


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**  
**DOMINGOS SIMÕES PEREIRA**  
**V.**  
**GUINEA BISSAU**  
**APPLICATION NO. 012/2024**

**CASE SUMMARY**

## **I. THE PARTIES**

1. Mr. Domingos Simões Pereira (hereinafter referred to as “the Applicant”) states that he is an engineer and the President of the National People’s Assembly of the Republic of Guinea-Bissau and of the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC). The Applicant alleges violation of his right to freedom of movement; right of access to the competent national courts; the duty by the Respondent State to guarantee the independence of the Courts; the right to leave and return to his country; the right to work under equitable and satisfactory conditions and receive equal pay for equal work; and the right to participate freely in the government of his country.
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 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”) on 14 October 2021. Furthermore, on 2 November 2021, the Respondent State deposited the Declaration prescribed under Article 34(6) of 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**

1. It emerges from the Application that on 31 July 2024, the Attorney General of the Respondent State issued a Public Notice summoning the Applicant in regard to criminal proceedings registered as Case No. 2/2018.

2. The Applicant asserts that the Respondent State's actions constitute political persecution disguised as legal proceedings. He argues that the true intent behind these proceedings is to deprive him of his fundamental rights, particularly his freedom of movement, to harm his reputation, honor, and dignity both as an individual and a politician.
3. According to the Applicant, an order by the Deputy Prosecutor General of the Respondent State dismissed Case No. 2/2018, thereby revoking the order that had declared him a suspect in the investigation. Consequently, the order and any associated files were withdrawn. The Applicant contends that, given this development, there is no legal basis for any further criminal action against him. It is on this basis that he has filed the present Application.

## **B. Alleged Violations**

4. The Applicant alleges violation of the following:
  - i. The right of access to the competent national courts as guaranteed under Article 7 of the Charter;
  - ii. Freedom of movement enshrined under Article 12 of the Charter.
  - iii. The right to participate freely in the government of his country as guaranteed under Article 13(1) of the Charter;
  - iv. The right to work under equitable and satisfactory conditions and receive equal pay for equal work pursuant to Article 15 of the Charter and;
  - v. The duty owed by the Respondent State to guarantee the independence of the Courts as enshrined under Article 26 of the Charter.

### **III. PRAYERS OF THE PARTIES**

5. The Applicant prays the Court to:

- i. Find that the Respondent State has violated his rights to freedom of movement; right of access to the competent national courts; the right to leave and return to his country; the right to participate freely in the government of his country; the right to work under equitable and satisfactory conditions and receive equal pay for equal work and; the duty owed by the Respondent State to guarantee the independence of the Courts.
- ii. Order the provisional or preventive measure of immediately suspending the Public Notice issued on 31 July 2024 until a final decision is rendered in this case and;
- iii. Order the provision of legal aid to cover the legal costs associated with the case.

6. With respect to reparations, the Applicant prays the Court to:

- i. Order compensation in an amount no less than 300,000,000 CFA Francs for the moral and material damage caused to the Applicant.