consistently affirmed the rights of individuals and communities to seek reparations for violations of their fundamental rights.

15. The landmark case of *Beneficiaries of the Late Norbert Zongo et al. v. Burkina Faso* (Application no 013/2011) stands as a powerful testament to our commitment to reparatory justice. In this case, the Court condemned the Respondent State's failure to adequately investigate the assassination of a journalist and ordered comprehensive reparations for the victim's family. This landmark decision not only delivered a measure of justice to the aggrieved parties but also reinforced the fundamental principle that states have a clear and unequivocal duty to address human rights violations and provide effective remedies, including reparations.

16. In the *Zongo* case, the Court articulated at least two key principles linking reparations and justice to individuals. First, the Court reiterated the well-established principle of international law that a state found guilty of an international crime shall make full reparation for the damage caused. This obligation, rooted in the Permanent Court of International Justice's dictum in *The Factory at Chorzow*

Case, is further codified in Article 31(1) of the Articles on Responsibility of States for Internationally Wrongful Acts and Article 27(1) of the Protocol establishing our Court.

17. Second, the Court emphasized that, to the extent possible, reparation must aim to restore the victim to their original status. The Court affirmed the principle of full reparation, commensurate with the prejudice suffered, echoing the *Chorzow Factory* case's emphasis on wiping out all the consequences of the illegal act and re-establishing the situation that would have existed had the act not been committed. This aligns with the Inter-American Court of Human Rights' decision in *Goiburú and Others v. Paraguay*, which held that "Reparations consist of measures tending to eliminate the effects of the violations that have been committed..."

18. The African Court has also addressed the critical issue of reparations for collective harms. In *African Commission on Human and Peoples' Rights v. Kenya* (Application no 006/2012), the Court ruled in favor of the Ogiek community, recognizing their rights to ancestral land and ordering reparations for the egregious violations they suffered. This landmark case exemplifies the importance of addressing systemic injustices and protecting the rights of indigenous communities, who have historically been marginalized and dispossessed.

Excellencies, dear Friends and distinguished Colleagues,

19. The pursuit of reparations for wrongful acts is a universal aspiration that can only be realized through concerted collective efforts. While the African Court operates within its own unique context, it draws valuable inspiration from other international human rights mechanisms. The Inter-American Court of Human Rights has been a true pioneer in developing comprehensive reparations jurisprudence, particularly for indigenous peoples and victims of systemic violations. Their approach emphasizes the critical need for measures that restore dignity and rebuild lives,

such as cultural preservation, land restitution, and community-based healing programs.

20. Similarly, the European Court of Human Rights has established crucial principles on proportionality and effectiveness in reparations. These principles ensure that remedies are carefully tailored to the specific harm suffered by victims and provide meaningful redress, promoting both individual and societal healing.

21. While the United Nations (UN) does not directly grant reparations, it also plays a crucial role in advocating for and facilitating reparative measures through various mechanisms and frameworks for victims of human rights violations and conflicts. The UN has established numerous laws and standards that explicitly recognize the right to reparations for victims of human rights violations. This includes the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation, which outlines the various forms of reparations—including restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition—that victims should receive.

22. Furthermore, several UN bodies, such as the Human Rights Council and various treaty bodies (like the Committee Against Torture), monitor state compliance with human rights obligations and can recommend reparative measures for victims. The UN has also established tribunals (e.g., the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda) that have addressed reparations for victims of atrocity crimes. These tribunals have ordered compensation and other forms of reparations as part of their judgments. Furthermore, the UN actively advocates for the rights of victims and the importance of reparations through various channels, including reports, resolutions, and special rapporteurs focused on specific human rights issues.

23. However, Africa's unique realities demand a contextually appropriate approach. Reparations on our continent must address not only individual harms but also the

pervasive collective and systemic injustices that have shaped our history, with particular attention to the specific situation of Africans in the diaspora. They must directly confront the enduring legacies of colonialism, economic exploitation, and cultural erasure, fully recognizing that these injustices have had profound and long-lasting effects on communities and nations.

Excellencies, and dear Colleagues,

24. Advancing justice through reparations is not a task that the African Court can achieve alone. It is a shared responsibility, requiring concerted action from all stakeholders including governments, citizens, regional institutions, and civil society organizations, Bar Associations, the academia, the media, and the international community. Member States must fully honor their obligations under international and regional instruments, and civil society organizations—including the academia, journalists, lawyers, and human rights defenders—must continue to shape the narrative and advocate for transformative change.

25. The African Union must make it a deliberate policy to mainstream the campaign for reparations across all levels of governance and within all AU institutions.

26. The Accra Proclamation on Reparations provides a solid foundation, highlighting the importance of forging a united front to advance reparatory justice. The African Court is fully committed to working closely with the African Commission on Human and Peoples' Rights, the Pan-African Parliament, and other AU organs to develop a comprehensive Common African Position on Reparations. Together, we can mainstream this vital agenda at regional and national levels, ensuring that it resonates with the lived realities of African communities and the African diaspora.

Excellencies,

27. As we open the 2025 Judicial Year of the Court, I call on each and every one of us to reaffirm our unwavering commitment to justice, equity, and human dignity. Let us move beyond mere rhetoric to concrete action, beyond acknowledgment to

genuine accountability. The opening of the judicial year must not be seen as simply a ceremonial event; it is a time for deep reflection and renewed recommitment to the core vision of the African Court: a truly just and equitable Africa where human rights are not just proclaimed but are a lived reality for all. Let us all be challenged by the theme of the year and ensure that justice is rendered whenever and wherever there is a wrongful act.

28. The African Court stands ready to play its part in this critical endeavor. We will continue to adjudicate cases with integrity, independence, and impartiality, advancing human rights jurisprudence and contributing to the realization of reparatory justice. But we cannot achieve this transformative goal alone. We urgently need your partnership, we need your unwavering commitment, and we need your shared vision for a better, more just Africa. This call to action is particularly crucial given the disturbing trend, both globally and within our own African continent, to relegate human rights to the backseat. We see a worrying tendency to disregard fundamental rights, often under the guise of political expediency or narrow national interests.

29. At the continental level, this manifests in a reluctance to fully embrace the mechanisms we ourselves have created to protect our rights. The African Court is not a foreign imposition; it is *our* Court, established *by us, for us*. It is a testament to our collective commitment to justice and human dignity. Yet, too often, it faces neglect and a lack of resources, hindering its ability to effectively serve its purpose. This disregard mirrors a broader global trend where human rights are increasingly challenged and undermined. We must resist this dangerous erosion of fundamental principles. We must actively nourish and support our own institutions, rather than ignoring or undermining them. Only through genuine partnership, unwavering commitment, and a shared vision can we ensure that the promise of a just and equitable Africa, where human rights are truly protected, becomes a reality.

30. In conclusion, as we progress through the first quarter of the 21st century, let us be guided by the wisdom of our ancestors and the remarkable resilience of our people. Let us honor the sacrifices of those who fought tirelessly for our freedoms and ensure that their struggles were not in vain. Together, we can make justice not just an aspiration but a lived reality for all Africans and people of African descent.

I thank you all, and I wish us all a fruitful judicial year ahead.

Asante sana

Muito Obrigada

Thank you

Shukran

Merci beaucoup

Muchas gracias