



AfCHPR

African Court on Human
and Peoples' Rights

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JUDGMENT SUMMARY

GOORE BI YOUZAN JEAN V. REPUBLIC OF CÔTE D'IVOIRE

APPLICATION NO. 027/2019

RULING ON

JURISDICTION AND ADMISSIBILITY

24 SEPTEMBRE 2026

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

Arusha, 24 September 2026: The African Court on Human and Peoples' Rights (the Court), has rendered a judgment in the case of *Goore Bi Youzan Jean v. Republic of Côte d'Ivoire*. On 22 July 2019, Mr. Goore Bi Youzan Jean (the Applicant) filed an Application with the African Court on Human and Peoples' Rights against the Republic of Côte d'Ivoire (the Respondent State). The Applicant alleged violation of his rights in connection with proceedings before domestic courts during his trial for indecent assault with violence committed against a 15-year-old minor.

The Applicant alleged that the Respondent State violated the following rights: 1) the right of access to justice and to a competent court, as provided for under Article 10 of the Universal Declaration of Human Rights (hereinafter referred to as UDHR), including the right to bring before the competent national courts any act violating the fundamental rights recognised and guaranteed by conventions, laws, regulations and customs in force, as protected under Article 7(1)(a) of the African Charter on Human and Peoples' Rights (hereinafter referred "the Charter"); (ii) the right to the presumption of innocence, protected under Article 7(1)(b) of the Charter; (iii) the right to defence, protected under Article 7(1)(c) of the Charter; and (iv) the right to be tried within a reasonable time by an impartial tribunal, protected under Article 7(1)(d) of the Charter. 2) the right to an effective remedy, as provided for under Article 8 of the UDHR; 3) the right to respect for the obligation to state reasons for decisions rendered in criminal proceedings; 4) the right to protection of the dignity of prisoners, protected under Article 10(1) of the International Covenant on Civil and Political Rights (hereinafter referred to as "the ICCPR"); 5) the right to equality of arms

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and to the adversarial principle; 6) the right to compliance with the principle of proportionality of penalties.

The Applicant prayed the Court to order the following measures: 1) a presidential pardon; 2) formal commutation of his 10-year unsuspended prison sentence to a lesser sentence; 3) release on parole; 4) an out-of-court settlement; and 5) financial compensation for the harm suffered as a result of the unjust judicial decisions rendered against him. The Applicant further prayed the Court to order the Respondent State to pay him the following sums as reparation for the harm suffered: 1) Three Million (3,000,000) CFA francs for legal prejudice; 2) Three Million (3,000,000) CFA francs for material prejudice; and 3) Four Million (4,000,000) CFA francs for moral prejudice.

The Respondent State prayed the Court to: 1) Primarily, declare the Application inadmissible for failure to comply with Articles 6(2) of the Protocol and 56 of the Charter; 2) in the alternative, declare the Application unfounded and consequently dismiss it.

As to jurisdiction, the Court noted that the Respondent State did not raise any objection to its jurisdiction. However, pursuant to Rule 49(1) of the Rules, the Court satisfied itself that the requirements relating to all aspects of its jurisdiction were met. Having found nothing on record to indicate that it lacked jurisdiction, the Court held that it had: 1) material jurisdiction, insofar as the Applicant alleged violations of rights protected under the Charter and the ICCPR, instruments to which the Respondent State is a Party; 2) personal jurisdiction, since the Application was filed on 22 July 2019, that is, prior to the withdrawal of the Respondent State's Declaration on 29 April 2020, and is therefore not affected by that withdrawal; 3) temporal jurisdiction, given that the alleged violations occurred after the Respondent State became a Party to the Protocol; and 4) territorial jurisdiction, since the alleged violations occurred on the territory of the Respondent State.

On admissibility, the Court noted that, in the present case, the Respondent State raised three objections to admissibility, based on the use of disparaging and insulting language, non-exhaustion of local remedies, and the Application being filed within an unreasonable time.

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On the objection based on the use of disparaging and insulting language, the Court, recalling its jurisprudence, held that the Applicant's assertions that the decisions of the domestic courts were "unjust" or that seising those courts would be "unsuccessful" could not be regarded as intended to undermine the dignity, reputation or integrity of the authorities or institutions of the Respondent State. It therefore dismissed that objection.

Regarding the objection based on the non-exhaustion of local remedies, the Court noted that, under Article 56(5) of the Charter, as restated in Rule 50(2) of the Rules, Applications filed before the Court must be filed after exhaustion of local remedies, if any, unless it is clear that the procedure for such remedies is unduly prolonged. The Court emphasised that the remedies to be exhausted are judicial remedies. Such remedies must be available, that is, capable of being exercised without impediment. They must also be effective and sufficient, in the sense that they must be capable of remedying the situation complained of. In accordance with the Court's established jurisprudence, an exception to this rule is made only where such remedies do not meet these requirements or are unduly prolonged.

The Court further reiterated that it assesses the exhaustion of local remedies based on circumstances of each case and taking into account the remedies available within the judicial system of the Respondent State. Regarding the objection based on failure to exhaust local remedies, the Court noted that the Applicant acknowledged that he did not appeal the judgment of the Abidjan Court of Appeal before the Cassation Court because he was not represented by counsel and was unaware of the existence of such a remedy, which, in any event, he considered ineffective. The Court noted that it has consistently held that, within the judicial system of the Respondent State, a cassation appeal is an available, effective and sufficient remedy. Furthermore, in accordance with its established jurisprudence, the Court emphasised, on the one hand, that the absence of legal representation and ignorance of the existence of a remedy cannot justify the failure to avail oneself of same. On the other hand, the Court held that an Applicant cannot merely allege that a remedy is ineffective but must, at the very least, attempt to pursue it. The Court therefore found that the Applicant did not exhaust local remedies and that, consequently, the Application did not meet this admissibility requirement. Accordingly, the Court upheld the Respondent State's objection and found that the Applicant failed to exhaust local remedies.

Having upheld the Respondent State's objection based on failure to exhaust local remedies, the Court considered that there was no need to examine the objection based on the filing of Application within an unreasonable time.

Having found that the Applicant did not exhaust local remedies, the Court considered it unnecessary to rule on the other admissibility requirements under Article 56(1), (2), (3), (4), (6) and (7) of the Charter and Rule 50(2)(a), (b), (c), (d), (f) and (g) of the Rules.

Consequently, the Court declared the Application inadmissible.

Finally, the Court ordered each Party to bear its own costs.

For further information:

Further information on this case, including the entire text of the African Court's judgment, is available on the website: <https://ajudata.african-court.org/details-case/0272019>

For all other enquiries, please contact the Registry by e-mail at: registrar@african-court.org

The African Court on Human and Peoples' Rights is a continental Court established by African countries to protect 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 States concerned. For further information, please visit our website: www.african-court.org.