

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

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

IN THE MATTER OF

***ASSOCIATION JURISTES D'AFRIQUE POUR LA BONNE
GOUVERNANCE***

v.

REPUBLIC OF COTE D'IVOIRE

APPLICATION No. 006/2011

DECISION

The Court composed of: Gérard NYIYUNGEKO, President; Sophia A. B. AKUFFO, Vice President; Jean MUTSINZI, Bernard M. NGOEPE, Modibo T. GUINDO, Fatsah OUGUERGOUZ, Joseph N. MULENGA, Augustino S.L. RAMADHANI, Duncan TAMBALA and Elsie N. THOMPSON- Judges; and Robert ENO- Acting Registrar,

In the matter of:

**ASSOCIATION JURISTES D'AFRIQUE POUR LA BONNE
GOUVERNANCE**

v.

REPUBLIC OF COTE D'IVOIRE

After deliberations,

makes the following decision:

1. By an application of 2 May, 2011, the *Association Juristes d'Afrique pour la bonne gouvernance*, with headquarters in Douala (Cameroon), through Barrister Kack Kack Serge Simon, Executive President and Lawyer with the Cameroon Bar Association, resident in Douala, submitted a complaint to the Court against the Republic of Côte d'Ivoire, for violation of Articles 2, 4, 5 and 6 of the African Charter on Human and Peoples' Rights.
2. In accordance with Article 22 of the Protocol to the African Charter of Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (hereinafter referred to as the Protocol), and Rule 8(2) of the Rules of Court (hereinafter referred

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to as the Rules), Mr. Sylvain ORE, a member of this Court of Ivorian nationality, recused himself.

3. In accordance with Rule 34(1) of the Rules, the Registry acknowledged receipt of the application, through a letter of 5 May, 2011.
4. Article 5 (3) of the Protocol provides that "The Court may entitle relevant non governmental organizations (NGOs) with observer status before the Commission, and individuals to institute cases directly before it, in accordance with Article 34 (6) of this Protocol".
5. It is clear from this provision that any non-governmental organization that submits a complaint directly to the Court under Article 34 (6) of the Protocol must have observer status before the African Commission on Human and Peoples' Rights.
6. By letter of 15 June, 2011, the Registry inquired from the Commission if the *Association Juristes d'Afrique pour la bonne gouvernance* has observer status with it.
7. By email of 16 June, 2011, the Secretariat of the African Commission informed the Registry that the *Association Juristes d'Afrique pour la bonne gouvernance* does not have observer status with the Commission.
8. The Court notes therefore that the Association of African Lawyers for Good Governance is not entitled to seize it.
9. It can be concluded that having regard to Article 5(3) of the Protocol, the Court does not have jurisdiction to receive the application submitted by the *Association Juristes d'Afrique pour la bonne gouvernance* against the Republic of Côte d'Ivoire.

10. Article 6 (3) of the Protocol provides that "The Court may consider cases or transfer them to the Commission". The Court notes that in view of the allegations raised in the application, it would be appropriate to transfer the case to the African Commission on Human and Peoples' Rights.

11. For these reasons,

THE COURT,

Unanimously:

1. Decides that by virtue of Article 5 (3) of the Protocol, it has no jurisdiction to receive the application filed by the *Association Juristes d'Afrique pour la bonne gouvernance* against the Republic of Côte d'Ivoire.
2. Decides, pursuant to Article 6 (3) of the Protocol, to transfer the application to the African Commission on Human and Peoples' Rights.

Done in Arusha, this Sixteenth Day of June Two Thousand and Eleven, in French and in English, the French text being authoritative.

Signed:

Gérard NIYUNGEKO, President,



Robert ENO, Acting Registrar.

