

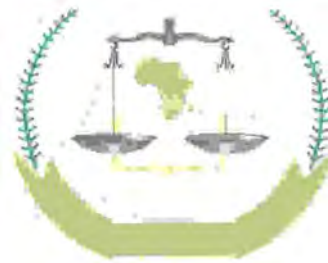
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AFRICAN UNION

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**AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS
COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES**

IN THE MATTER OF

CHRYSANTHE RUTABINGWA

V.

THE REPUBLIC OF RWANDA

Application No. 003/ 2013

ORDER



The Court composed of: Sophia A. B. AKUFFO, President; Bernard M. NGOEPE, Vice-president; Gérard NIYUNGEKO, Fatsah OUGUERGOUZ, 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:

Chrysanthe RUTABINGWA

in person

v.

The Republic of Rwanda

represented by M. Epimaque RUBANGO KAYIHURA, Principal State Attorney in the Ministry of Justice of Rwanda

After deliberations,

Unanimously, issues the following Order:

1. By email of 19 April, 2013, Mr. Chrysanthe RUTABINGWA filed an Application to the Registry of the African Court on Human and Peoples' Rights (the Court) against the Republic of Rwanda, for alleged violation of Articles 10 and 11 of the Rwandan Constitution. The Registry acknowledged receipt and registered the Application under No. 003/2013.
2. According to the Application, Mr. Chrysanthe RUTABINGWA, was recruited by a Technical Committee of the State of Rwanda, in a decision approved by the Council of Ministers on 17 September 1999. He was assigned to work as an Expert in charge of Audit and Evaluation in the Secretariat for Privatization.
3. By Decision No. **116/PRIV/BR/RU** signed by Mr. Robert BAYIGAMBA, Executive Secretary, the Applicant was dismissed on 27 February 2001 for the aggravated offence of "having divulged confidential documents of the institution".
4. Dissatisfied with the Decision, the Applicant seized the Court of First Instance of Kigali, and by judgement **RC 37604/02** of the Court, compensation was awarded to the Applicant. The latter, believing that the amount was small, called for his reinstatement in his duties.
5. By letter dated 23 December, 2013, and pursuant to Rule 35(2) of the Rules of Court, the Registry served the Respondent State with the Application, requesting it to submit the names and addresses of its representatives and to respond to the Application within a period of sixty (60) days.
6. By letter dated 21 March 2014, on behalf of the Respondent State, the Ministry of Justice of Rwanda acknowledged receipt of the letter from the Registry dated 23 December 2013 and forwarded to the Registry the name and address of its

representative, Mr. Epimaque RUBANGO KAYIHURA, Principal State Attorney in the Ministry of Justice.

7. In the same letter, and pursuant to Rule 37 of the Rules, the Representative of the Respondent State also requested the Court for leave to extend the time for the submission of the response to the Application set at sixty (60) days.
8. By separate letters dated 1 April 2014, the Registry notified the Applicant of the letter from the Respondent State dated 21 March 2014, containing the name and address of its representative, and also notified him of the request for an extension of time of sixty (60) days made by the Respondent State, and further requested the Applicant to react to the said request within fifteen (15) days.
9. After consultations by members of the Court, the Court decided to extend time for the Respondent State to respond to the Application, by thirty (30) days.
10. By letter dated 8 April 2014, the Registry notified the Respondent State of the decision of the Court to grant it an extension of thirty (30) days from the date of the letter of notification; the said deadline was to run until 7 May 2014.
11. By letter dated 11 April 2014, the Applicant filed his reaction to the Respondent's request for extension of time and indicated that 'I totally agree with him because I want to (take)(sic) contact with him and try to make an arrangement with the government of my country. I am quite sure that the solution will be found and a bad arrangement is better than a good trial'.
12. By letter dated 15 April 2014, the Registry acknowledged receipt of the response of the Applicant with regard to the request for extension of time, and copied the Respondent.

13. By letter dated 21 April 2014, received at the Registry on 22 April 2014, the Applicant informed the Court about his meeting with the representative of the Republic of Rwanda on this matter and stated that "...I have no interest in pursuing that matter and request the Court to put an end to that matter".
14. By letter dated 22 April 2014, the Registry acknowledged receipt of the request made by the Applicant, to strike out the matter from its cause list, and served a copy on the Respondent State.
15. Rule 58 of the Rules of Court provides that "*where an Applicant notifies the Registrar of its intention not to proceed with a case, the Court shall take due note thereof, and shall strike the Application off the Court's Cause List. If at the date of receipt by the Registry of the notice of the intention not to proceed with the case, the Respondent State has already taken measures to proceed with the case, its consent shall be required*".
16. In the light of the above-mentioned Rule, it is observed that at the time the Registry received the letter from the Applicant not to proceed with the case, that is, 21 April 2014, the Respondent State had not yet taken any measures to proceed with the case.
17. In view of the foregoing, the Court notes that it is not necessary to seek the consent of the Respondent State on the Applicant's notice of discontinuance.
18. Consequently, and pursuant to Rule 58 of the Rules of Court, the Court hereby Orders that the matter be and the same is hereby struck out from the Cause List of the Court.

Done in Arusha (United Republic of Tanzania), this Fourteenth day of the month of May, in the year Two Thousand and Fourteen, in English and French, the French text being authoritative.

Signed:

Justice Sophia A. B. AKUFFO, President

Robert ENO, Registrar.

