



## JUDGEMENT SUMMARY

### COLLECTIF DES ANCIENS TRAVAILLEURS DU LABORATOIRE ALS v. REPUBLIC OF MALI

APPLICATION No. 042/2016

JUDGEMENT ON ADMISSIBILITY [28 March 2019]

### DECISION OF THE AFRICAN COURT OF HUMAN AND PEOPLES' RIGHTS IN A HUMAN RIGHTS CASE CONCERNING MALI

Date of Press release: 28 March 2019

**Arusha, 28 March 2019:** The African Court on Human and Peoples' Rights (the Court) delivered its judgment in the matter of *Collectif des anciens travailleurs du laboratoire ALS v. Republic of Mali*.

The *Collectif des anciens travailleurs ALS* (hereinafter referred to as “the Applicants”) is an informal group of one hundred and thirteen (113), out of one hundred and thirty-five (135), former workers of ALS (*Australian Laboratory Services*), a public limited liability company, all resident in Mali.

On 1 February 2012, the Applicants, who claim to have been victims of lead poisoning during their service, filed a criminal complaint with the Prosecutor at the Commune III Court of First Instance of the District of Bamako. Since they had not received any information from the Prosecutor-General on the progress of the case, one year after the complaint was filed, they concluded that the proceedings had been unduly prolonged by the judicial authorities of the Respondent State. They therefore decided to bring their case before this Court.

The Applicants assert that their right to the enjoyment of the highest attainable standard of health, provided for in Articles 16 and 24 of the Charter and 12 of the International Covenant on Economic, Social and Cultural Rights (hereinafter referred to as “the ICESCR”), **have** been violated. They submit that the undue delay in the examination of the case constitutes a violation

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of their rights under Articles 7(1) and 26 of the Charter and Articles 2(3) and 14 of the International Covenant on Civil and Political Rights (hereinafter referred to as "the ICCPR").

The Court ruled that it has jurisdiction to entertain the Application under Article 3(1) of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court of Human and Peoples' Rights (the Protocol). The Court considered in particular, and contrary to the Respondent State's contention, that the Applicants, an informal group of one hundred and thirteen (113), could seize it, since the Republic of Mali is a party to the Protocol and has filed the declaration provided for in Article 34(6), whereby individuals may bring their applications before the Court directly, in accordance with Article 5(3) of the Protocol.

Regarding admissibility, the Court also considered that, in the light of the list containing the full names of one hundred and thirteen (113) former workers of ALS who are part of the group, the Applicants had been properly identified, pursuant to Article 56(1) of the Charter and Rule 40(1) of the Rules.

On the hand, the Court, citing *Diakité Couple v. Republic of Mali*, considered that, under Article 62 of the Mali Code of Criminal Procedure, the Applicants had, at least, the opportunity to seize the investigating judge directly by filing a civil claim alongside the criminal action. The Court considered that, if the Applicants were not satisfied with the fact that the proceedings in respect of their criminal complaint before the Prosecutor-General were unduly prolonged, they had the opportunity to seize the investigating judge and file a civil claim alongside the criminal action. Having failed to pursue this remedy, the Applicants did not exhaust the local remedies. Accordingly, the Court found the Application inadmissible and decided that each party should bear its own costs.

### Additional information

More information on this case, including the full text of the African Court's judgment, is available on the website <http://fr.african-court.org/index.php/47-pending-cases-details/307-requete-no-002-2015-collectif-des-anciens-travailleurs-du-laboratoire-als-c-republique-du-mali>.



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For any other information, please contact the Registrar by email at [registrar@african-court.org](mailto:registrar@african-court.org) and [africancourtmedia.org](http://africancourtmedia.org).

*The African Court on Human and Peoples' Rights (the Court) is a continental court 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, (the Charter), the Protocol and any other relevant human rights instrument ratified by the States concerned. More information is available on our website [www.african-court.org](http://www.african-court.org).*