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EVIDENCE IN
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European Research Council
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Celebrating, Reflecting, Connecting

A Conference in honour of the 20th Anniversary of the African Court on Human and Peoples' Rights,
co-hosted by DISSECT: Evidence in International Human Rights Adjudication (ERC, Ghent University)
and the Centre for Human Rights and NRF Chair in International Constitutional Law, University of Pretoria

Call for Papers

Abstract Submission Deadline: 30 September 2025

Evidence Matters Before Regional Human Rights Courts The African Court in Critical and Comparative Perspective

Pretoria, 11–13 May 2026

Keynote Speakers

Marie-Bénédicte Dembour, Ghent University

Justice Ben Kioko, African Court on Human and Peoples' Rights

Christopher Roberts, Chinese University of Hong Kong

Celebrating the 20th anniversary of the African Court on Human and Peoples' Rights, this Conference investigates a key but understudied element of international human rights judicial proceedings – evidence. How is the factual basis of a human rights claim (to be) evidenced? Which party benefits when facts remain uncertain? Can the evidentiary inequality of arms between the parties be redressed? Is the purpose of evidence to find the truth – and if so, which truth? Although the Conference focuses on the African Court, we are also interested in studies which address the broader sphere of international human rights adjudication, including the African Commission on Human and Peoples' Rights, the European Court of Human Rights, the Inter-American Court of Human Rights, and the UN Human Rights Treaty Bodies.

Organising Committee

Marie-Bénédicte Dembour, Cornelia Klocker and Vera Wriedt (at Ghent University)

Frans Viljoen and Mumbi Gichuhi (at the University of Pretoria)

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Evidence Matters Before Regional Human Rights Courts

The African Court in Critical and Comparative Perspective

The first two decades of judicial activity of the youngest regional human rights court are a call for celebration as well as reflection. Whilst the main focus of our discussions is intended to be the African Court, we are interested in locating the reflections which arise within the sphere of international human rights adjudication more broadly, thus including the African Commission on Human and Peoples' Rights, the Inter-American Court of Human Rights and the European Court of Human Rights and the UN Human Rights Treaty Bodies.

With 'beyond reasonable doubt', the European Court has adopted a very high standard of proof. Adding to the strain on applicants, it rarely challenges domestic findings or shifts the burden of proof onto the respondent state; only accepts third party interventions after having authorised their submission; and seldomly holds hearings. Dembour has suggested that the Court tends to avert its gaze from human rights violations in politically sensitive 'raison d'État / raison de Cour' situations. By contrast, the Inter-American Court has embraced a far more assertive evidentiary posture. It routinely holds public hearings, welcomes amicus briefs, and does not hesitate to undertake on-site visits. Moreover, it has declared the right to truth a human right in itself – reflecting a deeper commitment to uncovering the reality behind violations.

Where does the African Court stand between these contrasting models? Does it follow either path—or chart a different course altogether? This question lies at the heart of the conference to which we invite both scholars and practitioners to submit abstracts.

We welcome contributions which either seek to uncover the state of the art on the African Court's evidentiary system beyond what is already known (see in particular DISSECT researcher Murimi's PhD thesis) or highlight the three human rights regional courts' evidentiary commonalities and/or divergences. To help facilitate explorations and discussions, we have selected five themes which embrace cross-cutting evidentiary issues:

Evidence in human rights adjudication

Law, what law?

From unequal arms to ... ?

Seeking which truth?

Sisterly courts?

What does the future hold?

Theme 1: Law, what law?

The [DISSECT project](#) has found that evidentiary rules and reasoning applicable in human rights adjudication are conspicuous for their lack of clarity, and often even identification. Delving into this underexamined area is therefore crucial. What are the different standards of proof which are being applied (often implicitly) at different stages of the judicial procedure or depending on the nature of the right whose violation is claimed? In which circumstances is the burden of proof reversed? What impact does an incorrect standard or missed reversal have? Are the commanding rules overall set or are they still in the process of being developed? How (well) is the assessment of evidence conducted by the adjudicator?

Theme 2: From unequal arms to ...?

Human rights adjudication is generally characterised by a stark inequality of evidentiary arms between the complainant (typically an individual) and the respondent (always a state). To redress this imbalance, judges can resort to various techniques, including requesting from one party particular pieces of evidence, shifting the burden of proof, drawing adverse inferences when the state fails to participate in the proceedings, or taking judicial notice of notorious facts. What are the specific conditions of application of each of these techniques? How well do they work in practice? Have they evolved over time? If so, can their evolution be traced to a court's particular history and/or political or social embedding?

Theme 3: Seeking which truth?

One might expect that the purpose of evidence is to enable the judge to decide upon the accuracy of the factual basis of a pending complaint. However, things are more complicated. The no-fourth instance principle, for example, enjoins judges to avoid 'interfering' with domestic findings – except when necessary. Where a court sets this necessity likely differs. Whilst the European Court appears as a 'reluctant fact-finder' and judges do not see the unmasking of the truth as a core aspect of their work (DISSECT researcher Heinisch, 2025), the Inter-American Court has declared the right to truth a human right. What about the African Court? Further important questions include: whose truth gets uncovered? Can evidentiary principles obscure rather than reveal facts? Where is the yardstick of objectivity to be found?

Theme 4: Sisterly courts?

Presumably all international human rights courts encounter similar evidentiary challenges. This should make it enlightening to examine the evidentiary approach of each court not only in isolation but also in parallel to each other. We therefore welcome contributions which make the comparative analysis of at least two of the regional courts their main focus. Whether on a technical point or having regard to their overall evidentiary approach, do the Courts appear like close sisters or can frictions or at least differences of views in their approaches be detected? If so, what may explain these?

Theme 5: What does the future hold?

The close study of evidentiary processes in human rights adjudication tends to create clarity as to which evidentiary practices are sub-optimal. In line with this, we invite contributions on best practices and recommendations which could help shape the evidentiary regimes of the three regional human rights courts and UN treaty bodies in the future. Analyses of emerging trends are also welcome: what is triggering them? Are they promising or problematic? Can they be expected to take hold?

We look forward to receiving your abstracts.

How to Apply

Please send one .pdf file to dissect.erc@ugent.be by 30 September 2025. Please use the headline “Pretoria Evidence Conference: Abstract Submission” and include the following information:

- Title of submission
- Intended Conference theme
- Abstract, including main findings and contribution to the conference (maximum 300 words)
- Short biography (maximum 100 words)
- Contact details
- Confirmation of your availability to attend all three days of the conference

Timeline

- Abstract submission deadline: 30 September 2025
 - Invitation of selected participants: 24 October 2025
 - Submission of extended abstract (around 3,000 words): 1 April 2026
 - Conference: 11 to 13 May 2026
- For those invited: 30 June 2026 – submission of final paper (7–10,000 words) for consideration by the *African Human Rights Law Journal*, for its December 2026 issue

Practical Information

- **Location:** Future Africa Campus, University of Pretoria, South Africa.
- **Format:** In-person only – we require that participants attend the whole proceedings as we wish to foster open, in-depth discussions.
- **Registration:** Free of charge. A small refundable deposit will be required at the time of the online registration, and refunded upon in-person check-in.
- **Catering:** Vegetarian lunches and refreshments will be provided at no cost.
- **Accessibility:** We are committed to inclusivity. Please inform us of any mobility, dietary, childcare, or other needs when confirming attendance.
- **Accommodation:** Discounted options will be shared with confirmed participants.
- **Scholarships:** A limited number of travel/accommodation grants will be made available for participants with financial constraints. Priority will be given to applicants from underrepresented backgrounds. If you intend to apply to this scheme, please indicate this already in your abstract submission (but note that this does not influence the selection of abstracts).
- **Visas:** If you require a visa to enter South Africa, please begin the process early (at least one month in advance). We can provide invitation letters upon request.

Contact

For any queries related to the conference, you are welcome to reach out via: dissect.erc@ugent.be

This conference is an output of DISSECT: Evidence in International Human Rights Adjudication, a Horizon 2020 research project funded by the European Research Council (ERC-AdG-2018-834044) and led by Prof. Marie-Bénédicte Dembour. For more information see <https://dissect.ugent.be/>.