



# AfCHPR

Cour africaine des droits  
de l'homme et des peuples

Arusha, Tanzania

Website: [www.african-court.org](http://www.african-court.org)

Telephone: +255-272-510-510

## SUMMARY OF DECISION

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### LAURENT GBAGBO v. REPUBLIC OF CÔTE D'IVOIRE

APPLICATION No. 025/2020

#### JUDGMENT

#### (MERITS AND REPARATIONS)

#### A DECISION OF THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

Arusha, 26 June 2025: The African Court on Human and Peoples' Rights (the Court) delivered Judgment in the matter of *Laurent Gbagbo v. Republic of Côte d'Ivoire*.

On 7 September 2020, Mr. Laurent Gbagbo (the Applicant) filed an Application with the Court against the Republic of Côte d'Ivoire (the Respondent State).

The Applicant alleged violation of the following rights: (i) the right to equality before the law to equal protection of the law, protected by Article 3 of the Charter; (ii) the right to a fair trial, including the right to the presumption of innocence, protected by Article 7(1)(b); (iii) the right to participate freely in the government of one's country, protected by Article 13(1) of the Charter; (iv) the right to access the public services of one's country, protected by Article 13(2) of the Charter; (v) the right to vote and to be elected, protected by Article 25 of the International Covenant on Civil and Political Rights (hereinafter referred to as the "ICCPR").

The Applicant requested the Court to declare that it has jurisdiction, declare the Application admissible, to give effect to the rights protected by the instruments to which the Respondent State is a Party, declare that the allegations of violations of his rights are well founded, order all necessary measures to ensure that the Respondent State



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diligently implements the decisions of the Court, order the Respondent State to take all measures to erase and eliminate all effects and consequences of the violations for which it is found responsible by the Court in the present case, take all necessary steps and measures to annul Order No. 2020-356 of 25 August 2020 issued by the President of the Abidjan Court of First Instance ruling at final instance on electoral matters, and its legal effects, so as to lift all measures restricting his civil and political rights, expunge his criminal record, or, if necessary, expunge from it the reference to criminal conviction in absentia No. 5200/2019 of 29 October 2019, which is not yet final, and order the Respondent State to publish the Court's decision in the official gazette of the Respondent State.

The Applicant averred that, having noticed on 4 August 2020 that his name had been removed from the voters' register, he submitted a request to the Independent Electoral Commission (IEC) the following day seeking to be reinstated in the said register, which request was declared inadmissible on 18 August 2020. He appealed the said decision before the Abidjan Court of First Instance which, ruling at final instance on 25 August 2020, confirmed the removal of his name from the voters' register pursuant to Article 4 of Order No. 2020-356 of 8 April 2020, on the grounds that the Applicant had been sentenced in absentia to 20 years' imprisonment and a fine of 10,000,000 CFA francs for abetment of armed robbery and embezzlement of public funds. The Applicant contended that the decision confirming the removal of his name from the voters' register in connection with the said conviction violated his civil and political rights and that, as there was no available local remedy to challenge the decision, he brought the matter before this Court.

The Respondent State was not represented and therefore did not submit any observations. Accordingly, the Court therefore decided to deliver judgment by default.

No objection was raised to jurisdiction as the Respondent State failed to appear. However, pursuant to Rule 49(1) of the Rules, the Court examined the requirements



pertaining to its material, temporal, personal and territorial jurisdiction and found that it had jurisdiction in the present case.

As the Respondent State failed to appear, no objection was raised to the admissibility of the Application. The Court nevertheless examined the admissibility requirements relative to the Application, in accordance with Rule 50(1) of the Rules and declared it admissible.

The Applicant claimed that these rights were violated during the domestic criminal proceedings against him.

On the alleged violation of the right to full equality before the law and to equal protection of the law, the Applicant argued that the said violation occurred during the domestic criminal proceedings brought against him.

The Court emphasised that the Applicant failed to prove that he was victim of unequal treatment before the law or of unequal protection of the law, and neither did it emerge from the record that such unequal treatment occurred. Consequently, the Court found that the Respondent State did not violate the Applicant's rights to full equality before the law and to equal protection of the law, protected by Article 2 of the Charter, read in conjunction with Article 26 of the ICCPR.

On the alleged violation of the right to the presumption of innocence, the Applicant explained that he was unable to appear at the November 2017 hearing before the Criminal Chamber of the Abidjan CFI because he was in detention in Scheveningen, which led to a judgment in absentia and a sentence of 20 years' imprisonment. Thus, he was considered "irrevocably guilty" even before a final decision had been taken on his eligibility. Furthermore, the President of the IEC stated publicly in August 2020 that his conviction was irrevocable, thereby influencing public opinion and paving the way



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for the rejection of his complaint concerning the removal of his name from the voters' register.

The Court found that the IEC complied with the applicable legal provisions, on the strength of a prior judicial decision. It therefore held that the Respondent State did not violate the Applicant's right to defence, protected by Article 7(1)(b) of the Charter, with regard to the presumption of innocence.

On the violation of the right to participate freely in the government of one's country, the Applicant argued that he could only be declared ineligible if his conviction was final. It was his view, however, that the judgment of 29 October 2019, delivered in absentia, did not meet this requirement, insofar as it was not duly served and insofar as the remedies remained open.

The Court noted that the electoral court based its assessment of the Applicant's situation on a criminal conviction that was considered final. It therefore found that the restrictions resulting therefrom fall within the applicable legal framework. Accordingly, the Court held that the Respondent State did not violate the Applicant's right to participate in the government of one's country, as protected by Article 13 of the Charter.

With regard to the alleged violations of the right to have free access to the public services of one's country and of the right to vote and to be elected, the Court noted that the Applicant failed to substantiate his allegations. The Court therefore decided that the Respondent State did not violate the right to participate in the government of one's country.

Having found no violations of the Applicant's rights, the Court dismissed his requests for reparations.



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The Court decided that each Party should bear its own costs.

### **Further information**

Further information on this case, including the full text of the African Court's judgment, is available on the website: <https://www.african-court.org/cpmt/fr/details-case/0252020>

For any further questions, please contact the Registry by email at [registrar@african-court.org](mailto:registrar@african-court.org)

*The African Court on Human and Peoples' Rights is a continental court established by African countries to ensure the protection of human rights and peoples' rights in Africa. The Court has jurisdiction to hear 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 [at www.africancourt.org](http://www.africancourt.org).*