

<b>AFRICAN UNION</b>		<b>UNION AFRICAINE</b>
<b>الاتحاد الأفريقي</b>		<b>UNIÃO AFRICANA</b>
<b>AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES</b>		

**APPLICATIO NO. 002/2024**

**IDRISSA MINTA**

**V.**

**REPUBLIC OF MALI**

**CASE SUMMARY**

## **I. THE PARTIES**

1. On 15 August 2023, Mr. Idrissa MINTA (hereinafter referred to as 'the Applicant'), a citizen of Mali, lodged an Application with the Court against the Republic of Mali (hereinafter referred to as 'the Respondent State').

## **II. SUBJECT OF THE APPLICATION**

### **A. Facts of the Matter**

2. It emerges from the Application that on 18 August 2020 a coup d'état was led by Colonel Assimi Goïta against the legitimate regime of President Ibrahim Boubakar Keïta. The coup d'état installed Mr Bah N'Daw, a retired colonel and former Minister of Defence, as President of the transition, and Colonel Assimi Goïta as Vice-President in charge of defence and security matters. The Applicant avers that pursuant to Decree No. 2020-0072/PT-RM of 1 October 2020 promulgating the Transition Charter, the Constitution of 25 February 1992 was repealed.
3. The Applicant states that in May 2021 another coup d'état led to the overthrow of the President of the transition Bah N'daw and his Prime Minister Mostar Ouane and the Constitutional Court declared Colonel Assimi Goïta Head of State and President of the transition. He notes that this coup d'état was condemned on 31 May and 1 June 2021 by the Peace and Security Council of the African Union.
4. He further adds that the various economic and financial sanctions imposed by the Economic Community of West African States (ECOWAS), following the ineffective call for a return to civilian rule, have severely affected national life.

5. The Applicant states that, despite all the efforts to find a way out of the crisis, the Malian authorities have extended the duration of their stay in power by virtue of Law No. 2022-001 of 25 February 2022 revising the Transition Charter, and that on 21 July 2023 the Constitutional Court validated the provisional results of the referendum of 18 June 2023, 97% of which adopted the ruling junta's draft constitution.

## **B. Alleged Violations**

6. The Applicant alleges violation of the following rights:
  - i. The right to participate freely in public affairs, protected by Articles 13(1) of the Charter, 25(a) and (b) of the International Covenant on Civil and Political Rights (ICCPR), 4 of the African Charter on Democracy, Elections and Governance (ACDEG); 1(d) of Protocol A/SP1:12/01 on Democracy and Good Governance to the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security of ECOWAS (ECOWAS Democracy Protocol);
  - ii. The right to have democratic institutions and leaders, protected by Article 10 of the CADEG, Article 1(c) of the ECOWAS Protocol on Democracy and Article 30(1) of the 1992 Malian Constitution;
  - iii. The right to have an electoral cycle that complies with the constitution and laws of the country, protected by Articles 2(3) and 3(4) of the CADEG and 2(2) of the ECOWAS Protocol on Democracy.

## **III. PRAYERS OF THE APPLICANT**

7. The Applicant prays the Court to:
  - i. Declare that it has jurisdiction to hear the application;
  - ii. Rule on the form of the application and declare it admissible;
  - iii. Rule on the merits of the application and declare it well-founded;
  - iv. Find that Mali violated Articles 13(1) of the Charter; 25(a) and (b) of the ICCPR; 2(2) (3) (4), 3(2)(4)(10), 5, 40(1) of the CADEG; 1(d)(c), 2(2) of the ECOWAS Democracy Protocol;

- v. Condemn the unconstitutional change of government in Mali brought about by the coups d'état of 18 August 2020 and May 2021;
- vi. Order the return to constitutional order under the 25 February 1982 constitution;
- vii. Call on the African Union to sanction the perpetrators and actors of the coup d'état by bringing them before its competent body in accordance with Article 25(5) of the CADEG;
- viii. Order Mali to try the perpetrators and actors of the coup d'état and to take all necessary measures to ensure the extradition of the perpetrators of the coup d'état, should they take refuge in a foreign country in accordance with Article 25(9) of the CADEG;
- ix. Order Mali to adopt all legislative and judicial measures to ensure non-repetition in the culture of coups d'état;
- x. Declare that the question of reparation due to the settlement, as a citizen of Mali who is a victim of human rights violations committed by Mali, shall be settled by the Court, and to reserve further proceedings for this purpose in accordance with the combined provisions of Article 27(1) of the Protocol and Rule 40(4) of the Rules of Court;
- xi. Order Mali to reimburse him for all costs he incurred in bringing and defending this matter before the Court.