



Conference of Constitutional Jurisdictions of Africa - CJCA

Newsletter of CJCA

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Conference of Constitutional Jurisdictions of Africa - CICA



Newsletter of CICA

President's word

The first issue of our institution's publication, "**CICA Newsletter**", has been published. It contains a summary of the activities of the president, member courts, the agenda, constitutional and electoral developments and other information for the last quarter.

The "**Letter**", which will be published initially every three months, will become a monthly electronic publication in the near future.

In order to ensure wide dissemination of the "**Letter**", we will ensure that it is published in the four working languages of the CICA: English, Arabic, French and Portuguese.

We hope that our visitors and readers will find the information necessary and useful in order to better understand our organization and its member states and constitutional justice in Africa.

Hon. Dr. Manuel Aragão

President of the Constitutional Tribunal of Angola

President of the Conference of Constitutional Jurisdictions of Africa – CICA

History of the creation of the CCJA

On the initiative of **Algeria**, the **African Union** adopted at the fifteenth ordinary session of the Conference of Heads of State and Government held in Kampala, **Uganda**, from 25 to 27 July 2010, the Decision to create a space African Constitutional Justice. <http://www.cjca-conf.org/fr/decision/>

The creation of this space responds to the imperative to federate the jurisdictions in charge of the control of constitutionality, in a continental space which allows them to participate in the field which is theirs, to the promotion and the dissemination of the universal values and principles of rule of law, democracy and human rights enshrined in the preamble of the Constitutive Act of the African Union.

A preparatory meeting of the Presidents of the Constitutional Justice Courts in Africa, held on the side-lines of the Second World Conference on Constitutional Justice in Rio de Janeiro, Brazil, on 16 January 2011, had instructed Algeria to lead the process of creating this space, to its end.

The Presidents and representatives of the Constitutional Courts and Councils and equivalent institutions in Africa held on 7 and 8 May 2011 at the headquarters of the Constitutional Council of Algeria the Constitutive Congress of the African Area of Constitutional Justice, which they called **"Conference of Constitutional Jurisdictions of Africa "(CCJA).**

Fifty-two participants (52) representing twenty-five (25) African constitutional courts took part in this Congress, enhanced by the presence of the Chairperson of the African Union Commission, and the President of the European Commission for Democracy through the right, better known as the "Venice Commission".

During the Congress, the participants examined and adopted the Statute of the Conference of Constitutional Jurisdictions of Africa (CCJA), and proceeded, at the election of the first Executive Bureau and the Secretary General. The Permanent Secretary General and the Treasurer are appointed by the country of the seat.

The headquarters of the CCJA is set in **Algiers**.

The CCJA currently has forty-six (46) African constitutional court members, and (3) three non-African **"observer members"**, namely: **Brazil, Russia and Turkey**.



"Side of the Conference headquarters in Algiers"

CJCA Activities

Angola: CJCA Executive Bureau Meeting in Luanda



On January 23 and 24, 2020, the Executive Board of the CJCA held its 12th session in Luanda - Angola, under the chairmanship of **Dr. Manuel ARAGAO**, President of the Constitutional Tribunal of Angola, President of the CJCA.

<http://www.cjca-conf.org/blog/cjca-executive-board-meeting-in-luanda/>

"Bureau members, meeting in Luanda"

Algeria: Participation of the President of the CJCA in the 30th anniversary of the creation of the Constitutional Council

Dr Manuel ARAGO, President of the Constitutional Tribunal of Angola and President of the CJCA participated, on February 24, 2020 in the festivities marking the 30th anniversary of the creation of the Constitutional Council of Algeria, on this occasion, he delivered a speech during of the work of the International Colloquium, organized alongside the festivities.

Mr ARAGAO, took advantage of his participation to establish contacts with the many delegates present at this event.



"President of the Constitutional Council of Algeria at a meeting with President of the CJCA"

African Union: Participation of the CJCA in two workshops, online



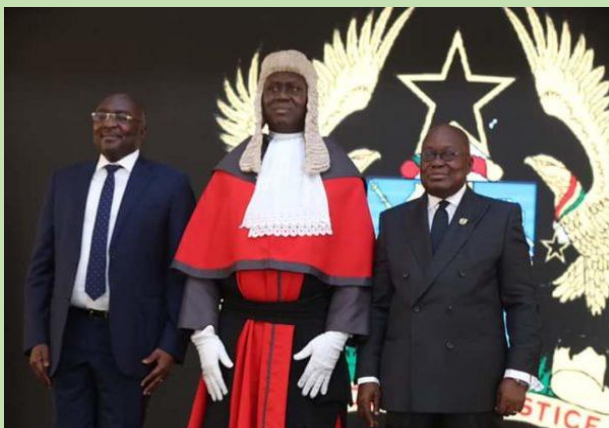
The CJCA participated in two online workshops organized by the Department of Political Affairs of the African Union.

The 1st workshop on **"anti-constitutional changes of governments"**, held on June 19, 2020. The 2nd workshop on **"the guidelines on constitutional amendments"**, held on June 24, 2020.

Two "concept notes" developed by the organizers were sent to participants.

News of Courts and Councils

Ghana: New Chief Justice of the Supreme Court



Justice **Anin Yeboah** was sworn in as the 14th Chief Justice of the Supreme Court of Ghana on January 7, 2020. In addition to his work as a Justice of the Supreme Court he also serves as a Part-Time lecturer at the Ghana School of Law where he teaches Civil procedure and Ghana Legal System.[9] Justice **Anin-Yeboah's** Legal experience includes writing judgement in constitutional matters, civil and criminal cases. He also provides opinions on legal matters <http://www.cjca-conf.org/blog/supreme-court-of-ghana-new-chief-justice/>

"Mr. Anin Yeboah Chief Justice of the Supreme Court of Ghana"

Algeria: 30th anniversary of the creation of the Constitutional Council

The Constitutional Council celebrated the 30th anniversary of its creation, (1989 – 2019) by remembering the most important steps it has taken and the efforts it has made in order to preserve rights and freedoms and impose respect for the Constitution.

The celebrations were supervised by the President of the Algerian Constitutional Council, **Mr. Kamel Fenniche**, and they took place under the high patronage of the President of the Republic, **Mr. Abdel Majid Tabboune**.



"Photo of heads of delegations participating in the event"

Libya: Supreme Court becomes 46th CJCA member



By letter dated June 8, 2020 from Chief Justice **Mohamed Al-Hafi**, President of the Judicial Council and President of the Supreme Court of Libya, addressed to the President of the **Conference of Constitutional Jurisdictions of Africa – CJCA**, according to which the Libyan Supreme Court officially asked to become a member of the organization.

With this membership, the number becomes Conference members Forty-six (46) active members and three (03) observer members.

News of Courts and Councils

MOROCCO: Partial renewal at the Constitutional Court

King Mohammed VI received on March 11, 2020, the four new members appointed to the Constitutional Court, it is about:

- Ms. Latifa El Khal and Mr El Houssain Abouchi, members appointed by King Mohammed VI
- Mr Mohamed Alami, member elected by the House of Representatives
- Mr Khalid Berjaoui, member elected by the House of Councilors.

This ceremony took place in the presence of the President of the Constitutional Court, **Mr Said Ihrai**.



"Swearing in of new members of the Court before the King"

Constitutional developments

Algeria: Draft revision of the Constitution



The President of the Republic, Mr. **Abdelmadjid Tebboune** received, on March 24, 2020, the Chairman of the Committee of Experts charged with formulating proposals for the revision of the Constitution, Professor **Ahmed LARABA**, who gave him the draft of the preliminary draft on the amendments proposed by the Committee.

"Presentation of the draft Constitution to the President of the Republic"

Guinea: Constitutional referendum in Guinea

The Guinean constitutional referendum was held on March 22, 2020 in Guinea so that the population could vote on the adoption of a new constitution proposed by President Alpha Condé.

The new Constitution was approved by 89.76% of the voters, for a participation rate of 58.27%, according to the results proclaimed by **the Constitutional Court**.

"Mohamed Lamine Bangoura, President of the Constitutional Court."



Constitutional developments

Central African Republic: Rejection of the draft amendment to the Constitution by the Constitutional Court

The Constitutional Court rejected on June 5, 2020, the draft of the modification of the Constitution of March 30 initiated by some deputies of the majority, and supported by the head of state TOUADERA. *(Read the Decision)*

<http://www.cjca-conf.org/fr/centrafrique-rejet-du-projet-de-la-modification-de-la-constitution-par-la-cour-constitutionnelle/>



"Reading of the Rejection Decision, by the President of the Constitutional Court Ms. Danielle Darlan"

Electoral developments

Mali: Holding of legislative elections



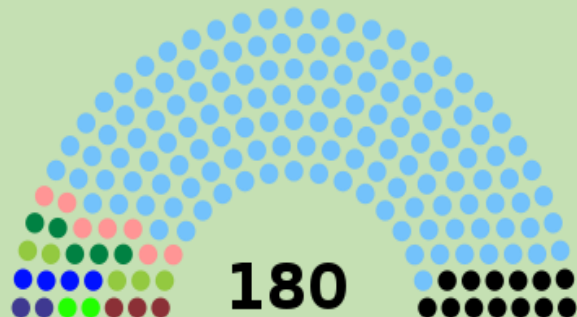
The 2020 Malian legislative elections took place on March 29 and April 19, 2020 after several years of postponements in order to renew the 147 members of the National Assembly of Mali.

The Constitutional Court of Mali, after having cleared the electoral litigation, made public on April 30 the final results of the second round of these elections, where the turnout was 35.25%.

Cameroon: 2020 legislative elections

The Cameroonian legislative elections of 2020 take place on February 9, 2020 in order to renew the 180 members of the National Assembly of Cameroon, after several postponements.

The partial results were announced on February 28 by the **Constitutional Council**, which canceled part of the elections in the west of the country for irregularities. In total, ten constituencies in the North West, and one in the South West must organize new elections, for a total of thirteen seats. The stake was 43.79% 16. Of the remaining 167 seats, the absolute majority is won by the Cameroon People's Democratic Rally (RDPC), which totals 139 seats, assuring President **Paul Biya** to retain control of the assembly.



Electoral developments

Malawi: Cancellation of presidential elections



Malawi's 2019 election Official results

158,969
Winning vote margin

38.6% Peter Mutharika
35.4% Lazarus Chakwera
20.2% Saulos Chilima

Source: Malawi Electoral Commission

The **Constitutional Court of Malawi** canceled February 4, 2020, the controversial 2019 election which saw the re-election of President **Peter Mutharika**.

The Court found that the May 21, 2019 vote was marred by numerous irregularities.

It is the first election to be legally contested since the independence of Malawi in 1964.

"Details of the canceled presidential results"

Burundi: Presidential elections

The 2020 Burundi presidential election takes place on May 20, 2020 to elect the President of the Republic of Burundi. Legislative and municipal elections are held at the same time as the first round.

The **Constitutional Court of Burundi** rejected on June 4 the appeal of the main opposition party against the result of the presidential election of May 20. The candidate of power, **Évariste Ndayishimiye** is proclaimed winner of the presidential election with 68% of the votes.

The appeals of the head of the National Council for Freedom (CNL), Agathon Rwaswa, against the results of the presidential, legislative and municipal elections are "null and void"

Élection présidentielle au Burundi



52 ans

Général Évariste Ndayishimiye

Dauphin du président sortant Pierre Nkurunziza qui ne se représente pas
Ancien combattant au sein de la rébellion hutu du CNDD-FDD

Photos AFP

11 millions d'habitants



56 ans

Agathon Rwaswa
Chef de l'opposition

Issu du plus ancien mouvement rebelle du pays (Palipehutu-FNL), un des 2 principaux groupes rebelles pendant la guerre civile

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Future activities

Mozambique: Holding of the 3rd International Symposium of CJCA



"Ms. Lucia Da Luz Ribeiro, President of the Constitutional Council of Mozambique"

The CJCA is organizing its 3rd International Symposium in Maputo-Mozambique from August 10 to 12, 2020, on the theme **"Electoral justice: transparency, inclusion and process integrity"**, the CJCA is holding a Symposium between two Congresses. The first took place in Cotonou in 2013 on the theme: **"The constitutional judge and political power"**. The second took place in Algiers in 2017 on the theme of **"Access by individuals to constitutional justice"**.

Future activities

Ethiopia: Working visit to the headquarters of the African Union



"Headquarters of the African Union in Addis"

The President of the CJCA will make a working visit to the headquarters of the **African Union** in Addis during the last quarter of 2020 to meet the Commissioner for political affairs and the Legal Counsel, also, he will be received by the President of the African Union.

On this occasion, the signature of the **Partnership and Cooperation Agreement** between the AU and the CJCA, which expired on April 1, 2020, will be renewed.

As a reminder, the CJCA is a member of the African Union with the status of **"Observer"**.

Gabon: Meeting of African women judges

The CJCA and the Constitutional Court of Gabon, will co-organize on March 8 and 9, 2021 in Libreville, the 1st "Meeting of women chief judges and African judges" on a theme to be chosen later.

The holding of this Meeting will coincide with World women's day celebration.



Ms. Marie-Madeleine Mborantsuo, President of the Constitutional Court of Gabon

Morocco: Place of the 6th High level Congress of the CJCA



"Hassan Tower, Rabat"

The 6th High level Congress of the CJCA will be held from April 4 to 7, 2021 in the cities of Rabat and Fez in Morocco, on the theme: **"Constitutional Courts and International Law"**

As a reminder, the CJCA holds a Congress every two years. Since its creation, five (5) Congresses have taken place respectively: **Algiers** (2011), **Cotonou** (2013), **Libreville** (2015), **Cape Town** (2017) and **Luanda** (2019).

Scientific activities

Publication of the proceedings of the 2nd International Symposium

The proceedings of CJCA's 2nd International Seminar, held in November 2017 in Algiers, are now available in electronic format.

The paper-based documents will be sent to the different Courts and jurisdictions as soon as possible.

These acts are available in the working languages of the CJCA, namely: English, Arabic, French and Portuguese.

They can be consulted by clicking on the following link: <http://www.cjca-conf.org/event/international-scientific-seminar-of-cjca/>



Creation of the “African Review of constitutional law”

In this **“Review”** will be published studies from academics or practitioners and on themes related to constitutional law in general and constitutional justice in particular (Theses, books, studies, articles of doctrine published in other journals, etc.)

The most significant decisions of the CJCA member jurisdictions will also be published in this **“Review”**. (Launch planned for the 1st quarter of 2021)

Launch of “CJCA Thesis award”

The main objective of the **“CJCA Thesis Prize”** is to identify and promote young African jurists who have carried out quality work, and to support university legal research on topics of interest to the Courts, councils, constitutional courts and Supreme African Courts

The **“CJCA Thesis Prize”** is awarded every two years and made public by posting on the tables provided for this purpose in partner universities, by insertion into the CJCA website and by any other appropriate means. (Launch planned for the last quarter of 2020).

Scientific activities

Creation of a "Discussion Forum" reserved for member jurisdictions of the CICA



This "**Forum**" should allow to exchange on a defined theme, or possibly to give opinions or take those of other jurisdictions on themes that particularly interest them. This discussion platform could thus strengthen the practical links between the various constitutional jurisdictions.

This "**Forum**" could be viewed from the CICA website.

(Being launched)



