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AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES		

APPLICATION NO. 025/2019

EZALEY GEORGES PHILLIPE

V.

REPUBLIC OF CÔTE D'IVOIRE

CASE SUMMARY

I. THE PARTIES

1. The Application is filed by Mr. Ezaley George Phillipe, an Ivorian national who is an engineer and the former Mayor of Grand-Bassam, located east of Abidjan (hereinafter referred to as “the Applicant”).
2. The Respondent State is the Republic of Côte d’Ivoire (hereinafter referred to as the Respondent State”).

II. SUBJECT OF THE APPLICATION

A. FACTS OF THE MATTER

3. The Applicant files this Application in his own name as well as in his capacity as the lead candidate of his party in the elections for municipal councilors which took place in the Municipality of Grand-Bassam on 16 December 2018 after the first election on 13 October was contested and annulled for irregularities. The Applicant alleges the Respondent State violated his rights, those of election campaign staff and those of the voters.
4. The Applicant was the outgoing Mayor of Grand-Bassam and sought re-election with other members of his party (PDCI, Parti Democratique de Côte d’Ivoire, or Democratic Party of Côte d’Ivoire) to be municipal councilors.
5. On 13 October 2018, the Independent Electoral Commission (IEC) announced the victory of another party, Rassemblement des Houphouëtistes pour la Democratie et La Paix (RHDP or Rally of Houphouëtists for Democracy and Peace). The Applicant alleged this election was marred by significant irregularities and contested its results by seeking a recount from the Administrative Chamber of the Supreme Court of Côte d’Ivoire.

6. On 30 November 2018, the Supreme Court annulled the election of 13 October 2018 and ordered new elections to be held within three (3) months. The IEC subsequently announced the new election would be held on 16 December 2018.
7. On 31 October 2018, Mr Kamagate Adama, Director of the Applicant's election campaign, was arrested under violent circumstances and detained for more than four (4) months at the Abidjan Detention and Correctional Facility. His conditional release was finally granted on 19 March 2019, after numerous requests for his provisional release were rejected by the Respondent State.
8. On 14 December 2018, the Applicant was still concerned about the status of undistributed voter cards for each polling station and used the services of a bailiff (judicial officer) to serve an interpellative summons on Mr Siriki Ouattara, the President of the Adhoc Committee of Grand-Bassam By-Elections. Mr Ouattara responded to the summons with the assurance that voter cards would be available the next day but this was not done.
9. On the morning of 16 December 2018, the day of the election, army and security forces were deployed all over Grand-Bassam. From around 10:00, the operational staff of the Applicant, responsible for coordination and providing representatives at the poll stations, were prevented from doing so by armed individuals claiming to be from RHDP.
10. These staff members also had their phones confiscated and their vehicles seriously damaged. Thereafter, they were taken to the Grand-Bassam Police and then later to the Port-Bouët District in Abidjan where they were questioned and interrogated. Since no charges were ultimately made against them, they were released the next day when election results were announced.
11. In the afternoon of 16 December 2018, several voting stations were attacked by individuals armed with knives and small calibre weapons who ransacked several electoral centres. These centres consisted of 14 voting stations and

accounted for 6000 registered voters, 20% of whom were considered to be in support of the Applicant.

12. Despite these irregularities and violent attacks, RHDP was announced as the winner of the Grand-Bissam elections by the IEC.
13. On 21 December, the Applicant sought to annul the results again by approaching the Administrative Chamber of the Supreme Court. However, on 3 January 2019, the Supreme Court rejected his application and confirmed the IEC results which named RHDP as the winner.
14. The Applicant's submission to the Court was received by the Registry on 17 July 2019 and the Respondent's Response was received on 25 September 2019.

B. ALLEGED VIOLATIONS

15. The Applicant alleges the following violations:
 - i. The right to participate in the public affairs of one's country, as per Article 13(1) of the African Charter on Human and Peoples' Rights ("the Charter") and Article 25 of the International Covenant on Civil and Political Rights ("ICCPR").
 - ii. Violation of several principles under Articles 2(1), 2(3) 3 of the African Charter on Democracy, Elections and Governance, including: 3(1), respect for human rights and democratic principles; 3(4), the holding of regular, transparent free and fair elections; and 3(7) effective participation of citizens in democratic and development processes and in governance of public affairs. The Respondent State deposited its instruments of ratification for this treaty on 28 November 2013.

- iii. The right to liberty and security of the person, as per Article 6 of the Charter and also provided in Article 3 of the Declaration on Human Rights (UDHR).
- iv. The right not to be subjected to arbitrary arrest, detention or exile, as per Article 9 of the UDHR.

III. PRAYERS OF THE APPLICANT

16. The Applicant prays the Court to:

- i. Declare the Applicant suffered grave violations of human rights during the elections for municipal elections in the Municipality of Grand-Bassam on 16 December 2018;
- ii. Order the Republic of Côte d'Ivoire to re-do the municipal elections
- iii. Order the Republic of Côte d'Ivoire to pay the Applicant the sum of 300 000 CFA for all damages suffered as a result of the aforementioned violations.
- iv. Order the Republic of Côte d'Ivoire to pay costs.