



PRESS RELEASE
JUDGMENT SUMMARY

**THE MATTER OF ALI BEN HASSAN BEN YUCEF BEN ABDLHAFID V. THE
REPUBLIC OF TUNISIA**
APPLICATION NO. 033 /2018

RULING

25 June 2021

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

Date of Press Release: 25 June 2021.

Arusha, 25 June 2021: Today, the African Court on Human and Peoples' Rights (the Court) delivered its Ruling in the matter of Ali Ben Hassan Ben Youcef Ben Abdhahfid v. the Republic of Tunisia.

The Applicant, Mr. Ali Ben Hassan Ben Youcef Ben Abdhahfid, alleged that on 25 April 2017, the Speaker of the Assembly of the People's Representatives, in contravention of constitutional procedures, issued a decision calling the Supreme Judicial Council to convene on 28 April 2017.. The Applicant also e alleged that this decision violated his rights protected by the African Charter on Human and Peoples' Rights (the Charter), namely, his right to enjoy the rights and freedoms recognized by the Charter without discrimination (Article 2), his right to equality before the law and to equal protection by the law enshrined (Article 3), , his right to have his case heard (Article 7) and his right to participate freely in the conduct of the public affairs of his country (Article 13). The Applicant further claimed a violation of Article 14 of the International Covenant on Civil and Political Rights (ICCPR).

On jurisdiction, the Respondent State raised an objection to the Court's material jurisdiction. The objection was that the Applicant's first prayer did not relate to human rights violations. The Court, unanimously, dismissed this objection. The



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Court declared that it had jurisdiction to hear the case because under Article 3(1) of the Protocol, it has material, personal, temporal and territorial jurisdiction, as long the Application invokes violations of human rights protected by the Charter and other human rights instruments ratified Respondent State. The Court also noted that the Respondent State is a party to the Protocol and deposited the Declaration provided under Article 34(6) of the Protocol. The Court concluded that it had temporal jurisdiction, because the alleged violations occurred after the entry into force of the Protocol for the Respondent State and that it had territorial jurisdiction, given that the alleged violations occurred in the territory of the Respondent State.

On the admissibility of the Application, the Court examined the preliminary objections raised by the Respondent State. In this regard, the Respondent State raised two preliminary objections to the admissibility of the Application but these objections did not relate to any of the conditions provided for in Article 56 of the Charter. The first was the lack of personal interest to file proceedings and the second was that the subject matter of the Application infringed on the Respondent State's national sovereignty. The Court dismissed the two preliminary objections raised.

The Respondent State also raised another argument on admissibility of the Application relating to the requirements of Article 56(5) of the Charter. It alleged that the Applicant did not exhaust local remedies. The Court unanimously upheld this objection. It held that the Applicant filed a case before the Administrative Court at the national level and moved to seize this Court without waiting for its conclusion. The Court considered that the period of one (1) year, four (4) months, and fifteen (15) days is a reasonable period for the domestic litigation procedures without considering it unduly prolonged, within the meaning of Rule 50 (2) (c) of the Rules. The Court, therefore, didn't find justification for the Applicant to file his Application before this Court, while his case was under consideration by the Administrative Court.



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The Court concluded that the conditions of admissibility stipulated in Articles 56 of the Charter and Rule 50(2) of the Rules are cumulative, so that if one of the conditions is not satisfied, the Application becomes inadmissible. Accordingly, without having to consider the other conditions stipulated in Articles 56 of the Charter and Rule 50(2) of the Rules, the Court declared the case inadmissible.

Further information

Further information about this case, including the full text of the decision of the African Court, may be found on the website at <https://www.african-court.org/cpmt/details-case/0332018>

For any other queries, please contact the Registry by e-mail: registrar@african-court.org and africancourtmedia@gmail.com .

The African Court on Human and Peoples' Rights is a continental court established by African Union Member States 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 and any other relevant human rights instrument ratified by the States concerned. For further information, please consult our website at https://www.african-court.org/afc_home/.