

AFRICAN UNION		AFRICAN UNION
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UNIÓN AFRICANA		UMOJA WA AFRIKA
AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES		

THE MATTER OF

SOULEYMANE CAMARA

V.

REPUBLIC OF MALI

APPLICATION NO. 014/2021

RULING

24 SEPTEMBER 2026



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The Court, composed of: Blaise TCHIKAYA, President; Chafika BENSAOULA, Vice-President; Rafaâ BEN ACHOUR, Suzanne MENGUE, Tujilane R. CHIZUMILA, Stella I. ANUKAM, Imani D. ABOUD, Dumisa B. NTSEBEZA, Dennis D. ADJEI and Duncan GASWAGA – Judges, and Robert ENO, Registrar.

In accordance with Article 22 of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (hereinafter referred to as the "Protocol") and Rule 9(2) of the Rules of Court (hereinafter referred to as "the Rules"), Judge Modibo SACKO, a judge of the Court and national of Mali, did not hear the Application.

In the matter of:

Souleymane CAMARA

Represented by:

Barrister Mamadou DIARRA, member of the Bar Association of Mali.

Versus

THE REPUBLIC OF MALI

Represented by :

Mr Badou Hassèye TRAORÉ, Director-General of State Litigation.

After deliberation,

Issues the following Ruling:

I. THE PARTIES

1. Mr Souleymane Camara (hereinafter referred to as “the Applicant”) is a Malian national and businessman. He alleges violation of his rights in connection with judicial proceedings in domestic courts relating to a dispute between himself and his former business partner.
2. The Application is filed against the Republic of Mali (hereinafter referred to as “the Respondent State”), which became a Party to the African Charter on Human and Peoples’ Rights (hereinafter referred to as “the Charter”) on 21 October 1986, and to the Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights (hereinafter referred to as “the Protocol”) on 20 June 2000. The Respondent State also deposited, on 19 February 2010, the declaration provided for in Article 34(6) of the Protocol (hereinafter referred to as “the Declaration”), by virtue of which it accepts the jurisdiction of the Court to receive applications from individuals and Non-Governmental Organisations having observer status before the African Commission on Human and Peoples’ Rights.

II. SUBJECT OF THE APPLICATION

A. Facts of the matter

3. It emerges from the Application that in 2010, the Applicant and one Mr Baba Moulaye Haïdara entered into a real estate and agribusiness partnership by pooling their expertise and capital. However, trust between the two business partners subsequently broke down, leading to the termination of their contractual relationship.
4. Following a complaint lodged by Mr Baba Moulaye Haïdara contesting the authenticity of an acknowledgement of debt submitted by the Applicant in the amount of Twenty-Five Million (25,000,000) CFA francs, criminal

proceedings were initiated against the latter. By Judgment No. 47 of 7 September 2020 (hereinafter “the Judgment of 7 September 2020”) delivered in *absentia*, the Bamako Assize Court found the Applicant guilty of forgery and use of forged documents, and sentenced him to ten years’ imprisonment.

5. The Applicant alleges that he filed a motion to set aside the said judgment. According to him, that motion resulted in Judgment in Default No. 48 of 8 April 2021 (hereinafter referred to as “the Judgment of 8 April 2021”), by which the Bamako Assize Court upheld the sentence of ten years’ imprisonment imposed by the Judgment of 7 September 2020. The said court further imposed a ten-year prohibition on residence and ordered the Applicant to pay Mr Baba Moulaye Haïdara the sum of ten million (10,000,000) CFA Francs in damages. The Applicant avers without further detail, that as at the date of filing the present Application his appeal against the Judgment of 8 April 2021 had not yet been determined.
6. The Applicant alleges that in the course of the aforementioned proceedings, the domestic courts violated his fundamental rights protected under the Charter and the International Covenant on Civil and Political Rights (ICCPR).

B. Alleged violations

7. The Applicant alleges violation of the following rights:
 - i. The right to equality before the law and the right to equal protection by the law, protected by Article 3(1) and (2) of the Charter;
 - ii. The right to dignity, protected by Article 5 of the Charter;
 - iii. The right to have one’s cause heard, protected by Article 7(1) of the Charter; and
 - iv. The rights protected by Articles 14(1), (2), (3)(d) and (e), 16, 19 and 26 of the International Covenant on Civil and Political Rights (ICCPR).

III. SUMMARY OF THE PROCEDURE BEFORE THE COURT

8. The Application, together with a request for legal aid, was filed on 20 April 2021.
9. On 18 June 2021, the Registry informed the Applicant that the Court had decided to grant him legal aid and had appointed Mr Mamadou Diarra, a member of the Malian Bar, to represent him. On the same date, the Registry forwarded the case file to the appointed counsel.
10. On 26 July 2021, the Application was served on the Respondent State, with a request to submit the names of its representatives and to file its Response within 30 days and 90 days respectively from the date of receipt of the notification.
11. Following the extension of time accorded on 18 August 2023 and 25 March 2024, the Respondent State filed its Response on 29 April 2024. The Response was notified to the Applicant with a request to file his Reply within 45 days from the date of receipt.
12. On 9 October 2024, the Applicant filed his Reply, which was notified to the Respondent State on 16 October 2024.
13. Pleadings were closed on 21 May 2025, and the Parties duly were informed.

IV. PRAYERS OF THE PARTIES

14. The Applicant prays the Court to:
 - i. Declare that it has jurisdiction;
 - ii. Declare the Application admissible;
 - iii. Declare that the Respondent State violated the Protocol, the Charter and

- other human rights instruments;
- iv. Order the Respondent State to pay him the sum of Eight Hundred And Fifty Million (850,000,000) CFA francs as damages for serious violation of his honour and dignity;
- v. Order the Respondent State to pay costs.

15. The Respondent State prays the Court to:

- i. Declare the Application inadmissible for lack of standing;
- ii. Find and hold that it did not violate the provisions of the Protocol or the Charter;
- iii. Declare the Application without merit and dismiss it;
- iv. Order the Applicant to pay the costs.

V. JURISDICTION

16. The Court observes that Article 3 of the Protocol provides:

- 1. The jurisdiction of the Court shall extend to all cases and disputes submitted to it concerning the interpretation and application of the Charter, this Protocol and any other relevant Human Rights instrument ratified by the States concerned.
- 2. In the event of a dispute as to whether the Court has jurisdiction, the Court shall decide.

17. Under Rule 49(1) of the Rules, “[T]he Court shall conduct preliminary examination of its jurisdiction and the admissibility of an Application in accordance with the Charter, the Protocol and these Rules”.

18. In light of the aforementioned provisions, the Court must, in every application, conduct a preliminary examination of its jurisdiction and rule on objections thereto, where applicable.

19. The Court notes that there’s no contention between the Parties with regards

to its material, personal, temporal or territorial jurisdiction. Nevertheless, in accordance with Rule 49(1) of the Rules, it must ensure that all requirements relating to all aspects of its jurisdiction have been fulfilled.

20. The Court finds that it has material jurisdiction, insofar as the Applicant alleges violation of rights protected by the Charter and the ICCPR, instruments to which the Respondent State is a Party.¹
21. The Court further finds that it has personal jurisdiction insofar as the Respondent State is a Party to the Protocol and has deposited the Declaration.²
22. As regards its temporal jurisdiction, the Court finds that this is established insofar as the alleged violations occurred after the Protocol had entered into force in respect of the Respondent State.³
23. The Court also finds it has territorial jurisdiction insofar as the facts of the case and the alleged violations took place on the Respondent State's territory.⁴
24. Accordingly, the Court finds that it has jurisdiction to hear the Application.

VI. ADMISSIBILITY

25. The Court notes that the Respondent State raises an objection to the admissibility of the Application on the ground that the Applicant lacks standing to bring the matter before the Court, a requirement which is not expressly provided for in the Charter or the Rules.

¹ The Respondent State became a Party to the ICCPR on 16 July 1974. See also *Salif Traoré and Sékou Oumar Coulibaly v. Republic of Mali*, Application No. 020/2018, Judgment of 26 June 2025 (merits and reparations), § 23.

² *Traoré and Coulibaly v. Mali*, *ibid.*, § 24.

³ *Ibid.*, § 25.

⁴ *Ibid.*, § 26.

26. In line with its established jurisprudence,⁵ the Court is required to examine this preliminary objection before determining if the admissibility requirements expressly prescribed by its constituent instruments are met.

A. Objection based on lack of standing

27. The Respondent State raises an objection to the admissibility of the Application on the ground that the Applicant lacks standing to file the Application. It contends that the Applicant merely invokes international human rights instruments vaguely, without establishing any personal and direct injury. Consequently, the Respondent State prays the Court to declare the Application inadmissible.

*

28. The Applicant prays the Court to dismiss the said objection, arguing that he has victim status in this Application. In this regard, he submits that he is personally and directly affected by the alleged violations committed by the Respondent State, thereby establishing a sufficient causal link entitling him to bring the matter before this Court.

29. The Court recalls its established jurisprudence according to which “[a]rticles 5(3) and 34(6) of the Protocol do not require individuals or NGOs to demonstrate a personal interest in an application in order to have access to the Court”.⁶ Consequently, the Court has consistently held that, as a principle, applicants are not required to establish standing as a condition for

⁵ *Sébastien Germain Ajavon v. Republic of Benin* (merits and reparations) (17 April 2020) 4 AfCLR 133, § 54; *XYZ v. Benin* (merits) (27 November 2020) 4 AfCLR 49, § 41; *Houngue Noudéhouenou v. Republic of Benin* (merits) (4 December 2020) 4 AfCLR 749, § 32.

⁶ *Ivorian League for Human Rights and Others v. Republic of Côte d’Ivoire*, AfCHPR, Application No. 041/2016, Judgment of 5 September 2023, § 69; *Bernard Anbataayela Mornah v. Republic of Benin and Others*, AfCHPR, Application No. 028/2018, Judgment of 22 September 2022, § 120.

filing an application before it.

30. However, the Court notes that, in the present case, the debate concerning the Applicant's standing is pointless. Indeed, it emerges from the record that the violations alleged by the Applicant arose in connection with criminal proceedings brought against him. His standing cannot therefore be contested, since he is directly and personally affected by the judicial measures of which he complains.

31. Consequently, the Court dismisses the objection.

B. Admissibility requirements under the Charter and the Rules

32. Article 6(2) of the Protocol provides: "[T]he Court shall rule on the admissibility of cases taking into account the provisions of article 56 of the Charter".

33. Under Rule 50(1) of the Rules, "The Court shall ascertain the admissibility of an Application [...] in accordance with Article 56 of the Charter, Article 6(2) of the Protocol and these Rules".⁷

34. Rule 50(2) of the Rules, which substantially restates the provisions of Article 56 of the Charter, provides as follows:

Applications filed before the Court shall comply with all of the following conditions:

- a. Indicate their authors even if the latter request anonymity;
- b. Are compatible with the Constitutive Act of the African Union and with the Charter;
- c. Are not written in disparaging or insulting language directed against the State concerned and its institutions or the African Union;

⁷ Rule 40 of the Rules of Court, 2 June 2010.

- d. Are not based exclusively on news disseminated through the mass media;
 - e. Are sent after exhausting local remedies, if any, unless it is obvious that this procedure is unduly prolonged;
 - f. Are submitted within a reasonable time from the date local remedies were exhausted or from the date the Court is seized with the matter, and
 - g. Do not deal with cases which have been settled by those States involved in accordance with the principles of the Charter of the United Nations, or the Constitutive Act of the African Union or the provisions of the Charter.
35. The Court notes that the Respondent State does not raise any objection to admissibility based on requirements provided for in the aforementioned provisions. Nonetheless, the Court is duty-bound to ensure that those requirements are met.
36. In this regard, the Court finds that, in accordance with Rule 50(2)(a) of the Rules, the Applicant has clearly indicated his identity.
37. The Court also notes that the Applicant's requests seek to protect his rights guaranteed by the Charter. Furthermore, one of the objectives of the Constitutive Act of the African Union, as set out in Article 3(h) thereof, is the promotion and protection of human and peoples' rights. In addition, there is nothing on the record to suggest that the Application is incompatible with any provision of the Constitutive Act. The Court therefore finds that the Application is compatible with the Constitutive Act of the African Union and the Charter, and accordingly finds that it meets the requirement of Rule 50(2)(b) of the Rules.
38. The Court further notes that the Application does not contain disparaging or insulting language directed against the Respondent State, its institutions or the African Union, as required by Rule 50(2)(c) of the Rules.
39. The Court further finds that the Application meets the requirement under

Rule 50(2)(d) of the Rules, insofar as it is not based exclusively on news disseminated through the mass media but rather concerns judicial decisions rendered by the Respondent State's domestic courts.

40. The Court recalls that, pursuant to Rule 50(2)(e) of the Rules, the local remedies to be exhausted are judicial remedies. Such remedies must not only be available, that is, accessible to the Applicant without impediment, but must also be effective and sufficient, in the sense that they must be capable of directly redressing the impugned situation.⁸
41. In the present case, the Court notes that the alleged violations arise from criminal proceedings brought against the Applicant for forgery and the use of forged documents. It further observes that, by a judgment in *absentia* delivered on 7 September 2020, the Bamako Assize Court found the Applicant guilty and sentenced him to ten years' imprisonment.
42. The Court further notes that following the appeal filed by the Applicant against the said judgment,⁹ the Bamako Assize Court, by Judgment in repeated default of 8 April 2021, confirmed the ten-year prison sentence, and added a ten-year prohibition on residence, and ordered him to pay ten million (10,000,000) CFA francs in damages to the civil party. The Applicant submits that he lodged an appeal against that decision, which was pending at the time of filing of the present Application.
43. The Court observes that, in the present case, the remedy available against the 8 April 2021 Judgment of the Bamako Assize Court was an appeal before the Supreme Court, the highest judicial authority of the Respondent State. That remedy is expressly provided for under Article 505 of the

⁸ *Beneficiaries of late Norbert Zongo, Abdoulaye Nikiema alias Ablasse, Ernest Zongo, Blaise Ilboudo and Mouvement Burkinabe des Droits de l'Homme et des Peuples v. Burkina Faso* (preliminary objections) (2013) 1 AfCLR 197, § 68; *Lohé Issa Konaté v. Burkina Faso* (merits) (5 December 2014) 1 AfCLR 314, § 108; *Yacouba Traoré v. Republic of Mali* (jurisdiction and admissibility) (25 September 2020) 4 AfCLR 655, § 40.

⁹ Appeal filed on 23 September 2020 with the Prosecutor General of the Bamako Court of Appeal.

Criminal Procedure Code (CPC)¹⁰ and is instituted by means of a notice filed with the registry of the court that delivered the impugned decision.¹¹

44. In this regard, the Court has consistently held that, within the Respondent State's judicial system, an appeal before the Supreme Court is an available remedy that must be exhausted.¹²
45. The Court notes that, although the Applicant claims to have appealed the Judgment of 8 April 2021, he does not produce any evidence on record, such as a copy of the notice of appeal on points of law or an acknowledgement of filing, capable of demonstrating that he effectively exercised that remedy.
46. Consequently, the Court finds that the Applicant did not exhaust available local remedies.
47. It follows that the Application does not satisfy the admissibility requirement under Rule 50(2)(e) of the Rules.
48. Having found that the Application does not satisfy the requirement under Rule 50(2)(e) of the Rules, and recalling that the admissibility requirements are cumulative, the Court observes that there is no need to determine whether the Application meets the other requirements under Article 56 of the Charter, as restated in Rule 50(2) (a), (b), (c), (d), (f) and (g) of the Rules.¹³

¹⁰ Article 505 of the Criminal Procedure Code provides that: "Decisions of the Indictment Division and final judgments and rulings in criminal, misdemeanour and police matters may be quashed on the grounds of a breach of the law following an appeal in cassation lodged by the Public Prosecutor or by the party against whom the judgment is directed". 73 The appeal shall be brought before the Criminal Bench of the Supreme Court. During the time limits for an appeal to the Court of Cassation and, if an appeal has been lodged, until the Supreme Court has delivered its judgment, enforcement of the court's judgment is stayed, except in respect of civil awards".

¹¹ Article 510 of the Criminal Procedure Code provides that: "The notice of appeal must be lodged with the registrar of the court which delivered the contested decision..."

¹² *Yacouba Traoré v. Republic of Mali*, *supra*, § 37;.

¹³ *Mariam Kouma and Ousmane Diabaté v. Republic of Mali* (jurisdiction and admissibility) (21 March 2018) 2 AfCLR 237, § 63; *Rutabingwa Chrysanthé v. Republic of Rwanda* (jurisdiction and admissibility) (11 May 2018) 2 AfCLR 361, § 48; *Collective of former ALS workers v. Republic of Mali* (jurisdiction and admissibility) (28 March 2019) 3 AfCLR 73, § 39.

49. The Court therefore declares the Application inadmissible.

VII. COSTS

50. Each Party prays the Court to order the other Party to bear costs.

51. The Court notes that proceedings before it are free of charge and that, as a general rule, each party bears its own costs. In the present case, none of Parties demonstrates the existence of circumstances warranting a departure from the provisions of Rule 32(2) of the Rules.

52. The Court therefore orders that each party shall bear its own costs.

VIII. OPERATIVE PART

53. For these reasons:

THE COURT,

Unanimously,

On jurisdiction

i. *Declares* that it has jurisdiction.

On admissibility

ii. *Finds* that the Application does not meet the requirement of exhaustion of local remedies under Rule 50(2)(e) of the Rules;

iii. *Declares the Application inadmissible.*

On costs

iv. *Orders that each party shall bear its own costs.*

Signed:

Blaise TCHIKAYA, President; 

Chafika BENSAOULA, Vice-President; 

Rafaâ BEN ACHOUR, Judge; 

Suzanne MENGUE, Judge; 

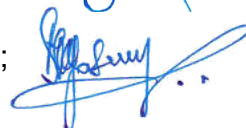
Tujilane R. CHIZUMILA, Judge; 

Stella I. ANUKAM, Judge; 

Imani D. ABOUD, Judge; 

Dumisa B. NTSEBEZA, Judge; 

Dennis D. ADJEI, Judge; 

Duncan GASWAGA, Judge; 

And Robert ENO, Registrar. 

Done at Arusha, on Twenty-Fourth Day of the Month of September in the Year Two Thousand and Twenty-six, in French and English, the French text being authoritative.

