

MOHAMED AL BOUSIFI

v.

REPUBLIC OF NIGER

APPLICATION No. 003/2022

**RULING ON
JURISDICTION AND ADMISSIBILITY**

24 SEPTEMBER 2026

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

Arusha, 24 September 2026, The African Court on Human and Peoples' Rights (hereinafter referred to as "the Court") has issued a Ruling in the matter of *Mohamed Al Bousifi v. Republic of Niger*.

On 15 June 2022, Mohamed Al Bousifi (hereinafter referred to as "the Applicant") filed an Application with the Court against the Republic of Mali (hereinafter referred to as "the Respondent State"). He alleged a violation of his right to property, protected under Article 14 of the African Charter on Human and Peoples' Rights.

The Applicant prayed the Court to: declare that it has jurisdiction; declare the Application admissible; find that the Respondent State violated his right to property; find that he was not a party to the conciliation proceedings of 27 February 2013; declare that the judicial conciliation record No. 009/2013 of 27 February 2013 was not binding on him; find that the said record did not constitute an ownership transfer deed in respect of land Title No. TF 17625 in accordance with the law; annul the parceling out of 35 hectares carried out pursuant to the record of 1 March 2013 in respect of Title No. TF 17625, together with all subsequent acts, on the ground that they violate the law; find that the 55-hectare parcel of land situated in Niamey on the Dosso road, covered by Title No. TF 17625, remained his property; order the Land Registry to restore

JUDGMENT SUMMARY

Title No. TF 17625 to him; and award him the sum of Two Hundred Million (CFAF 200,000,000) as reparations damages for all prejudice suffered.

For its part, the Respondent State prayed the Court to find that it has made no admission in the present case and to declare the Application inadmissible.

On jurisdiction, no objection was raised as to the Court's jurisdiction. Nevertheless, the Court satisfied itself that all requirements relating to each aspect of its jurisdiction were met. In this regard, it successively examined its material, personal, temporal and territorial jurisdiction, and found that all the requirements were met. The Court therefore declared that it has jurisdiction to hear the Application.

With regard to admissibility, the Respondent State raised an objection based on the Applicant's failure to exhaust local remedies. It argued that the Applicant did not institute any proceedings concerning his claim to ownership of the landed property covered by Title No. TF 17625, which he alleged was unlawfully taken from him.

The Applicant, for his part, prayed that the objection be dismissed. He argued that a remedy could be pursued only to the extent that it is available and effective. In this regard, he submitted that it was not possible to pursue the local remedies because of the Libyan Revolution. He further stated that, on 17 February 2016, he brought proceedings against the Libyan Popular Investment Office, Mr Albakouss and the company EAPAD, and joined the Respondent State as a Party before the Niamey High Court of First Instance, sitting as a court of exclusive jurisdiction.

In addition, the Applicant produced the judgment of 13 June 2012, by which the Niamey High Court of First Instance dismissed his action seeking to establish liability arising from the freezing of funds allocated to SARL Aigle de l'Afrique by the Libyan Arab Foreign Bank under the credit agreement of 27 January 2003, as well as his claim for the release of the sum of CFAF 1,749,667,500.

Ruling on the objection, the Court examined the requirement of exhaustion of local remedies in light of the difficulties associated with pursuing local remedies during the Libyan Revolution, the judgment delivered on 13 June 2012 by the Niamey High Court of First Instance sitting as

JUDGMENT SUMMARY

a court of exclusive jurisdiction, the judicial conciliation record of 27 February 2013, which had the force of a judgment of that Court, and the summons issued on 17 February 2016.

The Court found that the Applicant failed to establish that he brought proceedings before the courts of the Respondent State concerning in respect of the title to landed property, being a civil action falling within the jurisdiction of the High Court of First Instance, within the meaning of Articles 64 and 73 of Organic Law No. 2004-50 of 22 July 2004 on the organisation and jurisdiction of courts in the Republic of Niger, and Article 43 of the Respondent State's Code of Civil Procedure.

The Court therefore upheld the objection based on the Applicant's failure to exhaust local remedies.

Having found that the Application did not satisfy the requirement set out in Rule 50(2)(e) of the Rules of Court, and recalling that the admissibility requirements are cumulative, the Court considered that there was no need to examine compliance with the remaining admissibility requirements. Accordingly, the Court declared the Application inadmissible.

The Court ordered that each Party should bear its own costs.

Further information concerning this case, including the full text of the judgment of the African Court, is available on the Court's website: <https://ajudata.african-court.org/details-case/0032022>

For further enquiries, please contact the Registry by email at registrar@african-court.org.

The African Court on Human and Peoples' Rights is a continental judicial institution established by African countries to ensure the protection of human and peoples' rights in Africa. The Court has jurisdiction over all cases and disputes submitted to 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 States concerned. For further information, please visit www.african-court.org.