

FEA CHARLES AND OTHERS

V.

REPUBLIC OF CÔTE D'IVOIRE

**APPLICATIONS Nos. 028/2019, 030/2019, 031/2019, 033/2019, 047/2019, 051/2019 and
053/2019**

(CONSOLIDATED PROCEEDINGS)

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 (the Court) rendered a judgment in the case of *Fea Charles and Others v. the Republic of Côte d'Ivoire*.

On 22 July 2019, Fea Charles, Badienne Moussa, Gueu Louapou Christian and Albert Damas (the Applicants) filed an Application with the Court against the Republic of Côte d'Ivoire. They alleged violation of the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, as protected by Article 5 of the Charter; the right to liberty and security of persons, as protected by Article 6 of the Charter; and the right to a fair trial, as protected by Article 7 of the Charter.

The Applicants prayed the Court to: declare that the Republic of Côte d'Ivoire violated the Applicants' fundamental rights; order the Respondent State to grant the Applicants a

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presidential pardon or release on parole; and award reparations in the form of financial compensation for the harm suffered as a result of the Applicants' unlawful imprisonment.

For its part, the Respondent State prayed the Court to declare the Application inadmissible.

No objection was raised regarding the Court's jurisdiction. However, the Court ensured that all requirements were met in respect of all aspects of its jurisdiction. In this regard, it examined successively its material, personal, temporal and territorial jurisdiction, and found that these requirements were met. The Court therefore declared that it has jurisdiction to hear the Application.

As regards admissibility, the Respondent State raised an objection to admissibility based on non-exhaustion of local remedies, arguing that it was not afforded the opportunity to remedy the alleged violations, since the matter was never brought before its courts. It further emphasised that the Applicants were required to file a cassation appeal before the Cassation Court challenging the judgment of the Abidjan Court of Appeal, in accordance with Article 571 of the Code of Criminal Procedure (CCP). The Respondent State also contended that the Applicants failed to seek legal assistance both at trial and on appeal, thereby undermining their argument that they were unaware of the right of appeal before the Cassation Court.

For their part, the Applicants prayed the Court to dismiss the objection. They maintain, in fact, that they did not receive legal aid and, as a result, were unaware of the existence of the appeal remedy before the Cassation Court. In their view, it was therefore for reasons beyond their control that they did not file the said appeal. They added that, in any event, such an appeal would have been doomed to failure as it is not an effective remedy.

In examining the objection based on non-exhaust local remedies, the Court held that the fact of not being assisted by counsel, or not being aware of the existence of a legal remedy cannot justify the failure to exercise that remedy, as no one is deemed to be ignorant of the law. It

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further held that an applicant cannot merely allege that a remedy is ineffective, but must, at the very least, attempt to exercise it.

Having found that the Application did not meet the requirement of Rule 50(2)(e) of the Rules, and recalling that the admissibility requirements are cumulative, the Court considered that there was no need to rule on compliance with the other admissibility requirements.

The Court therefore declared the Application inadmissible.

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

Further information on this case, including the full text of the African Court's judgment, is available on the website

<https://ajudata.african-court.org/details-case/0282019>;

<https://ajudata.african-court.org/details-case/0302019>;

<https://ajudata.african-court.org/details-case/0312019>;

<https://ajudata.african-court.org/details-case/0332019>

<https://ajudata.african-court.org/details-case/0472019>;

<https://ajudata.african-court.org/details-case/0512019>;

<https://ajudata.african-court.org/details-case/0532019>

For any further enquiries, please contact the Registry by email at 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 to hear 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 at www.african-court.org.