

OULAI MARIUS V. REPUBLIC OF CÔTE D'IVOIRE

APPLICATION NO. 032/2019

RULING ON JURISDICTION AND ADMISSIBILITY

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

Algiers, 4 December 2023: The African Court on Human and Peoples' Rights (the Court) has delivered a judgment in the case of *Youssouf Traoré and 9 others v. Republic of Mali*.

On 30 May 2014, Mr Oulaï Marius (the Applicant) filed an Application with the Court against the Republic of Côte d'Ivoire (the Respondent State).

The Applicant alleged violation of the following rights: the right to respect for the inherent dignity of the human person, including all detainees, protected by Article 5 of the African Charter on Human and Peoples' Rights (the Charter) and Article 10(1) of the International Covenant on Civil and Political Rights (ICCPR), the right to a fair trial, including the obligation to give reasons for a decision in criminal proceedings and the principle of proportionality of penalties, protected by Article 7 of the Charter, in particular the right to an effective remedy, protected by Articles 7(1)(a) and 8 of the Universal Declaration of Human Rights (UDHR) ; and 10 of the UDHR.

The Applicants prayed the Court to declare that it had jurisdiction, declare the Application admissible, establish the alleged violations and order the Respondent State to remedy the violations.

The Parties did not contest the Court's jurisdiction. Nonetheless, the Court examined the personal, temporal, and territorial aspects of its jurisdiction and concluded that it had jurisdiction.

Accordingly, the Court assumed jurisdiction to hear the Application.

On admissibility, the Respondent State raised an objection based on non-exhaustion of local remedies, arguing that the Applicant brought the case before the Court prematurely. It pointed out that the Applicant, who filed the present Application while his cassation appeal was still pending, has not shown that the procedure in respect of the appeal was unduly prolonged.

The Respondent State maintained that by bringing the case before the Court prematurely, the Applicant did not afford the Respondent State the opportunity to remedy the alleged violation. It further asserted that the Applicant should have awaited the outcome of his cassation appeal before bringing the matter before the African Court. The Respondent State concluded that the Applicant did not exhaust local remedies and, therefore, the Application should be declared inadmissible.

The Applicant did not file any submissions on this issue.

The Court noted that at the time the Application was filed, the Cassation Court of the Respondent State had not yet ruled on the Applicant's cassation appeal. Given that the cassation remedy is an available and effective remedy in the Respondent State, the Court found that the Applicant had not exhausted local remedies at the time of filing his Application.

The Court therefore upheld the objection based on non-exhaustion of local remedies and held that the Applicant did not exhaust local remedies.

Having concluded that the Application did not satisfy the requirement of Rule 50(2)(e) of the Rules, and having regard to the cumulative nature of the admissibility requirements, the Court decided that there was no need to rule on the other admissibility requirements set out in Article 56(1)(2)(3)(4)(6) and (7) of the Charter as restated in Rule 50(2)(a)(b)(c)(d)(f) and (g) of the Rules.

The Court therefore declared the Application inadmissible.

Finally, the Court ordered each Party to bear its own costs.

Further Information

Further information on this case, including the full text of the African Court's judgment, is available at <https://www.african-court.org/cpmt/fr/details-case/0322019>

For any other questions, please contact the Registry at the following e-mail address: registrar@african-court.org or registry@african-court.org

The African Court on Human and Peoples' Rights 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 and any other relevant human rights instrument ratified by the State concerned. For more information, please visit our website: www.african-court.org