

AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي		UNIÃO AFRICANA
<p style="text-align: center;">AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES</p>		

THE MATTER OF

FORMER SOMADEx SA EMPLOYEES

v.

REPUBLIC OF MALI

APPLICATION NO. 006/2018

RULING

2 DECEMBER 2021



TABLE OF CONTENTS

TABLE OF CONTENTS	i
I. THE PARTIES	2
II. SUBJECT OF THE APPLICATION	2
A. Facts of the case	2
B. Alleged violations	4
III. SUMMARY OF THE PROCEDURE BEFORE THE COURT	5
IV. PRAYERS OF THE PARTIES.....	6
V. JURISDICTION.....	7
VI. ADMISSIBILITY	9
A. Objections to the admissibility of the Application	10
i. Objection based on identification of the Applicants	10
ii. Objection based on non-exhaustion of local remedies.....	13
B. Other admissibility requirements.....	16
VII. COSTS.....	17
VIII. OPERATIVE PART	17

The Court composed of: Imani D. ABOUD, President, Blaise TCHIKAYA, Vice-President, Ben KIOKO, Rafaâ BEN ACHOUR, Suzanne MENGUE, M-Thérèse MUKAMULISA, Tujilane R. CHIZUMILA, Chafika BENSAOULA, Stella I. ANUKAM, Dumisa B. NTSEBEZA-Judges; and Robert ENO, Registrar.

In accordance with Article 22 of 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") and Rule 9(2)¹ of the Rules of Court (hereinafter referred to as "the Rules"), Judge Modibo SACKO, a member of the Court and a national of Mali, did not hear the Application.

In the Matter of:

Former SOMADDEX SA employees,

Represented by:

Yakouba TRAORE, Secretary General of *Fédération nationale des mines et de l'énergie du Mali*

Versus

REPUBLIC OF MALI

Represented by:

- i. M. Youssouf DIARRA, Director General of State Litigation,
- ii. M. Yacouba KONE, Deputy Director of National procedures.

after deliberation,

renders the following Ruling:

¹ Rule 8(2) of the Rules of 2 June 2010.

I. THE PARTIES

1. The Applicants are Malian citizens and former employees of SOMADDEX SA² which was subcontracted by Morila SA to work on its gold mine at Mines d 'or Morila (Sikasso Region) within the Republic of Mali.³ They challenge their dismissal and the non-payment by their employer of their performance bonus for exceeding production targets.
2. The Application is filed against the Republic of Mali (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 21 October 1986 and to the Protocol on 20 June 2000. The Respondent State also deposited with the African Union Commission Chairperson, on 19 February 2010, the Declaration provided for in Article 34(6) of the Protocol, by virtue of which it accepted the jurisdiction of the Court to receive applications from individuals and Non-Governmental Organisations.

II. SUBJECT OF THE APPLICATION

A. Facts of the case

3. In their Application, the Applicants allege that a production excess was achieved for the period 2000 to 2003, at the Morila SA gold mine, which produced a total of eighty-three tonnes two hundred and sixteen (83,216) kilograms per year over four (4) years of operation (2000, 2001, 2002, 2003)⁴, instead of the initial forecast of eleven (11) tonnes per year. According to the Applicants, the collective bargaining agreement that they

² See the list of the former employees annexed hereto.

³ SOMADDEX SA was a subcontracting company of Morila SA. According to the Application filed with the Court, the Applicants are four hundred forty-five (445) in total.

⁴ Year 2000: 4,208 Kg ; Year 2001 : 23,442 Kg ; Year 2002 : 38, 915 Kg ; Year 2003 : 16, 650 Kg.

signed with SOMADDEX SA provided for the payment of a performance bonus in the event production targets were exceeded to the tune of Seventeen Billion (17 000 000) Francs CFA.

4. According to the Applicants, only a total of three hundred and fifty million (350,000,000) CFA francs were paid to the employees in this regard. SOMADDEX has since refused to pay the remainder, in complicity with the Respondent State, and closed its doors for good between 2008 and 2009, without fulfilling its obligations to its former employees.
5. The Applicants further allege that as part of the initiatives to improve their working conditions, the Union Committee gave a strike notice on 21 June 2005. The notice announced a work stoppage for 6, 7, and 8 July 2005. However, the company's management considered this strike to be illegal on the grounds that the notice period provided for by law, that is, fifteen (15) days before the commencement of the strike, had not been observed. SOMADDEX SA then sent a notice of dismissal to all employees. Subsequently, on 9 July 2005, SOMADDEX SA dismissed the Allo Traoré Group and Two hundred Fifteen (215) others for gross misconduct after they had abandoned their posts. On 31 July 2005, the company decided to terminate the contracts of another Three hundred and Eleven (311) employees for abandoning their posts.
6. The Applicants claim the termination of the employees' contracts was illegal and they denounced the undignified working and living conditions resulting from the non-payment of their performance bonus, despite the employees having obtained a decision in their favour during arbitration proceedings concluded on 10 February 2004.

7. The Applicants further state that on the night of 14 September 2005, two buses belonging to SOMADDEX were set on fire in the courtyard of the city's gendarmerie. Subsequently, thirty-two (32) former employees, including union representatives, were arrested and detained for several weeks without a committal order.
8. The Applicants claim that SOMADDEX accused them of having set the two buses on fire, as a result of which it terminated the contracts of another seventeen (17) employees.
9. Finally, the Applicants allege that the Respondent State was complicit in the dissolution of SOMADDEX SA, in order to obstruct the filing of new evidence to compel the company to fulfil its obligations in relation to the rights of its former employees. According to the Applicants, the company was subsequently restructured and renamed "MARS" before becoming "Goukoto Mining Services (GMS)". The Applicants contend that this was the reason the Sikasso Court on 26 May 2014 dismissed their case, on the ground that they lacked standing as former employees, given that there was no contractual link between them as employees and the renamed company.

B. Alleged violations

10. The Applicants allege a violation of their rights under Articles 3, 4, 6 and 7 of the Charter. They also claim that the termination of their contracts constitutes a violation of Article L231 of the Labour Code of the Respondent State⁵ and Convention No. 87 of the International Labour

⁵ Article L.231: A strike does not breach a contract of employment, except in cases of gross negligence on the part of the employees. Lockouts and strikes are unlawful during the conciliation procedure and once an arbitration decision has become enforceable. A lock-out or strike in violation of the provisions of the preceding paragraph shall entail

a) - for the employers:

- the paying employees for the days of wages lost as a result,

Organization (ILO) on Freedom of Association and Protection of the Right to Organize of 4 July 1950.⁶

III. SUMMARY OF THE PROCEDURE BEFORE THE COURT

11. The Application was filed on 20 February 2018.
12. On 13 July 2018, the Registry requested the Applicants to file their submissions on reparations within thirty (30) days from the date of receipt.
13. On 27 July 2018, the Registry received the Respondent State's response and notified it to the Applicants on the same day for their Response within thirty (30) days from the date of receipt.
14. On 4 September 2018, the Registry received the Applicants' submissions on reparations which were notified to the Respondent State on the same day for its Response to be filed within thirty (30) days from the date of receipt.
15. On 12 March 2019, the Registry sent a reminder to the Respondent State, notifying it that the time limit for responding to the Applicants' submissions had expired, and requesting it to submit its Response within thirty (30) days from the date of receipt of the reminder.
16. On 17 April 2019, the Registry received the Respondent State's Response which was served on the Applicants on the same date with a request to

- ineligibility for membership of the chambers of commerce for three years.
- prohibition from being a member of the Higher Council of Labour and from participating in any way in a work enterprise or supply contract on behalf of the State or a public body.
b) - for the employees:
- termination of the contract taking effect from the day of the cessation of work, with no rights other than the salary and the paid vacation allowance accumulated as of that date.

⁶ The Respondent State ratified the Convention on 22 September 1960.

respond within thirty (30) days from the date of receipt of the said notification.

17. On 18 July 2019, the Registry requested additional information from both Parties. By the same notice, the Registry informed the Parties that the title of the Application had been changed from "Yaya Fane and 43 others" to» Anciens travailleurs de SOMADDEX SA versus Republic of Mali."
18. On 26 August 2019, the Registry received the Applicants' response to the request for additional information and notified it to Respondent State and on 3 October 2019, the Registry received the Respondent State's response.
19. On 16 October 2019 pleadings were closed and the Parties were duly informed.

IV. PRAYERS OF THE PARTIES

20. The Applicants pray the Court for the following orders:
 - i. Declare that the thirty-two (32) imprisoned former employees have rights that must be respected and order the Respondent State to pay them the sum of ten million (10,000,000) CFA Francs each as damages for the harm suffered;
 - ii. Order the Respondent State to pay the sum of 17,000,000,000 (Seventeen Billion) CFA Francs to the former employees, as performance bonus that had not been paid by SOMADDEX SA ;
 - iii. Order the Respondent State to pay the sum of 6,000,000 (Six Million) CFA Francs to each employees, as compensation for the losses suffered;
 - iv. Order the Respondent State to pay the former employees the sum of 3,000,000,000 (three billion) CFA francs as accumulated salaries for the period between July 2005 and 31 December, 2017;
 - v. Order the Respondent State to issue a certificate of employment for each former employee;

- vi. Order the Respondent State to pay a penalty of 2,000,000 (two million) CFA Francs per day of delay, starting from the Judgment date;
- vii. Order the Respondent State to pay half of the sums listed in the judgment urgently;
- viii. Order the Respondent State to pay legal costs;
- ix. Order the Respondent State to pay Three Million (3,000,000) CFA Francs to cover the costs of the case;
- x. Order the Respondent State to pay the round-trip transportation to the Court, and other living expenses of the lawyer, amounting to 4 Million (4,000,000) CFA Francs;
- xi. Order the Respondent State to pay the sum of Seven Million (7,000,000) CFA Francs as costs of the proceedings.

21. For its part, the Respondent State prays the Court for the following:

- i. As a matter of form, declare the Application inadmissible on the grounds that it does not meet the admissibility requirements;
- ii. Exceptionally, if the Court decides otherwise;
- iii. On the merits, dismiss the Application as unfounded and dismiss all of the Applicants' prayers and order them to pay costs.

V. JURISDICTION

22. Article 3 of the Protocol provides:

- 1. The jurisdiction of the Court shall extend to all cases and disputes submitted to it concerning the interpretation and application of the Charter, the 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.

23. Furthermore, Rule 49(1) of the Rules⁷ provides: "The Court shall conduct a preliminary examination of its jurisdiction and the admissibility of an Application in accordance with the Charter, the Protocol and these Rules".
24. Based on the above provisions, the Court must, in each application, make a preliminary examination of its jurisdiction and rule on objections to its jurisdiction, if any.
25. The Court notes that the Respondent State has not raised any objections to its jurisdiction. Nevertheless, the Court must satisfy itself that it has jurisdiction before proceeding to examine the Application.
26. The Court observes that the violations alleged by the Applicants relate to proceedings before domestic courts which nevertheless concern rights under the Charter, namely, the right to equality before the law and the right to equal protection before the law, the right to life, the right to liberty and the right to a fair trial. The Court thus finds that its material jurisdiction is established.
27. With regard to its personal jurisdiction, the Court recalls that the Respondent State is a Party to the Protocol and that it has deposited the Declaration provided for in Article 34(6) of the Protocol with the Chairperson of the African Union Commission, as earlier outlined in paragraph 2 of this Ruling. The Court's thus concludes that its personal jurisdiction is established.
28. With respect to its temporal jurisdiction, the Court notes that all of the violations alleged by the Applicants are based on the judgment of the Sikasso Labour Court No. 4 of 26 May 2014, that is, after the Respondent State became a party to the Charter and the Protocol and deposited the

⁷ Rule 39(1) of the Rules of 2 June 2010.

Declaration. The Court also notes that the alleged violations are continuous in nature⁸.

29. In view of the foregoing, the Court finds that it has temporal jurisdiction to hear the instant Application.

30. With regard to its territorial jurisdiction, the Court notes that the violations alleged by the Applicants all occurred in the territory of the Respondent State. The Court, therefore, considers that it has territorial jurisdiction.

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

VI. ADMISSIBILITY

32. Article 6(2) of the Protocol provides: "[t]he Court shall rule on the admissibility of cases, taking into account the provisions of Article 56 of the Charter."

33. Rule 49(1) of the Rules⁹ of Court further provides that "[t]he Court shall ascertain its jurisdiction and the admissibility of an Application in accordance with the Charter, the Protocol and these Rules."

34. Rule 50(2) of the Rules¹⁰, which restates in substance Article 56 of the Charter, provides as follows:

⁸ *Beneficiaries of the late Norbert Zongo, Abdoulaye Nikiema alias Ablasse, Ernest Zongo and Blaise Ilboudo and Mouvement Burkinabé des droits de l'homme et des peuples v. Burkina Faso (Preliminary objections)* (21 June 2013) 1 AfCLR 197, §§ 71 to 77.

⁹ Rule 39(1) of the Rules of 2 June 2010.

¹⁰ Rule 40 of the Rules of 2 June 2010.

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

- 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. Are 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 set by the Court as being the commencement of the time limit within which it shall be 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 Constitutive Act of the African Union or the provisions of the Charter.

A. Objections to the admissibility of the Application

35. The Respondent State has raised two preliminary objections to the admissibility of the Application. The first relates to the identity of the Applicants, and the second to the exhaustion of local remedies.

i. Objection based on identification of the Applicants

36. The Respondent State submits that the application by the former employees is filed on behalf of a group called the Former Employees of SOMADEx SA and that it is signed by one Yacouba TRAORE, who is their representative. However, in order to be able to bring legal action, an applicant must be a natural person enjoying the exercise of his or her civil rights, or a legal person under public or private law with legal personality.

37. The Respondent State maintains that the said Former Employees of SOMADDEX SA do not have legal personality, or at least do not provide proof of their separate legal existence, which proof would give them standing to act, either as plaintiff or as defendant. The Respondent State further submits that the Court should note this legal and judicial anomaly, which makes the Application inadmissible, as it was filed in the name of a de facto group and not in the name of a legal person.

38. The Respondent State points out that the group Former Employees of SOMADDEX SA represented by "Yacouba Traoré" have variously referred to themselves as "the Applicants" and sometimes as "Yaya Fane and 43 others" or represented by "Yacouba Traoré" and sometimes by "Allo Traoré" and others. In addition, the Respondent State also points out that information on the Applicants is incomplete, because the list produced includes only surnames, first names, numbers and signatures, with no indication of date of birth, nationality, place of residence, occupation or other descriptions.

*

39. For their part, the Applicants contend that the Respondent State's submissions are unfounded, since the application was filed with a special mandate before the Court, together with the list and the mandate legalized by the political authorities of the Respondent State. The Applicants allege that the mandate was granted in accordance with the relevant provisions of the Labour Code (Article 241) and Code of Civil, Commercial and Social Procedure, as well as the provisions of the, which are very clear: "Anyone who intends to represent or assist a party must prove that he has received the mandate or mission". (Article 424 of Code of Civil, Commercial and Social Procedure of the Respondent State).

40. The Applicants further submit that the Respondent State's Labour Code clearly demonstrates the weakness of the Respondent State's

submissions. According to the Applicants, Mr. Yacouba Traoré was appointed by the Former Employees of SOMADDEX SA and by the executive bodies of its trade union to defend the interests of the Employees. Moreover, his name appears in the conciliation minutes signed between Confédération Syndicale des Travailleurs du Mali CSTM and the Government of the Respondent State. The Applicants submit that the Application was filed with the Court with a warrant bearing the names, titles and registration numbers of all those concerned, and also that the said warrant was legalized by the competent authorities of the Respondent State.

41. The Court notes that pursuant to Article 56(1) of the Charter and Rule 50(2)(a) of the Rules, applications must identify the Applicant, even if the Applicant requests to remain anonymous.
42. In its jurisprudence,¹¹ the Court has settled the issue of applicants' identification by holding that when a list of Applicants is filed, the Applicants are deemed to have been identified within the meaning of Rule 50(2)(a) of the Rules.
43. The Court notes that the docket of the Application before it contains a list of the names of the Applicants, who are the former employees of SOMADDEX SA.
44. The Court finds, therefore, that in filing the list, the Applicants have identified themselves in accordance with the provisions of Rule 50(2)(a) of the Rules.

¹¹ *Collectif des anciens travailleurs du Laboratoire ALS v Republic of Mali*, ACtPHR, Application No. 45/2016, Judgment of 28 March 2019 (jurisdiction and admissibility), § 23.

45. In view of the foregoing, the Court dismisses the Respondent State's objection to the admissibility of the Application.

ii. Objection based on non-exhaustion of local remedies

46. The Respondent State submits that the Applicants have provided neither evidence of the exhaustion of local remedies nor evidence that the judicial authorities unduly prolonged the remedies available to them. The Respondent State further submits that the last judicial decision in this regard was rendered by the Sikasso Labour Court in the case between the Applicants and SOMADDEX SA on 26 May 2014. The Applicants, according to the Respondent State, neither applied for an appeal or review of the decision but instead opted for non-judicial remedies by writing to the Mediator of the Republic and the Minister of Justice.

47. In addition, the Respondent State submits that some of the Three hundred and eleven (311) dismissed employees, including Allo Traore and Two hundred and fifteen (215) others, brought a case before the Sikasso Labour Court (Court of First Instance) by Application No. 21 /R.G/2009 dated 25 September 2009, and a case by Application No. 66/RG dated 13 May 2011. In its decision rendered on 13 December 2010, the Court of First Instance dismissed the Applicants' case on the grounds that their claims were without merit. The Applicants appealed the decision to the Social Chamber of the Bamako Court of Appeal, which declared the case inadmissible on 1 December 2011. Another group of former employees of the same company, including Yaya Fane and 80 (eighty) others, in turn also brought the case before the labour Court (Court of First Instance) of Sikasso on 18 November 2013. On 26 May 2014, the Tribunal dismissed their case due the Applicants' lack of standing.

48. The Respondent State further submits that the Applicants have not explained how its judiciary prevented them from exercising the available remedies. The Respondent State contends that the Applicants appear to be complaining about the excessive slowness of the judiciary in deciding their case, which allowed SOMADDEX SA to fold up, legally transforming itself into MARS and then into GMS between 2009 and 2010. According to the Respondent State, the Applicants, having refrained from exercising the available remedies, cannot invoke any procedural delay and it is, therefore, appropriate to dismiss their case before this Court.

49. As for the other employees, who are also Applicants before this Court, the Respondent State submits that they cannot deny that they had the possibility of appealing the decision of the Court of First Instance, in addition to the possibility of appealing to the Cassation Court, which they did not do.

*

50. For their part, the Applicants submit that in order to understand the circumstances of the case better, it is necessary to follow the development of the decisions of the Court of First Instance and the Court of Appeal in the Respondent State. The Applicants draw attention to the fact that they sent a letter of denunciation to the Minister of Justice dated 8 December 2014, referenced CATM 002 to which they did not receive a response. They also indicate that they wrote to the Ombudsman of the Republic, who replied by letter No. 446 dated 12 December 2014 dismissing their case on the grounds that the case was pending before the courts. The Applicants believe, therefore, that the excessive slowness of domestic procedures orchestrated by the courts of the Respondent State should not escape the scrutiny of the Court.

51. According to the Applicants, the Respondent State was complicit in the dissolution of SOMADEX SA between 2009 and 2010. The Applicants allege that the Respondent State obstructed the course of justice by concealing evidence that could have helped them to vindicate their rights. They thus submit that the Respondent State is responsible for the violation of their rights by SOMADEX SA since the company changed its name to "Mars" before subsequently becoming "Goukoto Mining Services (GMS)", which contributed to the decision of the Sikasso Court in its judgment of 26 May 2014 dismissing the case for lack of standing.

52. The Court recalls that according to Article 56(5) of the Charter and Rule 50(2) (e) of the Rules, local remedies that must be exhausted are ordinary judicial remedies, unless it is clear that the procedure for exhausting such remedies is unduly prolonged. The issue before the Court, therefore, is whether or not the Applicants have exhausted local remedies.

53. The Court notes, from the documents on record, that the Applicants in the instant Application brought three separate actions before the courts of the Respondent State. First, Application No. 21 /R.G/2009 dated 25 September 2009, the Allo Traore Group and 215 (Two hundred and fifteen) other former SOMADEX SA employees brought an action before the Sikasso Labour Court (Court of First Instance). This case was dismissed on 13 December 2010 for lacking merit. Secondly, the same group of employees, by Appeal No. 66/RG of 13 May 2011 appealed to the Social Chamber of the Court of Appeal of Bamako against the decision of the Sikasso Court. By Judgment No. 101 dated 1 December 2011 the Social Chamber of the Court of Appeal declared the case inadmissible. Finally, Yaya Fane and 80 (eighty) other former SOMADEX SA employees brought a case before the Sikasso Labour Court (Court of First Instance) by

Application No. 012/R. G/2013, this time against Goukoto Mining Service-SA. On 26 May 2014 the said Court, by Judgment No. 04, declared the case inadmissible for lack of standing in the absence of an employment contract binding the employees to Goukoto Mining Service-SA, the company against which they had brought the action.

54. Given the foregoing, the Court finds that the group of Allo Traoré and two hundred fifteen (215) others had the possibility of appealing to the Supreme Court against Judgment No. 101 of 1 December 2011 rendered by the Social Chamber of the Court of Appeal of Bamako. This is in accordance with Article L217 of Law No. 92-020 of 23 September 1992 on the Labour Code of the Respondent State which provides that:

The Supreme Court hears appeals in cassation against final judgments and judgments of the Court of Appeal. The appeal is lodged and judged in the forms and conditions provided for by the laws on the organization and procedure of the Supreme Court.

55. It is also to be noted that the above provision notwithstanding, Yaya Fane's group did not appeal against the decision of the Sikasso Court of First Instance No. 4 of 26 May 2014 before the Court of appeal (Article L213 of the Labour Code).

56. In view of the foregoing, the Court considers that the Applicants did not exhaust the available local remedies. Consequently, the Court finds that the Application does not meet the admissibility criteria provided for in Article 56(5) of the Charter.

B. Other admissibility requirements

57. Having found that the Application is inadmissible for failure to exhaust local remedies, the Court does not need to consider the other admissibility requirements of Rule 50(2) of the Rules, which are restated in Article 56 of

the Charter, because these requirements are cumulative such that if one of them is not met an application cannot be admissible.¹²

VII. COSTS

58. In their submissions, both parties requested that the Court order that the other party bear costs of the proceedings.

59. According to Rule 32(2) of the Rules:¹³ "Unless otherwise decided by the Court, each party shall bear its own costs, if any".

60. Accordingly, the Court decides that each party shall bear its own costs.

VIII. OPERATIVE PART

61. For these reasons:

THE COURT:

Unanimously,

On jurisdiction

i. *Declares* that it has jurisdiction.

On admissibility

¹²*Collectif des anciens travailleurs du laboratoire ALS v. Republic of Mali* (jurisdiction and admissibility), §39. *Mariam Kouma and Ousmane Diabaté v. Republic of Mali*, (merits) Application No. 040/2016 Judgment of 21 March 2018 2 AfCLR 237, § 63.


¹³ Rule 30(2) of the Rules of 2 June 2010.

- ii. *Dismisses* the objection to admissibility based on the identification of the Applicants;
- iii. *Upholds* the objection to the admissibility of the Application on the ground of non-exhaustion of local remedies;
- iv. *Declares* the Application inadmissible.

On costs


- v. *Orders* that each Party to bear its own costs


Signed by:


Imani D. ABOUD, President; 


Blaise TCHIKAYA, Vice-President; 


Ben KIOKO, Judge; 


Rafaâ BEN ACHOUR, Judge; 


Suzanne MENGUE, Judge; 

M.-Thérèse MUKAMULISA, Judge; 

Tujilane R. CHIZUMILA, Judge; 

Chafika BENSAOULA, Judge; 

Stella I. ANUKAM, Judge; 

Dumisa B. NTSEBEZA, Judge; 

and Dr Robert ENO, Registrar.



Done at Dar es Salaam, this Second Day of December in the year Two Thousand and Twenty-One, in the English and French, the French text being authoritative.



LISTE DES MANDANTS

1	N° MTC	PRENOMS	NOMS	EMARGEMENTS
2	68	Yaya	FANE	
3	101	Yaya	DIALLO	
4	120	Aboubacar S	KONATE	
5	207	Karim	DOUMBIA	
6	211	Soumaila	SOW	
7	213	Adama	COULIBALY	
8	214	Toungo	SANGARE	
9	215	Daouda	KEITA	
10	216	Lamissa	BENGALY	
11	217	Yaya	DIARRA	
12	218	Yousseuf	KOUREKAMA	
13	220	Diango	DEMBELE	
14	221	Seydou	DIARRA	
15	222	Moussa	FOFANA	
16	238	Mahamane	TRAORE	
17	239	Midia	DIAKITE	
18	240	Zoumana	DEMBELE	
19	241	Sory Ibrahima	KASSE	
20	208	Issa	KONE	
21	244	Ousmane	BALLO	
22	245	Mamadou	OUATTARA	
23	246	Mahamadou	TRAORE	
24	247	Karim	DIOURTE	
25	248	Ousmane	SAMAKE	
26	249	Amidou	BALLO	
27	254	Abdoul Wahab	KEITA	
28	68	Yaya	FANE	
29	101	Yaya	Diallo	
30	120	Boubacar S	KONATE	
31	255	Samankoun	NOMOGO	
32	258	Makan	SOGODOGO	
33	274	Amara	KONE	
34	275	Bakary	COULIBALY	
35	276	Nanourou	OUATTARA	
36	277	Marcel	BALLO	
37	298	Ahamed	GOITA	
38	308	Diery	BAH	
39	318	Nouhoum	KONE	
40	319	Amadou	TRAORE	
41	326	Souleymane	MARIKO	
42	336	Fousseyni	DIALLO	

43	345	Baba	KONATE	
44	358	Yacouba	KONE	
45	361	Fatogoma	COULIBALY	
46	389	Mady	DEMBELE	
47	390	Mamoutou M	TRAORE	
48	391	Lamine	SOW	
49	8	Alou	TRAORE	
50	12	Bréhima	DEMBELE	
51	16	Modibo	TRAORE	
52	19	Moussa	BERTHE	
53	29	Dramane	DIALLO	
54	47	Alker	BERTHE	
55	48	Mohamed	BERTHE	
56	58	Drissa	TOGOLA	
57	59	Bamassa	DEMBELE	
58	62	Kassimou	DIAKITE	
59	66	Mohamed	COULIBALY	
60	68	Yaya	FANE	
61	71	Chaka	MARIKO	
62	75	Issa	KOITA	
63	76	Yaya	KONDE	
64	77	Abdoul Aziz	SOUNTOURA	
65	81	Zoumana	MARIKO	
66	96	Dounangue	DIARRA	
67	99	Dienadié	SOGOBA	
68	102	Pepe Gérôme	LOUA	
69	104	Dégou	DIASSANA	
70	111	Dramane	DIARRA	
71	120	Boubacar B	KONATE	
72	121	Yamoussa	SANOGO	
73	123	Sirima S	DIARRA	
74	125	Dioman	DIARRA	
75	126	Salif	SIDIBE	
76	128	Bacary	SIDIBE	
77	130	Hadam Daouda	TRAORE	
78	132	Cheick Oumar	SOGOBA	
79	137	Diakaridia L	TRAORE	
80	142	Soumaila	HAIDARA	
81	143	Papa Kalifa	TRAORE	
82	148	Gaoussou	KEITA	
83	150	Abdoulaye	CAMARA	
84	156	Tahirou	COULIBALY	
85	162	Yaya	SIDIBE	
86	163	Moussa	KEITA	
87	164	Yoro	DIAKITE	
88	165	Abdoulaye	KONE	

89	169	Chaka Birama	MARIKO	
90	178	Adama	DIAKITE	
91	185	Karim	TRAORE	
92	189	Oumar	BAGAYOKO	
93	190	Cherif Hadam	SY	
94	191	Salikou	BALLO	
95	192	Adama	TOGOLA	
96	193	Zoumana	TRAORE	
97	194	Souleymane	DEMBELE	
98	195	Abdoulaye	BAGAYOKO	
99	200	Mamadou	DOUMBIA	
100	201	Mamadou	FANE	
101	202	Adama	TRAORE	
102	204	Ousmane	BERTHE	
103	207	Karim	DOUMBIA	
104	209	Zan	COULIBALY	
105	213	Adama	COULIBALY	
106	215	Daouda	KEITA	
107	216	Lamissa	BERTHE	
108	217	Yaya	DIARRA	
109	218	Youssef	KOUREKAMA	
110	221	Seydou	DIARRA	
111	222	Moussa	FOFANA	
112	224	Modibo	DIALLO	
113	232	Sékou	OUATTARA	
114	234	Mamadou	TRAORE	
115	237	Souleymane	COULIBALY	
116	240	Soumana	DEMBELE	
117	242	Idrissa	DIANE	
118	244	Ousmane	BALLO	
119	245	Mamadou	OUATTARA	
120	247	Karim	DJOURTE	
121	249	Hamidou	BALLO	
122	250	Bakary	NIMAGA	
123	252	Mahamadou	TOURE	
124	254	Abdoul Wahab	KEITA	
125	255	Samankoun	NAMOGO	
126	257	Drissa	DIARRA	
127	258	Makan	SOGODOGO	
128	263	Abdoulaye	SANOGO	
129	264	Teté	SANGARE	
130	279	Nama Elvis	KONE	
131	280	Papa	DIASSANA	
132	284	Adama	BENGALY	
133	286	Sita	SANGARE	
134	293	Alou	DIALLO	

135	294	Sory	DOUCOURE	
136	295	Mamadou	SOGODOGO	
137	300	Drissa	SANGARE	
138	301	Issa	MARIKO	
139	303	Bassirou	BERTHE	
140	305	Sidi Yaya	KEITA	
141	306	Seybou	DIAKITE	
142	308	Diery	BAH	
143	310	David	KEITA	
144	311	Daouda	SANGARE	
145	312	Issoufou	KONE	
146	313	Bine	KANSAYE	
147	428	Hamadou	DOUMBIA	
148	434	Boubacary	BERTHE	
149	434	Mansely	DOUMBIA	
150	435	Tidiane	TRAORE	
151	442	Sékou	TRAORE	
152	444	Bakary	TOGOLA	
153	450	Mamadou	SANGARE	
154	452	Karim	GUINDO	
155	456	Abdoulaye Ti	DIARRA	
156	457	Ousmane	FAYE	
157	458	Bandiougou	KONATE	
158	460	Seydou	TOGOLA	
159	463	Boubacar	SYLLA	
160	467	Yacouba	TOGOLA	
161	468	Souleymane	KONE	
162	469	Moussa	DANIOKO	
163	470	Salif	GUINDO	
164	473	Salif	KONATE	
165	476	Alassane	DOUMBIA	
166	477	Bakary	KONE	
167	480	Fatogoma	SOGODOGO	
168	484	Lassana	DOUMBIA	
169	488	Kalierou	SOGODOGO	
170	490	Sidiki	KAMISSOKO	
171	492	Idrissa	DAOU	
172	504	Oumar	MARIKO	
173	507	Moussa	SANGARE	
174	512	Moussa	DEMBELE	
175	514	Samba Cheick	DIABATE	
176	515	Oumar	TRAORE	
177	536	Mamadou	MARIKO	
178	547	Yacouba	BAMBA	
179	548	Issa	OUATTARA	
180	549	Sériba	DIARRA	

181	553	Diakaridia	DIARRA	Diakaridia
182	554	Moussa	DOUMBIA	Moussa
183	560	Mahamadou	DIALLO	Mahamadou
184	562	Moussa	DIARRA	Moussa
185	563	Gaoussou	DEMBELE	Gaoussou
186	567	Alassane	OUATTARA	Alassane
187	569	Seydou M'bé	KONE	Seydou M'bé
188	570	Abdoulaye	TRAORE	Abdoulaye
189	571	Fousseyni	BAMBA	Fousseyni
190	575	Idrissa	DIARRA	Idrissa
191	576	Sidiki	KONE	Sidiki
192	577	Paul	TRAORE	Paul
193	578	Lasseni	DIALLO	Lasseni
194	581	Cheick Toura	SIDIBE	Cheick Toura
195	589	Drissa	KOMAGARA	Drissa
196	592	Bekaye	SOGOBA	Bekaye
197	594	Aly	KEITA	Aly
198	598	Christophe	TIEUMAGNI	Christophe
199	600	Ramata	COULIBALY	Ramata
200	603	Modibo M	TRAORE	Modibo M
201	604	Hamadoun	MAIGA	Hamadoun
202	605	Aguibou	TRAORE	Aguibou
203	607	Manuel	BALLO	Manuel
204	608	Soumaila	SOUMAORO	Soumaila
205	609	Moussa	TRAORE	Moussa
206	610	Bakary	MOUNKORO	Bakary
207	612	Issiaka	KONATE	Issiaka
208	614	Amadou	NIOUMATA	Amadou
209	615	Adama	TIELA	Adama
210	616	Adama	SYLLA	Adama
211	621	Adama	BAMBA	Adama
212	622	Moussa	TIELA	Moussa
213	624	Lassana	DOUMBIA	Lassana
214	626	Mohamed	KEITA	Mohamed
215	627	Daouda	BOGOLA	Daouda
216	628	Lassina	TRAORE	Lassina
217	629	Youssouf M	DOUMBIA	Youssouf M
218	630	Amadou	MARIKO	Amadou
219	633	Jean Martin	KEITA	Jean Martin
220	635	Tiémoko	CISSE637	Tiémoko
221	637	Sidiki	COULIBALY	Sidiki
222	638	Drissa	DIARRASSOU	Drissa
223	641	Lamine	BERTHE	Lamine
224	642	Djelimory	SISSOKO	Djelimory
225	644	Djamahiri	MARIKO	Djamahiri
226	645	Boubacar	DIA	Boubacar

272	747	Amadou	DEMBELE	
273	751	Yousseuf	BALLO	
274	752	Mamadou	DIOP	
275	755	Jean	TRAORE	
276	760	Moussa	KONE	
277	762	Marc	KONE	
278	767	Broulaye	KEITA	
279	768	Souleymane	DOUMBIA	
280	769	Mahamadou	MARIKO	
281	773	Abdou	MARIKO	
282	774	Moussa	MARIKO	
283	775	Yaya	TOGOLA	
284	776	Moussa	KONE	
285	779	Issa	TAPILLY	
286	784	Lassina	MARICO	
287	785	Baba	DIARRA	
288	787	Adama B	SANGARE	
289	789	Lassana	TRAORE	
290	792	Adama	SANGARE	
291	800	Amadou	KONDE	
292	802	Moussa D	SANGARE	
293	804	Drissa	SOGODOGO	
294	809	Ismaila	BALLO	
295	814	Adama	MARIKO	
296	821	Oumar	TOGOLA	
297	822	Abdoulaye	SIDIBE	
298	824	Abdoulaye	MARIKO	
299	829	Yaya	TRAORE	
300	831	Sem	KAMATE	
301	832	Souleymane	KONE	
302	833	Brahima	ALIBANA	
303	839	Bréhima	SIDIBE	
304	840	Madjou	TOURE	
305	846	Naballa	KEITA	
306	853	Sory Ibrahim	COULIBALY	
307	855	Bouréïma	SOBINGO	
308	856	Paul Brice	GOUBA	
309	857	Yacouba	DJOURTE	
310	858	Moussa Ousmane	COULIBALY	
311	859	Honoré	COULIBALY	
312	860	Konimba	COULIBALY	
313	861	Adama	BAGAYOKO	
314	862	Siaka	MARIKO	
315	865	Jean Noel	BERTHE	
316	867	Alexis	BENGALY	
317	868	Mamadou	OUATTARA	

Handwritten signatures and initials in blue ink are present in the right margin of the table, corresponding to each row. Some signatures are large and stylized, while others are smaller and more legible. The signatures appear to be names or initials of individuals, possibly related to the data in the table.

227	648	Moussa	COULIBALY	<i>[Signature]</i>
228	649	Mamadou Y	DOUMBIA	<i>[Signature]</i>
229	650	Abou	BERTHE	<i>[Signature]</i>
230	651	Abdoul Khade	DIAWARA	<i>[Signature]</i>
231	654	Moussa	COULIBALY	<i>[Signature]</i>
232	655	Mahamadou	TOGOLA	<i>[Signature]</i>
233	657	Aloufa	YEDJANLOGN	<i>[Signature]</i>
234	658	Aliou Badra	MACALOU	<i>[Signature]</i>
235	659	Tiéble	MARIKO	<i>[Signature]</i>
236	664	Abdramane	NIAGALY	<i>[Signature]</i>
237	669	Daouda	KONE	<i>[Signature]</i>
238	670	Moussa K	KEITA	<i>[Signature]</i>
239	671	Sékou	TOURE	<i>[Signature]</i>
240	672	Mikhail	DIAKITE	<i>[Signature]</i>
241	674	Birama	TOGOLA	<i>[Signature]</i>
242	675	Adama A	TRAORE	<i>[Signature]</i>
243	677	Zoumana	KEITA	<i>[Signature]</i>
244	678	Seydou	COULIBALY	<i>[Signature]</i>
245	680	Mamadou D	TRAORE	<i>[Signature]</i>
246	683	Lassana	MARIKO	<i>[Signature]</i>
247	684	Fousseyni	TOGOLA	<i>[Signature]</i>
248	685	Aga	TRAORE	<i>[Signature]</i>
249	686	Chery	MARIKO	<i>[Signature]</i>
250	690	Brahim	KONE	<i>[Signature]</i>
251	692	Moussa	GADJIGO	<i>[Signature]</i>
252	695	Lamine	BALLO	<i>[Signature]</i>
253	698	Sékou	CAMARA	<i>[Signature]</i>
254	699	Birama	BENGALI	<i>[Signature]</i>
255	700	Ousseyni	TOURE	<i>[Signature]</i>
256	702	Siaka	BERTHE	<i>[Signature]</i>
257	703	Lassana	COULIBALY	<i>[Signature]</i>
258	704	Amadou	DOUMBIA	<i>[Signature]</i>
259	705	Abdoulaye	SIDIBE	<i>[Signature]</i>
260	706	Adana	KEITA	<i>[Signature]</i>
261	707	Mohamed	SOUMAORO	<i>[Signature]</i>
262	709	Adama	SANGARE	<i>[Signature]</i>
263	712	Fassery	TRAORE	<i>[Signature]</i>
264	716	Drissa	TOGOLA	<i>[Signature]</i>
265	725	Oumar	DJOURTE	<i>[Signature]</i>
266	727	Abdramane	KONE	<i>[Signature]</i>
267	730	Adama	DRAME	<i>[Signature]</i>
268	733	Tafé	MARIKO	<i>[Signature]</i>
269	739	Sory Ibrahim	CAMARA	<i>[Signature]</i>
270	741	Lassina	KONE	<i>[Signature]</i>
271	742	Drissa	KOUYATE	<i>[Signature]</i>
	745	Hamidou	SYLLA	<i>[Signature]</i>

318	392	Makan	COULIBALY	Handwritten signature
319	393	Karim	BENGALY	Handwritten signature
320	394	Siritié	SAMAKE	Handwritten signature
321	395	Dramane	KONE	Handwritten signature
322	400	Boubacar	TOGOLA	Handwritten signature
323	402	Abdou	KONE	Handwritten signature
324	425	Adama	BAGAYOKO	Handwritten signature
325	433	Moussa Tiécoura	COULIBALY	Handwritten signature
326	291	Sanou Sékou	TOURE	Handwritten signature
327	293	Alou	DIALLO	Handwritten signature
328	294	Sory	DOUCOURE	Handwritten signature
329	300	Drissa	SANGARE	Handwritten signature
330	301	Issa	MARIKO	Handwritten signature
331	302	Sidiki	KONE	Handwritten signature
332	305	Sidi Yaya	KEITA	Handwritten signature
333	306	Seybou	DIAKITE	Handwritten signature
334	315	Seydou	KONE	Handwritten signature
335	316	Tahirou	OUATTARA	Handwritten signature
336	325	Diakaridia	KONATE	Handwritten signature
337	327	Oumar	SIDIBE	Handwritten signature
338	328	Salif	SANGARE	Handwritten signature
339	334	Sadio	DIAWARA	Handwritten signature
340	335	Bréhima	SOUMANO	Handwritten signature
341	337	Sina	KONATE	Handwritten signature
342	338	Nouhoun	KONE	Handwritten signature
343	339	Issoufou	DIALLO	Handwritten signature
344	340	Issoufou	DANTINI	Handwritten signature
345	342	Amara	TRAORE	Handwritten signature
346	344	Boubacar	CAMARA	Handwritten signature
347	351	Sona Dramane	DIARRA	Handwritten signature
348	355	Tongoba	KANTE	Handwritten signature
349	359	Drissa	DAOU	Handwritten signature
350	360	Mahamadou A	TRAORE	Handwritten signature
351	362	Abdoulaye Nam	BERTHE	Handwritten signature
352	363	Oumar Dramane	DIALLO	Handwritten signature
353	364	Bréhima Guédiou	TRAORE	Handwritten signature
354	366	Adama M	DIARRA	Handwritten signature
355	367	Sidi	TANGARA	Handwritten signature
356	369	Mama	THERA	Handwritten signature

357	370	Adama Gnama	TRAORE	EMARGEMENTS
358	165	Abdoulaye	KONE	Handwritten signature
359	169	Chaka Birama	Mariko	Handwritten signature
360	172	Mamadou S	BERHE	Handwritten signature
361	174	Fabou	TRAORE	Handwritten signature
362	176	Yacouba	TRAORE	Handwritten signature
363	177	Aouno	DAMA	Handwritten signature
364	178	Adama	DIAKITE	Handwritten signature
365	179	Nama	SOUNTARA	Handwritten signature
366	182	Mamadou	TOGOLA	Handwritten signature
367	183	Mamadou	DIARRA	Handwritten signature
368	185	Karim	TRAORE	Handwritten signature
369	189	Oumar	BAGAYOKO	Handwritten signature
370	191	Salikou	BALLO	Handwritten signature
371	193	Zoumana	TRAORE	Handwritten signature
372	194	Souleymane	DEMBELE	Handwritten signature
373	195	Abdramane	SAMASSEKOU	Handwritten signature
374	198	Alassane	KONE	Handwritten signature
375	200	Mamadou	DOUMBIA	Handwritten signature
376	201	Mamadou	FANE	Handwritten signature
377	202	Adama	TRAORE	Handwritten signature
378	204	Ousmane	BERTHE	Handwritten signature
379	209	ZAN	COULIBALY	Handwritten signature
380	210	Oumar	MAIGA	Handwritten signature
381	224	Ousmane	BERTHE	Handwritten signature
382	227	Bakary	COULIBALY	Handwritten signature
383	237	Souleymane	COULIBALY	Handwritten signature
384	252	Mahamadou	TOURE	Handwritten signature
385	257	Drissa	DIARRA	Handwritten signature
386	267	Dramane	BERTHE	Handwritten signature
387	280	Papa	DIASSANA	Handwritten signature
388	102	Pépé Jérôme	LOUA	Handwritten signature
389	313	Biné	KANSAYE	Handwritten signature
390	386	Ibrahima	PODIOUGOU	Handwritten signature
391	452	Karim	GUINDO	Handwritten signature
392	143	Papa Kalifa	TRAORE	Handwritten signature
393	242	Drissa	DIANE	Handwritten signature
394	311	Daouda	SANGARE	Handwritten signature
395	380	Alassane S	KONE	Handwritten signature
396	457	Ousmane	FAYE	Handwritten signature
397	150	Abdoulaye	CAMARA	Handwritten signature
398	321	N'Golo	COULIBALY	Handwritten signature
399	140	Sidati	SANOGO	Handwritten signature

				EMARGEMENTS
400	96	Dounanké	DIARRA	
401	93	Mama	TRAORE	
402	332	Sinaly	KANTE	
403	490	Sidiki	KAMISSOKO	
404	614	Amadou	NIOUMANTA	
405	622	Moussa	TIELA	
406	664	Abdrahamane	NIAGALY	
407	654	Moussa	COULIBALY	
408	576	Sidiki	KONE	
409	600	Ramata	COULIBALY	
410		Mahamadou	SAMAKE	
411	101	Yaya	DIALLO	
412	211	Soumaila	SOW	
413	245	Mamadou	OUATTARA	
414	275	Bakary	COULIBALY	
415	721	Issa Baba	TRAORE	
416	864	Zan	KONE	
417	831	Sem	KAMATE	
418	832	Souleymane	KONE	
419	833	Brahima	ALIBANA	
420	839	Bréhima	SIDIBE	
421	840	Madjou	TOURE	
422	846	Naballa	KEITA	
423	853	Sory Ibrahim	COULIBALY	
424	855	Bouréma	SOBINGO	
425	856	Paul Brice	GOUBA	
426	857	Yacouba	DJOURTE	
427	858	Moussa Ousmane	COULIBALY	
428	859	Honore	COULIBALY	
429	860	Konimba	COULIBALY	
430	861	Adama	BAGAYOKO	
431	862	Siaka	MARIKO	
432	97	Soumaila	DIALLO	
433		Seydou	TOGOLA	
434		Adama	KOUYATE	
435		Adama	DANIOKO	
436		Souleymane	DIABATE	
437		Gaoussou	TRAORE	
438		Chaka	COULIBALY	
439		Kassim	COULIBALY	
440		Sidiki	COULIBALY	
441		Moussa	DICKO	
442		Mory	MARIKO	
443		Issa	KOUYATE	
444		Jean	DIARRA	
445		Adama	MARIKO	