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Compliance with the African Court on  
Human and Peoples' Rights  
judgments: some insights from the  
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# Compliance with the African Court on Human and Peoples' Rights judgments: some insights from the case *Sébastien Ajavon v. Benin*\*

Nota a *African Court on Human and Peoples' Rights*, [Sébastien Ajavon v. Benin](#)

## 1. Introduction

On 29 March 2021, the African Court on Human and Peoples' Rights rendered its judgment in the case of *Sébastien Ajavon v. the Republic of Benin*, assessing the legal consequences of non-compliance with the African Court decisions. The case originates from a previous application filed before the African Court by Sébastien Ajavon against Benin. Sébastien Ajavon is a political figure of Beninese nationality resident in France as a political refugee that sized for the first time the African Court in 2017 invoking several human rights violations by Benin. The factual background which triggered this application relates to a conviction sentenced by the Economic Crimes and Terrorism Court (CRIET) against Mr. Ajavon. According to the applicant, the criminal proceeding instituted against him was in contrast with international human rights standards on a fair trial. On 7 December 2018, the African Court has issued a ruling on provisional measures ordering Benin to suspend the execution of the CRIET's judgment pending the completion of the proceeding before the African Court. On 29 March 2019, the Court has rendered its Judgment on the merits, in which it found that the respondent State had violated the applicant's right to equal protection of the Law and the right to a fair trial guaranteed by Articles 3 and 7 of the African Charter on Human and Peoples' Rights. Accordingly, the Court ordered the respondent State to adopt all necessary measures to remedy the violations committed and guarantee their non-repetition.

In the instant case, Sébastien Ajavon complained that Benin has refused to comply with the Order on the provisional measure of December 2018 and the Judgment of March 2019. According to the applicant, by failing to observe the African Court decisions, the respondent State has infringed the rights and duties enshrined in the African Charter. Notably, the applicant claimed that the failed adoption by Benin of the measures necessary to give effect to the Court decisions amounts to a violation of his right to non-discrimination and equal protection of the Law, his right to a fair trial, and his right to participate freely in the government of his country and to have equal access to public services. Besides, the applicant

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\* Nota valutata dalla direzione del Focus.



claimed that the respondent State had violated the obligation to comply with the Court decisions established by Article 30 of the Protocol.

In brief, the post-adjudication conduct of Benin represents the core of the case here commented. In this regard, the dispute appears as unusual in the landscape of the African Court case law. The African Court rarely addresses questions stemming from compliance with its judgments, especially in the exercise of its jurisdictional function, as the mandate to monitor the execution of Court Judgments is conferred on the Executive Council of the African Union. In light of this, the case is of significant importance and great interest. By analyzing the case, it is possible to shed light on both the legal implications attached to violations of the obligation to comply with the African Court decisions and the role of the Court in respect of such violations. From this point of view, it is necessary to put the case into a broader context of the comprehensive monitoring system on State implementation of the African Court decisions. In other words, the case offers the opportunity to evaluate the relationship and distinctions between the action of the Court in such kinds of disputes and the role of other institutional bodies within the African Union.

Moreover, the case is interesting as the issue of non-compliance with the African Court judgments is of central importance in the contemporary debate on the effectiveness of the African system of human rights protection. Recent years have seen raising a new wave of resistance against the African Court judgments. In this regard, the latest Report on the Activity of the African Court affirms that one of the main challenges facing the Court is the lack of cooperation of Member States in the post-adjudication phase<sup>1</sup>. In only one case out of an average of 100 applications recorded in the Report, the respondent State had fully complied with the Court judgment. As is self-evident, Member States are becoming reluctant to take steps towards implementation of the Court judgments. This pattern of generalized non-compliance with the African Court rulings is threatening its authority and, it may be qualified as a "backlash" against the African Court<sup>2</sup>. Furthermore, States non-compliance with the decisions of the

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<sup>1</sup> Activity Report of the African Court on human and peoples' rights, 2021, in EX.CL/1258 (XXXVIII), para. 37.

<sup>2</sup> G. DAILY, M. WIEBUSH, *The African Court on Human and Peoples' Rights: mapping resistance against a young Court*, iCourts Working paper Series No. 119, 2018, in *International Journal of Law in context*, vol. 14, 2018, pp. 294-313; M. MADSEN, M. WIEBUSH, P. CEBULAK, *Backlash against international court: explaining the forms and pattern of resistance to international courts*, in *International Journal of Law in context*, vol. 14, 2018, pp. 197-220. According to these authors, the term backlash indicates a form of resistance against international courts carried out by States in contrast with rules and principles of Law. This kind of resistance against international courts includes the refusal to comply with judicial decisions. An analysis of the reasons for this pattern of resistance is beyond the scope of this essay. However, it is necessary to note that generally, States refuse to comply with judicial decisions for political grounds, especially when judgments touch political high-sensitive matters. In the context of the instant case, tension seems to exist between Benin and the African Court. As well known, on 25 March 2020, Benin withdrew its declaration of acceptance of the Court jurisdiction under Article 34, para 6, of the Protocol. In other words, Benin revoked



Court produces a detrimental in the human rights protection offered by the Court<sup>3</sup>. As is stressed in the Activity Report, the success of the African Court depends on the collaboration of Members States that shall abide by its judgments to manifest their commitment to the protection of human rights.<sup>4</sup> In sum, the high rate of non-compliance with the judgments of the Court is affecting the effectiveness of the regional system of human rights protection.

## **2. The material jurisdiction of the Court and the institutional monitoring system**

The respondent State contested the material jurisdiction of the Court over the case, affirming that human rights courts have no competence to determine whether States have complied with their judgments. Supporting this objection, Benin relied on the assumption that "there is no provision in the AU Constitutive Act, the Charter, or even the Rules, which makes the Court a judge of its own decisions"<sup>5</sup>. As a result, according to Benin, the Court cannot settle disputes arising from the execution of its decisions. To buttress its claim, the respondent State mentioned the holdings made by the European Court of Human Rights in the case of *Mehemi v. France*, in which the Court stated that "it does not have jurisdiction to verify whether a Contracting Party has complied with the obligations imposed on it by one of the Court's judgments"<sup>6</sup>.

In this regard, it is necessary to note that Article 29 of the Protocol entrusts the Executive Council the task to monitor implementation of the African Court judgments on behalf of the Assembly of the African Union (AU). By contrast, the role of the Court in the monitoring system is marginal. The role of the African Court in the monitoring stage is limited to reporting to the Executive Council the degree of implementation of its judgments<sup>7</sup>. In other words, "the monitoring stage leaves the judicial realm and

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its consent to the competence of the Court in cases filed by individuals against Benin. It is necessary to note that this circumstance did not affect the present application as it was already pending at the time of Benin's withdrawal.

<sup>3</sup> S. NCUBE, *Access to International Justice in Africa: the Conundrum of States' Non-compliance with judicial decisions*, in *Comparative and International Law Journal of Southern Africa*, vol. 50, n. 3, 2017, pp. 395-416.

<sup>4</sup> Activity Report of the African Court on human and peoples' rights, 2021, para. 38; A. UWAUZURUIKE, *Human Rights under the African Charter*, Cham, 2020, p. 181.

<sup>5</sup> Judgment para.

<sup>6</sup> European Court of Human Rights, *Mehemi v. France*, Application No. 53470/99, Judgment of 10 April 2003, para. 43

<sup>7</sup> In particular, Article 31 of the Protocol provides as follow: the Court shall submit to each regular session of the Assembly a report on its work during the previous year. The report shall specify, in particular, the cases in which a State has not complied with the Court's Judgment. It is necessary to underline that the Rules provide that the Court may obtain relevant information on the implementation of its judgments from the State concerned or from other credible sources. Moreover, the Rules provide that the report of the Court shall include references to the interim measures ordered by the Court.



becomes part of the political realm”<sup>8</sup>. In the same vein, the Court has no power to enforce its judgments<sup>9</sup>. However, the Court might exercise indirect pressure over States through its reporting activity, providing the lists of those States that have failed to implement its decisions. Indeed, this mechanism designs a naming and shaming procedure that aims at enhancing States' compliance with the Court decisions through the deterrent of public shaming<sup>10</sup>. Although, the enforcement of the Court decisions rests basically on the political will of the AU Assembly. In this regard, it is imperative to note that Article 23 of the AU's Constitutive Act empowers the Assembly of the prerogative to adopt sanctions against any State that fails to comply with the AU's decisions and policies<sup>11</sup>.

Notwithstanding the above, the African Court rejected the objection raised by the respondent State, finding that the dispute falls into its material jurisdiction. As clarified by the Court, the applicant had not asked the Court to monitor the execution of its previous decisions. The Court highlighted that the subject matter in dispute regards the interpretation and application of the provisions of the Charter and Protocol. In other words, the case at stake concerned the alleged human rights violations deriving from Benin non-compliance with the mentioned decisions of the Court. Thus, the failed execution of the Court decisions merely represents the factual background of the new human rights violations alleged by the applicant. According to the Court's reasoning, the complaint at stake aimed at ascertaining a breach of the relevant provisions of the Charter and Protocol that possibly led to a violation of human rights protected by the Charter. As a result, the Court established without hesitations that the scope of its jurisdiction includes such kinds of complaints.

The African Court reminded that, under Article 3 of the Protocol, its jurisdiction extends to all cases and disputes concerning the interpretation of the Charter, the Protocol and any other relevant human rights instrument ratified by the States concerned. As is well known, this provision has been interpreted extensively by the Court, which constantly reiterates that the Protocol does not make any distinction between the type of cases or disputes<sup>12</sup>. As underlined by the Court in the instant case, it is sufficient that

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<sup>8</sup> The African Court on Human and Peoples' Rights. Towards the African Court of Justice and Human Rights, practical guide, International Federation for Human Rights, 2010, p. 128.

<sup>9</sup> G. NALDI, *Observations on the Rules of the African Court on Human and Peoples' Rights*, in *African Human Rights Law Journal*, 2014, vol. 2014, pp. 366-392.

<sup>10</sup> R. MURRAY, D. LONG, V. AYENI, A. SOME, *Monitoring implementation of the decisions and judgments of the African Commission and Court on Human and Peoples' Rights*, in *African Human Rights Yearbook*, vol.1, 2017, pp. 150-166.

<sup>11</sup> However, it is necessary to clarify that Article 23 of the Protocol has a general and broad application. This provision does not contain any express reference to the particular case of non-compliance with Court judgments. As highlighted in legal literature, this provision does not operate “as a direct consequence of non-compliance with the Court's judgments”, R. COLE, *The African Court on Human and Peoples' Rights: will political stereotypes form an obstacle to the enforcement of its decisions?*, in *The Comparative and International Journal of Southern Africa*, 2010, vol. 43, p. 42.

<sup>12</sup> *Bi Gohore Emile and others v. Republic of Côte d'Ivoire*, Application No. 044/2019, judgment of 15 July 2020, para. 57.



the dispute submitted to it involves the interpretation and application of any of the instruments listed in Article 3 of the Protocol. The Court also pointed out that the Protocol allows it "to apply or interpret all the provisions of the Protocol, including Article 30"<sup>13</sup>. Under this approach, therefore, the Court's jurisdiction extends to disputes flowing from non-compliance with its decisions.

However, it is necessary to underline that, in such cases, the Court is able to evaluate non-compliance with its judicial decisions only to assess whether State non-compliance has determined a violation of the applicant's human rights. In this regard, it is interesting to observe that the Court expressly highlighted that the exercise of its jurisdiction over the case is without prejudice to the Executive Council's prerogative under Article 29 of the Protocol.<sup>14</sup> In other words, the Court made clear that its jurisdictional function in such a case does not overlap the Executive Council's monitoring function. Whilst the Executive Council has the power to assess all different aspects relating to non-compliance with the African Court judgments, the Court may evaluate State non-compliance with its judgments to the extent that it gives rise to the human rights violations claimed by an applicant in a new application. In a nutshell, the institutional monitoring system does not bar the Court to assess whether a refusal to comply with its decisions had determined further human rights violations.

It is necessary to note that neither the comparative argument raised by Benin can compel the Court's conclusion. In the case of *Mehemi v. France*, the European Court of Human Rights declared that even though it has no competence to oversee the execution of its judgments, "there is nothing to prevent the Court from examining a subsequent application raising a new issue undecided by the judgment."<sup>15</sup> In that case, the European Court of Human Rights established its jurisdiction over the dispute, although it found no violation of the Convention's obligations. Consequently, this precedent seems to support the conclusion of the African Court instead to corroborate the objection made by Benin.

### **3. Admissibility**

The respondent-State contended the admissibility of the application on several grounds. Among these objections, the objections relating to the principle of *res judicata*, and the lack of victim status and interest in the action appear noteworthy. As regards the first objection, Benin argued that the well-established principle of *res judicata* would have prevented Mr. Ajavon from instituting another proceeding against it. In particular, the respondent State asserted that the Applicant was inviting the Court, through this proceeding, to rule on the same questions settled by the Judgment of March 2019. The Court dismissed

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<sup>13</sup> Judgment, para. 28.

<sup>14</sup> Judgment, para. 27.

<sup>15</sup> European Court of Human Rights, Judgment, cit., para. 43.



this objection. As explained by the African Court, the principle of *res judicata* requires three cumulative conditions, namely the identity of the parties, the identity of the prayers, and a preexistent decision on merits. According to the Court, the claims raised by the applicant in the instant case are not identical to the violations alleged in the previous application<sup>16</sup>. As noted by the Court, in 2017, the applicant complained of several human rights violations originating in the prosecution and the criminal proceeding instituted against him. In the instant case, instead, the applicant claimed further violations caused by different facts and, notably, by the failure to comply with the Court decisions.

As to the second set of objections raised by the respondent State, Benin claimed, on the one hand, that the applicant was not a victim of human rights violations and, on the other, that he does not have any legal interest in filing this proceeding. In particular, Benin argued that the applicant failed to cite "any act by the administration that has infringed on his civil rights"<sup>17</sup>. In other terms, according to Benin, there is no evidence of human rights violations committed by it supporting the status of the victim of Sebastien Ajavon. As a consequence, the applicant would have lacked the legal interest to pursue legal action. The Court dismissed both the objections. Firstly, the Court highlighted the Charter, the Protocol, and the Rules do not impose any requirement relating to the victim status or qualified legal interest. Thus, the admissibility of an application does not depend on the demonstration of being a victim. In addition, the Court noted that the refusal to comply with its decisions was prejudicial to the applicant and affected his ability to enjoy his fundamental rights and freedoms. In a similar venue, the Court stressed that non-compliance with its Order and Judgment constitutes "a sufficient ground for the Applicant's interest in bringing the instant Application."<sup>18</sup> Having rejected the preliminary objections invoked by Benin and having found the conditions of admissibility laid down by Article 56 of the Charter, the Court declared the application admissible.

#### **4. On the merits: the legal consequences of non-compliance with judicial decisions**

As anticipated above, the applicant complained of violations of the rights guaranteed by Articles 2, 3, 7 and 13 of the Charter, assuming that such violations arise from Benin's breach of the obligation to comply with Court decisions provided by Article 30 of the Protocol. In particular, the applicant claimed that Benin arbitrarily refused to adopt any measures to put to an end the human rights violations ascertained by the Court's judgment of 29 March 2019. In this regard, it is necessary to note that the Court had ordered Benin "to take all the necessary measures" to annul the conviction sentenced by the Economic

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<sup>16</sup> Judgment, paras. 68-70.

<sup>17</sup> Judgment, para. 43.

<sup>18</sup> Judgment, para. 61.



Crimes and Terrorism Court against the applicant “in a way that erases all its effects”. However, as underlined by the applicant, the Respondent State's post-adjudication conduct was inconsistent with the rulings of the Court. Indeed, the applicant asserted that the Ministry of the Interior and Public Security refused to issue a certificate of compliance to the applicant's political party on the ground of his conviction. According to the applicant, the refusal opposed by the Beninese Ministry amounts to “a refusal to execute this Court's decisions, and therefore it is a measure that violates his rights”.<sup>19</sup> Moreover, the applicant claimed that Benin had violated the obligations set forth by Article 1 of the Charter since it “has not taken any steps with regard to the human rights violations”<sup>20</sup> recognized by the Court.

To assess the issues at stake, the Court proceeded to a three-fold investigation. Firstly, the Court had to establish the facts underlining the alleged non-implementation by Benin of the provisional measures and reparations ordered by the Court. Secondly, the Court had to determine whether the conduct of Benin amounts to a violation of Article 30 of the Protocol. Lastly, the Court had to assess whether such a kind of violation would determine an infringement of the rights and duties established by the Charter.

In regard to the first point, the Court ascertained without effort that Benin had failed to comply with its Order of provisional measures of December 2018 and its Judgment of March 2019. As is well-known, Benin has not adopted the provisional measures ordered by the Court, having failed to suspend the criminal conviction against Ajavon. In this regard, it is necessary to note that, in 2019, the Court reported to the Executive Council the non-implementation by Benin of the provisional measures ordered by the Court. As a result, this fact was uncontested in the instant dispute. In the instant case, the Court also noted that Benin does not demonstrate its compliance with the Court Judgment of March 2020. In particular, the Court highlighted that the respondent State had not filed any report informing on the measure practically adopted by it according to Court Judgment. It is necessary to note the latter judgment required Benin to report the Court on the measures adopted to annul the conviction against Ajavon within six months from the date of the judgment. As a result, the Court concludes that Benin had failed to implement the Judgment of 29 March 2019.

Assessing the legal effect of Benin's non-implementation of its Order and Judgment, the Court firstly relied on the rules stated by Article 30 of the Protocol under which States parties undertake to comply with the judgment in any case to which they are parties within the time stipulated by the Court and to guarantee its execution. Under this provision, thus, States parties bind themselves to abide by the

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<sup>19</sup> Judgment of 29 March 2019.

<sup>20</sup> Judgment, para. 121.





judgments of the Court according to the *pacta sunt servanda* general principle.<sup>21</sup> As emphasized by the Court, the term judgment adopted by this provision has a broad meaning, and it includes all kinds of judicial decisions issued by the Court. In particular, as stated by the Court, the terms “judgment” refers to all acts of judicial nature. In this light, the Court stressed the legally binding force of orders of provisional measures, affirming that international jurisprudence unanimously recognizes their legal binding nature.

More importantly, it is necessary to highlight that Article 30 expressly provides that States parties must also ensure the execution of the Court judgments. In other words, this provision requires States parties to adopt concrete measures to grant the effective implementation of the Court decisions. By contrast, in the instant case, Benin failed to implement the necessary measures to suspend, first, and to erase, then, the effects of the CRIET’ s Judgment and, thereby, it had failed to comply with the Court decisions. As a result, the Court found that the failed suspension and annulment of the criminal conviction gave rise to a violation of Article 30 of the Protocol.

As mentioned above, the final part of the Court’s reasoning regards the consequences of the violation of Article 30 of the Protocol by Benin. In particular, what needed to be determined by the Court was whether the violation of Article 30 implied an infringement of one or more of the Charter’s provisions. In this regard, the Court firstly underlined that all the human rights violations complained by the applicant “relate in one way or another, directly or indirectly, to the non-enforcement of the Order for provisional measures of 7 December 2018 and the Judgment of 29 March 2019”<sup>22</sup>. The Court, however, focused exclusively on the alleged violation of Article 1 of the Charter. Under this provision, States parties shall recognize the rights, duties and freedoms enshrined in the Charter and shall undertake to adopt legislative or other measures to give effect to them. As underlined by several legal scholars, Article 1 establishes the obligation to achieve the full realization of the human right enshrined in the Charter<sup>23</sup>. Under this provision, indeed, States parties undertake to recognize and respect the rights enshrined in the Charter and commit themselves to adopt legislative and other measures to protect these rights.

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<sup>21</sup> It is necessary to underline that the obligation to comply with judgments delivered by the Court derives from States parties' acceptance of the Court's jurisdiction. In other words, the jurisdiction of the Court is based on the consent of States. See S. KADELBACH, *The domestic implementation of judgments/ decisions of Courts and other International Bodies that involve International Human Right Law*, Final Report of the International Human Rights Law Committee, 2019, pp. 53- 57; O. SCHACHTER, *The enforcement of international Judicial and Arbitral decisions*, in *American Journal of International Law*, vol. 54, 1960, pp. 1-24.

<sup>22</sup> Judgment, para. 106.

<sup>23</sup> C. ANYANGWE, *Obligations of State Parties to the African Charter on Human and Peoples' Rights*, in *African Journal of International and Comparative Law*, 1998, vol.10, pp. 625-659.



In the instant case, the Court shed light on some relevant aspects of this provision. In particular, the Court focused its analysis on the scope of Article 1, evaluating the content of the obligations flowing from this provision. Adopting an extensive interpretation of the scope of Article 1 of the Charter, the Court highlighted that Article 1 also implies the obligation to give effect to provisions of the Protocols and Agreements adopted to complement the Charter. In this regard, the Court pointed out that Article 66 of the Charter provides that special protocols or agreements may, if necessary, supplement the Charter provisions. As underlined by the Court, this provision lays down a principle of legal complementarity between the Charter provisions and the protocols or agreement adopted to supplement the Charter. Therefore, in the light of the legal complementarity between the Charter and the Protocol, Article 1 of the Charter imposes an implicit obligation to give full effect to the Protocol provisions. Consequently, as held by the Court, a violation of rights, duties and freedoms set out in any protocol or instrument adopted to supplement the Charter implies a violation of Article 1 of the Charter.<sup>24</sup> Following this reasoning, the Court found that Benin had violated both Article 30 of the Protocol and Article 1 of the Charter.

From this point of view, the Court's reasoning is particularly far-reaching as it clarifies the relationship between the obligation to comply with the decision of the Court and the obligation set out by Article 1 of the Charter. In particular, it is noteworthy that the Court highlighted the relationship of legal complementarity linking the obligation to give effect to human rights and the obligation to comply with the Court decisions. These two obligations, indeed, appear interconnected from a substantive point of view too. As is underlined in legal literature<sup>25</sup>, the obligation to ensure the full realization of the rights enshrined in the Charter must necessarily include the obligation to implement the Court decisions. Indeed, it is crystal-clear that if a State refuses to implement the measures ordered by the Court to prevent, to end or to repair a human rights violation, it is failing to comply with its obligation under Article 1 of the Charter. The conduct of a State, persisting in the human rights violations committed, cannot be considered consistent with the obligation to ensure the full enjoyment and realization of the right guaranteed by the Charter. As a result, the reasoning of the Court is of great significance, having established with authority this basic principle. Indeed, the Court made clear that a failure to comply with its decision gives rise to a simultaneous violation of Article 1 of the Charter. In this regard, it is necessary to note that the interpretation of Article 1 of the Charter upheld by the Court is in line with its jurisprudence. As constantly reiterated by the Court, any infringement of the rights protected by the

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<sup>24</sup> Judgment, para. 125.

<sup>25</sup> R. COLE, *The African Court, cit.*, p. 43.



Charter necessarily imply that the obligation set out under Article 1 has not been complied with<sup>26</sup>. In the instant case, the Court found that violations of the obligation to comply with and implement the decisions of the Court produce the same effects.

## 5. Concluding remarks

Having found that the respondent State has violated Article 30 of the Protocol and Article 1 of the Charter, the Court ordered Benin to comply with Article 30 of the Protocol by executing its Judgment of 29 March 2019. In this regard, the Court specified that Benin is required to adopt all necessary measures to annul the Judgment delivered by the CRIET, erasing all its effects. In other words, the Court urged, once again, Benin to wipe out all the consequences of the human rights violations committed by it. Moreover, the Court ordered the Respondent State to inform the Court on the measures concretely adopted to achieve this goal, filing a report within seven days from the Judgment notification.

In conclusion, the Court granted to the applicant a significant safeguard from the refusal of Benin to annul the CRIET's Judgment, redressing the prejudicial consequences of State non-compliance with judicial decisions. Notwithstanding the domestic enforcement of the measures ordered by the Court rests on the will of Benin, the imposition, through another successive judgment, of the obligation to implement the remedial measures might encourage the respondent State to adhere to the Court rulings. In this light, the Judgment delivered by the Court appears particularly significant. As highlighted before, the Court shed light on several unexplored legal aspects regarding the issue of State non-compliance with judicial decisions. Most remarkable, the Judgment opens an unprecedented perspective on the role of the Court in assessing cases of State non-compliance with its decisions. Indeed, the desirability of a more active role of international courts in the post-adjudication phase is self-evident, especially in contexts of emerging States reluctance to abide by international judicial decisions. As analyzed above, it is noteworthy that the Court found its material jurisdiction over the dispute at stake. Although it recognized the primary role of the Executive Council in monitoring the implementation of Court judgments, the Court found its competence to assess the failure to comply with its decisions and its implications over the Charter's obligations. From this point of view, the Judgment mirrors an appealing potentiality of the Court in enhancing State compliance with its decisions. Under this perspective, it is noteworthy that the Court unanimously held its decision on both jurisdiction and the merits. In sum, the case here commented represents an important precedent in the African Court's case law, legitimating the Court's jurisdiction over future similar disputes. As underlined above, the desirability of a more active role of the Court in

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<sup>26</sup> *Kennedy Owino Onyachi v. Tanzania*, Judgment of 28 September 2018, Application No. 003/2015, para. 159; *Alex Thomas v. Tanzania*, Judgment of 20 November 2015, Application No. 005/2013, para. 135.



the post-adjudication phase is self-evident, especially in contexts of emerging States reluctance to abide by international judicial decisions.

*eleonora castro*