

AFRICAN UNION

الاتحاد الأفريقي



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AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

REQUEST FOR ADVISORY OPINION

No. 001/2012

BY SOCIO – ECONOMIC RIGHTS & ACCOUNTABILITY
PROJECT

ORDER

The Court composed of: Sophia A.B. AKUFFO, President; Fatsah OUGUERGOUZ, Vice-president; Bernard M. NGOEPE, Gérard NIYUNGEKO; Augustino S.L. RAMADHANI, Duncan TAMBALA, Elsie N. THOMPSON, Sylvain ORE, El Hadji GUISSSE, Ben KIOKO, and Kimelabalou ABA – Judges; and Robert ENO- Registrar,

In the matter of:

**REQUEST FOR ADVISORY OPINION
BY SOCIO – ECONOMIC RIGHTS & ACCOUNTABILITY ROJECT
(SERAP)**

After deliberations;
makes the following Order:

1. By a letter dated 1 March, 2012 and received at the Registry of the Court on the same day, the Socio-Economic Rights & Accountability Project (SERAP), requested the Court for an advisory opinion.
2. In its request, SERAP requested the Court to give its opinion on "the legal and human rights consequences arising from the systematic and widespread extreme poverty in Nigeria", and whether it "breaches certain provisions of the African Charter, in particular, Article 2 which prohibits discrimination, including on 'any other status', and whether systematic and widespread extreme poverty can be accommodated by the phrase 'any other status'".

3. By letter dated 9 March, 2012, the Registry acknowledged receipt of the request, and invited SERAP to forward to the Registry, the judicial authorities in support of its request. These were received at the Registry on 1 June 2012.
4. By letter dated 2 May, 2012, the Registry enquired from the African Commission on Human and Peoples' Rights (the Commission) whether or not the subject matter of the request is related to any matter pending before the Commission.
5. By letter of 7 June, 2012, the Commission informed the Registry that the subject matter of the request is not related to any matter before it.
6. At its 26th Ordinary Session held from 17 to 28 September, 2012, the Court examined the request and decided that the request does not comply with the requirements of the Rules of Court.
7. By letter dated 24 September, 2012, and received by SERAP on 4 October, 2012, the Registry communicated the decision of the Court to SERAP, that the Request does not comply with the requirements under the Rules of Court, in particular, Rule 68(2).
8. At its 27th Ordinary Session held from 26 November to 7 December, 2012, the Court examined the matter once more and decided that it had not dismissed the same and that it remained seized of the same.

9. By letter dated 15 February, 2013, the Registry sent a letter to SERAP reminding the latter of its letter dated 24 September, 2012.

10. As at the date of this Order, SERAP had not responded to either the Registry's letter of 24 September 2012 or to the reminder of 15 February, 2013.

Now therefore, the Court having determined that:

- (i) The request by SERAP does not comply with Rule 68(2) of the Rules of Court.
- (ii) SERAP has not responded to the Court's letters and has demonstrated a lack of interest in pursuing the request.

UNANOMOUSLY;

ORDERS that the request for advisory opinion herein BE and the same is HEREBY struck out for the reason that SERAP lacks interest in pursuing the same.

Done at Arusha, this fifteenth day of March in the year Two Thousand and Thirteen, in English and French, the English text being authoritative.

Signed:



Sophia A.B. AKUFFO, President

Robert ENO, Registrar 

