

AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي		UNIÃO AFRICANA
AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES		

IN THE MATTER OF

COLLECTIF DES ANCIENS TRAVAILLEURS – BCM Loulo

V.

REPUBLIC OF MALI

APPLICATION NO. 005/2019

ORDER

(AMENDMENT OF TITLE OF APPLICATION)

23 AUGUST 2023

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

In pursuant to 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) of the Rules of Court¹ (hereinafter referred to as "the Rules"), Judge Modibo SACKO, Vice President of the Court and a national of Mali, did not hear the application.

In the Matter of:

Collectif des anciens travailleurs - Bayswater Consulting Mining (BCM) Loulo,
Represented by Yacouba TRAORÉ;

Versus

THE REPUBLIC OF MALI

Represented by Issaka KEÏTA, Advocate at the Bar of Mali;

Pursuant to Article 33 of the Protocol;

Pursuant to Rule 90 of the Rules;

After deliberation;

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

Issues the following Ruling:

1. Considering that, in accordance with Rule 90 of the Rules, no provision of the said Rules shall limit or otherwise affect the inherent power of the Court to adopt such procedures or decisions as may be necessary to meet the ends of Justice;
2. Considering that, in the present case, on 21 February 2019, Collectif des anciens travailleurs de Bayswater Consulting Mining (BCM) Loulo filed an Application with the Court against the Republic of Mali, seeking to hold it liable and for reparations for the violation of several rights, namely, the right to non-discrimination, the right to equality before the law and equal protection of the law, and the right to have one's cause heard and, accordingly, to order several reparations;
3. Considering that, in response to correspondence received from the Registry on 21 May 2020, the Applicant indicated that it was not a non-governmental organisation having observer status before the African Commission on Human and Peoples' Rights, and thus requested that its identity be restated as follows: Ibrahima PODIOUGOU, Boubacar D. KONATÉ, Boukassoum KEREMBE and others.
4. Considering that the facts cited as well as the rights of which a violation is alleged relate to private individuals, namely, Issiaka KEÏTA and One Hundred and Twenty-Four (124) others, such a renaming is justified by the fact that Issiaka KEÏTA is the first on the list of one hundred and twenty-five (125) persons who gave the power of attorney to Yacouba TRAORE to represent them before this Court.
5. Considering moreover that, in its submissions, the Respondent State refers to the Applicants as private persons,

6. Considering, in view of the above, that the renaming of the title of the Application is purely a matter of form, as it does not affect the substance of the Application notified to the Respondent State.

7. Therefore, given the above circumstances, the Court orders that the title of the Application should be renamed as follows: *Issiaka KEÏTA and others v. the Republic of Mali.*

For these reasons,

The Court,

Unanimously,

- i. *Orders* that the title of the Main Application, henceforth, be as follows: *Issiaka KEÏTA and Others v. Republic of Mali.*

- ii. *Reserves* its decision on the merits and reparations of the Application.

Signed by:

Imani D. ABOUD, President;



And Robert ENO, Registrar.



Done at Arusha, this twenty third day of August in the year Two Thousand and twenty-three, in French and English, the French text being authoritative.

