

East African Court of Justice

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The East African Court of Justice (EACJ) hears cases on violations of the rule of law, one of the fundamental and operational principles set out in the East African Community Treaty

Location: Arusha, Tanzania
Established: 1999
States: Burundi, Kenya, Rwanda, Uganda and Tanzania

Establishment

The East African Community (EAC) Treaty established the East African Court of Justice in 1999. The Court was inaugurated in November 2001 and heard its first case in 2005. It has two chambers and sits in Arusha.

Jurisdiction

Article 23 of the Treaty states that the purpose of the Court is to ensure the adherence to law in the interpretation and application of and compliance with the Treaty. Article 27 reiterates that the “Court shall initially have jurisdiction over the interpretation and application of this Treaty” and goes on to provide that “The Court shall have such other original, appellate human rights and other jurisdiction as will be determined by this Council at a suitable subsequent date.”

The Court has not yet been given a human rights jurisdiction. However, the fundamental and operational principles of the East African Community, set out in Articles 6 to 8 of the Treaty, include “good governance including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of human and peoples’ rights in accordance with the provisions of the African Charter on Human and Peoples’ Rights” (emphasis added).

Admissibility

There is no requirement that applications exhaust domestic remedies before bringing an application to the Court. However, if an individual initiates a case then they must lodge their complaint within two months of the decision or action complained of (Article 30(2) of the Treaty).

Procedure

The Court may issue advisory opinions regarding a question of law arising from the Treaty. Advisory opinions can be requested by the Summit, the Council, or a member state.

Member states can bring cases against each other and the EAC institutions for breaches of the Treaty, and the EAC Secretary-General can bring similar cases against member states.

The Court can also be accessed directly by individuals. The Treaty provides that, “any person who is resident in a Partner State may refer for determination by the Court, the legality of any Act, regulation, directive, decision or action of a Partner State or an institution of the Community on the grounds that such Act, regulation, directive, decision or action is unlawful or is an infringement of the provisions of the Treaty” (Article 30). Advocates must be entitled to appear before a superior court of a member state. Proceedings before the Court consist of oral hearings as well as written pleadings.

Remedies

The Court primarily issues declarations as to whether particular acts or pieces of legislation infringe rights or provisions of the EAC Treaty. It has also recommended specific amendments to legislation to bring it in conformity with the Treaty, which also contemplates the Court making financial awards.

Enforcement

Court judgments are binding, although they can be appealed to the Appeals Chamber of the Court. Article 38(3) requires member states and the EAC Council to take immediately all measures necessary to implement a Court judgment. Any award which imposes a financial damages obligation will be enforced through civil procedure rules of the member state where the judgment is enforced. Article 39 also allows the Court to make binding interim orders. There are no procedures to sanction a party that fails to implement a judgment against it.

Cases

The Court received its first case in December 2005 and issued a ruling in October 2006. Cases are usually decided in less than a year.

Many of these judgments concern the internal workings of the East African Community. However, in *Katabazi v. Secretary General of the EAC and Uganda*, the court upheld a complaint regarding violation of the rule of law, and in doing so held that the mere fact that such a complaint also raises human rights issues does not exclude it from the jurisdiction of the Court.

Court Documents

- [EAC Treaty](#) (PDF) | [EACJ Rules of Procedure](#) (PDF)

Related Links

- [EACJ website](#) | [African International Courts and Tribunals](#) | [Southern African Legal Information Institute](#)

Related Cases

- [Katabazi v. Secretary General of EAC](#) (PDF) (2007)
- [Sibalu v. EAC Secretary General, Uganda A-G, Njumba and Uganda Electoral Commission](#) (2011)
- [Ariviza and Mondoh v. Kenya Attorney General and EAC Secretary General](#) (2011)
- [Kenya Attorney General v. Independent Medical Legal Unit](#) (2012)
- [Rwanda Attorney General v. Plaxeda Rugumba](#) (2012)
- [Kenya Attorney General and Uganda Attorney General v. Awadh and 6 others](#) (2012)

info@justiceinitiative.org
www.justiceinitiative.org

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