

AFRICAN UNION		UNION AFRICAINE
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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		

IN THE MATTER OF

GOORE BI YOUZAN JEAN

V.

REPUBLIC OF CÔTE D'IVOIRE

APPLICATION NO. 027/2019

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, Modibo SACKO, Dennis D. ADJEI, Duncan GASWAGA – Judges; and Robert ENO, Registrar.

In the matter of:

GOORE Bi Youzan Jean

Represented by:

Mr Schadrack RUYENZI, Barrister at the Bar of Rwanda

Versus

Republic of Côte d'Ivoire

Represented by:

- i. Mr Constant DELBE ZIRIGNON, Magistrate, Technical Adviser to the Minister of Justice and Human Rights;
- ii. Mr Abdoulaye Ben MEITE, Barrister at the Bar of Côte d'Ivoire;
- iii. Mr Mamadou SAMASSI, Barrister at the Bar of Côte d'Ivoire;
- iv. Mr Patrice GUEU, Barrister at the Bar of Côte d'Ivoire; and
- v. Mr Mamadou KONE, Member of the Bar of Côte d'Ivoire.

After deliberation,

Issues this Ruling:

I. THE PARTIES

1. Mr Goore Bi Youzan Jean (hereinafter referred to as “the Applicant”) is a national of the Republic of Côte d’Ivoire. At the time of filing this Application, he was serving a ten-year prison sentence for indecent assault with violence on a 15-year-old minor. He alleges violation of his rights in connection with proceedings before domestic courts.
2. The Application is filed against the Republic of Côte d’Ivoire (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 31 March 1992, and to the Protocol to the Charter Establishing an African Court on Human and Peoples’ Rights (hereinafter referred to as “the Protocol”) on 25 January 2004. The Respondent State also deposited, on 23 July 2013, the declaration provided for in Article 34(6) of the Protocol (hereinafter referred to as “the Declaration”), by virtue of which it accepted 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 (hereinafter referred to as “the Commission”). On 29 April 2020, the Respondent State deposited with the Chairperson of the African Union Commission the instrument of withdrawal of the said Declaration. The Court has ruled that the said withdrawal has no effect, either on pending cases or on new cases filed before the withdrawal takes effect one year after the deposit of the relevant instrument, in this case, on 30 April 2021.¹

¹ *Kouadio Kobena Fory v. Republic of Côte d’Ivoire* (merits and reparations) (2 December 2021) 5 AfCLR 666, § 2; *Suy Bi Gohoré Émile and Others v. Republic of Côte d’Ivoire* (merits and reparations) (15 July 2020) 4 AfCLR 411, § 67.

II. SUBJECT OF THE APPLICATION

A. Facts of the matter

3. It emerges from the Application that the Applicant was charged with indecent assault with violence on a 15-year-old minor.
4. On 16 November 2011, he was convicted and sentenced to ten years' imprisonment by the Criminal Division of the Yopougon Court of First Instance.
5. The Applicant appealed the said judgment before the Abidjan Court of Appeal which, by Judgment No. 608 of 18 July 2012, upheld the judgment of the Court of First Instance.
6. The Applicant avers that both at the trial court and the appeal court he admitted to having sexually touched the victim but denied the act of penetration of which he was accused.
7. The Applicant avers that "for reasons beyond his control", he did not appeal the judgment of the Abidjan Court of Appeal before the Cassation Court, since, having not been assisted by counsel "*in limine litis*", he was unaware of the existence of the cassation appeal remedy. He notes that, in any event, the appeal "would be futile under the current legal and judicial system of the State in question".

B. Alleged violations

8. The Applicant alleges violation of his right to a fair trial, as follows:
 - i. The right of access to a judge and to justice provided for in Article 10 of the Universal Declaration of Human Rights (hereinafter referred to as "the UDHR"), including the right to bring before the competent national courts any act that violates fundamental rights recognised and

guaranteed by the conventions, laws, regulations and customs in force, protected by Article 7(1)(a) of the Charter; the right to the presumption of innocence, protected by Article 7(1)(b) of the Charter; the right to defence, protected by Article 7(1)(c) of the Charter; and the right to be tried within a reasonable time by an impartial court, protected by Article 7(1)(d) of the Charter;

- ii. The right to an effective remedy provided for in Article 8 of the UDHR.
- iii. The right to reasoned decisions in criminal proceedings;
- iv. The right to protection of the dignity of a person in custody, protected under Article 10(1) of the International Covenant on Civil and Political Rights (hereinafter referred to as “the ICCPR”);
- v. The right to equality of arms and the adversarial principle;
- vi. The right to respect for the principle of proportionality of penalties.

III. SUMMARY OF THE PROCEDURE BEFORE THE COURT

- 9. The Application was received by the Registry on 22 July 2019 and served on the Respondent State on 14 August 2019 with a request to submit the names of its representatives and to file its Response within 30 and 60 days respectively.
- 10. On 25 September 2019, the Respondent State submitted the names of its representatives. On 18 March 2020, the Respondent State filed its Response, which was transmitted to the Applicant on the same day.
- 11. The Parties filed their other pleadings and supporting documents within the time limits set by the Court.
- 12. Pleadings were closed on 28 October 2021, and the Parties were duly notified.

IV. PRAYERS OF THE PARTIES

13. The Applicant prays the Court to order the following measures:

- i. A presidential pardon;
- ii. Formal commutation of his 10-year determinate prison sentence to a lesser sentence;
- iii. Parole;
- iv. An out-of-court settlement;
- v. Financial compensation for the harm suffered as a result of the unjust judicial decisions handed down against him.

14. The Applicant further prays the Court to order the Respondent State to pay him the following sums as reparation for the harm suffered:

- i. 3,000,000 CFA francs as pecuniary reparation for legal damage;
- ii. 3,000,000 CFA francs as pecuniary reparation for material damage;
- iii. 4,000,000 CFA francs as pecuniary reparation for moral damage.

15. The Respondent State prays the Court to:

- i. Declare the Application inadmissible for breach of Article 6(2) of the Protocol to the African Charter on Human and Peoples' Rights and Article 56 of the Charter; or
- ii. Declare the Application unfounded and, consequently, dismiss it.

V. JURISDICTION

16. The Court notes 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, “The 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, if any.
19. The Court notes that in the present case, the Respondent State does not raise any objection to its jurisdiction. Nonetheless, in accordance with Rule 49(1) of the Rules, it must ensure that all requirements relating to all aspects of its jurisdiction are met.
20. Having found that there is nothing in the record to suggest that it lacks jurisdiction, the Court considers that it has:
 - i. Material jurisdiction, insofar as the Applicant alleges violation of human rights protected by the Charter and the ICCPR, instruments to which the Respondent State is a Party.²
 - ii. Personal jurisdiction, since, as indicated in paragraph 2 of this Ruling, the Respondent State deposited the Declaration on 23 July 2013. Although on 29 April 2020, it deposited the instrument of withdrawal of the said Declaration, the Court reiterates that the withdrawal of the Declaration has no retroactive effect and has no bearing on cases pending at the time of the deposit of the instrument of withdrawal or on new cases filed before the withdrawal takes effect, in this case, on 30 April 2021. The present Application, having been filed on 22 July 2019, that is, prior to the withdrawal of the Declaration, is thus not affected by it.

² The Respondent State became a Party to the International Covenant on Civil and Political Rights (“the ICCPR”) on 26 March 1992.

- iii. Temporal jurisdiction, insofar as the alleged violations occurred after the Respondent State became a Party to the Protocol.³
- iv. Territorial jurisdiction, insofar as the alleged violations took place on the Respondent State's territory.

21. In light of the foregoing, the Court declares that it has jurisdiction to hear the present Application.

VI. ADMISSIBILITY

22. Under Article 6(2) of the Protocol, “[t]he Court shall rule on the admissibility of cases, taking into account the provisions of Article 56 of the Charter”.
23. Rule 50(1) of the Rules provides that “[t]he Court shall ascertain the admissibility of an application filed before it in accordance with Article 56 of the Charter, Article 6(2) of the Protocol, and these Rules”.
24. Rule 50(2) of the Rules, which essentially 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;
- d. Are not based exclusively on news disseminated through the mass media;

³ *Kouadio Kobena Fory v. Republic of Côte d'Ivoire*, AfCHPR, Application No. 004/2021, Judgment of 5 February 2025 (jurisdiction and admissibility), § 24; *Kouassi Kouame and Baba Sylla v. Republic of Côte d'Ivoire*, AfCHPR, Application No. 015/2021, Judgment of 22 September 2022 (merits and reparations), § 24.

- 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 set by the Court as being the commencement of the time limit within which it shall be 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.

25. The Court notes that, in the present case, the Respondent State raises three objections to admissibility based on the use of disparaging and insulting language, failure to exhaust local remedies, and the Application not being filed within reasonable time. The Court will rule on these objections before examining the other admissibility requirements, if necessary.

A. Objection based on the use of disparaging and insulting language

26. The Respondent State argues that the Application is inadmissible on account of the use of disparaging and insulting language against it. According to the Respondent State, describing the judicial decisions handed down against the Applicant as “unjust”, as well as the assertion that “even if he had lodged the aforementioned appeal, the outcome would have been unsuccessful under the current legal and judicial system of the Respondent State”, constitute disparaging language.

27. The Respondent State contends that, by making these remarks, the Applicant “brings shame and discredit upon its institutions, particularly its judicial system”.

*

28. For his part, the Applicant maintains that the language "unjust decisions", which the Respondent State describes as disparaging or insulting, is not so. According to the Applicant, in this case, the said language suggests that the decisions in question are illegitimate, unfair and biased, given the total disregard for the rules of a fair trial.

29. The Court notes that under Article 56(3) of the Charter, restated in Rule 50 of the Rules, "...Applications filed before the Court shall comply with all of the following conditions: (c) Are not written in disparaging or insulting language directed against the State concerned and its institutions or the African Union".
30. The Court recalls its jurisprudence that disparaging or insulting language is that which is generally intended to undermine the dignity, reputation, or integrity of a person, in particular public authorities,⁴ and the person using such language must provide evidence in support of his allegations.⁵
31. The Court notes that the question arising here is whether the language referenced above by the Respondent State is disparaging or not, within the meaning of Rule 50 of the Rules. In this regard, the Court has, in the past, shared the Commission's view that for a remark or language to be disparaging or insulting, it must be:

aimed at unlawfully and intentionally violating the dignity, reputation and integrity of a judicial official or body and whether it is used in a manner calculated to pollute the minds of the public or any reasonable man to cast aspersions on and weaken public confidence on the administration of justice.

⁴ *Lohé Issa Konaté v. Burkina Faso* (merits) (5 December 2014) 1 AfCLR 314, §§ 69-71 ; *Kennedy Gihana and Others v. Republic of Rwanda* (Merits and Reparations) (2019) 3 AfCLR 655, § 53.

⁵ *Boubacar Sissoko and 74 Others v. Republic of Mali* (merits and reparations) (25 September 2020) 4 AfCLR 641, § 29.

The language must be aimed at undermining the integrity and status of the institution and bring it into disrepute.⁶

32. In the present case, the Court considers that the Applicant's assertions that the decisions of the domestic courts were "unjust" or that bringing a case before them would be "futile" cannot be regarded as intended to undermine the dignity, reputation, or integrity of the Respondent State's authorities or institutions. This is not language that can be characterised as disparaging or insulting within the meaning of Rule 50(2)(c) of the Rules.
33. Consequently, the Court dismisses the objection to the admissibility of the Application based on the use of disparaging and insulting language.

B. Objection based on non-exhaustion of local remedies

34. The Respondent State argues that the Application is inadmissible for non-exhaustion of local remedies, contending that it was not afforded the opportunity to remedy the alleged violations, insofar as the alleged violations were never brought before its domestic courts.
35. The Respondent State further submits that the Applicant did not pursue the appropriate remedies and is therefore not entitled to bring the matter before this Court.

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36. For his part, the Applicant prays that the objection be dismissed, arguing that the rule of exhaustion of local remedies is not absolute and must be interpreted flexibly.

⁶ *Konaté v. Burkina Faso*, *supra*, § 70 ; *Sissoko and 74 Others v. Mali* (merits and reparations), *supra*, § 28; and Communication 284/2003, *Zimbabwe Lawyers for Human Rights & Associated Newspapers of Zimbabwe v. Zimbabwe* (3 April 2009) ACHPR, § 91.

37. The Applicant states that he appealed the judgment of the Yopougon Court of First Instance, but declares that, “for reasons beyond his control”, he did not appeal the judgment of the Abidjan Court of Appeal before the Cassation Court. However, he argues that, as he was not assisted by Counsel, he was unaware of the existence of the cassation appeal remedy and that, in any event, filing an appeal before the Court of Cassation “would be entirely futile within the current legal and judicial system of the State in question”.

38. The Court notes that under Article 56(5) of the Charter, restated in Rule 50(2) of the Rules, applications brought before it must be filed after exhaustion of local remedies, where such remedies exist, unless it is manifest that the proceedings thereof are unduly prolonged.
39. The Court emphasises that the remedies to be exhausted are judicial remedies. They must be available, that is, they must be capable of being exercised without hindrance. They must, furthermore, be effective and satisfactory in the sense that they are capable of remedying the situation in dispute.⁷ In line with the Court’s established jurisprudence, this requirement is waived only where the remedies fall short or where they are unduly prolonged.⁸
40. Furthermore, the Court has consistently held that it assesses the exhaustion of local remedies in the light of the specific circumstances of each case and taking into account the remedies available under the judicial system of the Respondent State.⁹

⁷ *Lohé Issa Konaté v. Burkina Faso* (merits) (5 December 2014) 1 AfCLR 314, § 108 and *Sébastien Germain Marie Aïkoué Ajavon v. Republic of Benin* (jurisdiction and admissibility) (2 December 2021) 5 AfCLR 94, § 73.

⁸ *Kijiji Isiaga v. United Republic of Tanzania* (merits) (21 March 2018) 2 AfCLR 218, §. 44; *African Commission on Human and Peoples’ Rights v. Republic of Kenya* (merits) (26 May 2017) 2 AfCLR 9, §§ 93-94.

⁹ *Sébastien Germain Marie Aïkoué Ajavon v. Republic of Benin* (merits) (29 March 2019) 3 AfCLR 130, §. 110.

41. In the present case, the Court notes that the Applicant concedes 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 the remedy, which, in any event, is ineffective.
42. The Court notes that it has consistently held that, within the Respondent State's judicial system, a cassation appeal before the Cassation Court is an available, effective and satisfactory remedy.¹⁰
43. The Court further reiterates, in line with its established jurisprudence, that the fact of not being assisted by Counsel or being unaware of the existence of a remedy cannot justify the failure to exercise that remedy.¹¹ The Court further considers that an applicant cannot merely allege that a remedy is ineffective but must, at the very least, attempt to exercise it.¹²
44. In view of the foregoing, the Court considers that the Applicant did not exhaust local remedies and that, consequently, the Application does not meet this admissibility requirement.
45. Consequently, the Court upholds the Respondent State's objection and holds that the Applicant did not exhaust local remedies.

C. Objection based on the Application not being filed within a reasonable time

46. Having upheld the objection based on non-exhaustion of local remedies, the Court considers that there is no need to examine the objection based on the Application not being filed within a reasonable time.

¹⁰ *Oulaï Marius v. Republic of Côte d'Ivoire*, AfCHPR, Application No. 032/2019, judgment of 4 December 2024 (jurisdiction and admissibility), § 34; *Goh Taudier and Others v. Republic of Côte d'Ivoire*, AfCHPR, Applications (consolidated) Nos. 017/2019, 018/2019 and 019/2019, Judgment of 4 June 2024 (jurisdiction and admissibility), § 38.

¹¹ *Taudier and Others v. Côte d'Ivoire*, *ibid.*, §§ 34 and 35.

¹² *Moussa Doumbia v. Republic of Côte d'Ivoire*, AfCHPR, Application No. 029/2019, Judgment of 13 September 2024 (jurisdiction and admissibility), § 30.

D. Other admissibility requirements

47. Having found that the Applicant did not exhaust local remedies, the Court considers it superfluous 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.
48. Consequently, the Court declares the Application inadmissible.

VII. COSTS

49. Neither Party made submissions on costs.

50. The Court recalls that under Rule 32(2) of the Rules, “[u]nless otherwise decided by the Court, each party shall bear its own costs, if any”.
51. The Court considers that, in the present case, there is no reason to depart from this provision.
52. Consequently, the Court decides 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. *Upholds the Respondent State's objection based on non-exhaustion of local remedies;*
iii. *Declares the Application inadmissible.*

On costs

- iv. *Orders each Party to bear its own costs.*

Signed:

Blaise TCHIKAYA, President; 

Chafika BENSAOULA, Vice-President; 

Rafaâ BEN ACHOUR, Judge; 

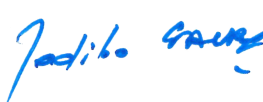
Suzanne MENGUE, Judge; 

Tujilane R. CHIZUMILA, Judge; 

Stella I. ANUKAM, Judge; 

Imani D. ABOUD, Judge; 

Dumisa B. NTSEBEZA, Judge; 

Modibo SACKO, Judge; 

Dennis D. ADJEI, Judge;

Duncan GASWAGA, Judge;

and Robert ENO, Registrar.

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

