

JUDGMENT SUMMARY

GOH TAUDIER AND OTHERS

V.

THE REPUBLIC OF CÔTE D'IVOIRE

JOINT APPLICATIONS Nos 017/2019, 018/2019 and 019/2019

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

ARUSHA, 4 June 2024: The African Court on Human and Peoples' Rights delivered a judgment on the case *GOH Taudier and others v. The Republic of Côte d'Ivoire*.

On 23 April 2019, GOH Taudier, BAMBA Lamine and COULIBALY Ousmane, (hereinafter referred to as "the Applicants") filed different Applications with the African Court on Human and Peoples' Rights against the Republic of Côte d'Ivoire (hereinafter referred to as "the Respondent State").

In their respective Applications, they alleged violation of the following rights: on the one hand, the right to a fair trial, in particular, the right to an effective remedy, respect for the adversarial principle, respect for the principle of proportionality of sentencing and, on the other hand, the right to respect for human dignity. Having found that these Applications related to the same facts and that the Applicants alleged violation of the same human rights, the Court ordered the joinder of the cases by Ruling of 2 December 2019.

It emerged from the facts of the matter that on 27 March 2013, four (4) individuals armed with pistols attacked a man, robbing him of his briefcase containing money and various items. A few days later, the victim of the armed hold-up also received death threats from anonymous phone calls and SMS text messages. He then filed a complaint against unknown persons.

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Subsequent investigation led to the arrest of the three Applicants who were later tried and sentenced to twenty (20) years' imprisonment each by the Abidjan Court of First Instance on 23 April 2013. The Applicants appealed the decision before the Abidjan Court of Appeal, which upheld the trial court's decision by judgment of 25 February 2015.

The Respondent State did not challenge the Court's jurisdiction. However, the Court, *suo moto*, ensured that all aspects of its material, personal, temporal and territorial jurisdiction were established.

The Respondent State raised two objections to admissibility based on non-exhaustion of local remedies, and failure to file the Application within a reasonable.

On the objection to the admissibility of the Application based on non-exhaustion of local remedies, the Respondent State argued that the Applicants did not raise before the domestic courts the violations that they brought before this Court. In the Respondent State's view, the Applicants did not exhaust the available local remedies insofar as they did not appeal before the Cassation Court the Appeal Court decision upholding the trial court's judgment. The Court should therefore declare their Application inadmissible.

For their part, the Applicants, argued that they were unaware of the existence of such a remedy, which they described as extraordinary and, in their view, ineffective. They concluded that they were not obliged to pursue this remedy.

The Court held that, contrary to the Applicants' allegations, in the judicial system of the Respondent State, a cassation appeal is an effective remedy insofar as it affords the avenue to challenge the decisions of lower courts and can, as a result, lead to a redress of the Applicants' situation. The Court found that the Applicants did not exhaust local remedies and accordingly declare the Application inadmissible.

The Court decided that each Party should bear their costs.

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Further information on this case, including the entire text of the African Court's judgment, is available on the website:

<https://www.african-court.org/cpmt/details-case/0172019>

For all other enquiries, please contact the Registry by e-mail at registrar@african-court.org.

The African Court on Human and Peoples' Rights is a continental Court established by African countries to protect Human and Peoples' Rights in Africa. The Court has jurisdiction over all cases and disputes brought before 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 visit our website www.african-court.org