


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		

Application No. 005/2021

Ahmed bin Mohamed bin Ibrahim Belghaith

(Applicant)

v.

The Republic of Tunisia

(Respondent State)

Summary of the Application

I. The Parties

1. On 25 February 2021, Mr. *Ahmed bin Mohamed bin Ibrahim Belghaith* (hereinafter “the Applicant”) filed an application before the African Court on Human and Peoples’ Rights against the *Republic of Tunisia* (hereinafter “the Respondent State”).

II. Subject of the Application

A. Facts of the Matter

2. The Applicant entered into an employment contract with a private company named STICAM on 29 June 2011.
3. The employment relationship deteriorated after the Applicant requested a pay slip and payment of the remainder of his salary, as stipulated in the contract, since he had only been receiving a lower wage with a promise that the balance would be paid later.
4. The company then began creating problems, including issues concerning the company car and contesting a medical certificate he submitted after a brief illness. The company sought to compel him, without prior notice, to undergo a medical examination by a doctor of its choice. Despite the Applicant’s objections, he was ultimately dismissed.
5. The Applicant sought judicial redress for what he considered to be unlawful dismissal, and for payment of salary differentials, together with other entitlements. He filed his case before the 34th Labour Chamber of the Tunis Court of First Instance under Case No. 52042, with the conciliation session set for 17 December 2012.
6. Both parties attended the conciliation session, which failed, and the case proceeded to exchange of pleadings before judgment was scheduled for 17 January 2014.

7. The Court accepted the case procedurally, declared the dismissal to be unlawful, and ordered the STICAM company, through its legal representative, to pay the Applicant the following sums:

- TND 1,537 (dismissal notice payment),
- TND 666.029 (arbitrary dismissal fine),
- TND 1,537 (compensation for unlawful dismissal),
- 45 (summons fee)
- TND 73.453 (summons fee),
- TND 200 (costs of litigation and attorney's fees.)

The Court also ordered the STICAM company to issue the Applicant a work certificate and a pay slip, dismissed the remainder of the claims, and ordered costs against STICAM company.

8. Since then, the Applicant has been awaiting a certified copy of the judgment to enable him to exercise his right of appeal, as the first-instance decision granted him only partial relief.
9. His lawyer continued to file periodic requests for a certified copy approximately every six months, without success. Seven years have passed, and despite requesting the intervention of the Court President, nothing has changed, and both the Applicant and his counsel remain unable to obtain the judgment required to appeal.

B. Alleged Violations

10. The Applicant alleges that the Respondent State has violated his fundamental rights as guaranteed under Articles 2, 3, 4, 5, 7, and 14 of the African Charter on Human and Peoples' Rights; Articles 7 and 14 of the International Covenant on Civil and Political Rights; and Articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights.

III. PRAYERS OF THE APPLICANT

11. The Applicant requests the Court to:

- I. Declare that it has jurisdiction and that the application is admissible.
- II. Find that the Respondent State has violated Articles 1, 3, 2, 4, 5, 7, and 15 of the African Charter, Articles 7 and 14 of the ICCPR, and Articles 6 and 7 of the ICESCR.

12. The Applicant further prays the Court to order the Respondent State to:

- III. Reinstate him in his professional capacity or provide full reparation, including payment of all outstanding entitlements and social security contributions for the duration of the contract.
- IV. Pay him TND 18,444 in unlawful dismissal compensation and legal costs, and TND 34,476.898 as damages for material loss.
- V. Pay him TND 100,000 as compensation for moral damages.

13. The Applicant also requests the Court to order the Respondent State to adopt guarantees of non-repetition, namely:

- VI. Enact the necessary legislative and regulatory measures to ensure timely adjudication and delivery of judgments in labor-related cases within a reasonable period.
- VII. Enact laws and regulations compelling courts and administrations to acknowledge receipt of every filing or document with a date stamp, including in cases of service refusal, stating the reasons thereof.
- VIII. Adopt monitoring and disciplinary measures to ensure compliance with judicial time limits and fair trial standards.
- IX. Provide effective procedural remedies to address violations of the right to a fair trial without aggravating the harm suffered by victims.
- X. Submit to this Court periodic reports on the implementation of reparations and measures to guarantee non-repetition, within a timeframe set by the Court, and pay a penalty of TND 10,000 for every month of delay beyond the deadline.