



# AfCHPR

African Court on Human  
and Peoples' Rights

Arusha, Tanzania

Website: [www.african-court.org](http://www.african-court.org)

Telephone: +255-272-510-510

**JUDGMENT SUMMARY**

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**SALIF TRAORÉ AND SÉKOU OUMAR COULIBALY**

**V.**

**REPUBLIC OF MALI**

**APPLICATION No. 020/2018**

**JUDGMENT ON MERITS AND REPARATIONS**

**A DECISION OF THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS**

**Arusha, 26 June 2025:** The African Court on Human and Peoples' Rights (the Court), today, delivered a judgment in the matter of *Salif TRAORÉ and Sékou Oumar COULIBALY v. Republic of Mali*.

On 24 August 2018, Salif Traoré and Sékou Oumar Coulibaly (the Applicants) filed an Application against the Republic of Mali (the Respondent State).

In their Application they alleged that the Ministry of Internal Security and Civil Protection (the Ministry of Internal Security) unlawfully refused to enrol them in the Police National College as cadet superintendents in a police officers' selection. Allegedly, this was pursuant to Decree No. 06-053/P-RM of 6 February 2006 establishing special provisions applicable to the various corps of national police officers ("the Decree of 6 February 2006") issued by the President of the Respondent State.

The Applicants alleged violation of (i) the right to full equality before the law and the right to equal protection of the law, protected under Article 3(1) and (2) of the African Charter on Human and Peoples' Rights (the Charter) and Article 26 of the International Covenant on Civil and Political Rights ("the ICCPR"); (ii) the right to have their case heard, protected under Article 7 of the Charter and Article 14 of the ICCPR.

The Applicants prayed the Court to (i) declare the application admissible;(ii) declare that the application is well-founded; (iii) hold that the Respondent State violated their right to equal treatment of persons in the same situation;(iv) declare that the Respondent State violated their right to non-discrimination insofar as it regularised the status of certain police officers and left others, thereby denying them justice;(v) hold the Respondent State liable for these violations ;(vi) hold that, by these decisions, the Respondent State violated the procedural rights of the Applicants; and (vii) order the Respondent State to pay each of them the sum of 250, 000, 000 CFA francs as



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reparation. In its submission, the Respondent State prayed the Court to (i) rule as appropriate on the admissibility of the Application; (ii) dismiss the Application as unfounded; and (iii) order the Applicants to bear costs.

The Respondent State did not raise any objection to the Court's jurisdiction. Having noted that there was nothing in the Application to show that it lacked jurisdiction, the Court declared that it had jurisdiction to hear the Application.

On admissibility, the Respondent State did not raise any objection to the admissibility of the Application. After examining the admissibility conditions set out in Article 56 of the Charter, the Court declared the Application admissible.

On the merits, the Applicants alleged four violations of human rights, namely, the right to full equality before the law and equal protection of the law, to non-discrimination by the Supreme Court and the Department of Internal Security, the right of access to the public service of their country, the right to be upgraded to a higher category and the right to education.

On the violation of the right to full equality before the law and equal protection of the law, the Applicants alleged that the Respondent State, through its Ministry of Internal Security and the Administrative Chamber of the Supreme Court (the Supreme Court), violated their rights to full equality before the law and equal protection of the law.

The Applicants claimed that the Respondent State's Minister of Internal Security violated the principle of equality, insofar as it applied in a discriminatory manner the criteria for the upgrade of police officers provided for in Decree 06/053 of 6 February 2006 and in Article 125 of the Law of 12 July 2010.

The Respondent State countered that none of the Applicants had the requisite qualifications on the date of entry into force of the aforementioned decree to be part of the group admitted into the National Police Academy as cadet police Superintendents, since they all obtained their qualifications after the issuance of the Decree.

The Court noted that the Respondent State applied the criteria set out in the Decree of 6 February 2006, which is a public and impersonal law, taking into account the situation of the Applicants at the date of signing of the Decree. Moreover, there was nothing on record to show that this provision contained any principles of inequality with regard to the Applicants, who failed to show proof of any unjustified and discriminatory treatment. The Court underscored that the Applicants failed to prove that they were



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not allowed to enter the National Police Academy as cadet police Superintendents on the basis of their race, colour, sex, language, religion, political opinion or any other opinion, their ethnic or social origin, their property or birth or any other status. The Court, therefore, held that the Respondent State did not violate the Applicants' rights to equality before the law and non-discrimination, guaranteed under Articles 3 of the Charter and 2 of the ICCPR in relation to the measures taken by the Ministry of Homeland Security.

On the violation of the right to equality before the law, the Applicants alleged that the Supreme Court had unjustifiably departed from its jurisprudence. In response, the Respondent State submitted that the Supreme Court's jurisprudential reversal was due to the fact that it had misinterpreted the legislation governing the training of police officers.

The Court noted that the principle of equality before the law does not mean that courts must necessarily treat all cases the same way, since the treatment of each case may depend on its specific circumstances. The Court further noted that the Applicants did not dispute that they obtained their qualifications after the issuance of the decree of 6 February 2006, and that they did not also obtain prior authorisation from their hierarchy. On the basis of this argument, the Supreme Court dismissed the Applicants' request for regularisation by judgment No. 186 of 7 April 2006. The Court held that the Supreme Court had the prerogative to develop its jurisprudence by interpreting the applicable law, without any further consideration, and that it explained why it did so.

The Court thus held that the Applicants were not treated unequally or discriminated against in the proceedings before the Supreme Court. Accordingly, the Court dismissed the allegation that the Respondent State, through the judgment of the Supreme Court, had violated the Applicants' right to equality before the law and non-discrimination, enshrined under Article 3(1) of the Charter and Article 26 of the ICCPR.

On the violation of the right of access to the public service, the Applicants contended that Article 125 of the Law of 12 July 2010 restricted the right to hold public office, contrary to the provisions of Article 25(c) of the ICCPR.

The Respondent State contended that the Law of 12 July 2010, on the status of police officers, did not contain any provision contrary to national or international legal standards, but that it was the Applicants who wanted the administration to apply it *ultra vires*.

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The Court noted that the requirement of prior authorisation for training as a cadet Superintendent or Inspector at the National Police Academy for upgrade to a higher category did not constitute an unreasonable restriction. The Court, therefore, held that the Respondent State did not violate the Applicants' right to equal access to public service, guaranteed under Article 13(2) of the Charter, read jointly with Article 25(c) of the ICCPR.

On the violation of the right to upgrade to a higher category, the Applicants alleged that they were unequally treated in comparison to some of their fellow police officers who were in the same category and had the same qualifications. They maintained that the situation of those colleagues was regularised by the Supreme Court's judgments annulling the Applicants' upgrade to a higher category. Accordingly, the Applicants submitted that the Respondent State violated Articles 15 of the Charter and 7(c) of the International Covenant on Economic Social and Cultural Rights (ICESCR).

The Respondent State countered that, contrary to the Applicants' allegations, the right to be upgraded to a higher category, guaranteed by the ICESCR, was enshrined in its domestic legislation. It further contended that in-service training and promotion are rights provided for by law and recognised as a right for all police officers. These rights fall within the purview of the regulatory provisions set out in Law No. 039 of 12 July 2010, on the status of national police officers, notably, Article 125, which sets out conditions for promotion in grade, and Article 127, which sets out requirements validating in-service training, including the criteria of length of service, a favourable opinion from hierarchy and prior authorisation to undergo training. It argued that none of the Applicants met the criteria under these legal provisions.

The Court noted, with reference to the content of Articles 125 and 127 of Law No. 10-034 of 12 July 2010 on the status of officers of the National Police Force of Mali, that the criteria for promotion in the Respondent State's police force are length of service and competence, in accordance with Article 7 of the ICESCR. The Court found that the Applicants, on the date of signing of Decree No. 06/053, that is, 6 February 2006, did not meet these criteria to be admitted as cadet police superintendents insofar as they obtained their master's degree after the said Decree came into force. The Court also noted that the Applicants did not meet the length of service requirement set out in the aforementioned articles. It, therefore, dismissed the Applicants' allegations and held that the Respondent State did not violate their rights under Article 15 of the Charter and Article 7(c) of the ICESCR.

On the violation of the right to education, the Applicants contended that the right to education, enshrined in Article 17(1) of the Charter and Article 13(1)(c) of the ICESCR



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is an unconditional right of every person who aspires to acquire knowledge. They further contended that Article 125 of the Law of 12 July 2010 violates the right to education insofar as it requires the prior hierarchical authorisation for admission to the National Police Academy, which paves the way for upgrade to a higher category in the national police force.

For its part, the Respondent State contended that the Law of 12 July 2010 sets out the rules applicable to serving police officers who wish to further their studies for the purpose of reclassification.

The Court found that the requirement of prior authorisation to recognise the qualifications obtained is not discriminatory within the meaning of Article 3(1) of the Charter, insofar as it is a legal provision applicable to all police officers, and that in any event, there is nothing to indicate that this provision violates the right to education. Furthermore, as regards the requirement of a citizen's abilities, the Court noted that, as regards access to higher education, Article 125 of the Law of 12 July 2010 takes into account a police officer's years of experience, length of service and rank, which is fully consistent with the provisions of Article 13(2)(c) of the ICESCR. The Court, therefore, held that the Respondent State did not violate the Applicants' right to higher education pursuant to Article 125 of the Law of 12 July 2010.

On reparations, the Court dismissed the Applicants' prayers for reparations.

As regards costs, the Court decided that each party shall bear its own costs.

### **For any further information**

Further information on this case, including the full text of the African Court's judgment, is available on the website: <https://www.african-court.org/cpmt/fr/details-case/0202018>

For any further questions, please contact the Registry at the following e-mail address: [registrar@african-court.org](mailto:registrar@african-court.org)

*The African Court on Human and Peoples' Rights is a continental court established by African countries to ensure the protection of human and peoples' rights in Africa. The Court has jurisdiction over all cases and disputes brought before it concerning the interpretation and application of the African Charter on Human and Peoples' Rights and any other relevant human rights instrument ratified by the State concerned. For more information, please visit our website: [www.african-court.org](http://www.african-court.org)*