

## **FEATURED NEWS**

### ***PALU Central Africa Regional Seminar on Human Rights, 15 & 16 March 2012, Yaoundé, Cameroon***

PALU will hold a Human Rights seminar for bar associations and civil society organisations from Central Africa on 15<sup>th</sup> and 16<sup>th</sup> March 2012 at the Hilton Hotel, Yaoundé, Cameroon

The seminar will assess Human Rights developments on the continent including reflections on 30 years of the African Charter and 25 years of the African Commission, recent cases at the African Court on Human and Peoples' Rights as well as prospects for African Court of Justice and Human Rights being vested with an international criminal jurisdiction. Participants will also discuss implantation strategies following the recent entry into force of the African Charter on Democracy and Elections and Good Governance as well as examine case studies on independence of the judiciary and the legal profession.

### ***PALU - ALSF Central and Western Africa Regional Seminar on International Commercial Law, 12- 14 March 2012, Yaoundé, Cameroon***

PALU and the African Legal Support Facility (ALSF) have jointly convened a regional training seminar for Central and Western Africa on complex international commercial negotiations and litigation to be held on the 12<sup>th</sup> to 14<sup>th</sup> of March 2012, at the Hilton Hotel, Yaoundé, Cameroon.

The regional seminar aims at increasing the technical capacity of public and private sector legal counsel in dealing with complex international agreements, facilitating increased and improved financing of infrastructure projects and developing the capacity of African lawyers to tackle vulture funds and better manage public debt.

The seminar agenda will also include a review of recent legal developments at Economic and Monetary Community of Central Africa (ECCAS), best practices in negotiating oil & gas investments agreements as well as the progress and challenges in harmonization of business laws in Africa at the Organization for the Harmonisation of Business Law in Africa (OHADA).

More than 70 participants from twenty three 23 countries are expected to attend. Speakers will include PALU President Barrister Akere T. Muna, Mr. Stephen Karangizi, Director of the ALSF and Mr. Kalidou Gadio, General Counsel of the African Development Bank (AfDB).

## **MEMBER NEWS**

### ***Arbitrary Arrest and Detention of Ralph Kasambara in Malawi***

Mr. Ralph Kasambara a well-respected Malawian Human Rights lawyer who served as Commissioner of the Malawi Human Rights Commission and Attorney General to the Republic of Malawi was arbitrarily detained between 13<sup>th</sup> and 21<sup>st</sup> February 2012.

On 13<sup>th</sup> February 2012, hired thugs in the presence of government security agents went to Mr. Kasambara's law firm with among other things, a petrol bomb, with the intention of assassinating or assaulting him.

Mr. Kasambara's guards managed to overpower the thugs and delivered them to a police station. Instead, the police arrested Mr. Kasambara and charged him with assault, kidnapping and torture. Mr. Kasambara's law firm partners procured bail from a Magistrate's Court and he was released on bail on the 13<sup>th</sup> February 2012.

Shortly thereafter, Mr. Kasambara was rearrested by police in disregard of the bail order. Mr. Kasambara's law firm partners and colleagues subsequently applied for and were granted bail by the High Court on the 17<sup>th</sup> February 2012, which the police and prison authorities ignored. Mr. Kasambara while under custody suffered a heart condition and was admitted to hospital under heavy guard. On the 21<sup>st</sup> of February 2012 after 8 days in detention, the Police served Mr. Kasambara with Bail papers, in so doing signifying that they released him in accordance with the High Court's Orders. Mr. Kasambara has since been discharged from hospital and is in good health.

PALU unequivocally condemns the arbitrary arrest of Mr. Kasambara and in conjunction with Malawi Law Society and the Southern African Development Community – Lawyers Association continues to monitor the situation.

### ***Burundi Bar Association Elects New Council and Appoints New CEO***

The Burundi Bar Association (BBA), the National Law Society of Burundi elected a new Council at its General Assembly on the 3 February 2012. The new leadership of BBA is composed of the following members;

1. Mr. Isidore Rufyikiri – President;
2. Mr. Antoine Nzobandora;
3. Mr. Willy Rubeya;
4. Mr. Fabien Segatwa;
5. Mr. Pascal Runyange;
6. Mr. Gédéon Mubirigi;
7. Mr. Gabriel Sinarinzi;
8. Mr. Onésime Kabayabaya; and

9. Mr. Virginie Nisubire.

Ms. Jeanine Nkinabacura was also appointed the new CEO of BBA.

### ***Law Society of Kenya Elects New Leadership***

Members of the Law Society of Kenya (LSK) on 16<sup>th</sup> February 2012 went to the polls to elect a new Council. The elections were conducted by the Independent Electoral and Boundaries Commission (IEBC) in 25 polling stations (High Courts) countrywide. The new Council is composed of the following members:

1. Mr. Eric Mutua – Chairperson;
2. Ms Lilian Rene Omondi - Vice-Chair person;
3. Ms. Waigwa Faith Waguthi;
4. Ms. Sijeny Judith Ochieng;
5. Mr. Mwamu James Aggrey;
6. Ms. Weda Ambrose Otieno;
7. Mr. Gichuhi Waiyaki;
8. Ms. Angote G Nyausi; and
9. Mr. Kanjama Charles Njiru.

LSK will hold its General meeting on 10<sup>th</sup> March 2012 at the Intercontinental Hotel in Nairobi, Kenya.

### ***Tanganyika Law Society Holds its Annual Conference and General Meeting***

The Tanganyika Law Society (TLS), the bar association of mainland Tanzania held its Annual Conference and General Meeting on 17<sup>th</sup> and 18<sup>th</sup> February in Arusha, Tanzania on the theme “*Breaking the Mould: Addressing the Practical and Legal Challenges of Justice Delivery in Tanzania.*” The Annual Conference and General meeting was well attended with over 700 participants. His Lordship Justice Mohammed Othman Chande, Chief Justice of the United Republic of Tanzania was invited as the guest of honour and delivered the keynote address. The General Meeting saw the election of new Council members as follows;

1. Mr. Francis K. Stolla – President;
2. Mr. Peter Kibatata – Vice President;
3. Ms. Brooke Montgomery – Treasurer;
4. Mr. Francis Mgare;
5. Ms. Fatma Karume;
6. Mr. Lugano Mwandambo;
7. Mr. James Jesse;
8. Mr. Zephrine Galeba; and
9. Mr. Addo Mwasongwe.

### ***PALU President Appointed to High Level Panel on Illicit Financial Flows from Africa***

PALU President Barrister Akere T. Muna was appointed to the High Level Panel on Illicit Financial Flows from Africa. The High Level Panel established by the United Nations Economic Commission for Africa (UNECA) was inaugurated on 18<sup>th</sup> February 2012 at the Sandton Convention Centre, Johannesburg, South Africa. The High Level Panel is chaired by H.E. Mr. Thabo Mbeki, former president of South Africa, and composed of nine other members both from within and outside the continent. The Panel Members are as follows:

1. H.E. Mr. Thabo Mbeki, former President of South Africa – Chair;
2. Mr. Abdoulie Janneh, Under-Secretary General and Executive Secretary of ECA –Vice Chair;
3. Barrister Akere Muna- President, Pan-African Lawyers Union, President, ECOSOC, Member, Eminent Persons Panel of the APRM, and Vice President, Transparency International;
4. H.E. Mrs. Ingrid Fiskaa - State Secretary for Environment and International Development, Norway;
5. Amb. Olusegun Apata - Chairman, Coca Cola Bottling Company, Nigeria;
6. Dr. Zeinab Bashir el Bakri - former Vice President of the African Development Bank, Tunisia;
7. Mr. Abdoulaye Bio-Tchane - former Minister of Finance and Economy of Benin;
8. Mr. Raymond Baker - Director, Global Financial Integrity, Washington DC;
9. Prof. El Hadi Makboul - Director, National Centre for the Study and Analysis of Population and Development (CENEAP), Algeria; and
10. Ms. Irene Ovonji-Odida - Human rights lawyer and activist for over 21 years and elected member of the East African Legislative Assembly for five years.

The High Level Panel was established to address the debilitating problem of illicit financial outflows from Africa which are estimated at US\$50 billion annually. Illicit financial outflows constitute a major source of resource leakage from the continent draining foreign exchange reserves, reducing tax collection, dwindling investment inflows, and worsening poverty in Africa. The methods and channels of illicit financial outflows are many and varied including tax havens and secrecy jurisdictions, over-invoicing, under-pricing, and different money laundering strategies. This source of resource outflows is far bigger and higher in terms of scale and magnitude than the normal corruption channels, which are focused upon globally.

### **FROM THE COURTS**

#### ***24<sup>th</sup> Ordinary Session of the African Court***

The African Court on Human and Peoples' Rights will hold its 24<sup>th</sup> Ordinary Session from the 19<sup>th</sup> to the 30<sup>th</sup> of March 2012 in Arusha, Tanzania. At this session, the Court will hold its first ever public hearings in two cases;

- Application No. 001/2011 - Femi Falana Case v. African Union, 22 and 23 February 2012.

This case was filed by a Nigerian human rights lawyer, who had made several efforts to get the Government of Nigeria to deposit the declaration required under Article 34(6) of the Protocol to the African Charter on Human and People's Rights on the Establishment of an African Court on Human and Peoples' Rights allowing direct access to the court for individuals and NGOs.

After this failed, he filed a case against the African Union (AU) as representative of its fifty three (53) Member States, asking the Court to find Article 34(6) of the Protocol Establishing the Court inconsistent with Articles 1, 2, 7, 13, 26 and 66 of the African Charter on Human and Peoples' Rights (African Charter). The applicant is seeking orders annulling Article 34(6) of the Protocol on the Establishment of the African Court.

- Application No. 009/2011 - Tanganyika Law Society and Legal and Human Rights Centre v. The United Republic of Tanzania and Application 011/2011 – Rev. Christopher R. Mtikila v. The United Republic of Tanzania (as consolidated cases), 26 and 27 February 2012.

This case is challenging the applicability of the legality of Tanzanian Constitution in particular the 1992 Eighth Amendment that prescribed a requirement for membership to and sponsorship by a political party for all persons running for Presidential, Parliamentary and Local Government elections.

The Applicants contend that the Eighth Amendment is a violation of Article 2 and 13(1) of the African Charter on Human and Peoples' Rights, and Articles 3 and 25 of the International Covenant on Civil and Political Rights (ICCPR). The Applicants are seeking declaratory orders to the effect that current Tanzanian law barring independent candidates from seeking public/elective office is in violation of the African Charter and the ICCPR.

Following the filing of Application No. 011/2011 on the basis of similar facts by Reverend Christopher Mtikila a long running public interest litigant in Tanzania, the Court ordered the joinder of the cases on 22<sup>nd</sup> September 2011.

PALU is part of the legal team representing the Tanganyika Law Society and Legal and Human Rights Centre.

### ***AU Summit Highlights***

The African Union Assembly held its 18<sup>th</sup> Ordinary Session on 29 and 30 January 2012 at the AU headquarters in Addis Ababa on the theme "Boosting Intra-African Trade."

After elections for the position of Chairperson of the Commission failed to obtain the required majority, the Assembly deferred the election to its next session and extended the term of office for the current commissioners. 10 new members were also elected to the Peace and Security Council as follows;

1. Cameroon Central Region
2. Congo Central Region
3. Djibouti Eastern Region
4. Tanzania Eastern Region
5. Egypt Northern Region
6. Angola Southern Region
7. Lesotho Southern Region
8. Cote d'Ivoire Western Region
9. Gambia Western Region
10. Guinea Western Region

## **Events**

### Triennial General Assembly

PALU would like to inform all members that it will hold its triennial General Assembly and 10 year Anniversary in the third quarter 2012. The General Assembly will bring together the five Regional and fifty four National Lawyers Associations as well as well as individual members. The General Assembly will provide an opportunity for the membership to assess the development of the legal profession on the Continent, lay out the organisation's strategic orientation and provide a networking platform for members. This year will see the General Assembly elect an Executive Committee to lead and represent the organization, formulate its policies and strategies, and supervise the secretariat.

The General Assembly will be preceded by a Council meeting. The PALU Council is composed of the Presidents of the Regional and National Lawyers Associations.

A formal notice of the General Assembly will be sent out to members in due course.

Other upcoming events include:

- Eastern and Southern Africa Seminar on Regional Human Rights Systems in Lusaka, Zambia in April 2012.
- Western Africa Seminar on Regional Human Rights Systems in Dakar, Senegal in May 2012.

## **Become a Member**

PALU is the umbrella association of African lawyers and law societies. It brings together the continent's five regional and fifty-four national lawyers' associations, as well as individual lawyer-members. Our mission is to work towards the development of the law and legal profession, the rule of law, human rights and socio-economic development of the African continent, including through supporting African regional integration. PALU actively engages and works with the African Union (AU) and its various organs and institutions. It has a formal Memorandum of Understanding on Co-operation and Collaboration with the AU. It is a member of the Economic, Social and Cultural Council of the African Union (ECOSOCC-AU), and its President, Akere T. Muna, presides over ECOSOCC-AU. Mr. Muna is also a Member of the Eminent Persons' Panel of the African Peer Review Mechanism (APRM). The PALU Chief Executive Officer, Mr. Donald Deya, chairs the Executive Committee of the Centre for Citizens' Participation in the African Union (CCP AU).

Membership of the Pan African Lawyer's Union entitles you to;

- Subscription to our unparalleled online monthly e-newsletter and e-bulletins on topical legal issues pertinent to Africa;
- Access to cutting edge commentary and legal analysis;
- Unprecedented access to a broad, continent-wide network of distinguished African legal scholars and professionals;
- Premier access to our online resource centre;
- Invitation to various seminars, trainings, conferences and networking events; and
- A detailed listing in our directory of members.

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