


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

GUILLAUME KIGBAFORI SORO AND OTHERS

V.

REPUBLIC OF COTE D'IVOIRE

APPLICATION NO. 012/2020

JUDGMENT

26 JUNE 2025



TABLE OF CONTENTS

TABLE OF CONTENTS	i
I. THE PARTIES.....	1
II. SUBJECT MATTER OF THE APPLICATION	2
A. Facts of the matter.....	2
B. Alleged violations.....	3
III. SUMMARY OF THE PROCEDURE BEFORE THE COURT	4
IV. PRAYERS OF THE PARTIES.....	5
V. ON THE DEFAULT BY THE RESPONDENT STATE	6
VI. JURISDICTION.....	7
VII. ADMISSIBILITY	9
VIII. COSTS.....	13
IX. OPERATIVE PART	14

The Court, composed of: Modibo SACKO, President; Chafika BENSAOULA, Vice-President, Rafaâ BEN ACHOUR, Suzanne MENGUE, Tujilane R. CHIZUMILA, Blaise TCHIKAYA, Stella I. ANUKAM, Imani D. ABOUD, Dumisa B. NTSEBEZA, Dennis D. ADJEI, Duncan GASWAGA - Judges; and Robert ENO, Registrar.

In the Matter of :

SORO Guillaume Kigbafori and others

Represented by:

Advocate Claude MENTENON
Member of the Côte d'Ivoire Bar

Versus

REPUBLIC OF COTE D'IVOIRE

Not represented

After deliberation,

Renders this judgment:

I. THE PARTIES

1. The Applicants, Guillaume Kigbafori Soro, Alain Lobognon, Camara Loukimane, Kanigui Soro, Yao Soumaila, Soumahoro Kando, Kamaraté Souleymane Koné, Karidioula Souleymane, Téfour Koné, Simon Soro, Porlo Rigobert Soro, Félicien Sekongo, Marc Kidou Ouattara, Aboubacar Touré, Babou Traoré, Ladji Ouattara, Gnamiand Ndrin, Dahafolo Koné and Adama Zebret, are all Ivorian nationals with the exception of Simon Soro who is a national of the United States and Mamadou Djibo who is a national

of Canada and. At the time of filing the present Application, the Applicants were government officials, parliamentarians, civil servants or affiliates of various political parties. They allege human rights violations in connection with criminal proceedings brought against them during the 2020 elections.

2. The Application is filed against the Republic of Côte d'Ivoire (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 31 March 1992, and to 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 25 January 2004. Furthermore, on 23 July 2013, the Respondent State deposited the Declaration provided for under Article 34(6) of the Protocol (hereafter referred to as "the Declaration") by virtue of which it accepted the jurisdiction of the Court to receive applications from individuals and Non-Governmental Organisations having observer status before the African Commission on Human and Peoples' Rights. On 29 April 2020, the Respondent State deposited with the Chairperson of the African Union Commission the instrument of withdrawal of the said Declaration. The Court has held that this withdrawal had no bearing on pending cases and new cases filed before the withdrawal comes into effect one year after the date of its deposit, in this case, on 30 April 2021.¹

II. SUBJECT MATTER OF THE APPLICATION

A. Facts of the matter

3. The Applicants aver that Mr Guillaume Kigbafori Soro officially announced his candidature in the October 2020 presidential election. In this political context, some Applicants were arrested by the police between 23 and 31

¹ *Kouadio Kobena Fory v. Republic of Côte d'Ivoire* (merits and reparations) (2 December 2021) 5 AfCLR 682, § 2; *Suy Bi Gohoré Émile and Others v. Republic of Côte d'Ivoire* (merits and reparations) (15 July 2020) (merits and reparations) 4 AfCLR 406, § 67.

December 2019, on the instructions of the public prosecutor. On 23 December 2019, the plane carrying Mr Guillaume Soro was compelled to land in Accra, Ghana, due to a large deployment of security forces at the Abidjan airport, where he was due to land.

4. On the same day, the Abidjan Court of First Instance Public Prosecutor (hereinafter referred to as the “Abidjan Court of First Instance”) announced that a judicial investigation had been opened against Mr Guillaume Kigbafori Soro and others for embezzlement of public funds, money laundering and attempted subversion of State authority. The judicial investigation was based on alleged acts dating back to 2007, when Guillaume Kigbafori Soro was Prime Minister of the Respondent State.
5. The Applicants aver that an arrest warrant was issued for Mr Guillaume Kigbafori Soro. Some of them were arrested by the police, interrogated without the assistance of a lawyer present and without notification of charges, after which they were placed in detention, including in far-flung prisons. They further aver that two of them were “declared missing”. On 26 December 2019 and 7 February 2020, their lawyers appealed for the annulment of the arrest warrant before the investigative chamber of the Abidjan Court of Appeal.

B. Alleged violations

6. The Applicants allege violation of the following rights:
 - i. The rights to equality before the law and equal protection of the law, guaranteed by Articles 3 of the Charter and 2 of the International Covenant on Civil and Political Rights (hereinafter referred to as “the ICCPR”);
 - ii. The right to liberty and security of person, guaranteed by Article 6 of the Charter and Article 9(1) of the ICCPR;
 - iii. The right to a fair trial, in particular the right to be tried by a competent court, protected by Article 7(1)(a) of the Charter ; the right to be

presumed innocent, protected by Article 7(1)(b) of the Charter ; the right to counsel, protected by *Article* 7(1)(c) of the Charter and Article 4(3)(d) of the ICCPR; the right to respect for adversarial principle, protected by Article 7(1) of the Charter, read in conjunction with Article 14 of the ICCPR;

- iv. The right to freedom of movement, protected by Article 12 of the Charter;
- v. The right to the moral health of the family, protected by Articles 18(1) and (2) of the Charter and Article 23 of the ICCPR.

III. SUMMARY OF THE PROCEDURE BEFORE THE COURT

- 7. On 2 March 2020, the Registry received the Application and a request for provisional measures. These were served on the Respondent State for its Responses within 90 days and 72 hours respectively.
- 8. On 24 March 2020, the Respondent State filed its Response to the request for provisional measures.
- 9. On 22 April 2020, the Court issued a Ruling on Provisional Measures, the operative part of which reads as follows:

Orders the Respondent State to:

- i. Stay all acts taken against Applicant Guillaume Kigbafori Soro subsequent to the Ruling of 22 April 2020, until the Court's decision on the merits of the case;
 - ii. Take all necessary measures to immediately remove all obstacles preventing the Applicant Guillaume Kigbafori Soro from enjoying his rights to vote and be elected, in particular during the October 2020 presidential election; and
 - iii. Report to the Court within fifteen (15) days from the date of receipt of this decision, on the implementation of the provisional measures ordered.
- 10. The said Ruling was served on the Parties on the same day.

11. On the expiry of the time-limit, the Respondent State did not file a response to the Application.
12. On 30 June 2020, the Registry drew the Respondent State's attention to Rule 63(1) of the Rules of Court (hereinafter "the Rules"), under which the Court may render judgment by default. The Court also granted the Respondent State an extension of 45 days to file its Response to the Application.
13. On the expiry of that period, the Respondent State did not file its Response to the Application.
14. Pleadings were closed on 16 June 2025 and the Parties were duly informed.

IV. PRAYERS OF THE PARTIES

15. The Applicants pray the Court to order the Respondent State to:
 - i. Cease all acts of prosecution brought against the Applicants and terminate the criminal proceedings brought against them in violation of the rights guaranteed by the international human rights instruments to which the State of Côte d'Ivoire is a Party;
 - ii. Lift the arrest warrant issued against Mr Guillaume Soro, as well as the detention warrants issued against the other Applicants, and cease all proceedings or investigative measures against them;
 - iii. Amend Law No. 2018-975 of 27 December 2018 on the Code of Criminal Procedure, in particular Articles 97, 133 and 140, to bring them into line with Articles 2 and 14 of the ICCPR and Articles 3, 2, 7 and 12 of the African Charter on Human and Peoples' Rights ;
 - iv. Pay each Applicant the sum of one (1) Billion CFA francs, as full reparation for all damages suffered, and pay all costs in respect of these proceedings.

16. The Respondent State did not file its Response and did not make any prayers.

V. ON THE DEFAULT BY THE RESPONDENT STATE

17. According to Rule 63(1) of the Rules of Court,

Whenever a party does not appear before the Court, or fails to defend its case within the period prescribed by the Court, the Court may, on the Application of the other party, or on its own motion, enter judgment in default after it has satisfied itself that the defaulting party has been duly served with the Application and all other documents pertinent to the proceedings.

18. The Court notes that the above-mentioned Rule 63(1) lays down three requirements for issuing a judgment by default, namely: (i) notification of the application and all pertinent documents to the Respondent State; (ii) failure by the Respondent State to appear or to file a response; and (iii) a request made by the other party or a decision of the Court of its own motion.
19. With regard to notification of the Application and all pertinent documents, the Court recalls that in the present case the Application was transmitted to the Respondent State on 9 September 2020 for its Response within 90 days. The Court therefore finds that the defaulting party, in this case, the Respondent State duly received notification of the Application and the procedural documents.
20. With regard to the requirement relating to the Respondent State's failure to appear or to file a response, the Court notes that the Respondent State was not represented in the present proceedings and did not file a response to the Application despite having been granted an initial period of 90 days and additional 45 days to do so. The Court finds that the Respondent State thus defaulted by failing to defend its case.

21. The Court observes that the Applicants have not submitted a request for a decision by default. However, under Rule 63(1) of the Rules, the Court is empowered to render judgment by default *suo motu*. In this regard, the Court recalls its settled jurisprudence that it is empowered to render such a decision where the interest of justice so requires.² The Court considers that it is appropriate, in the interest of justice, to render judgment by default in the present case.
22. In the light of the foregoing, the Court finds that all admissibility requirements under Rule 63(1) of the Rules are met and accordingly decides to deliver the present judgment by default.

VI. JURISDICTION

23. The Court notes that Article 3 of the Protocol provides as follows:
 1. The jurisdiction of the Court shall extend to all cases and disputes submitted to it concerning the interpretation and application of the Charter, this Protocol and any other relevant human rights instrument ratified by the States concerned.
 2. In the event of a dispute as to whether the Court has jurisdiction, the Court shall decide.
24. Under Rule 49(1) of the Rules of Court, “[t]he Court shall ascertain its jurisdiction and the admissibility of the Application in accordance with the Charter, the Protocol and these Rules”.
25. Based on the above-cited provisions, the Court, in each application, must conduct an assessment of its jurisdiction and rule on objections thereto, if any.

² *Léon Mugesera v. Republic of Rwanda* (judgment) (27 November 2020), 4 AfCLR 834, §§ 13 to 18.

26. In the present case, notwithstanding that the Respondent State has defaulted, the Court, in accordance with Rule 49(1) of the Rules, must ensure that its jurisdiction in these areas is established.
27. Having found that nothing on the record indicates that it lacks jurisdiction, the Court holds that it has:
- i. Material jurisdiction, insofar as the Applicant alleges violations of human rights protected by the Charter and the ICCPR.³
 - ii. Personal jurisdiction, insofar as the Respondent State deposited the Declaration on 23 July 2013, as indicated in paragraph 2 of this judgment. Subsequently, on 29 April 2020, it deposited an instrument withdrawing its Declaration. In this respect, the Court reiterates its jurisprudence that the withdrawal of the Declaration has no retroactive effect and has no bearing on cases filed before the deposit of the instrument of withdrawal or on new cases filed before it comes into effect one year after its deposit, in this case, on 30 April 2021. As the present Application was filed on 19 February 2021, that is, two months and eleven days before the effective date of the withdrawal of the Declaration, it is therefore not affected.
 - iii. Temporal jurisdiction, insofar as the violations alleged by the Applicants occurred after the Respondent State became a Party to the Protocol.⁴
 - iv. Territorial jurisdiction, insofar as that the violations occurred on the territory of the Respondent State, which is a Party to the Charter and the Protocol.

28. In view of the foregoing, the Court holds that it has jurisdiction to hear the instant Application.

³ *Alex Thomas v. United Republic of Tanzania* (merits) (20 November 2015) 1 AfCLR 465, § 45; *Kouassi Kouamé Patrice and Baba Sylla v. Republic of Côte d'Ivoire*, AfCHPR, Application No. 015 /2021, Judgment of 22 September 2022 (merits and reparations), § 23; *Kouadio Kobena Fory v. Republic of Côte d'Ivoire* (merits and reparations) (2 December 2021) 5 AfCLR 682, § 26.

⁴ *Fory v. Côte d'Ivoire*, *supra*, § 27.

VII. ADMISSIBILITY

29. Article 6(2) of the Protocol provides that:

The Court shall rule on the admissibility of cases taking into account the provisions of article 56 of the Charter.

30. In accordance with Rule 50(1) of the Rules of Court,

The Court shall ascertain the admissibility of an Application filed before it in accordance with Article 56 of the Charter, Article 6(2) of the Protocol and these Rules.

31. Rule 50(2) of the Rules, which, in substance restates the provisions of Article 56 of the Charter, provides as follows:

Applications filed before the Court shall comply with all of the following conditions:

- a. Indicate their authors even if the latter request anonymity;
- b. Are compatible with the Constitutive Act of the African Union and with the Charter;
- c. Are not written in disparaging or insulting language directed against the State concerned and its institutions or the African Union;
- d. not based exclusively on news disseminated through the mass media;
- e. Are sent after exhausting local remedies, if any, unless it is obvious that this procedure is unduly prolonged;
- f. Are submitted within a reasonable time from the date local remedies were exhausted or from the date the Court is seized with the matter, and;
- g. Do not deal with cases which have been settled by those States involved in accordance with the principles of the Charter of the United Nations, or the Charter of the Organization of African Unity or the provisions of the Charter.

32. The Court notes that, as the Respondent State was in default, no objection to admissibility was raised. Nonetheless, pursuant to Rule 50(1) of its Rules, the Court must ensure that the requirements of the above provisions are met.
33. The Court notes that the Applicants submits that their Application complies with the admissibility requirements under Rule 50(2)(a) to (g) of the Rules.
34. The Court observes that the record shows that the Applicants have been clearly identified by name, in fulfilment of Rule 50(2)(a) of the Rules.
35. The Court also notes that the Applicants' requests seek to protect their rights as guaranteed by the Charter. It further notes that one of the objectives of the Constitutive Act of the African Union, as stated in Article 3(h) thereof, is the promotion and protection of human and peoples' rights. Furthermore, nothing in the record indicates that the Application is incompatible with the Constitutive Act of the African Union. Accordingly, the Court considers that the Application meets the requirement of Rule 50(2)(b) of the Rules.
36. The Court further notes that the language used in the Application is neither disparaging nor insulting with regard to the Respondent State, its institutions or the African Union, which makes the Application compatible with Rule 50(2)(c) of the Rules.
37. The Court also observes that the Application is not based exclusively on news broadcast through the mass media, but on judicial decisions issued by the Respondent State's domestic courts. Accordingly, the Court finds that the Application complies with Rule 50(2)(d) of the Rules.⁵
38. As regards the requirement of exhaustion of local remedies, the Court recalls its constant jurisprudence that that the remedies to be exhausted in

⁵ *Kouassi Kouamé and Sylla v. Côte d'Ivoire*, *supra*, § 55.

order to comply with the requirement of Rule 50(2)(e) of the Rules are judicial remedies,⁶ unless those remedies are unavailable, ineffective and insufficient or unless the proceedings are unduly prolonged.⁷

39. In this regard, the Court recalls that it has consistently held that the requirement of exhaustion of local remedies seeks to afford States, through their domestic judicial systems, the opportunity to prevent or remedy violations alleged against them before an international body is seized to rule on the same matter.⁸
40. The Court points out in this regard that, in order to determine whether local remedies have been exhausted, the proceedings to which an applicant is a party must have ended at the time of filing the Application.⁹
41. It emerges from the record that two separate domestic criminal proceedings were instituted against the Applicants: first, proceedings for misappropriation of public funds against Soro Guillaume Kigbafori, Kamaraté Souleymane, Nguessan N. René (hereinafter referred to as “the first criminal proceedings”) and, secondly, the proceedings against all the Applicants for disturbing public order, disseminating false news to discredit the institutions and the way they operate, resulting in damage to public morale and undermining the authority of the State (hereinafter referred to as “the second criminal proceedings”). In each of these proceedings, the Court will examine whether the Applicants met the requirement of exhaustion of local remedies.
42. As regards the first set of proceedings, the Court notes that on 8 January 2020, the Abidjan public prosecutor seized the Respondent State’s

⁶ *Fory v. Côte d’Ivoire*, *supra*, § 47.

⁷ *Safinaz Ben Ali and Lamia Jendoubi v. Republic of Tunisia*, AfCHPR, Application No. 009/2023, judgment of 3 September 2024 (jurisdiction and admissibility), § 49.

⁸ *African Commission on Human and Peoples’ Rights v. Republic of Kenya* (merits) (26 May 2017) 2 AfCLR 9, §§ 93-94; *Houngue Eric Noudehouenou v. Republic of Benin*, (4 December 2020) 4 AfCLR 742, § 49; *Komi Koutché v. Republic of Benin* (jurisdiction and admissibility) (25 June 2021) 5 AfCLR § 231, § 60.

⁹ *Yacouba Traoré v. Republic of Mali*, (jurisdiction and admissibility) (25 September 2020) 4 AfCLR 665, § 41 *Koutché v. Benin* § 61; *Safinaz Ben Ali and Jendoubi v. Tunisia*, *supra*, § 51.

Cassation Court seeking authorisation to institute proceedings against Soro Guillaume Kigbafori, Kamarate Souleymane, Nguessan N. René. On 17 January 2020, the Cassation Court authorised the prosecution and appointed a judge to conduct the necessary investigation. On 2 March 2020, that is, one month and 13 days later, the Applicants seized this Court while the investigation was still on-going.

43. It follows that, at the time of filing the present Application, the criminal proceedings against Mr Guillaume Kigbafori Soro, Mr Kamarate Souleymane and Mr Nguessan N. René were ongoing. Consequently, the above-mentioned Applicants seized this Court prematurely seeing as they did not await the end of the domestic proceedings against them, and therefore did not exhaust local remedies.
44. With regard to the second set of proceedings, the Court notes that the record shows that a judicial investigation was opened by the investigating judge of the 8th Investigating Office of the Abidjan Court of First Instance. On 24 December 2019, the said court charged the Applicants with the offences listed in paragraph 41 of this judgment and remanded them in custody, with the exception of Mr Guillaume Kigbafori Soro, in respect of whom an arrest warrant was issued. The Court further notes that on 26 December 2019 and 7 February 2020 the Applicants' lawyers appealed the committal order before the Investigating Chamber of the Abidjan Court of Appeal.
45. In this regard, pursuant to Article 239(1) of the Ivorian Code of Criminal Procedure, "the investigating chamber shall, in all cases, including cases of pre-trial detention, examine the legality of the proceedings before it. If it finds any grounds for annulment, it shall declare the act in question null and void and, if appropriate, all or part of the subsequent proceedings". The Court therefore considers that the appeal by the Applicants' lawyers is an effective remedy insofar as the investigating chamber is empowered to terminate any irregularity by vacating the proceedings initiated by the investigating judge.

46. The Court observes that, at the time of filing the present Application, three months and two days had elapsed and the appeal proceedings were ongoing since the investigating chamber had not yet issued its decision. The Court thus finds that the Applicants seized the Court prematurely, since the proceedings before domestic courts were ongoing, so that local remedies were not exhausted.
47. Having found that local remedies were not exhausted, and considering that the admissibility requirements are cumulative, the Court will not proceed to examine the other remaining admissibility requirements under Rule 50(2)(f) and (g) of the Rules.
48. In view of the foregoing, the Court declares the Application inadmissible.

VIII. COSTS

49. The Applicants pray that costs be borne by the Respondent State.
50. The Respondent State did not file any submission on costs.

51. Under Article 32(2) of the Rules, “unless otherwise decided by the Court, each party shall bear its own costs, if any”.
52. In the present case, the Court recalls that proceedings before it are free of charge and that, although the Applicants request that the costs be borne by the Respondent State, they do not provide any proof of the costs they incurred.
53. Consequently, the Court considers that nothing in the present case warrants a departure from the provisions of Rule 32(2) of the Rules of Court.

54. The Court therefore decides that each Party shall bear its own costs.

IX. OPERATIVE PART

55. For these reasons,

THE COURT,

Unanimously,

By default,

On Jurisdiction

- i. *Declares* that it has jurisdiction to hear the Application;


On admissibility


- ii. *Declares* the Application inadmissible for non-exhaustion of local remedies.


On Costs


- iii. *Decides* that each party shall bear its own costs.


Signed:


Modibo SACKO, President ; 


Chafika BENSAOULA, Vice-President; 


Rafaâ BEN ACHOUR, Judge; 


Suzanne MENGUE, Judge; 


Tujilane R. CHIZUMILA, Judge; 

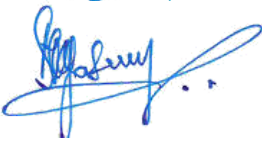
Blaise TCHIKAYA, Judge 

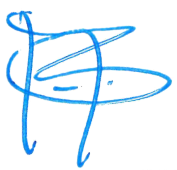
Stella I. ANUKAM, Judge; 

Imani D. ABOUD, Judge; 

Dumisa B. NTSEBEZA, Judge; 

Dennis D. ADJEI, Judge; 

Duncan GASWAGA, Judge, 

and Robert ENO, Registrar. 

Done at Arusha, this Twenty-sixth Day of June in the year two thousand and twenty-five, in French and English, the French text being authoritative.

