

**PRESS RELEASE  
JUDGMENT SUMMARY**

**COLLECTIF DES ANCIENS TRAVAILLEURS DE LA SEMICO TABAKOTO  
[GROUP OF FORMER WORKERS OF SEMICO TABAKOTO]**

**V.**

**REPUBLIC OF MALI**

**APPLICATION N° 009/2018**

**RULING ON JURISDICTION AND ADMISSIBILITY**

**27 NOVEMBER 2020**

**A DECISION OF THE AFRICAN COURT ON HUMAN AND PEOPLE 'S RIGHTS**

**Press release dated: 27 November 2020**

**Arusha, 27 November 2020:** The African Court on Human and Peoples' Rights (the Court) delivered judgement in the case of *Collectif des anciens travailleurs de la SEMICO TABAKOTO v. Republic of Mali*. The *Collectif des anciens travailleurs de la SEMICO TABAKOTO* (Applicants) is an informal group of forty-nine (49) former workers of the Ségala Mining Corporation (SEMICO) which has managed the activities of the Tabakoto gold mine in Mali since 2005. The Applicants are all Malian nationals. They complained of lead poisoning in their blood following their employment with the above-mentioned company.

On 20 February 2018, they lodged an application with the Court against the Republic of Mali (Respondent State), alleging a violation of their right to appeal to the relevant courts and to seek effective remedies; violation of the duty to guarantee the independence of the courts; violation of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the obligation to take the necessary measures to protect the health of their populations and to afford them medical assistance in the event of sickness; violation of the right of peoples to a satisfactory and general environment favourable to their development, as

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guaranteed by Articles 7(1)(a) and 16; 24 and 26 of the Charter and Articles 2(3) and 14(1) of the International Covenant on Civil and Political Rights (ICCPR), respectively.

The Respondent State raised an objection to the Court's personal jurisdiction, arguing further that the *Collectif des Anciens Travailleurs*, the Applicants in the present case, was not a legal entity or at least had not provided proof of its legal existence that would allow it to take legal action. Ruling on the objection, the Court recalled that, under Article 5(3) of the Protocol, individuals may bring cases against the States which have deposited the Declaration. The Court concludes that the right of the Applicants to bring the Application in the present case was guaranteed by Article 5(3) of the Protocol. It therefore dismissed the objection to personal jurisdiction raised by the Respondent State. The Court also ascertained that it had territorial, temporal and subject-matter jurisdiction.

The Respondent State raised an objection to the admissibility of the mandate of Counsel for the Applicants before the Court. Ruling on this issue, the Court recalled that international justice is, to a large extent, based on the general principles of law as embodied in national laws, and that the provisions of Article 10 of the Protocol are a part of this practice.

According to the general principles of law, the performance of legal work on the basis of a mandate must be carried out within the scope of the terms agreed in the mandate, and that if the mandatary oversteps his mandate, the effects do not apply to the principal, in accordance with the terms of the representation contract.

The Court noted that in the instant case, although Mr. Traoré signed and filed the Application on behalf of the *Collectif des anciens travailleurs*, nothing in the file indicated that he had been legally mandated to represent the Group or its members.

The Court further noted that on 22 November 2016, the Applicants mandated Mr. Yacouba Traoré of the *Fédération nationale des mines et de l'énergie* (FENAME) to represent the Group before the Bamako Court, but not before the African Court. In the circumstances, it was clear that Yacouba Traoré had no mandate to represent the Applicants before this Court.

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In the light of the above, the objection of inadmissibility raised by the Respondent State concerning the mandate of the Applicants' representative was upheld.

Lastly, the Court ordered each Party to bear its own costs of the proceedings.

**Plus d'informations**

Further information about this case, including the full text of the decision of the African Court can be found on the website at: <https://en.african-court.org/index.php/56-pending-cases-details/1385-app-no-010-2018-yacouba-traore-traore-v-republic-of-mali-details>

For any other queries, please contact the Registry by email: [registrar@african-court.org](mailto:registrar@african-court.org)

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