

RULING SUMMARY

ALIYU SULEIMAN V. AFRICAN UNION AND AFRICAN UNION COMMISSION

APPLICATION NO. 014/2024

RULING

12 FEBRUARY 2025

A DECISION OF THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

Arusha, 5 February 2025: The African Court on Human and Peoples' Rights (the Court) delivered a Ruling in the case of *Aliyu Suleiman v. African Union (AU) and African Union Commission (AUC)*.

Aliyu Suleiman (the Applicant) is a national of the Federal Republic of Nigeria who claimed to be an advocate of social justice. He filed an Application before the Court against the AU and the AUC (Respondents). He alleged that the Respondents violated the rights of African citizens, in relation to the nomination process of the candidates for the position of Chairperson of the AUC. In this regard, he alleges violation of the rights of Africans to participate freely in their governance, under Article 13 of the African Charter on Human and Peoples' Rights (the Charter) and the right of peoples to participate in public affairs, to vote and be elected in genuine periodic election under Article 25 of the International Covenant on Civil and Political Rights (the ICCPR).

The Court first determined whether it had jurisdiction to hear the Application. In this regard, the Court noted that in accordance with Article 3 of the Protocol to the African Charter on Human and Peoples' Rights on the establishment of an African Court on Human and Peoples' Rights (the Protocol) that its jurisdiction to interpret and apply the relevant human rights instruments ratified by the state concerned. The Court further observed that applications that can be received before it are those filed against State Parties to the Protocol.

Also, the Court recalled that in accordance with its jurisprudence in *Femi Falana v. African Union* and the provision of Article 34 of the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, that, international organizations which are not party to a treaty, cannot be subject of legal obligations arising from that treaty. The Court therefore underscored that applications cannot be filed before it against entities other than State Parties to the Protocol. To this end, the Court found that it manifestly lacked jurisdiction to consider the Application, as it had been filed against the AU and the AUC, which are international organizations that are not State Parties to the Protocol.

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Justice Rafaâ BEN ACHOUR issued a Declaration, while Justices Stella I. ANUKAM and Dennis D. ADJEI issued a joint separate opinion.

Further Information

Further information about this case, including the full text of the decision of the African Court, may be found on the website at: <https://www.african-court.org/cpmt/details-case/0142024>

For any other queries, please contact the Registry by email registrar@african-court.org.

The African Court on Human and Peoples' Rights is a continental court established by African Union Member States to ensure the protection of human and peoples' rights in Africa. The Court has jurisdiction over all cases and disputes submitted to it concerning the interpretation and application of the African Charter on Human and Peoples' Rights and any other relevant human rights instrument ratified by the States concerned. For further information, please consult our website at www.african-court.org.