

THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

IN THE MATTER BETWEEN

THE GOVERNMENT OF UNITED REPUBLIC OF MONGU

AND

THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

MEMORIAL FOR THE RESPONDENT

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List of Abbreviations

ACPG	Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and People's Rights, <i>adopted on</i> November 2010.
ACRWC	African Charter on the Rights and Welfare of the Child, <i>entered into force</i> November 29, 1999.
African Charter	African Charter on Human and Peoples' Rights, adopted June 27, 1981, entered <i>into force</i> October 21, 1986.
African Children's Charter	African Charter on the Rights and Welfare of the Child, <i>entered into force</i> November 29, 1999.
African Commission / ACHPR	African Commission on Human and Peoples' Rights
African Court	African Court on Human and Peoples' Rights
AHRLR	African Human Rights Law Reports
Court Protocol	Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, <i>entered into force</i> January 25, 2004.
Disciplinary Code	UNINOK Disciplinary Code of Conduct
ICCPR	International Covenant on Civil and Political Rights, <i>entered into force</i> March 23, 1976.
ICESCR	International Covenant on Economic, Social and Cultural Rights, <i>entered into force</i> Jan. 3, 1976.
Principles on Implementation	Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and People's Rights, <i>adopted on</i> November 2010.
Protocol on the Rights of Women	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, <i>entered into force</i> November 25, 2005.
Rules of Procedure	Rules of Procedure of the African Commission on Human and Peoples' Rights, <i>adopted on</i> October 6, 1995.

OSHC	Occupational Safety and Health Convention, 1981 (No. 155) <i>entered into force</i> on 11 Aug 1983.
SML	Standard Minerals Limited
UN	United Nations
UNINOK / University	University of the Northwest Province
URM	United Republic of Mongu
Workmen's Convention	Workmen's Compensation (Accidents) Convention (No.17), 1925.

Summary of Arguments

1. **Admissibility**

The Respondent will argue that the first and fourth claims brought before the Court are inadmissible due to the Applicant failing to comply with the conditions for admissibility in that all local remedies were not exhausted. The Respondent will concede that the second and third claims are admissible on these grounds.

2. **Alleged Violation of the Right to Health**

The Respondent will dispute the Applicant's submission that the Respondent violated Likando Moremi's right to health by not providing him with access to treatment.

3. **Alleged Violation of the Right to Equitable and Satisfactory Work Conditions**

The Respondent will contend that it did provide the deceased mineworkers with an equitable and satisfactory place of work. Furthermore, the Respondent will argue for the validity of the contested provisions of the Miners Safety Act.

4. **Alleged Violation of the Right to Assemble Freely**

The Respondent will argue against the Applicant's submission that the Peaceful Assemblies Act violates the right to assemble freely. The Respondent will argue further that it did not infringe upon the students' right to assemble freely as it did not use excessive force amounting to a violation of the right to personal security.

5. **Alleged Violation of the Right to Academic Freedom and Freedom of Expression**

The Respondent will submit that the disputed provisions of the UNINOK Disciplinary Code do not violate freedom of expression and academic freedom. The Respondent will therefore argue that any infringement upon Mr Kozo's right to freedom of expression and academic freedom was lawful.

SUBSTANTIVE ARGUMENTS

A. ADMISSIBILITY

1. It submitted that only two of the four claims brought before this Court are admissible. None of the claims are in contravention of Article 5(3) of the Court Protocol. However, the two remaining claims are in conflict with Article 56 of the African Charter.

I. Competence of the Court to Receive Claims

2. Article 5(3) of the Court Protocol provides that the Court may entitle 'non-governmental organisations with observer status' to institute cases before the African Commission, in accordance with Article 34(6) of the Protocol. Article 34(6) prevents the Court from receiving any petition under Article 5(3) involving a state party which has not made a declaration 'accepting the competence of the Court to receive cases under Article 5(3)' of the Protocol.
3. The Respondent has not made any declaration under Article 34(6) of the Court Protocol accepting the competence of the Court to receive cases under Article 5(3).
4. However, even if the Court accepts that this constitutes an *indirect* application to the Court and is therefore not in violation of Article 34(6), the Respondent still succeeds on the basis that that there has been a failure by the Applicants to exhaust all local remedies.

II. Failure of Applicant to Comply with Conditions for Admissibility: Local Remedies Not Exhausted

5. The African Court shall rule on the admissibility of cases taking into account the provisions of the African Charter, which concern the admissibility of submissions. The Court Protocol stipulates that, pursuant to Article 56(5) of the Charter, applications are only admissible to the Court should they comply with a closed list of conditions.¹
6. An application from the complainant can only be admitted for the Court's review if all domestic remedies have been exhausted.² In *Law Office of Ghazji v Sudan*,³ the Commission held that a remedy is considered available if the petitioner can pursue it without impediment, it offers a prospect of success, and it is capable of redressing the complaint.

(i) Likando Moremi

7. In this claim, the Applicant made a case to the Supreme Court referring the to the High Court for consideration. Although the Applicant lost the matter at the High Court, it was expressed that the Court may have read the right to health into the constitutionally protected *right to life* had the Applicant made a claim for the violation of the right to life.
8. With consideration to the advice it has received from the High Court, it is clear that the Applicant has a chance of success if it alters its claim to a violation of the right to life. However the Applicant has failed to take the matter on appeal to the Supreme Court. Consequently, the claim on behalf of Likando cannot be admitted to the African Court.

¹ Court Protocol, Art. 6(2).

² African Charter, Art. 56(5).

³ *Law Office of Ghazji Suleiman v Sudan* (II) (2003) AHRLR 144 (ACHPR 2003) para 31.

(ii) Deceased mineworkers

9. The matter of the alleged violation of the SML gold mineworkers' right to safe and equitable work conditions may be admissible to this Court.

(iii) UNINOK students

10. The protesting students have not shown that they approached a single domestic court before this claim was brought to this Court. As such, the submission pertaining to the students is inadmissible.

(iv) Mr Kozo

11. The Respondent concedes that Mr. Kozo has approached the Supreme Court of Mongu and received a ruling against him. The Court may admit his case.

B. MERITS

I. Alleged Violation of the Right to Health

12. The Respondent avers that it has not breached the duty to progressively realise the right to health in the case of Likando Moremi's death from advanced lung cancer.
13. Article 16(1) of the African Charter provides every individual with the right to enjoy the best attainable state of health, both physically and mentally. As provided in Article 16(2) of the Charter, states are to take measures which are necessary in order protect the health of civilians and ensure the provision of medical attention.
14. The right to health is couched in terms making no reference to the nature of the right to health. It is submitted that African and international case law conclusively reveal that the right to health is to be *progressively* realised. The right to health does not equate to a right *to be* healthy.⁴ It includes the entitlement to enjoy *access* to a system of health protection, which promotes the highest attainable level of health.⁵
15. In *Purobit v The Gambia*⁶ the Commission read into Article 16 that the State is to 'take concrete and targeted steps', while taking 'full advantage of its *available resources*', in order to ensure that the right to health is fully realised in all its aspects. This decision was made with consideration given to the reality that poverty has rendered African countries incapable of providing the 'necessary amenities, infrastructure and resources' that facilitate the '*full enjoyment*' of the right to health.⁷
16. Further guidance as to the measures that African states are to take in order to ensure the realisation of the right to health is to be found in the African Children's Charter. States must undertake the full fulfilment of

⁴ Principles on Implementation para 61.

⁵ Ibid.

⁶ *Purobit and Another v The Gambia* (2003) AHRLR 96 (ACHPR 2003) para 84, own emphasis; support also in *Egyptian Initiative for Personal Rights and Interights v Egypt II* (2011) AHRLR 90 (ACHPR 2011) para 264.

⁷ *Purobit* *ibid*, own emphasis.

the right to health and employ measures to ensure the provision of necessary medical assistance and health care, with an emphasis on the development of primary health care.⁸

17. The impetus is on states to ‘*integrate* basic health service programmes in national development plans.’⁹ The terms used in the Children’s Charter mandate states to take steps to provide *basic healthcare* to children.
18. The Respondent contends that states may deny persons access to immediate healthcare. In the South African case of *Soobramoney v Minister of Health*,¹⁰ the Constitutional Court held that, while emergency medical treatment could not be denied, an obligation to provide treatment to all terminally ill patients would:
- ‘...[H]ave the consequence of prioritising the treatment of terminal illnesses over other forms of medical care and would reduce the resources available to the state for [other healthcare-related] purposes.’¹¹
19. The URM is a small country facing great impoverishment. It remains heavily dependent on international aid. The country has experienced a gradual improvement in its economy over the past few years. Consequent to this progressive upturn in the fiscal strength of the URM, the Government has increasingly allocated its growing national budget from 20% in the year 2000, to 28% in 2013. This allocation has been directed towards the education and health sectors jointly. In light of a portion of the national budget being allocated for the designated and undisputed purpose of contributing to the development of the URM, it is *clear* that the Respondent has directed funds towards the improvement of healthcare in the country.
20. It is further submitted that the state of healthcare in the Kankoyi District, while in need of improvement, cannot be shown on the facts to be an indication of the Respondent’s failure to fulfil its duty to progressively fulfil the right to health, as the State still has scant available resources. Consequently, the decision of the Kankoyi Public Hospital to refuse Likando treatment, in keeping with its policy to not treat terminally ill patients, is not unlawful, as the Kankoyi Public Hospital lacked sufficient resources.

⁸ African Children’s Charter, Art. 14.

⁹ *Ibid*, Art. 14(g); own emphasis.

¹⁰ *Soobramoney v Minister of Health, KwaZulu-Natal* 1998 (1) SA 765 (CC) para 36.

¹¹ *Ibid*, para 19.

21. Therefore, the following grounds are submitted to be in the Respondent's favour. That available resources must be taken into account, especially in such an impoverished country as the URM; that the right to health is to be *progressively* realized in keeping with international law; and that the Respondent has made a concerted effort to direct more funding into the healthcare sector. As such, the Respondent must be ruled to be precluded from liability for the death of 16-year old Likando Moremi.

II. Alleged Violation of the Right to Equitable and Satisfactory Work Conditions

22. It is the case of the Respondent that the Applicant has no basis upon which to lay a claim against the Respondent on account of the fact that none of the miners' rights have been violated. The Respondent avers that it abided by international law principles in providing a satisfactorily safe place of work. The Respondent further submits that the compensation given to the deceased's families, in compliance with the Mining Safety Act of 2010 ('the Mining Act'), was equitable and adequate, also in compliance with international law.

23. Article 15 of the African Charter holds that every individual has the right to work under equitable and satisfactory conditions. Article 7 of the ICESCR provides that 'just and favourable conditions of work' include 'safe and healthy working conditions'; and 'decent living for [workers] and their families'.¹²

24. The OSHC offers a number of measures that states are to take in order to ensure the fulfilment of the duty to ensure that workers are secure in a safe and healthy working environment. States are to enact laws and regulations concerning 'occupational safety and health and the working environment', and secure the enforcement thereof by an 'adequate and appropriate system of inspection'.¹³ Furthermore, penalties for the violations of the laws and regulations must be adequate.¹⁴

¹² ICESCR, Art. 7(a)(ii); 7(b).

¹³ OSHC, Art. 9(1).

¹⁴ Ibid, Art. 9(2).

25. The right to satisfactory work conditions cannot be read to imply that the State has a *duty to prevent all* work-related injuries, accidents or deaths. It was held in *Zimbabwe Human Rights NGO Forum v Zimbabwe*¹⁵ that an act by a private individual – and therefore not directly imputable to a state – can only generate responsibility for the State where there has been a lack of due diligence on the part of the State to prevent the violation. The Respondent therefore submits that the law clearly precludes states from liability where the State has taken reasonable steps to ensure occupational safety and health.
26. It is common cause that the Respondent passed the Mining Safety Act in 2010, and conducted inspections of mines across the country between 2010 and 2014 to ensure safety. It would be *unreasonable* to expect that the Respondent, an impoverished State with limited financial resources, would have conducted investigations of *all* mines in the country in such a short space of time.
27. Furthermore the Act places an obligation on all mining companies to submit annual reports concerning working conditions of the mines. It is stressed by the Respondent that all required reports were submitted by the SML gold mine timeously every year, and that they were exclusively submitted to the Director-General of the Department, who remains the highest civil servant therein. The results of these reports were that the gold mine met all national and international rules of labour law. In light of these facts, it is clear that the Respondent has satisfied its obligations under Section 9 of the OSCH.
28. Furthermore, it is submitted that the Respondent's case succeeds on the ground that the gold mining did not *negligently* cause the deaths of the miners on account of the fact that the necessary measures were in place to *reasonably* ensure a safe working environment. The Respondent is therefore precluded from liability for the deaths of the miners.
29. The Respondent submits estates of the deceased miners have been adequately compensated, per the Mining Act. The compensation awarded to a worker must be fair and ensure that the worker and her family obtain an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.¹⁶

¹⁵ *Zimbabwe Human Rights NGO Forum v Zimbabwe* (2006) AHRLR 128 (ACHPR 2006) para 143.

¹⁶ *Malawi African Association and Others v Mauritania* (2000) AHRLR 149 (ACHPR 2000) para 135.

30. The national laws or regulations of a state must make such provision as, having regard to national circumstances, is deemed most suitable for ensuring in all circumstances that workers, or in case of death, their dependants, receive the payment of compensation.¹⁷
31. It is trite that URM is a poor country. The country is still heavily dependent on international aid. The country is also dependent on the mining industry, which is highly active and thus has many workers in its employ. As such, the current rates of compensation paid to the estates of deceased miners cannot be argued, on the facts, to be insufficient given the national circumstances.
32. Regardless of this, however, is that it is not within the jurisdiction of this Court to set the value of the remuneration the State must pay to the workers. The Applicant has failed to provide any evidence that the amount awarded to miners is as minimal as to be detrimental to the dependants of the deceased.
33. In light of the above submissions the Respondent avers that it has satisfied its domestic and international law obligations by providing a safe and equitable place of work, and is therefore liable for none of the Applicant's claims.

¹⁷ Workmen's Convention, Art. 11.

III. Alleged Violation of the Right to Assemble Freely

34. The Respondent acknowledges the Article 11 African Charter right providing every individual with the right to freely assemble with others. The ICCPR, as imputed into the URM Constitution, provides for the same right. However, this right is subject to restrictions in law that are necessary in the interest of national security, as well as the safety, health, ethics, rights and freedom of others.¹⁸ In *Malawi African Association v Malawi*,¹⁹ the Court found in support of the submission that the right to assembly is necessarily limited by any threat to these listed grounds.
35. The Court in *New Patriotic Party v Inspector-General of Police*²⁰ defined a prior restraint as an injunction that prohibits the freedom of assembly, procession or demonstration. This injunction could be imposed by statute or by an order of the court. The injunction must be general and may impose discretionary powers upon the officers delegated with the powers of its enforcement.²¹
36. The Respondent submits to the Court that the Act does not constitute a prior restraint on the basis of the powers it confers upon the District Prefect being *reasonable*. It has not been disputed by the Applicant that the URM has experienced sporadic bouts of protests in recent times. It is common cause that of these protests, 75% have turned violent. This extremely high number of violent incidents gave rise to the enactment of the Act. In light of the prevalence of violence during protests, and with the State's legal imperative to ensure the safety of civilians and public order,²² it is argued that the powers conferred by the Act are indeed reasonable.
37. In light of the circumstances that gave rise to the Act, and the fact that it does not constitute a prior restraint, it is clear that the Act does not violate the right to assemble freely. Rather, it ensures the *protection* of

¹⁸ ICCPR, Art. 21.

¹⁹ *Malawi African Association and Others v Mauritania* (2000) AHRLR 149 (ACHPR 2000) para 111.

²⁰ *New Patriotic Party v Inspector-General of Police* (2001) AHRLR 138 (GhSC 1993) para 38.

²¹ *Ibid.*

²² African Charter, Art 11.

national security, public order and the safety of civilians. The Respondent further submits that the matter at hand can be differentiated from the claim in *Amnesty International v Sudan*,²³ where the Commission held that the Process and Transitional Powers Act of 1989 violated the Article 10(1) Charter right, in two ways. Firstly: the prohibition contained in the Act is not disproportionate to the measures required by the Respondent to maintain public safety, order and security. Secondly: the Applicants have presented no evidence that any abuse of powers was committed by the Respondent.²⁴

38. In this way the Act renders any public protests or forms of public assembly that may reasonably lead to acts of violence, yet are formed without the required permission from the District Prefect, to be unlawful. It is submitted by the Respondent that the students' protest was unlawful. The protestors' application under the Act was submitted less than 48 hours before the protest was due to occur *as explicitly required by the Act*. Therefore, the participants cannot be said to have followed due procedure to obtain consent from the District Prefect before it occurred.

39. Furthermore, the Respondent must succeed on the ground that the actions of the Presidential Guard were still lawful per international law. It is necessary to emphasize that the African Charter provides that the right to assemble is *subject to lawful limits* in order to quell any threat to the interest of national security; or the safety, health, ethics and rights and freedoms of others.²⁵ In *Amnesty International v Sudan*²⁶ the court found that a limitation on the right to assembly must be proportionate to the measures required by the Government to maintain safety and security.

40. On the evidence presented to the Court, it is common cause that some of the 125 protesting students acted violently, hitting against the fence of the residence of the national President and singing a war-song, *despite receiving several warnings to cease their conduct throughout the night*.

²³ *Amnesty International and Others v Sudan* (2000) AHRLR 297 (ACHPR 1999) para 82.

²⁴ *Ibid*.

²⁵ African Charter, Art. 11.

²⁶ *Amnesty* supra note 23 para 82.

41. With due consideration given to the prior warnings, the size of the group of protesting students and their threatening actions outside the fenced premises of the President of the URM, it is clear that the actions of the Presidential Guard were proportional to the threat posed and necessary to avoid a full-scale outbreak of violence and was a measure of last resort.

IV. Alleged Violation of the Right to Academic Freedom and Freedom of Expression

42. The Respondent disputes the allegation of the Applicant that there was any kind of infringement upon Mr Kozo's right to academic freedom and freedom of expression. The Respondent submits that Mr Kozo's suspension and subsequent dismissal from the University's employ was done lawfully and in accordance with the UNINOK Disciplinary Code.

43. The African Charter guarantees that every individual has the right to express and disseminate her views within the law.²⁷ However, the freedom of expression is not limitless.²⁸ Article 19(3) of the ICCPR, as imputed into the URM Constitution, provides for a derogation of the freedom of expression. Therefore it is submitted that the exercise of this right may be limited by the restrictions imposed by law and as necessary for the respect of the rights or reputations of others,²⁹ as well as for the protection of public order,³⁰ as long as it can be justifiable in a democratic society.³¹

44. In *Marque de Morais v Angola*,³² the Court reiterated that any restriction on the right to freedom of expression must be provided for by law; must serve one of the aims enumerated in Articles 19(3)(a) and (b) of the

²⁷ African Charter, Art. 9(2).

²⁸ *Attorney-General v Clarke* (2008) AHRLR 259 (ZaSC 2008) para 67.

²⁹ ICCPR, Art. 19(3)(a).

³⁰ ICCPR, Art. 19(3)(b).

³¹ *Trustco Group International Ltd and Others v Shikongo* (2010) AHRLR 200 (NaSC 2010) para 5.

³² *Marques de Morais v Angola* (2005) AHRLR 3 (HRC 2005) para 6.7; *Attorney-General v Clarke* (2008) AHRLR 259 (ZaSC 2008) para 6.8.

ICCPR; and must be necessary to achieve one of these purposes. According to the Court the requirement of necessity implies an element of proportionality.³³

45. Thus it is clear that the right to exercise the freedom of expression is limited by the URM Constitution and in international law. In this the Respondent submits in the strongest of terms that the acts of suspension and dismissal of Mr Kozo were lawful on account of the fact that the actions complained of were permissible by law, carried out for a legitimate purpose and borne of necessity in proportion to the advantages achieved.³⁴
46. The 1969 Act of Parliament lawfully confers upon the University the power to adopt and impose a disciplinary code. Under this provision, the University adopted its own Disciplinary Code. One cannot be a member of staff without signing a pledge to abide by the Code. It is uncontested by the Applicant that Mr Kozo signed the pledge, thereby expressly agreeing to the terms of the Disciplinary Code.
47. The Code empowers the Principal of the University to order the immediate suspension of a student or staff member who has acted contrary to the Code where the Principal considers the case to be of overriding public importance. Furthermore, it provides for the dismissal of any student or staff member found to partake in such conduct after an investigation of the matter has been conducted.
48. The case involving Mr Kozo drew a large media presence. It is common cause that Mr Kozo used his position as a researcher and lecturer for the University to present his research findings, and admonitions against the State, to a wide public audience comprised of students as well as the local and international community. Furthermore, his findings were presented to the students in such an emotive manner that it incited the students to engage in an unlawful protest against the State.
49. Though the results of his research were contested for being inaccurate, Mr Kozo refused to recant his statements pertaining to his findings. Mr Kozo's findings cannot be verified on the evidence presented. As stated in *Trustco*,³⁵ and submitted by the Respondent here, 'the complete absence of any factual basis for this

³³ Ibid.

³⁴ The Respondent must discharge the burden of proof as it is the party seeking to justify the limitation of a constitutional right: *Mvenda and Another v Attorney-General* (2010) AHRLR 224 (UgCC 2010) para 73; *Trustco* supra note 31 para 22.

³⁵ *Trustco* supra note 1 para 66.

damaging slur prevents [the Applicant] from relying on either the defence of truth in the public benefit or fair comment’.

50. In line with the requirements of the Disciplinary Code, it is common cause that the University conducted an investigation into the matter concerning Mr Kozo before it dismissed him. It is therefore clear that the actions of the University were procedurally sound and permissible by law.

51. Mr Kozo presented his findings to international and local media, and made comments that struck at the integrity of the State. All of the actions of Mr Kozo were performed in his capacity as a staff member of the University. As such, his dismissal was necessary on account of his conduct harming the reputation of the University and causing a threat to the security of the State; as well as its disruption of public order. In this context it must be found that the Respondent’s actions were therefore proportionate, necessary and ultimately lawful.

C. RELIEF SOUGHT**Claim (I):**

1. The Respondent seeks a dismissal of the claim on grounds of inadmissibility.
2. In the event that this should not be granted, it is sought on the merits that the Respondent be found not to have violated the rights of Likando Moremi.

Claim (II):

3. The Respondent seeks a dismissal of the claim that the Respondent violated the rights of the deceased mineworkers' to a safe and equitable working environment.

Claim (III):

4. The Respondent seeks an Order that the Peaceful Assemblies Act is lawful and valid.
5. The Respondent seeks the declaration that the Presidential Guard did not use disproportionate excessive force and therefore did not infringe on the students' right to assemble freely and that the infringement on their right to personal security was justifiable under the circumstances.

CLAIM (IV):

6. The Respondent seeks a dismissal of the claim on grounds of inadmissibility.
7. In the event that this should not be granted, it is sought on the merits that the Respondent be found lawfully justified in its restriction of Mr Kozo's right to academic freedom and freedom of expression.

D. TABLE OF AUTHORITIES

Cases decided by the African Commission on Human and Peoples' Rights

1. *Amnesty International and Others v Sudan* (2000) AHRLR 297 (ACHPR 1999).
2. *Egyptian Initiative for Personal Rights and Interights v Egypt II* (2011) AHRLR 90 (ACHPR 2011).
3. *Law Office of Ghażi Suleiman v Sudan (II)* (2003) AHRLR 144 (ACHPR 2003).
4. *Malawi African Association and Others v Mauritania* (2000) AHRLR 149 (ACHPR 2000).
5. *Purobit and Another v The Gambia* (2003) AHRLR 96 (ACHPR 2003).
6. *Zimbabwe Human Rights NGO Forum v Zimbabwe* (2006) AHRLR 128 (ACHPR 2006).

Cases decided by Other International Courts and Tribunals

1. *Marques de Morais v Angola* (2005) AHRLR 3 (HRC 2005).

Cases decided by National Courts

South Africa:

1. *Soobramoney v Minister of Health, KwaZulu-Natal* 1998 (1) SA 765 (CC).

Ghana:

2. *New Patriotic Party v Inspector-General of Police* (2001) AHRLR 138 (GhSC 1993).

Namibia:

3. *Trustco Group International Ltd and Others v Shikongo* (2010) AHRLR 200 (NaSC 2010).

Uganda:

4. *Mwenda and Another v Attorney-General* (2010) AHRLR 224 (UgCC 2010).

Zambia:

5. *Attorney-General v Clarke* (2008) AHRLR 259 (ZaSC 2008).

International Instruments

1. African Charter on the Rights and Welfare of the Child, *entered into force* November 29, 1999.
2. African Charter on Human and Peoples' Rights, adopted June 27, 1981, *entered into force* October 21, 1986.
3. African Charter on the Rights and Welfare of the Child, *entered into force* November 29, 1999.
4. Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, *entered into force* January 25, 2004.
5. International Covenant on Civil and Political Rights, *entered into force* March 23, 1976.
6. International Covenant on Economic, Social and Cultural Rights, *entered into force* Jan. 3, 1976.
7. Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and People's Rights, *adopted on* November 2010.
8. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, *entered into force* November 25, 2005.
9. Rules of Procedure of the African Commission on Human and Peoples' Rights, *adopted on* October 6, 1995.
10. Occupational Safety and Health Convention, 1981 (No. 155) *entered into force* on 11 Aug 1983.
11. Workmen's Compensation (Accidents) Convention (No.17), 1925.