

THE YEAR IN REVIEW
AN ANNUAL PUBLICATION OF THE ABA/SECTION OF INTERNATIONAL LAW

Africa

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This article discusses the significant international legal developments that occurred in Africa in 2017.

I. North Africa

A. ALGERIA

1. Racial Profiling Deports Thousands

Starting in September 2017, “Algerian police and gendarmes began arbitrarily detaining migrants in” Algiers’ suburbs, with Amnesty International claiming the arrests were based on racial profiling, as some of those detained had valid visas.¹ Algerian authorities have reportedly launched a crackdown targeting foreign nationals and have expelled more

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1. *Algeria: Mass Racial Profiling Used to Deport More than 2,000 sub-Saharan Migrants*, AMNESTY INT’L, Oct. 23, 2017, <https://www.amnesty.org/en/latest/news/2017/10/algeria-mass-racial-profiling-used-to-deport-more-than-2000-sub-saharan-migrants/> (visited Nov. 11, 2017).

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than 2,000 sub-Saharan African migrants, including more than 300 minors, at least twenty-five of which were unaccompanied children.²

B. EGYPT

1. *Civil Society Restricted*

Published in the Official Gazette on May 29, President Sisi approved the law on Associations and Other Foundations Working in the Field of Civil Work to govern civil society organizations.³ The law replaces the 2002 law on Associations and Foundations, and has been criticized by human rights organizations, which issued a statement that it “ushers in unprecedented levels of repression and [criminalizes] the work of many NGOs making it impossible for them to function independently.”⁴

C. LIBYA

1. *New Draft Constitution*

The Libyan Constitutional Drafting Assembly (CDA) approved a draft constitution, although only forty-four of sixty members attended the session approving the draft.⁵ Further, armed forces backing General Khalifa Haftar (leader of the self-styled Libyan National Army) stormed the CDA to ensure the removal of provisions in the draft constitution that would have prevented Haftar from running for president.⁶

D. TUNISIA

1. *Gender Equality Law*

In July, Tunisia’s parliament approved legislation targeting violence against women.⁷ The law closes loopholes, such as a provision that enabled men to escape prosecution by marrying their victims.⁸ The legislation also raises the age of consent from thirteen to sixteen and criminalizes marital rape.⁹ In addition, workplace and wage discrimination may be fined 2,000 Tunisian dinars (US\$817) and sexual harassment is now a criminal offence

2. *Id.*

3. *Civic Freedom Monitor: Egypt*, ICNL, <http://www.icnl.org/research/monitor/egypt.html> (last updated Dec. 15, 2017).

4. *Civic Freedom Monitor*, supra note 3; *Egypt: New Law Will Crush Civil Society*, RELIEFWEB (June 2, 2017), <https://reliefweb.int/report/egypt/egypt-new-law-will-crush-civil-society>.

5. Elissa Miller, *Libya’s Draft Constitution and the Stalled Political Process*, ARAB WKLY (Aug. 6, 2017), <http://www.theArabweekly.com/Opinion/9001/Libya%E2%80%99s-draft-constitution-and-the-stalled-political-process>.

6. *Id.*

7. Conor McCormick-Cavanagh, *New Tunisian Law Takes Long Stride toward Gender Equality*, AL-MONITOR (July 28, 2017), <https://www.al-monitor.com/pulse/ru/originals/2017/07/tunisia-new-law-women-protection-violence-rape-2018.html>.

8. *Id.*

9. *Id.*

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“punishable by two years in prison and a fine of 5,000 Tunisian dinars” (US\$2,000).¹⁰

2. *Corruption Amnesty*

In September, parliament passed a law granting amnesty to civil servants who did not personally benefit from embezzling public funds. Passage of the law gave rise to new national protests.¹¹

E. MOROCCO

1. *New Coalition Government*

Since the 2011 Arab Spring protests, King Mohammed VI has introduced reforms to electoral and administrative laws.¹² In addition, in March 2017, the Islamic Justice and Development Party formed a new coalition government after the October 2016 elections.¹³

2. *Human Rights Review*

Morocco was one of fourteen states to have its human rights record reviewed by the UN Human Rights Council.¹⁴ Rejecting forty-four of the 244 recommendations as “unconstitutional,” the country resisted changing its laws on “child marriage, marital rape, gender equality, equality of inheritance, violence against women, [and] discrimination against children born out of wedlock”¹⁵

F. WESTERN SAHARA

1. *Ruling Strains Relations*

In March 2017, European Parliament members met to discuss relations with Morocco, which have soured since December when the European

10. *Id.*

11. Nadia Marzouki, *Why Tunisia Just Passed Controversial Laws on Corruption and Women’s Right to Marry*, WASHINGTON POST, (Sept. 21, 2017), https://www.washingtonpost.com/news/monkey-cage/wp/2017/09/21/why-tunisia-just-passed-controversial-laws-on-corruption-and-womens-right-to-marry/?utm_term=.6b16b19310c4.

12. Samia Errazzouki, *Moroccan Prime Minister Agrees to Form Coalition Government with Five Other Parties*, REUTERS, (Mar. 25, 2017), <http://www.reuters.com/article/us-morocco-politics/moroccan-prime-minister-agrees-to-form-coalition-government-with-five-other-parties-idUSKBN16W0V7?il=0>.

13. *Id.*

14. *Morocco’s Human Rights Record to be Reviewed by Universal Periodic Review*, U.N. OFF. OF THE HIGH COMM’R OF HUM. RTS. (Apr. 27, 2017), <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21564&LangID=E>.

15. Chaima Lahsini, *Morocco Rejects Multiple UN Recommendations on Women’s Rights as ‘Unconstitutional’*, MOROCCO WORLD NEWS (Sept. 21, 2017), <https://www.moroccoworldnews.com/2017/09/229025/morocco-rejects-multiple-un-recommendations-on-womens-rights-as-unconstitutional/>.

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Court of Justice ruled that free-trade agreements between the EU and Morocco did not apply to the Western Sahara territory.¹⁶ Morocco has controlled the former Spanish colony since 1976 and regards challenges to the area as an attack on its territorial integrity.¹⁷

II. West Africa

A. Benin

1. *Mayors Removed from Office*

Mayors and appointees across Benin have been accused of mismanaging their resources and removed from office since President Patrice Talon took office in April 2016.¹⁸ Suspensions continued in 2017 with the mayors of Ouidah, Djougou, and Cotonou being removed.¹⁹ Although the government has denied a link between the mayors' support of past president Boni Yayi, affected office-holders were members or allies of Boni Yayi's party.²⁰

B. BURKINA FASO

1. *Human Rights Defenders Law*

In July 2017, President Kaboré enacted the Human Rights Defenders Law.²¹ The law, which defines defenders as any person or group whether or not registered, protects human rights "defenders against reprisals, arbitrary detention, or execution . . ."²² Prior to the law registration was required to undertake human rights activities.²³

16. Charlotte Bruneau, *EU Deeply Divided over Western Sahara Policy*, AL-MONITOR (Mar. 22, 2017), <https://www.al-monitor.com/pulse/originals/2017/03/morocco-western-sahara-eu-exports-polisario-front.html>.

17. *Id.*

18. *Mayors Removed from Office*, ECONOMIST (Sept. 13, 2016), <http://country.eiu.com/article.aspx?articleid=1134601897&Country=benin&topic=politics&subtopic=forecast&subsubtopic=PoliticalStability&u=1&pid=1155974499&oid=1155974499&uid=1>.

19. See Soumanou Salifou, *Cotonou Mayor's Suspension for "Grave Faults" Causes Stir*, THE AFRICAN (July 31, 2017), <http://www.myafricanmagazine.com/cotonou-mayors-suspension-for-grave-faults-causes-stir/>; Yao Hervé Kingbéwê, *Benin: Mayor Alassane Zoumarou of Djougou Dismissed*, BANOUTO (Oct. 30, 2017), <https://www.banouto.info/article/politique/20171030-bnin-maire-alassane-zoumarou-de-djougou-destitu/>.

20. *Mayors Removed from Office*, *supra* note 18.

21. Loi Portant protection des défenseurs des droits humains au Burkina Faso [Law On Protection of Defenders of Human Rights in Burkina Faso] No. (039-2017/AN) (2017) (Burk. Faso), https://www.ishr.ch/sites/default/files/documents/loi_protection_des_defenseurs_des_droits_humains_bf.pdf.

22. Clement Voule, *Burkina Faso-Ensure Full Implementation of Important New Law on Human Rights Defenders*, INT'L SERV. FOR HUM. RTS. (Feb. 9, 2017), <https://www.ishr.ch/news/burkina-faso-ensure-full-implementation-important-new-law-human-rights-defenders>.

23. *See Id.*

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C. CAPE VERDE

1. *Business Incubators Framework*

In May 2017, Cape Verde approved a legal framework of business incubators, Decree-Law No. 20/2017, to protect the incorporation of new micro, small, and medium-sized companies. (Decree-Law No. 20/2017).²⁴ Incubators support the early-stage incorporation or development of companies.²⁵

D. CÔTE D'IVOIRE

1. *Constitutional Reform Moves Ahead*

President Ouattara's campaign had supported an overhaul of the 2000 constitution, which replaced Côte d'Ivoire's founding 1960 document.²⁶ Draft proposals created the office of vice president and a second legislative house with two-thirds of senators elected to five-year terms by direct universal suffrage, with the remaining one-third of senators appointed by the president.²⁷

E. GAMBIA

1. *New President*

In January 2017, Adam Barrow assumed the Gambian presidency, promising rule of law and sweeping reforms after defeating twenty-two-year incumbent Yahya Jammeh.²⁸ Amnesty International lauded the new president's progress after 100 days but called for major reforms to break with the country's past.²⁹

24. Miranda All., *Business Incubators Legal Framework Approved*, LEGAL NEWS: CAPE VERDE - MAR. THROUGH MAY 2017 (June 1, 2017), <http://www.mirandalawfirm.com/en/insights-knowledge/publications/legal-news/cape-verde-legal-news-march-through-may-2017>.

25. *Id.*

26. Oxford Bus. Group, *Constitutional Reform in Cote d'Ivoire is On the Way in 2017*, COTE D'IVOIRE—ECON., <https://www.oxfordbusinessgroup.com/analysis/ringing-changes-constitutional-reform-way-2017> (last visited Nov. 11, 2017).

27. *Id.*

28. *Gambia: President Adama Barrow Pledges Reforms*, AL-JAZEERA, (Jan. 28, 2017), <http://www.aljazeera.com/news/2017/01/gambia-president-adama-barrow-pledges-reforms-170128194124520.html>.

29. *Gambia: Progress in First 100 Days of Barrow Government Requires Major Reform to Break with Brutal Past*, AMNESTY INT'L (Apr. 27, 2017), <https://www.amnesty.org/en/latest/news/2017/04/gambia-progress-in-first-100-days-of-barrow-government-requires-major-reform-to-break-with-brutal-past/>.

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F. GHANA

1. *Ghana Wins Maritime Dispute*

In September 2017, the Special Chamber of the International Tribunal of the Law of the Sea “ruled in favor of Ghana in the three-year maritime dispute between [it] and Côte d’Ivoire.”³⁰ The Chamber ruled that Ghana had not violated its neighbour’s maritime boundary or its sovereign rights with oil exploration.³¹ Côte d’Ivoire had acknowledged Ghana’s ownership of the Cape Three Points area in the decades leading up to the oil discovery.³²

G. GUINEA

1. *PPP Law*

In July 2017, the Guinean parliament adopted a public-private partnerships law repealing the 1998 Build-Operate-Transfer (BOT) law and overturning public procurement code provisions.³³ The country aims to conduct at least thirty-six infrastructure projects in Guinea in the next few years.³⁴

H. GUINEA-BISSAU

1. *Greenpeace Patrol Highlights Illegal Fishing*

A March 2017 joint patrol by Greenpeace and fisheries managers found illegal fishing boats in the West African area, which the UN Food and Agriculture Organization has said has the world’s highest rates of over-exploitation.³⁵ Four boats—two owned by Spanish companies and two owned by Chinese companies—were sent into the port of Bissau for unpaid fines, improperly indicating names of vessels, and “illegal trans-shipment.”³⁶ Trans-shipment involves the transfer of catches from one vessel to another,

30. Jonas Nyabor, *Ghana Wins Maritime Dispute Case against Ivory Coast*, CITI-FM-ONLINE (Sept. 23, 2017), <http://citifmonline.com/2017/09/23/ghana-wins-maritime-dispute-case-against-ivory-coast/>.

31. *Id.*

32. *Id.*

33. Trinity, *New Law on Public-Private Partnerships in Guinea-Conakry*, TRINITY INT’L LLP (July 13, 2017), <http://www.trinityllp.com/new-law-on-public-private-partnerships-in-guinea-conakry/>.

34. Jones Day, *Republic of Guinea Passes Public-Private Partnerships Law to Lure Investors*, JONES DAY PUBL’N (July 2017), <http://www.jonesday.com/republic-of-guinea-passes-public-private-partnership-law-to-lure-investors-07-31-2017/>.

35. John C. Cannon, *Officials Greenpeace Nab Four Boats for Illegally Fishing near Guinea-Bissau*, MONGABAY (Apr. 3, 2017), <https://news.mongabay.com/2017/04/officials-greenpeace-nab-four-boats-for-illegally-fishing-near-guinea-bissau/>.

36. *Id.*

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which can enable companies to ‘launder’ a catch mixing legally and illegally-caught fish.³⁷

I. LIBERIA

1. *Elections as Sirleaf’s Term Ends*

November run-off elections were triggered when no candidate gained more than 50 percent in Liberia’s 2017 election.³⁸ The Supreme Court issued a temporary injunction to delay the run-off following allegations of fraud after the first round.³⁹ in October. Footballer George Weah and deputy president Joseph Boakai were vying to succeed 12-year office-holder Ellen Johnson Sirleaf, who was Africa’s first female president when elected in 2005.⁴⁰

J. MAURITANIA

1. *AGOA Removal Petition*

In August 2017, the U.S. trade union, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), called on the US trade representative to remove Mauritania from the African Growth and Opportunity Act (AGOA) roster.⁴¹ AGOA permits countries to export goods duty-free to U.S. markets if they uphold human rights and meet labor standards.⁴² Although Mauritania abolished slavery in 1981 and criminalized it in 2007, it still has one of the highest rates of modern-day slavery.⁴³ The union thought it unlikely that Mauritania would be removed but said the petition should put Mauritania on notice.⁴⁴

37. *Id.*

38. *Weah’s Party Raises Tone after Liberia Election Delayed*, NEWS24 (Nov. 9, 2017), <https://www.news24.com/Africa/News/weahs-party-raises-tone-after-liberia-election-delayed-20171109>.

39. Daniel Nyakonah & Ruth Maclean, *Liberian Court Halts Presidential Runoff amid Fraud Allegations*, GUARDIAN (Nov. 1, 2017), <https://www.theguardian.com/world/2017/nov/01/liberia-court-halts-presidential-runoff-amid-allegations>

40. *Weah’s Party Raises Tone after Liberia Election Delayed*, *supra* note 38. Nyakonah, *supra* note 39.

41. Rebecca Ratcliffe, *US Warned Mauritania’s ‘Total Failure’ on Slavery Should Rule Out Trade Benefits*, GUARDIAN (Aug. 25, 2017), <https://www.theguardian.com/global-development/2017/aug/25/us-warned-mauritania-total-failure-slavery-trade-benefits>.

42. *Id.*

43. *Id.*

44. *Id.*

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K. MALI

1. *Referendum Shelved*

In August 2017, President Ibrahim Boubacar Keïta suspended plans for constitutional reform that had ignited opposition and street protests.⁴⁵ The changes would have enabled the president to nominate one-quarter of the Senate and remove the prime minister at will, establish a new Senate chamber, and recognize Tuareg claims to a degree of autonomy.⁴⁶

2. *UN Investigating Mass Graves*

In August 2017, the United Nations indicated it was investigating mass graves in northern Mali along with human rights abuses committed by armed groups vying for control of the area.⁴⁷ The UN mission said “human rights investigators had uncovered evidence of forced disappearances, kidnapping, and robbery”⁴⁸ In October International Criminal Court Prosecutor Fatou Bensouda visited Mali to review the human rights situation.⁴⁹

L. NIGER

1. *US Deployment Unlawful*

An October 4, 2017 ambush by Islamist militants on a twelve-member US Army Special Forces team and thirty Nigerien troops resulted in the deaths of four US Special Forces team members and five Nigerien soldiers.⁵⁰ The attack brought attention to military missions that get little public scrutiny or congressional authorization.⁵¹ The U.S. had announced in 2013 that it was sending 100 troops to Niger as “support for intelligence collection,” but by 2017 the number had risen to 800.⁵² A failure to obtain “specific

45. Reuters Staff, *Mali President Postpones Referendum on Reforms*, REUTERS (Aug. 19, 2017), <https://www.reuters.com/article/us-mali-politics/mali-president-postpones-referendum-on-reforms-idUSKCN1AZ0CS>.

46. *Id.*

47. *UN Investigating Mass Graves in Northern Mali*, INT’L CTR. FOR TRANSITIONAL JUST. (Aug. 8, 2017), <https://www.ictj.org/news/un-investigating-mass-graves-northern-mali>.

48. *Id.*

49. APA News, *ICC Chief Prosecutor Due in Mali Tuesday*, J. DU CAMEROUN (Oct. 17, 2017), <https://www.journalducameroun.com/en/icc-chief-prosecutor-due-in-mali-tuesday/>.

50. Jason Burke & Julian Borger, *US Special Forces ‘Fought Niger Ambush Alone after Local Troops Fled’*, GUARDIAN (Nov. 4, 2017), <https://www.theguardian.com/world/2017/nov/04/special-forces-unit-ambushed-in-niger-desperately-called-for-help-sources-say>.

51. *Id.*

52. Allison Graves, Angie Drobnic Holan, Sophie Kaplan, *The Big Picture: Niger and What we Know about What Happened to U.S. Troops*, POLITIFACT, (Oct. 22, 2017), <http://www.politifact.com/truth-o-meter/article/2017/oct/22/big-picture-niger-and-what-we-know-about-what-happ/>.

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authorization” from the U.S. Congress is in violation of the War Powers Resolution.⁵³

M. NIGERIA

1. *National Tax Policy*

In February 2017, Nigeria’s Federal Executive Council approved a new tax policy applicable to all tiers of government.⁵⁴ The National Tax Policy (NTP) reinforces the need for tax laws and administrative practices to promote economic development. Recommendations include establishing an independent tax court.⁵⁵

2. *Affordable Credit*

In May 2017, then-acting president Yemi Osinbajo enacted two bills—the Secured Transactions in Movable Assets Act 2017 (MAA) (also known as the Collateral Registry Act) and the Credit Reporting Act 2017 (CRA).⁵⁶ The MAA enables micro, small, and medium-sized enterprises to register movable assets, such as motor vehicles, and use them as collateral to obtain loans.⁵⁷ The CRA provides for credit information-sharing between credit bureaus and lenders.⁵⁸

N. SÃO TOMÉ AND PRÍNCIPE

1. *New Investment Regulations*

In 2016 São Tomé e Príncipe adopted Decree-law No. 19/2016 (an investment code for private investment) and Decree-law No. 15/2016 (a tax benefits code).⁵⁹ The tax benefits code promotes private investment in public infrastructure with incentives for investment in sectors such as agriculture, tourism and international commerce.⁶⁰

53. Jimmy Gurulé, *Deploying US Armed Forces in Niger is Unlawful*, CNN, (Oct. 24, 2017), <http://edition.cnn.com/2017/10/24/opinions/deploying-us-armed-forces-in-niger-is-unlawful-opinion-gurule/index.html>.

54. Taiwo Oyedele, *Nigeria Has a New National Tax Policy*, PWC (Feb. 2, 2017), http://pwc-nigeria.typepad.com/tax_matters_nigeria/2017/02/nigeria-has-a-new-national-tax-policy.html.

55. *Id.*

56. Oladeinde Olawoyin, *Osinbajo Signs New Laws to Ease Access to Loans for Small Businesses*, PREMIUM TIMES (May 30, 2017), <https://www.premiumtimesng.com/news/232597-breaking-osinbajo-signs-new-laws-to-ease-access-to-loans-for-small-businesses.html>.

57. *Id.*

58. *Id.*

59. Pieter Van Welzen, *São Tomé e Príncipe: New Investment Regulations*, CLIFFORD CHANCE (Jan. 24, 2017), https://www.cliffordchance.com/briefings/2017/01/sao_tome_e_principenewinvestmentregulations.html.

60. *Id.*

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O. SENEGAL

1. *Habré Sentence Upheld*

In April 2017, the appeals court of the Extraordinary African Chambers—a tribunal created by the African Union and Senegal to try international crimes committed in Chad between June 1982 and December 1990—upheld the life sentence of former Chad president Hissène Habré for war crimes.⁶¹ The Dakar trial began in 2015 after victims spent more than sixteen years pursuing the case.⁶²

P. SIERRA LEONE

1. *Citizenship through Mothers*

In July 2017, Sierra Leone's parliament passed the Citizenship Amendment Act 2017, replacing the 1973 Act, to permit children born to foreign fathers to gain citizenship through their mother.⁶³

2. *Constitutional Overhaul*

In August 2017, a Government White Paper on the Constitutional Review Committee report was released.⁶⁴ The review is expected to result in a fundamental shake-up of the 1991 Constitution and to reshape the way Sierra Leone has been governed since gaining independence in 1961.⁶⁵

Q. TOGO

1. *Constitutional Reform Calls*

At least 100,000 opposition supporters reportedly took to the streets in cities across Togo calling for constitutional reform.⁶⁶ In September 2017, at a cabinet meeting chaired by President Faure Gnassingbe, ministers approved plans restricting terms in office and bringing changes to the voting

61. *Court Upholds Life Sentence of Chad's Hissene Habre*, AL-JAZEERA (Apr. 27, 2017), <http://www.aljazeera.com/news/2017/04/court-upholds-life-sentence-chad-hissene-habre-170427132626067.html>.

62. *Id.*

63. *Sierra Leone: Parliament Passes Amended Citizenship Law*, AGENCE DE PRESSE AFRICAINE (July 6, 2017), [APA NEWS] <http://apanews.net/en/news/sierra-leone-parliament-passes-amended-citizenship-law>.

64. Clarence Roy-Macaulay, *Sierra Leone Government Releases to Parliament White Paper on CRC Report*, STANDARD TIMES PRESS, <http://standardtimespress.org/?p=7672> (last visited Nov. 12, 2017).

65. Abdul-Rashid Thomas, *Big Changes to the Constitution of Sierra Leone Announced*, SIERRA LEONE TELEGRAPH (Feb. 17, 2016) <http://www.thesierraleonetelegraph.com/big-changes-to-the-constitution-of-sierra-leone-announced/>.

66. *Togo Protesters Demand Constitutional Reform*, AL-JAZEERA (Sept. 7, 2017), <http://www.aljazeera.com/news/2017/09/togo-protesters-demand-constitutional-reform-170906145011193.html>.

system.⁶⁷ Opposition leaders had called for such reforms since 2005 when Gnassingbe succeeded his father who ruled for nearly forty years.⁶⁸

III. Central Africa

A. Cameroon

1. *Common Law Reform*

Responding to demands from English-speaking regions, President Biya ordered the special recruitment of Common Law personnel, both at the Supreme Court and in academic institutions training magistrates.⁶⁹

2. *Military Justice Reform*

In July 2017, Cameroon's National Assembly adopted a new military justice code.⁷⁰ The act follows anti-terrorism legislation introduced to counter Boko Haram and replaces the 2008 law, extending the jurisdiction of military courts to war crimes, crimes against humanity, and genocide.⁷¹

B. CENTRAL AFRICAN REPUBLIC

1. *Special Criminal Court*

In 2017, progress was made toward creation of the Special Criminal Court in the Central African Republic (SCC), which will have jurisdiction over grave human rights violations and serious violations of international humanitarian law committed since 2003.⁷² The SCC will be located within the CAR's legal system; however, it will be staffed by both national and international judges and staff, and it will be supported by the peacekeeping mission (MINUSCA) and UNDP.⁷³

67. *Id.*

68. *Id.*

69. See Yerima Kini Nsom, *Biya Orders Creation of Common Law Depts at Supreme Court*, ENAM, CAMEROON POSTLINE (Apr. 10, 2017), <http://www.cameroonpostline.com/biya-orders-creation-of-common-law-depts-at-supreme-court-enam/>.

70. *Des criminels de guerre bientôt jugés au Cameroun (War Criminals Soon to be Judged in Cameroon)*, ACTU-PLUS (Aug. 10, 2017), <http://www.actu-plus.cm/2017/08/des-criminels-de-guerre-bientot-juges-au-cameroun/> (visited Nov. 4, 2017).

71. See *War Criminals supra* note 70; See also U.S. Dep't of St., Bureau of Democracy, Hum. Rts., and Lab., 2009 Hum. Rts. Rep.: Cameroon.

72. Erica Bussey, *Progress and Challenges in Establishing the Special Criminal Court in the Central African Republic*, AMNESTY INT'L (Oct. 2, 2017), <https://www.amnesty.org/en/latest/campaigns/2017/10/progress-and-challenges-in-establishing-the-special-criminal-court-in-the-central-african-republic/>.

73. *Id.*

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C. CHAD

1. *Amnesty Points to Repression*

In September, an Amnesty International report found increasing restrictions on the rights of freedom of expression, association, and peaceful assembly in Chad.⁷⁴ The report noted that sixty-five associations were refused authorization for peaceful protest in a two-year period, websites were blocked, and during one year, thirteen ministerial decrees were issued banning protests.⁷⁵ The report indicated that increasingly repressive laws and intelligence services were working to silence critics.⁷⁶

D. CONGO (DEMOCRATIC REPUBLIC)

1. *President Overruns Step-down*

President Joseph Kabila failed to honor a 2016 pact brokered by the Catholic Church for him to leave office by the end of 2017 and turn control over to a transitional government that would organize new elections.⁷⁷ The impasse has led to a humanitarian crisis with the National People's Coalition for the Sovereignty of the Congo, which is taking control of villages in the east and threatening the capital, Kinshasa.⁷⁸

2. *UN Experts Investigate Kasai*

In March 2017, two UN experts were killed investigating mass graves which were allegedly from a massacre of the opposition by government troops.⁷⁹ In addition, in June 2017, the UN Human Rights Council adopted a resolution to send international experts to investigate human rights violations in the central Kasai region.⁸⁰

74. *Chad: Increasing Use of Repressive Laws amid Brutal Crackdown on Human Rights Activists*, AMNESTY INT'L, Sept. 14, 2017, <https://www.amnesty.org/en/latest/news/2017/09/chad-increasing-use-of-repressive-laws-amid-brutal-crackdown-on-human-rights-activists/> (visited Nov. 13, 2017).

75. *Id.*

76. *Id.*

77. Jeffrey Gettleman, *Pact Would Force Out Joseph Kabila from Congo. If, of Course, He Agrees*, N.Y. TIMES (Jan. 3, 2017), <https://www.nytimes.com/2017/01/03/world/africa/congo-joseph-kabila-elections.html>.

78. Fiston Mahamba, *Eastern Congo Rebels Aim to March on Kinshasa: Spokesman*, REUTERS (Sept. 29, 2017), <https://uk.reuters.com/article/congo-rebels/eastern-congo-rebels-aim-to-march-on-kinshasa-spokesman-idUKL8N1MA69A>.

79. Kimiko de Freytas-Tamura & Somini Sengupta, *For 2 Experts Killed in Congo, UN Provided Little Training and No Protection*, N.Y. TIMES, May 20, 2017, <https://www.nytimes.com/2017/05/20/world/africa/congo-zaida-catalan-michael-j-sharp-united-nations-democratic-republic-of-congo.html>; Georgianne Neienaber, *Did Murdered U.N. Expert Unknowingly Tell Her Killers How to Find Her?*, HUFFINGTONPOST (May 5, 2017), https://www.huffingtonpost.com/entry/did-murdered-un-expert-unknowingly-tell-her-killers_us_590cfd2be4b046ea176aeb49.

80. Ida Sawyer, *Hope for Justice in the Kasai Region*, HUM. RTS. WATCH (June 24, 2017), <https://www.hrw.org/blog-feed/democratic-republic-congo-crisis#blog-305653>.

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E. CONGO (REPUBLIC)

1. *Ruling Party Wins Parliament*

In July 2017, President Denis Sassou Nguesso's ruling Congolese Labour Party (PCT) won a majority in parliamentary elections by winning ninety of the 151 seats.⁸¹ Opposition leaders boycotted the polls after the first round of voting on July 16, 2017, faulting Congo's electoral body for "shambolic elections."⁸² The elections were held, despite international community concerns over crisis in the Pool region where the first round of elections excluded nine constituencies due to security concerns.⁸³

F. EQUATORIAL GUINEA

1. *VP Convicted*

In October, a French court convicted Vice President Teodorin Obiang of corruption in the first of several expected trials arising from investigations into French assets held by the ruling families of Equatorial Guinea, Gabon, and Congo-Brazzaville.⁸⁴ The court ordered confiscation of Obiang's Paris mansion and assets worth US\$130 million.⁸⁵ He was also given a three-year suspended prison sentence and a US\$34 million fine.⁸⁶

G. GABON

1. *EU Repression Motion*

Recalling a 2016 African Union statement condemning post-electoral violence in Gabon, in September 2017, a European Parliament motion called on the country to respect constitutional rights including freedom of demonstration and expression.⁸⁷ The motion noted that since its 1960 independence from French colonial rule, the republic had only three presidents, two of whom of which were a father and son, presiding since

81. *Au Congo-Brazzaville victoire sans surprise au parti de Denis Sassou Nguesso aux législatives [In Congo-Brazzaville Victory without Surprise for the Party of Denis Sassou Nguesso to Parliamentarians]*, LE MONDE (Aug. 3, 2017), http://www.lemonde.fr/afrique/article/2017/08/03/au-congo-brazzaville-victoire-sans-surprise-du-parti-de-denis-sassou-nguessou-aux-legislatives_5168122_3212.html.

82. *Congo: Second Round of Legislative Polls amid Opposition Boycott*, AFRICA NEWS (July 30, 2017), <http://www.africanews.com/2017/07/30/congo-second-round-of-legislative-polls-amid-opposition-boycott/>.

83. *Id.*

84. David Chazan, *France Convicts Equatorial Guinea's Vice President of Corruption in Landmark Trial*, TELEGRAPH (Oct. 27, 2017), <http://www.telegraph.co.uk/news/2017/10/27/france-convicts-equatorial-guineas-vice-president-corruption/>.

85. *Id.*

86. *Id.*

87. Resolution on Gambon: Repression of the Opposition, EUR. PARL. DOC. 2017/2830 (2017).

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1967.⁸⁸ This was seen as an indication that there was no true democratic process in the country.⁸⁹

IV. East Africa

A. Burundi

1. *War Crimes Investigations*

In November, the International Criminal Court ordered formal investigations into crimes committed since April 2015 when President Pierre Nkurunziza sought a third term in office, which triggered protests and a crackdown by security forces.⁹⁰ Burundi has refused to cooperate, and it will likely be hard for the court to gather evidence without support from the country.⁹¹ In October 2017, Burundi became the first signatory to withdraw from Hague-based court.⁹²

B. DJIBOUTI

1. *Jeddah Amendment*

A meeting of Djibouti Code of Conduct signatory states, observers, and international organizations convened in Jeddah from January 10 to January 12, 2017, and adopted a revised Djibouti Code of Conduct.⁹³ Instrumental in repressing piracy in the Western Indian Ocean and the Gulf of Aden, the code now covers other illicit maritime activities, including human trafficking, terrorism, and illegal fishing.⁹⁴ The Jeddah Amendment calls on signatory states to cooperate in tackling transnational maritime crime.⁹⁵

C. ERITREA

1. *Human Rights Situation Continues*

In June 2017, the UN Human Rights Council extended the mandate of Special Rapporteur, Sheila Keetharuth, whose report at its thirty-fifth session found it had not addressed human rights concerns.⁹⁶ In addition, in

88. *Id.*

89. *Id.*

90. Toby Sterling & Katharine Houreld, *Burundi Rejects International Criminal Court War Crimes Investigation*, REUTERS (Nov. 10, 2017), <http://www.reuters.com/article/us-warcrimes-burundi/burundi-rejects-international-criminal-court-war-crimes-investigation-idUSKBN1DA1IH?il=0>.

91. *Id.*

92. *Id.*

93. Press Release, Int'l Mar. Org., *The Jeddah Amendment to the Djibouti Code of Conduct*, <http://www.imo.org/en/OurWork/Security/PIU/Pages/DCoC.aspx> (last visited Nov. 13, 2017).

94. *Id.*

95. *Id.*

96. Sheila B. Keetharuth (Special Rapporteur on the Situation of Human Rights in Eritrea), Human Rights Council, U.N. Doc. A/HRC/35/39 (June 6-23, 2017).

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October 2017, Eritrean authorities used gunfire to disperse protesters, who opposed restricting the activity of an Islamic school in Asmara.⁹⁷ Protesters claimed twenty-eight people were killed, but authorities maintained that the confrontation ended peacefully.⁹⁸

D. ETHIOPIA

1. *UN Arbitrary Detention Claims*

In 2017 the UN Human Rights Council's Working Group on Arbitrary Detentions held that Ethiopia was flouting international human rights obligations concerning arbitrary detentions, notably the International Covenant on Civil and Political Rights (ICCPR).⁹⁹ The Group criticized Ethiopia's failure to provide information on the detention of opposition figure Andualen Aragie Walle.

E. KENYA

1. *Female Representation Order*

In March 2017, the Kenyan High Court found that the National Assembly and the Senate failed to meet constitutional obligations that not more than two-thirds of their members be of the same gender.¹⁰⁰ The court ordered the assembly to comply within sixty days or be subject to a petition for dissolution of the two houses. The sixty-day deadline was not met.¹⁰¹

2. *Elections Annulled*

In September 2017, the Kenyan Supreme Court annulled the 2017 presidential elections citing irregularities.¹⁰² Incumbent president Uhuru Kenyatta and two dissenting judges criticized the annulment and introduced an amendment preventing the courts from invalidating elections if

97. Anealla Safdar, *Eritrea Opposition: Security Forces Kill 28 Protestors*, AL-JAZEERA (Nov. 1, 2017), <http://www.aljazeera.com/news/2017/11/eritrea-opposition-security-forces-kill-28-protesters-171101171043467.html>.

98. *Id.*

99. *Ethiopia Flouting International Laws over Arbitrary Detention—UN Group*, AFRICA NEWS (Oct. 4, 2017), <http://www.africanews.com/2017/10/04/ethiopia-flouting-international-laws-over-arbitrary-detention-un-group/>.

100. Hanibal Goitom, *Kenya: Parliament Ordered to Enact Legislation Related to Increasing the Number of Female Members*, LAW LIBRARY OF CONGRESS (Apr. 19, 2017), <http://www.loc.gov/law/foreign-news/article/kenya-parliament-ordered-to-enact-legislation-related-to-increasing-the-number-of-female-members/>.

101. *Id.*

102. Rael Ombuor & Paul Schemm, *Kenya's Supreme Court Annuls Presidential Election Result for Irregularities, Orders New Vote*, WASH. POST (Sept. 1, 2017), https://www.washingtonpost.com/world/kenya-supreme-court-cancels-presidential-election-result-for-irregularities-orders-new-election/2017/09/01/ceee81d6-8ef4-11e7-84c0-02cc069f2c37_story.html?utm_term=.9bb2e963c39b.

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irregularities fell short of affecting the outcome.¹⁰³ Kenyatta was thereafter re-elected in October.

F. RWANDA

1. *Third Term*

In August 2017, Paul Kagame was re-elected president with 99 percent of the vote after winning a 2015 constitutional referendum that provided an amendment to allow an unprecedented third term.¹⁰⁴

2. *Rwandan Refugee Status to Cease*

On December 31, 2017, Rwandans who fled the country between 1959 and 1998 will cease to be classified as refugees by the UN High Commission for Refugees (UNHCR) when the Cessation Clause is implemented.¹⁰⁵ The UNHCR felt the circumstances that prompted the mass exile of Rwandans had ceased.¹⁰⁶

G. SEYCHELLES

1. *International Companies Regime*

In 2017 Seychelles implemented the International Business Companies Act 2016 to address concerns of the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG) in line with the Financial Action Task Force (FATF) standards to re-enforce the country's Anti-Money Laundering Framework.¹⁰⁷ The Act repeals and replaces 1994 legislation, including an extended list of prohibited activities for IBCs, such as running a securities business, a gambling business, or a business as a mutual fund unless licensed in Seychelles.¹⁰⁸

103. Duncan Miriri & George Obulutsa, *Kenya's Ruling Party Moves to Amend Election Law Ahead of Vote Re-run*, REUTERS (Sept. 28, 2017), <https://www.reuters.com/article/us-kenya-election-law/kenyas-ruling-party-moves-to-amend-election-law-ahead-of-vote-re-run-idUSKC11C31K5>.

104. Jason Burke, *Paul Kagame Re-elected President with 99% of Vote in Rwanda Election*, GUARDIAN (Aug. 5, 2017), <https://www.theguardian.com/world/2017/aug/05/paul-kagame-secures-third-term-in-rwanda-presidential-election>.

105. *Rwanda and Partners Geared up for the Cessation Clause Deadline*, NEW TIMES (Mar. 9, 2017), <http://www.newtimes.co.rw/section/read/208722/>.

106. *Id.*

107. Malcolm Moller & Juliette Butler, *Seychelles Introduces a New International Business Companies (IBC) Regime*, APPLEBY: MEDIA STATEMENTS (Oct. 31, 2016), [https://www.applebyglobal.com/insights/insights-2016/seychelles-introduces-a-new-international-business-companies-\(ibc\)-regime-october-2016.aspx](https://www.applebyglobal.com/insights/insights-2016/seychelles-introduces-a-new-international-business-companies-(ibc)-regime-october-2016.aspx).

108. *Id.*

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H. SOMALIA

1. *Legal Reforms*

In August 2016 Somalia established a national human rights commission,¹⁰⁹ which in 2017 began efforts to reform sexual assault investigation and prosecution processes.¹¹⁰ The country took steps to adhere to international frameworks as it is applying to join the World Trade Organization. Further, in April, Somalia's National Security Council endorsed its National Security Architecture consolidating regional and federal security forces with a goal to transfer Somalia's security from AMISOM to its own forces.¹¹¹

I. SOUTH SUDAN

1. *Work Permit Cost Skyrockets*

In November 2017, the South Sudan Relief and Rehabilitation Commission directed foreigners working with aid agencies in South Sudan to obtain work permits by December 4, 2017.¹¹² The cost of permits to comply with the 2016 South Sudan NGO Act has risen from US\$100 to between US\$500 and US\$4,000.¹¹³

2. *US \$500M Oil Exploration Lease*

In March 2017, South Sudan granted the Nigerian company Oranto a license to explore for oil in a three-state block.¹¹⁴ The license is part of South Sudan's attempts to double crude oil production, which has declined to under one-third since the start of the ongoing civil war.¹¹⁵

109. *Somalia Events of 2016*, HUM. RTS. WATCH, <https://www.hrw.org/world-report/2017/country-chapters/somalia> (last visited Nov. 5, 2017).

110. Amanda Sperber, *In Somalia, New Law Could Finally Give Rape Survivors a Voice*, NEWS DEEPLY (Apr. 27, 2017), <https://www.newsdeeply.com/womenandgirls/articles/2017/04/27/in-somalia-new-law-could-finally-give-rape-survivors-a-voice>

111. *Somalia SSR Background Note*, GENEVA CTR. FOR THE DEMOCRATIC CONTROL OF ARMED FORCES <http://issat.dcaf.ch/Learn/Resource-Library/Country-Profiles/Somalia-SSR-Background-Note> (last updated July 19, 2017).

112. *Over 1000 Foreigners Risk Losing Jobs in S. Sudan over Work Permit*, XINHUA NET (Nov. 7, 2017), http://news.xinhuanet.com/english/2017-11/07/c_136732609.htm.

113. *Id.*

114. Okech Francis, *South Sudan Grants License to Oranto to Explore Vast Oil Block*, BLOOMBERG (Mar. 6, 2017), <https://www.bloomberg.com/news/articles/2017-03-06/south-sudan-grants-license-to-oranto-to-explore-vast-oil-block>.

115. Paul Burkhardt, Okech Francis, *War-Ravaged South Sudan Draws 500 Million Oranto Oil Bet*, BLOOMBERG MARKETS (Mar. 28, 2017), <https://www.bloomberg.com/news/articles/2017-03-27/war-ravaged-south-sudan-draws-500-million-oil-bet-from-oranto>.

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J. SUDAN (REPUBLIC)

1. *US Lifts Most Sanctions*

Effective October 12, 2017, the U.S. has revoked most of its twenty year long sanctions on Sudan.¹¹⁶ Although economic and financial sanctions remain in place, including those related to its designation as a “state sponsor of terrorism,” U.S. persons are no longer prohibited from transactions under the Sudanese Sanctions Regulations.¹¹⁷ A license is still required for some exports.¹¹⁸

K. TANZANIA

1. *Controversial Mining Overhaul*

In July 2017, Tanzania approved laws enabling it to renegotiate mining and energy contracts containing ‘unconscionable terms’ as it seeks to double the industry’s contribution to GDP to 10 percent by 2025.¹¹⁹ Prior to that, in March 2017, President John Magufuli banned mineral exports and ordered an audit to identify loopholes.¹²⁰ In June 2017, Magufuli accused the mining company Acacia of operating illegally and failing to pay billions of dollars in taxes, a position disputed by the company.¹²¹

2. *Opposition MP Shot*

In September 2017, opposition chief whip and President of the Tanganyika Law Society Tundu Lissu “was shot and wounded by unknown assailants in Tanzania’s administrative capital Dodoma.”¹²² A critic of the Magufuli government, Lissu had been arrested in July 2017, after calling Magufuli a dictator.¹²³

L. UGANDA

1. *Constitutional Land Bill*

To address delays and costs in gaining access to land to implement government programs and investment projects, the Ugandan government

116. *United States Eases Sudan Sanctions*, WHITE & CASE (Oct. 13, 2017), <https://www.whitecase.com/publications/alert/united-states-eases-sudan-sanctions>.

117. *Id.*

118. *Id.*

119. Omar Mohammed, *Tanzania Passes Laws Enabling Renegotiation of Mining Deals*, BLOOMBERG (July 3, 2017), <https://www.bloomberg.com/news/articles/2017-07-04/tanzania-lawmakers-back-bills-enabling-state-to-scrap-mine-deals>.

120. *Id.*

121. *Id.*

122. *Tanzanian Opposition MP, Fierce Critic of President Shot by Unknown Gunmen*, AFRICA-NEWS (Sept. 7, 2017), <http://www.africanews.com/2017/09/07/tanzanian-opposition-mp-fierce-critic-of-president-shot-by-unknown-gunmen/>.

123. *Id.*

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put forward the Constitutional (Amendment) Bill 2017.¹²⁴ The bill would enable the government to take possession of land using valuation disputes by depositing the amount with the courts.¹²⁵ In August 2017, MPs rejected the bill which was seen as a move by the government to illegally deprive them of their land.¹²⁶

V. Southern Africa

A. Angola

1. Contested Elections

In September 2017, Angolan opposition parties jointly declared the August 23, 2017 elections illegal and called for a recount, claiming only three of Angola's eighteen provinces had processed votes in line with electoral law.¹²⁷ To resolve the conflict, the parties proposed the creation of a commission to review the electoral process.¹²⁸ The dispute began when the MPLA party claimed it had the 66 percent of seats needed to force through constitutional changes; provisional results a day later put the MPLA at 64.57 percent.¹²⁹

B. COMOROS

1. Comoros Joins SADC

In August, the thirty-seventh SADC Ordinary Summit of Heads of State and Government welcomed Comoros as a new member bringing their number to sixteen.¹³⁰ Burundi's application to join the regional bloc remains under consideration.¹³¹

C. BOTSWANA

1. Immigration Opens Up

In December 2016, Botswana published the Immigration (Amendment) Bill 2016 enabling a grant of permanent residency to non-citizen investors

124. Henry Sekanjako, *MPs Reject Land Bill*, NEW VISION (Aug. 2, 2017), https://www.newvision.co.ug/new_vision/news/1459005/mps-reject-land-amendment.

125. Moses Kyeyune, *Uganda: MPs Vow to Block Move to Amend Constitution*, ALLAFRICA (July 26, 2017), <http://allafrica.com/stories/201707260553.html>.

126. Sekanjako, *supra* note 124.

127. *Angolan Opposition Unites to Challenge 'Illegal' Election Results*, MAKA-ANGOLA (Sept. 4, 2017), <https://www.makaangola.org/2017/09/angolan-opposition-unites-to-challenge-illegal-election-results/>.

128. *Id.*

129. *Id.*

130. *SADC Summit Closes as Union of Comoros becomes a New Member*, LUSAKA TIMES (Aug. 20, 2017), <https://www.lusakatimes.com/2017/08/20/sadc-summit-closes-union-comoros-becomes-new-member/>.

131. *Id.*

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residing lawfully in the country less than five years.¹³² Under the amended law, permanent residency can also be extended to a non-citizen's spouse and minor children.¹³³

D. LESOTHO

1. *No Human Rights Progress*

Prime Minister Thomas Thabane took office in June 2017, following a March 2017 no-confidence vote in Pakalitha Mosisili, but 100 days into office critics felt there was little progress tackling human rights issues including the criminal investigation of the June 2015 killing of Lt. General Maaparankoe Mahao by Lesotho Defence Forces.¹³⁴ Thabane had said investigations were underway, but Lesotho has seen a spike in human rights violations since 2014.¹³⁵

E. MADAGASCAR

1. *Lynchings*

Madagascar has seen a rise in popular lynchings or 'people's courts.'¹³⁶ With forty-four cases in 2016, including the burning-down of a gendarmerie station and two policemen killed in 2017, the Malagasy government moved to increase the public security budget at the expense of other state budget items, such as infrastructure.¹³⁷

F. MALAWI

1. *Constitution Raises Adulthood*

Having previously defined children as under sixteen, in February 2017, the Malawi Constitution was amended to increase the age of majority to eighteen.¹³⁸ The 2015 Malawi Marriage, Divorce and Family Relations Act

132. Utwanang Gasennelwe, *Botswana Relaxes Immigration Law*, WEEKEND POST (Aug. 15, 2017), <http://www.weekendpost.co.bw/wp-news-details.php?nid=3882> (visited Nov. 14, 2017).

133. *Id.*

134. *Lesotho: Prime Minister's First 100 Days Fails to Tackle Past Human Rights Violations*, AMNESTY INT'L (Sept. 26, 2017), <https://www.amnesty.org/en/latest/news/2017/09/lesotho-prime-minister-first-100-days-fails-to-tackle-past-human-rights-violations/>.

135. *Id.*

136. Yvon Randriaharimalala, *Popular Lynching in Madagascar*, WORLD POLICY BLOG (Sept. 19, 2017), <http://www.worldpolicy.org/blog/2017/09/19/popular-lynching-madagascar>.

137. *Id.*

138. Owen Khamula, *Malawi Parliament Raise Child Age Definition from 14 to 18 Years: Illegal to Marry a Girl before 18*, NYASA TIMES (Feb. 15, 2017), <https://www.nyasatimes.com/malawi-parliament-raise-child-age-definition-14-18-years-illegal-marry-girl-18/>.

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had determined that the minimum age of both genders entering into marriage is eighteen.¹³⁹

G. MAURITIUS

1. *ICJ Chagos Islands Referral*

In June 2017, the UN General Assembly “supported a Mauritian-backed resolution to seek an advisory opinion from the [I]nternational [C]ourt of [J]ustice” over the legal status of the Chagos Islands.¹⁴⁰ In 1965, three years before Mauritius’ independence, the UK separated the islands from the rest of its Indian Ocean colony, which Mauritius claimed was in breach of UN Resolution 1514 (passed in 1960).¹⁴¹ The UK has promised to return the islands to Mauritius when they are no longer needed for defense purposes, but it has not given a date.¹⁴²

H. MOZAMBIQUE

1. *Renamo Peace Talks Promised*

President Filipe Nyusi vowed to resume peace talks after he was re-elected leader of the ruling Frelimo party in October.¹⁴³ Nyusi has had preliminary talks with the rival Renamo group, against which Frelimo fought a sixteen-year civil war before Renamo became an opposition party that again took up arms in 2013.¹⁴⁴ Clashes between Frelimo forces and Renamo last year revived the spectre of civil war.¹⁴⁵

I. NAMIBIA

1. *Whistleblower and Witness Protection Acts*

In October 2017, President Hage Geingob signed both the Whistleblower Protection Act and the Witness Protection Act into law.¹⁴⁶ The Whistleblower Act establishes a tribunal and the Whistleblower

139. *Malawi: New Marriage Law Can Change Lives*, HUMAN RIGHTS WATCH, (Apr. 17, 2015), <https://www.hrw.org/news/2015/04/17/malawi-new-marriage-law-can-change-lives> (visited Nov. 4, 2017).

140. Owen Bowcott, *EU Members Abstain as Britain Defeated in UN Vote on Chagos Islands*, GUARDIAN, (June 23, 2017), <https://www.theguardian.com/world/2017/jun/22/un-vote-backing-chagos-islands-a-blow-for-uk>.

141. *Id.*

142. *Id.*

143. Nyusi Re-elected Party President in Mozambique, NEWS24 (Oct. 2, 2017), <https://www.news24.com/Africa/News/nyusi-re-elected-party-president-in-mozambique-20171002>.

144. *Id.*

145. *Id.*

146. *Whistleblower and Witness Protections Become Law*, NAMIBIAN (Oct. 7, 2017), <https://www.namibian.com.na/60164/read/Whistleblower-and-witness-protections-become-law>.

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Protection Office.¹⁴⁷ The Witness Protection Act creates a witness protection program with a directorate and a fund to support it.¹⁴⁸

J. SOUTH AFRICA

1. *Communities Seek to Set Aside Charter*

Acting on behalf of mining communities, in October the Centre for Applied Legal Studies intervened in a case brought by the Chamber of Mines against the Minister of Mineral Resources challenging the Mining Charter.¹⁴⁹ Although the June Charter provided that miners and communities have decent living conditions and that mining companies support development in areas of operation, its adoption had involved only the state, mining companies, and labor organizations.¹⁵⁰ The communities have therefore petitioned to have the Charter set aside.¹⁵¹

K. SWAZILAND

1. *Divorce Banned*

In April 2017, Swaziland reported a decree by King Mswati III banning divorce in the kingdom.¹⁵² The ban arose from an Easter meeting with Christian religious leaders in which the king was quoted telling pastors to inform citizens that there was no ending marriage once it had taken place.¹⁵³ The royal directive came as the attorney general's office was drafting a bill providing grounds for divorce to be introduced.¹⁵⁴

L. ZAMBIA

1. *7NDP Launched*

In June 2017, President Lungu launched the Kwacha 342.3 billion (US\$65.9 million) 7th National Development Plan (7NDP) as the country's

147. Kristian Endresen, Melanie Harrison, *Whistleblower Protection Bill of 2017*, DELOITTE (July 22, 2016), <https://www2.deloitte.com/na/en/pages/risk/articles/namibia-whistleblower-protection-act-2017.html>.

148. See *Witness Protection Bill*, PARLIAMENT-REPUBLIC OF NAMIB., http://www.parliament.na/index.php?option=com_phocadownload&view=category&id=162:ills-2017&Itemid=1269 (last visited Nov. 5, 2017).

149. Lee-Anne Bruce, *Mining Community Networks Apply to Join Mining Charter Case*, UNIVERSITY OF WITWATERSRAND, (Oct. 24, 2017), <https://www.wits.ac.za/news/sources/cals-news/2017/mining-community-networks-apply-to-join-mining-charter-case.html>.

150. *Id.*

151. *Id.*

152. Adrian Frey, *King Mswati III Bans Divorce in Swaziland*, CLUB OF MOZAMBIQUE, CLUB OF MOZAM (Apr. 17, 2017), <http://clubofmozambique.com/news/king-mswati-iii-bans-divorce-in-swaziland/>.

153. *Id.*

154. *Id.*

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blueprint for development from 2017-2021.¹⁵⁵ The five-year plan aims at Vision 2030 objectives of becoming a “prosperous middle-income country by 2030” and builds on lessons learned from previous NDPs.¹⁵⁶

2. *Emergency Powers Invoked*

The government invoked emergency powers from July 5 to October 11, 2017,¹⁵⁷ after accusing opposition leaders of treason and suspended legislators who boycotted a presidential address.¹⁵⁸ Opponents have questioned whether Lungu can stand for re-election as the constitution bars standing for three terms.¹⁵⁹ Lungu argued that his first period in office did not count, as he took over after the death of the last leader without an election.¹⁶⁰

M. ZIMBABWE

1. *Constitutional Amendment*

Zimbabwe’s 2013 Constitution was amended in September 2017, reserving appointment of the Chief Justice, Deputy Chief Justice, and Judge President of the High Court to the president after consultation with the Judicial Service Commission.¹⁶¹ The president appoints other judges from nominees selected by the Judicial Service Commission.¹⁶² In November 2017, 37-year President Mugabe was forced to resign.¹⁶³

155. Jack Zimba, *7th National Development Plan: What it says about You*, ZAM. DAILY MAIL LTD. (June 25, 2017), <https://www.daily-mail.co.zm/7th-national-development-plan-what-it-says-about-you/>.

156. See *Seventh National Development Plan 2017-2021*, REPUBLIC OF ZAMBIA, reprinted in LUSAKA TIMES, <https://www.lusakatimes.com/wp-content/uploads/2017/06/Final-7NDP-07-06-17.pdf> (last visited Nov. 5, 2017).

157. Chris Mfula, *Zambian President Warns Judges of Chaos if they Block his Re-election*, Reuters, Nov. 4, 2017, <http://allafrica.com/stories/201609140735.html> (visited Nov. 4, 2017).

158. *Zambia Frees Opposition Leader Hakainde Hichilema*, AL-JAZEERA, Aug. 16, 2017, <http://www.aljazeera.com/news/2017/08/zambia-frees-opposition-leader-hakainde-hichilema-170816085124209.html> (visited Nov. 4, 2017).

159. Mfula, *supra* note 157.

160. *Id.*

161. See CONST. OF ZIM. Amend. (No. 1) Act, 2017.

162. See CONST. OF ZIM. Amend. (2013) §180.

163. Norimitsu Onishi, Jefferey Moro, *Robert Mugabe Resigns as Zimbabwe’s President, Ending 37-Year Rule*, N.Y. TIMES (Nov. 21, 2017), <https://www.nytimes.com/2017/11/21/world/africa/zimbabwe-mugabe-mnangagwa.html>.

VI. African Institutions

A. African Court on Human and Peoples' Rights

1. Rwanda Withdraws Individual Access; Tunisia Grants It

In March, Rwanda's 2016 withdrawal of its declaration allowing cases to be brought directly by individuals and NGOs took effect.¹⁶⁴ In April, however, Tunisia signed the declaration permitting individual complaints and providing redress for human rights violations from Tunisia.¹⁶⁵ Only eight African Union member states have these declarations.¹⁶⁶

2. Landmark Judgment on Indigenous Rights

In May 2017, the African Court ruled in favour of the Ogiek community, which had been evicted from their ancestral lands by the Kenyan government.¹⁶⁷ This was the court's first judgment on the rights of indigenous peoples and was the largest case thus far brought before it.¹⁶⁸

B. AFRICAN ECONOMIC COMMUNITY

1. AEC Progress Incomplete

The third of six stages of the Abuja Treaty, the establishment of free trade areas and customs unions in each regional bloc, was projected for 2017.¹⁶⁹ As of October 2017, this stage was incomplete, with free trade areas across only 57 percent of the continent's population (ECOWAS, SADC, COMESA, EAC and CEMAC).¹⁷⁰

164. Eugene Kwibuka, *Why Rwanda Withdrew from AU Rights Court Declaration*, NEW TIMES, (Oct. 13, 2017), <http://www.newtimes.co.rw/section/read/221701>.

165. Press Release, African Court on Human and Peoples' Rights, Republic of Tunisia Signs African Court Declaration to Allow NGOs and Individuals to Access the Human and Peoples' Rights Court Directly (April 18, 2017), <http://www.african-court.org/en/index.php/news/press-releases/item/145-republic-of-tunisia-signs-african-court-declaration-to-allow-ngos-and-individuals-to-access-the-human-and-peoples-rights-court-directly>.

166. *Id.*

167. Press Release: *African Court on Human and Peoples' Rights to Deliver Judgement on African Commission v. Republic of Kenya on Friday 26 May 2017*, African Court on Human and Peoples' Rights, (May 23, 2017), <http://www.african-court.org/en/index.php/news/press-releases/item/155-african-court-on-human-and-peoples-rights-to-deliver-judgment-on-african-commission-v-republic-of-kenya-on-friday-26-may-2017>.

168. *African Court Issues First Ruling on Violations against Indigenous Peoples*, INT'L JUST. RES. CTR. (June 7, 2017), <http://www.ijrcenter.org/2017/06/07/african-court-issues-first-ruling-on-violations-against-indigenous-peoples/>.

169. *Africa Free Trade Zone in Operation by 2018*, GLOBAL TIMES (May 27, 2012), <http://www.globaltimes.cn/content/711411.shtml>.

170. *Id.*

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C. AFRICAN UNION

1. *Morocco Readmitted*

At its annual meeting in January 2017, the members voted to readmit Morocco which has been absent from the organization for thirty-three years.¹⁷¹ Morocco left the then-Organization of African Unity in 1984 to protest its decision to admit Western Sahara, which Morocco had claimed as its territory.¹⁷²

2. *Resolution to Leave the ICC*

In February 2017, the African Union issued a non-binding resolution calling for the mass withdrawal of African countries from the jurisdiction of the International Criminal Court.¹⁷³

D. ECONOMIC COMMUNITY OF WEST AFRICAN STATES

1. *Gambian Election Crisis*

In January 2017, the UN Security Council adopted Resolution 2337, which endorsed earlier decisions by the ECOWAS and the African Union to recognize Adama Barrow's 2016 election, after incumbent Yahya Jammeh refused to leave office upon his defeat.¹⁷⁴ Forces from Ghana, Nigeria and Senegal entered The Gambia as part of ECOWAS' unprecedented mission to ensure the handover of power.¹⁷⁵ Barrow was sworn in on January 19, 2017.¹⁷⁶

E. EAST AFRICAN COMMUNITY

1. *Uganda EALA Injunction Petition*

In October 2017, the East African Court of Justice—the judicial arm of the EAC—dismissed a petition by the Democratic Party of Uganda for an injunction against the election of Ugandan representatives to the East African Legislative Assembly (EALA).¹⁷⁷ The court did not accept the

171. *Morocco to Re-join African Union despite Western Sahara Dispute*, BBC (Jan. 30, 2017), <http://www.bbc.com/news/world-africa-38795676>.

172. *Id.*

173. *African Union Backs Mass Withdrawal from ICC*, BBC (Feb. 1, 2017), <http://www.bbc.co.uk/news/world-africa-38826073>.

174. Paul D Williams, *A New African Model of Coercion? Assessing the ECOWAS Mission in The Gambia*, RELIEFWEB (Mar. 16, 2017) <https://reliefweb.int/report/gambia/new-african-model-coercion-assessing-ecowas-mission-gambia>

175. Tim Cocks & Lamin Jahateh, *Gambia's Former Leader Jammeh Flies into Exile in Equatorial Guinea*, REUTERS (Jan. 20, 2017), <http://uk.reuters.com/article/uk-gambia-politics/gambias-former-leader-jammeh-flies-into-exile-in-equatorial-guinea-idUKKBN1540S3>.

176. *Id.*

177. *East African Court Dismisses Cases against Uganda's Representatives to EALA*, PARLIAMENT OF THE REPUBLIC OF UGANDA, <http://www.parliament.go.ug/index.php/about-parliament/>

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argument that the 2006 Ugandan parliament rules and procedures on electing members to EALA did not conform to the EAC Treaty of Establishment, and the order mandated all six political parties represented in the Ugandan parliament to send representatives.¹⁷⁸

F. AFRICAN DEVELOPMENT BANK

1. *Annual Meeting Held in India*

The ADB's June meetings represented the first time the Bank had held its annual meetings in India, a member since 1983.¹⁷⁹ The meetings were important in furthering India's engagement with the continent. India-Africa trade doubled in the five-year period ending 2014-15 reaching US\$72 billion and remains significant.¹⁸⁰

G. AFRICAN EXPORT-IMPORT BANK

1. *First-ever Japanese Term Loan*

In November 2017, the Bank announced completion of its first-ever Samurai Syndicated Term Loan Facility raising US\$150 million (JPY6.2 billion (US\$50 million) and US\$100 million) the proceeds going to general corporate and trade-related purposes.¹⁸¹ Executive Vice President Denys Denya welcomed the high participation as a reflection of the willingness of those institutions to support development in Africa.¹⁸²

H. UN ECONOMIC COMMISSION FOR AFRICA

1. *Model Law*

In August 2017, the ECA unveiled a model law to harmonize cross-border laws governing transboundary infrastructure projects,¹⁸³ and an AU/ADB project for model mining legislation to protect against international

parliamentary-news/309-east-african-court-dismisses-cases-against-uganda-s-representatives-to-eala (last visited Nov. 18, 2017); *EACJ to Rule on Election of EALA Members Next Month*, E. AFR. LEGIS. ASSEMB. (Sept. 2017), <http://www.eala.org/media/view/eacj-to-rule-on-election-of-eala-members-next-month>.

178. *EACJ to Rule on Election of EALA Members Next Month*, *supra* note 177.

179. Ashok Malik, *Why the Meeting of the African Development Bank in Gandhinagar is Important*, HINDUSTAN TIMES, June 20, 2017, <http://www.hindustantimes.com/opinion/why-the-meeting-of-the-african-development-bank-in-gandhinagar-is-important/story-J2GQIfAcVeQDeeF3p9HUwI.html> (visited Nov. 18, 2017).

180. *Id.*

181. Press Release, Afreximbank, Afreximbank Raises \$150 Million Equivalent in First-Ever Samurai Syndicated Term Loan Facility (Nov. 17, 2017), <https://afreximbank.com/afreximbank-raises-150-million-equivalent-in-first-ever-samurai-syndicated-term-loan-facility/>.

182. *Id.*

183. Press Release, UN Economic Commission for Africa, ECA Unveils Model Law on Transboundary Infrastructure Development in Africa (Aug. 24, 2017), <https://www.uneca.org/stories/eca-unveils-model-law-transboundary-infrastructure-development-africa>.

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investors and mining companies negotiating terms disadvantageous to the host country.¹⁸⁴ The model law is to be adopted by African Heads of State and Government in January 2018.¹⁸⁵

I. Southern African Development Community

1. *AML, Anti-Terrorism Instruments; Anti-Corruption*

In July 2017, SADC Ministers of Justice and Attorneys-General endorsed instruments to foster international working partnerships against money laundering, terrorist financing, and child abduction.¹⁸⁶ In September 2017, the SADC Anti-Corruption Sub-Committee (Botswana, Tanzania and Swaziland) met to develop a five-year anti-corruption action plan to be implemented by SADC members under the SADC Protocol against Corruption.¹⁸⁷

2. *Asylum-Seeker Framework*

In October 2017, SADC legal experts reviewed the draft “Regional Policy Framework on Management of Asylum Seekers and Refugees in line with the Comprehensive Refugee Response Framework (CRRF)” under the New York Declaration adopted in 2016 by the UN General Assembly.¹⁸⁸ The CRRF identifies refugees in need of international protection and strives to ensure safe and dignified conditions.¹⁸⁹

J. COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA

1. *Trade, Energy Agreements*

In June 2017, COMESA and the European Union signed agreements worth \$68 million including a trade facilitation program (\$53 million), a

184. Press Release, African Development Bank, ALSF, UNECA, and African Union Cooperate to Develop a Modeling [sic] Mining Laws (Sept. 5, 2017), <https://www.afdb.org/fr/news-and-events/alsf-unece-and-african-union-cooperate-to-develop-a-modeling-mining-laws-17302/>.

185. *ECA Unveils Model Law on Transboundary Infrastructure Development in Africa*, *supra* note 183.

186. Press Release, SADC, SADC Ministers of Justice and Attorneys-General Meet to Discuss Legal Instruments (July 28, 2017), <http://www.sadc.int/news-events/news/sadc-ministers-justice-and-attorneys-general-meet-discuss-legal-instruments/>.

187. Press Release, SADC, SADC Anti-Corruption Sub-Committee (SACC) Task Team Meets (Sept. 26, 2017), <http://www.sadc.int/news-events/news/sadc-anti-corruption-sub-committee-sacc-task-team-meets/>.

188. Press Release, SADC, Refugee Commissioners Sub-sub Committee Reviews Framework on Managing Asylum Seekers and Refugees (Oct. 5, 2017), <http://www.sadc.int/news-events/news/refugee-commissioners-sub-sub-committee-reviews-framework-managing-asylum-seekers-and-refugees/>.

189. *Id.*

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small-scale cross-border trade program (€15 million), and an additional agreement on energy enhancement (€7 million).¹⁹⁰

2. *Tripartite FTA*

In July 2017, the COMESA-EAC-SADC Tripartite Free Trade Agreement was finalized with twenty-one of the twenty-seven members signing it.¹⁹¹

K. INTERGOVERNMENTAL AUTHORITY ON DEVELOPMENT

1. *Summit on South Sudan*

In June 2017, at the 31st Heads of State Summit, IGAD leaders unveiled the High Level Revitalization Forum to revive the 2015 peace talks in South Sudan.¹⁹² The Forum involved IGAD convening with leaders across South Sudan's unity government, including rebel leader Riek Machar, and calling on the EU to assist in enforcing the Agreement on the Resolution of the Conflict in South Sudan.¹⁹³

L. ECONOMIC COMMUNITY OF CENTRAL AFRICAN STATES

1. *CAR Violence Condemned*

In February 2017, the ECCAS, along with other African and international organizations, issued a statement condemning violence in the Central African Republic and urged dialogue to resolve grievances.¹⁹⁴

190. COMESA, *EU Signs Agreements worth €68m to Reduce Costs of Cross-Border Trade*, E-COMESA NEWSL., Issue 520, June 2, 2017, at 1, http://www.comesa.int/wp-content/uploads/2017/06/e-comesa-newsletter_520.pdf. COMESA, *European Union Sign 7 Million Euro Agreement on Energy Enhancement*, E-COMESA NEWSL., Issue 520, June 2, 2017, at 3, http://www.comesa.int/wp-content/uploads/2017/06/e-comesa-newsletter_520.pdf.

191. *Tripartite FTA Signatures rise to 21, as Mauritius Signs*, E-COMESA NEWSL., Issue 534, Oct. 10, 2017, at 1, http://www.comesa.int/wp-content/uploads/2017/10/e-comesa-newsletter_534.pdf.

192. Aly Verjee, *South Sudan's High Level Revitalization Forum: Identifying Issues for Success*, USIP (Aug. 4, 2017), <https://www.usip.org/publications/2017/08/south-sudans-high-level-revitalization-forum>.

193. *Communiqué of the 31st Extra-ordinary Summit of IGAD Assembly of Heads of State and Government on South Sudan*, INTERGOVERNMENTAL AUTH. ON DEV. (June 12, 2017), https://igad.int/attachments/article/1575/120617_Communique%20of%20the%2031st%20Extra-Ordinary%20IGAD%20Summit%20on%20South%20Sudan.pdf. *IGAD Releases Peace Revitalization Forum Timetable*, RADIO TAMAZUJ (Oct. 2, 2017), <https://radiotamazuj.org/en/news/article/igad-releases-peace-revitalization-forum-timetable>.

194. Joint statement on the Central African Republic by the Economic Community of Central African States, the African Union, the International Organization of La Francophonie, the European Union and the United Nations, Relief Web, Feb. 19, 2017, <https://reliefweb.int/report/central-african-republic/joint-statement-central-african-republic-economic-community-central> (visited Nov. 5, 2017).

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M. UNION DU MAGHREB ARABE

1. *NEPAD Infrastructure Agreement*

In May 2017, the Union reported that it and the South Africa-based New Partnership for Africa's Development (NEPAD) had signed an agreement benefiting the Maghreb region with infrastructure and transport, water, energy, technology, and information projects.¹⁹⁵

N. ORGANIZATION FOR THE HARMONIZATION OF BUSINESS LAW IN AFRICA (OHADA)

1. *Uniform Act on Accounting*

In January 2017, the OHADA Uniform Act on Accounting Law and Financial Reporting (UAAFR) was adopted by the Council of Ministers.¹⁹⁶ The instrument is accompanied by OHADA's revised accounting system (SYSCOHADA), the general accounting plan, and the consolidated and combined accounting rules.¹⁹⁷

O. UN MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS

1. *Judge Akay Released*

In 2017 the UNMICT reviewed proceedings in Prosecutor v. Ngirabatware after Judge Aydin Sefa Akay, who had been detained by Turkey, was provisionally released.¹⁹⁸

On June 7, 2017, Eliezer Niyitegeka, former minister of information of Rwanda's Interim Government¹⁹⁹ who was convicted of genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, and

195. Communiqué: Signature d'un accord financier entre l'agence 'NEPAD' et l'Union du Maghreb Arabe pour le renforcement des infrastructures dans les pays maghrébins (Press Release: Financial Agreement Signed between the NEPAD Agency and the Maghreb-Arab Union for the Reinforcement of Infrastructure in Maghreb Countries), l'Union du Maghreb Arabe, May 26, 2017, <http://www.maghrebarabe.org/fr/communiqués.cfm?id=250> (visited Nov. 18, 2017).

196. Acte uniforme relatif au droit comptable et à l'information financière (Uniform Act Relative to Accounting Law and Financial Reporting), (Organisation Pour L'Harmonisation en Afrique du Droit des Affaires (OHADA)), undated, http://biblio.ohada.org/pmb/opac_css/index.php?lvlN°tice_display&id=4847 (visited Nov. 8, 2017).

197. *Id.*

198. U.N. Secretary-General, *International Residual Mechanism for Criminal Tribunals*, U.N. Doc. A/72/261-S/2017/661 (Aug. 1, 2017).

199. Press Release, UNMICT, Appeals Chamber Grants Request for Review in Ngirabatware Case, Resuming Proceedings Following Release of Judge Akay (June 19, 2017), <http://www.unmict.org/en/news/appeals-chamber-grants-request-review-ngirabatware-case-resuming-proceedings-following-release>.

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crimes against humanity and sentenced to life in prison, appealed his judgment and sentencing, but no decision has been made.²⁰⁰

The Office of the Prosecutor established two task forces—one in Africa and one in Europe—to expand upon efforts to bring fugitives to justice, to coordinate with partners such as Interpol, and to provide training and support for national jurisdictions to prosecute war crimes in their courts.²⁰¹

200. U.N. Secretary-General, *International Residual Mechanism for Criminal Tribunals*, U.N. Doc. A/72/261-S/2017/661 (Aug. 1, 2017). Press Release, UN Mechanism for International Criminal Tribunals, Rwanda Tribunal Delivers Two Judgments Today (May 15, 2003), <http://unictr.unmict.org/en/news/rwanda-tribunal-delivers-two-judgements-today>.

201. *Id.*

**PUBLISHED IN COOPERATION WITH
SMU DEDMAN SCHOOL OF LAW**