


AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي		UNIÃO AFRICANA
UNIÓN AFRICANA		UMOJA WA AFRIKA
AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES		

THE MATTER OF
ARISTIDES GOMES
V.
GUINEA-BISSAU

APPLICATION No.010/2023

CASE SUMMARY

I. THE PARTIES

1. Aristides Gomes (herein after referred to as “the Applicant”) is a sociologist, former Prime Minister of Guinea- Bissau and a member of the African Party for the Independence of Guinea and Cape Verde (PAIGC), who at the time of filing the Application was residing in France. The Applicant alleges violation of his right to a fair trial in relation to criminal proceedings before domestic courts; the right to liberty and to security of his person; the right to leave any country including his own, and to return to his country and the right to dignity.
2. The Application is filed against the Republic of Guinea-Bissau (hereinafter referred to as “the Respondent State”), which became a Party to the African Charter on Human and Peoples’ Rights (hereinafter referred to as “the Charter”) on 4 December 1985 and the Protocol on 14 October 2021. Furthermore, on 2 November 2021, the Respondent State deposited the Declaration prescribed under Article 34(6) of the Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights (hereinafter referred to as “the Protocol”), through which it accepted the jurisdiction of the Court to receive applications from individuals and Non-Governmental Organisations (hereinafter referred to as “NGOs”).

II. SUBJECT OF THE APPLICATION

A. Facts of the matter

3. The Applicant alleges that he departed from the Respondent State in 2021 and returned on 18 November 2022, to attend the PAIGC Congress. On this day, State officials, allegedly from the Ministry of Interior, unsuccessfully attempted to arrest the Applicant in what he describes as an “attempted kidnapping.”
4. Following the incident mentioned above, the Applicant filed Criminal Complaint No. 09/2022 with the Public Prosecutor’s Office in Bissau on 9 December 2022. The Applicant alleges that the actions of the Respondent State constitute an offence against human liberty, amount to defamatory conduct, involve false accusations, and prohibit the exercise of political rights through the use of violence or threats.

5. On 25 August 2023, the Applicant, through his legal counsel, requested a certificate confirming the status of the criminal case initiated on 9 December 2022. However, no further procedural actions have been taken since its initiation hence his filing of the present Application.

B. Alleged Violations

6. The Applicant alleges violation of the following rights:
 - i. Right to a fair trial, protected by Article 12 of the Charter and Article 14 of the International Covenant on Civil and Political Rights (ICCPR);¹
 - ii. Right to liberty and security of person, protected by Article 6 of the Charter;
 - iii. Right to leave and return to one's country, protected by Article 12(2) of the Charter; and
 - iv. Right to dignity.

III. PRAYERS OF THE PARTIES

7. The Applicant prays the Court to make the following findings and orders:
 - i. Find that the Court has jurisdiction to determine the matter;
 - ii. Find that the Application has met the admissibility requirements stipulated under Article 56 of the Charter;
 - iii. Find that the Respondent State has violated the Applicant's rights to freedom of movement; political participation, honour, reputation; the right to a fair trial within a reasonable time; the right to liberty and security of person and;
 - iv. Order the Respondent State to provide reparations for the violations established.
8. With respect to reparations, the Applicant prays the Court to:
 - i. Grant him 100,000,000 CFA Francs to redress the moral and material damages inflicted upon him.
 - ii. Order the Respondent State to pay the Applicant 400,000,000 CFA Francs for the losses suffered by his company due to its blockade since 2020.

¹ Guinea Bissau became a State party to the ICCPR on September 24, 2013 when it ratified the treaty.

9. With respect to jurisdiction, admissibility and merits, the Respondent State prays the Court to:

- i. Declare that the Court is not vested with jurisdiction to adjudicate facts that occurred prior to the entry into force in Guinea-Bissau of the Protocol establishing it;
- ii. Declare that the Application has not met the admissibility requirements provided for under Articles 56(3), 56(4), 56(6), 56(7) of the Charter and that the Application is, therefore, inadmissible;
- iii. Make an order that the Respondent State did not violate the Applicant's human rights;
- iv. Dismiss the Application for lack of merit; and
- v. Dismiss the Applicant's prayers for reparations.