

35TH CHRISTOF HEYNS AFRICAN HUMAN RIGHTS MOOT COURT COMPETITION

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HYPOTHETICAL CASE

before the

AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

in the matter between

AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

(on behalf of the Movement for the Respect of the Integrity of Public Officials)

and

REPUBLIC OF KORANZA

1. The Republic of Koranza is a state located in West Africa, bordered by four countries: the Republic of Samana to the north, the Republic of Bolo to the west, Delta to the east, and the Federation of Kebira to the northeast, while to the south, the Atlantic Ocean provides it with a coastline of over 400 kilometres. The country has two major capitals: Morena, a coastal city and the economic capital, and Mina, the political capital located inland. Other major cities, such as Dembéni, Mékambo, Fulacunda, and Tekassa, are located across the territory. Six rivers—the Kérou, the Badi, the Soukara, the Limbé, the Ébodi, and the Tamo—cross Koranza and are home to a rare aquatic biodiversity that feeds and supports thousands of families. The country is also endowed with dense forests and most years enjoys generous rainfall.
2. The currency used, the Koranz (KZ), was created after independence. It is backed by the country's vast gold reserves. Officially, 1 USD is worth 620 KZ, but on the parallel market, the rate reaches 750 KZ, a direct consequence of corruption, capital flight, and investor distrust. Although the abundance of gold provides a theoretical basis for the Koranz, its instability is worsened by inflation, estimated at 12% per year, and by the increasing use of Blockchain in opaque financial transactions.
3. The country's economy relies mainly on gold and fishing. Officially, the GDP stands at 42 billion US dollars with annual growth around 4.6% over the last five years. But this apparent prosperity masks deep inequalities. The government's 2024 data indicate that public debt represents 58% of GDP and the budget deficit is around 5.2%. The current account is in deficit, despite exports of gold and fish, due to heavy energy and mining imports. Rating

agencies assign Koranza a B-/B rating, highlighting structural weaknesses, including lack of transparency in the management of mining revenues, often overvalued public contracts, an anti-money laundering and counter-terrorist financing system deemed only partially compliant, and a lack of transparency on the real owners of companies. The country ranks 102nd out of 180 in the global Corruption Perceptions Index.

4. Koranza's political history begins with its independence from France in 1965, secured under the leadership of President Robert Kidane. Revered as the 'Father of the Nation', Kidane and his party, the Koranza Freedom Party (PLK) swiftly consolidated power, imposing a single-party regime that endured for a quarter of a century. The global political shifts of 1990, symbolised by the fall of the Berlin Wall, compelled a transition towards multipartyism in Koranza. While this change allowed for the emergence of some 25 political parties, including the Koranza Development Party (PDK) led by the long-time dissident Mansa Kalogo, the political landscape remained dominated by Kidane's entrenched political apparatus. Throughout this period, Kalogo stood several times as a presidential candidate but was consistently unsuccessful against Kidane and his handpicked successors. The electoral missions of the Pan Africa Parliament concluded that the last three elections 'lacked fairness'. In 2019, following the death of Kidane, Kalogo won the elections and acceded to the presidency. However, his victory was deeply controversial, as the Koranza National Electoral Commission (KNEC) disqualified several other strong opposition candidates on what were criticised as 'politically motivated technicalities'. Consequently, President Kalogo has failed to secure popular legitimacy, and the political climate has since deteriorated into one of profound instability, marked by pervasive popular distrust, the entrenchment of systemic corruption, and an escalating campaign of state repression against dissent. However, The PDK won the legislative elections of June 2024 with a landslide, and Kalogo was re-elected as President with more than 80% of the vote. The current Parliament is composed of 190 members of the PDK, 50 members of the PLK, and 10 members of smaller parties.
5. The 25 regions of Koranza are largely deprived of health and education infrastructure. Hospitals frequently close down due to a chronic lack of funding; essential medicines are perpetually in short supply; and schools are in an advanced state of dilapidation. However, the government has implemented popular social measures: free primary education, scholarships for secondary school students, and exemption from tuition fees for the top ten students in each class at all publicly funded secondary schools. Nonetheless, the education system's overall quality continues to decline, as evidenced by its low ranking of 35th in Africa, while the physical infrastructure deteriorates further. Across the country's high schools and universities, the national student union (SNEEK) now frequently organises boycotts and protests against these

deplorable conditions. These demonstrations are routinely met with a heavy-handed response from law enforcement, often escalating into violent clashes and culminating in the regular arrest and detention of youth leaders.

6. Koranza is a member of the United Nations (since 1966) and African Union (since 2002). It is a monist state. Its 1965 independence Constitution, adopted under the presidency of Kidane, sets out in Chapter I, fundamental civil and political rights but does not explicitly enshrine economic, social, and cultural rights, although it enjoins the government to 'protect the welfare of the Koranza people in implementation of domestic and international policies'. The Constitution provides that its provisions can be amended by a two-thirds majority of all Members of Parliament, except for those in Chapter I, which requires an enhanced majority of 75% of all Members of Parliament. Ordinary legislation is adopted by a simple majority of the Members of Parliament present at the relevant session. The Preamble proclaims Koranza's attachment to 'national unity, the sovereignty of the people, and the preservation of the integrity of its territory'. The Constitution, therefore, gives the President the power to issue executive orders 'to safeguard national security and the stability of institutions'. The exercise of this power is not subject to Parliamentary approval.
7. The Mining Code of 1967 criminalises the mining of gold without a licence, with penalties ranging from five to ten years imprisonment. However, chiefs who execute mining leases without authorisation from the government are liable to imprisonment of not less than six years. Regarding immigration, the 1974 Foreign Residency Code criminalises illegal entry into the Koranza territory, which is punishable by one to three years of imprisonment, and imposes enhanced penalties on those who organise or facilitate the irregular migration of individuals. Section 97 of the 1985 Anti-corruption Code defines corruption as 'the solicitation or acceptance of any undue advantage by a public official, carrying penalties of five to fifteen years' incarceration, the confiscation of property, and a prohibition on holding public office'. The crime of high treason is proscribed by the 1990 Continuous Governance Code, which defines it as 'any serious attack on national sovereignty or collaboration with a foreign power', and is punishable by life imprisonment. In September 2002, Koranza enacted the Anti-money Laundering Code, criminalising the concealment of funds acquired from illicit origins—particularly from corruption and illegal gold panning—with penalties ranging from ten to twenty years in prison, alongside the confiscation of funds and banking prohibitions. Finally, the 2010 Anti-terrorism Financing Code law stipulates that 'any person who provides, collects, or transfers funds with the intent to finance terrorist activities' commits an offence, and upon conviction faces a sentence of 20 years to life imprisonment. This law also subjects financial institutions to stringent due diligence and

mandatory reporting obligations, overseen by the National Financial Intelligence Service.

8. In recent times, it has been reported that Blockchain and crypto asset trading are on the ascendency in Koranza. Despite this, no specific legislation has been passed to regulate Blockchain or crypto-assets. The absence of specific legislation has been attributed to the apparent lack of interest by the government to regulate. The National Monetary Code only recognises the KZ and traditional financial instruments, without mentioning virtual currencies. The courts are therefore forced to improvise: some judges attempt to qualify crypto-assets as 'financial instruments' to apply the provisions of the Anti-money Laundering Code. In terrorism financing cases, digital evidence—virtual wallets, cryptographic keys, online exchanges—has consistently been rejected by the courts, as they are inadmissible in terms of the Code of Criminal Procedure. The Code of Criminal Procedure prescribes strict rules about how evidence must be collected, authenticated, and presented. When digital evidence is not collected, preserved, or certified according to those rules, in particular, without a warrant or without a proper chain of custody, courts refuse to accept it. According to the World Bank 2021 Economic Report on Koranza, because of the absence of specific legislation regulating Blockchain and crypto trading, many political and military elites use Blockchain to transfer and conceal significant sums abroad, escaping the control of the Koranza Central Bank, and armed groups launder gold from illegal mining and finance their operations within the country.
9. Since January 2022, several legal scholars, economists, and civil society organisations have called on the government for reforms, advocating for the enactment of a legislative framework on Blockchain and crypto-assets, which defines virtual currencies, regulate their use, and impose a licensing system for exchange platforms and creates a National Authority for the Supervision of Crypto-assets, attached to the Ministry of Finance. Calls have also been made by some international agencies to the government to amend the Penal Code to include crimes related to digital assets—fraud, scam, and terrorism financing. These calls aside, some regional actors have advocated for the adoption of rules between Koranza and its neighbours (Samana, Bolo, Delta, and Kebira) to regulate cross-border flows.
10. Koranza has signed and ratified the following international treaties:

Treaties	Year of Ratification/Accession
African Charter on Human and Peoples' Rights	1984
International Covenant on Civil and Political Rights	1987

International Covenant on Economic, Social and Cultural Rights	1987
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1991
Convention on the Rights of the Child	1993
Convention on the Elimination of All Forms of Discrimination against Women	1995
African Charter on the Rights and Welfare of the Child	1998
African Union Convention on Preventing and Combating Corruption	2005
African Union Convention on the Prevention and Combating of Terrorism	2006
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	2009
African Charter on Democracy, Elections and Governance	2011
Kampala Convention for the Protection and Assistance of Internally Displaced Persons in Africa	2022
UNESCO World Heritage Convention	1980
UN Convention against Transnational Organized Crime	2004
UN Convention against Corruption	2010
United Nations Framework Convention on Climate Change	1994
Paris Agreement on Climate Change	2016
Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights	2012
African Charter on Values and Principles of Public Service and Administration	2024
African Convention on the Conservation of Nature (Revised)	2007

Apart from these treaties, Koranza is not a state party to any other treaty relevant to the events described herein. Limited amendments to align domestic legislation with some of the treaties have occurred subsequent to the ratification of the treaties. Since acceding to the African Court Protocol, Koranza has not deposited a declaration under Article 34(6) of the Protocol.

11. Koranza has also signed (but did not ratify) the following international treaties:

Treaties	Year of Signature
AU Convention on Cyber Security and Personal Data Protection	2016
ILO Convention 169 concerning Indigenous and Tribal Peoples	2007
Minamata Convention on Mercury	2018
UNESCO 2003 Convention for the Safeguarding of the Intangible Cultural Heritage	2014
International Convention on the Protection of the Rights of All Migrant Workers	2000

12. Koranza's judicial system comprises Circuit Courts (which serve as courts of first instance in each region), Courts of Appeal, a Supreme Court, a Constitutional Court, and Military Tribunals. Circuit Courts have jurisdiction over civil, criminal and administrative matters. Military Tribunals have exclusive criminal and civil jurisdiction in respect of all 'allegations of terrorism and violations of military law'. All appeals from the Circuit Courts and Military Tribunals lie to the Court of Appeal in the relevant district. The Constitutional Court has original jurisdiction over all human rights matters, but *constitutional review of legislation* can only be initiated before the Constitutional Court by a petition from one-third of sitting Parliamentarians. Circuit and Military Courts may refer questions of human rights that arise in matters before them to the Constitutional Court for determination. The Supreme Court is the final appellate court in all civil, criminal, administrative, and human rights matters. Appeals from the decisions of the Constitutional Court lie directly to the Supreme Court. The government's official annual judicial report for 2024 showed that appeals of decisions from the Circuit Courts and Military Tribunals to the Courts of Appeal on average failed in two-thirds of all cases. The report also indicated that it took on average two years for an appeal from the Circuit Courts and Military Tribunals to be determined by the relevant Court of Appeal; and three years for an appeal from Courts of Appeal and from the Constitutional Court to be determined by the Supreme Court.

13. Koranza has one of the largest gold belts in West Africa. Its Tiseko and Moribu regions are hubs of large gold deposits. According to a geological study by the National Institute of Mines, proven reserves amount to 2,500 tons. Each year, gold mining generates US\$ 4.2 billion in revenue to Koranza, constituting more than 35% of the national budget. Koranza, through gold mining, finances the free primary school policy, the secondary school scholarships, and other essential public infrastructure and services. Over the last ten years, several multinationals, including the two main ones, *Société Aurifère du Continent* and Eternal Gold Industries, have obtained concessions to mine gold in the Tiseko

and Moribu regions. These concessions were granted following an extensive prior environmental impact assessment and after consultations with chiefs who are members of the Tiseko and Moribu Traditional Councils. A Report in 2020 by “MiningLeaks”, an international investigative body known for its consistent reportage of corruption in mining countries, reveals that the mining contracts signed between Koranza and the two foreign companies are for a duration of 99 years, in exchange for hidden commissions paid to some “powerful” government officials. The Report also notes that the local chiefs were approached behind closed doors by state representatives and foreign lobbyists, and were given gifts believed to be money and vehicles in exchange for their signatures. The contracts provided for tax exemptions and ousted the jurisdiction of the courts in Koranza.

14. The “MiningLeaks” Report further mentioned that the majority of the local communities in the Tiseko and Moribu regions were not consulted in the contract negotiation and decision-making process. When queried about the contracts and arising matters, the Presidential spokesperson stated in reply: ‘Koranza mining laws require consultation with local chiefs in awarding concessions to multinational mining companies; this procedure was diligently followed to the letter. As a State, we must be open to the opportunities these multinational mining companies bring to our economy. We need not entangle ourselves in legalities to drive them away because partnerships with multinational mining companies are indispensable for maintaining Koranza’s competitiveness on the global market.’ Some months later, local NGOs reported that over 900 children (aged between 10 and 15 years) work in the gold mines owned by *Société Aurifère du Continent* and Eternal Gold Industries, and surrounding towns are increasingly contracting respiratory diseases, as their drinking water and sources have been contaminated with mercury and cyanide. The government, in an official statement, denied these facts, but several videos circulating on social media showed that some children were trapped in mining pits.
15. In recent times, thousands of illegal gold panners, often organised into small artisanal cooperatives, have settled around the concessions owned by *Société Aurifère du Continent* and Eternal Gold Industries. These illegal miners are allegedly responsible for digging open pits, using destructive chemicals, and forcing child labour in the area. These gold panners operate openly. A local newspaper investigation reveals that each month, these illegal miners paid ‘royalties’ in the form of cash and undeclared gold bars to local administration agents and the managing directors of the *Société Aurifère du Continent* and Eternal Gold Industries. Alarmed by these infractions, the government has taken several actions, including raids, arrests and prosecutions of illegal miners in an attempt to clamp down on illegal mining. However, no investigation has been opened against the local administration agents or the managing directors

of *Société Aurifère du Continent* and Eternal Gold Industries. The Office of the Advocate General has stated that 'there is insufficient evidence to establish, beyond reasonable doubt, the suspicion of crime in the circumstances'. The Ministry of Mines, in a proactive step, however, has launched a mining surveillance brigade to fight local corruption in the mining sector.

16. Starting in January 2021, the gold-rich regions of Koranza, particularly the Tiseko and Moribu regions, became the target of sporadic attacks by a terrorist group, which identifies as the 'Black Oath' (*Serment-Noir*). In April 2021, during one of Black Oath's night attacks, the Ada Market Centre in the Moribu region was attacked, leaving 500 people seriously injured. In the months that followed, the government rolled out secret surveillance to locate the 'safe harbours' of the terrorists. Footage recorded in December 2021 showed that the terrorists were hiding in local villages, among the population, in the Tiseko and Moribu regions. Based on this, and in its attempt to clamp down on the activities of the 'Black Oath' terrorists, the Counter Terrorist Unit (CTU) of the Koranza armed forces, led by General Mahadi Kéïta, in early 2022 conducted several operations in the villages suspected of harbouring the terrorists described by General Mahadi as being aimed at "fishing out terrorists to make villages safe.. In the course of the operations, the CTU was confronted with lethal force by armed bands who bore signs of the 'Black Oath' terrorist group. The CTU lost four of its members and five of its vehicles due to landmines suspected to have been planted by 'Black Oath' terrorists. As a result, the CTU forces raided several houses forcefully and allegedly maltreated the local people by beating them. In one of the villages, Tékassa, soldiers from the CTU confronted a crowd of about a hundred young men who were holding farm implements like machetes and hoes, and were throwing stones and homemade petrol bombs at soldiers. At least 10 young men were fatally shot in the skirmishes with the CTU that ensued. In his operational report of the incident, General Mahadi claimed that the casualties were 'terrorists neutralised in combat'. To date, no independent investigation into the incident has been opened. In June 2022, several families filed a suit with the Military Tribunal of Mékambo for the killing of their family members, who they claim were 'civilians'. After years of hearing, the Tribunal on 15 November 2024 dismissed the suits, citing a lack of sufficient evidence.

17. Meanwhile, the 'Black Oath' terrorist group continued to expand and clandestinely exploit gold with the support of illegal migrants, reselling the ore and financing its operations through the increasing use of cryptocurrencies. Leaked documents show that weapons used by 'Black Oath' came from the Federation of Kebira, which however denied any involvement. As the situation escalated, the UN Security Council debated the situation in Koranza, but the draft resolution was vetoed by France, a strategic ally of Koranza.

- 18.** Local populations continued to suffer from skin diseases due to river pollution. A scientific report by the University of Mina shows that mercury levels in the river bodies exceed the international standard by 30 times, resulting in the destruction of fish species and making them unfit for human consumption. The government, **relying on an earlier report by the United Nations Environment Programme (UNEP)**, ignored the report, accusing the researchers of ‘foreign manipulation’. In the events that followed, the government of Koranza lodged a complaint against the scientists, accusing them of publishing false information that tarnished its image in the international community. The University of Mina then threatened the scientists to retract the report or be dismissed. The scientists subsequently issued an official communique apologising to the government for not verifying some facts and conditions thoroughly before the publication of the report. The local communities within the Moribu and Tiseko mining regions filed a class action lawsuit before the Circuit Court for remedies for the pollution of their rivers through mining, arguing a violation of their right to a ‘generally satisfactory environment favourable to their development’ under the African Charter. The Circuit Court dismissed the case. On appeal to the Court of Appeal and, subsequently, the Supreme Court (in a decision dated 15 September 2023), both held that the mining contracts constituted ‘acts of state’ not subject to judicial review and that, in any event, the case lacked merit, as no sufficient evidence was adduced by the community to prove their claims. None of these Courts directly addressed the argument pertaining to the right to a ‘satisfactory environment’.
- 19.** In August 2023, as *Société Aurifère du Continent* and Eternal Gold Industries expanded their operations to Mékambo, in the northern part of Koranza, the villages of Ganséré and Maloba, with over 15, 000 people, were forced to relocate as their farmlands, the only source of their livelihood, had been leased by the government to both *Société Aurifère du Continent* and Eternal Gold Industries some two years ago. The government paid market-related compensation to the people, although they had earlier objected to the leasing of their lands. None refused to receive the compensation. These people currently live in camps, built by *Société Aurifère du Continent* and Eternal Gold Industries, where drinking water and electricity are provided, but where there are no schools or hospitals. The two mining companies have consulted the government to build ultra-modern housing units for each of the displaced families. Currently, land has been secured, and the process is steadily advancing. In an unforeseen outbreak of cholera and malaria in the camp of the displaced people, the Red Cross and *Médecins Sans Frontières* (Doctors Without Borders) sought to provide aid, but the local health authorities introduced administrative verification procedures, **including drug quality control**, to assess the viability of medical treatments administered to the local people. These procedures turned out to be long and, as such, delayed the administration of medical care to patients, causing deaths in some cases.

- 20.** In a series of investigations, Koranza's financial services uncovered the use of cryptocurrencies in financing terrorist activities. This revelation sparked intense national and international debate. Shortly after this, the spokesman for the 'Black Oath' terrorist group, Bakari Alfa, alias 'The Voice of Terror', publicly revealed that a former Minister of Finance, and leading political opponent of the current government, Ibrahim Dambélé, was the chief architect of the system financing terrorism through Blockchain and crypto-assets. To contain Dambélé's influence, the government imposed a military blockade on Mina, prohibiting the movement of goods and people until further notice. As a result, hospitals and schools were closed indefinitely in and around Mina. Subsequent investigations led to the arrest of Barimo Wekasa, one of Dambélé's close associates. Upon his arrest, he was found to be in possession of several cryptographic codes and digital wallets. During police interrogations, Wekasa refused to talk, maintaining complete silence. Five days later, he was found dead in his cell, the police citing suicide as the most likely cause of death. This explanation immediately sparked strong protests and raised serious concerns, especially because the police informed the public that Wekasa cell's surveillance cameras were 'out of order'.
- 21.** A confidential report from Koranza's Central Bank revealed that in the last five years, over three billion US dollars have been transmitted through cryptographic wallets linked to Koranza's political officials. Some transactions involve offshore accounts registered in the Seychelles and Dubai. The report also showed that over two billion dollars from Koranza's mining revenue are deposited in offshore accounts in Luxembourg and the Cayman Islands, belonging to unknown associates of Ibrahim Dambélé. Recently, the son of Koranza's incumbent Minister of Defense, aged 25 years, has purchased a villa in Spain and a yacht registered in Panama. Furthermore, the personal fortunes of General Mahadi Kéïta, and the Minister of Defense, have each had an increment of around half a million US dollars. Rumours suggest that these high-ranking officials benefit indirectly from this network of illicit financing, set up by Ibrahim Dambélé. Although the office of the Advocate General has indicated an intention and willingness to prosecute these officials, it is yet to finalise its investigations. In September 2023, as a result of this investigation, the police arrested members of a syndicate who confessed to being associates of Ibrahim Dambélé and the Minister of Defense. In what it termed as 'preserving the integrity of state security', President Kalogo issued an executive order banning further reports on the allegations relating to General Mahadi Kéïta, Ibrahim Dambélé, and the Minister of Defense until the conclusion of investigations by the office of the Advocate General.
- 22.** On 23 October 2023, journalists from the independent newspaper *The Sovereign Voice* and the online investigative platform *Koranza Leaks* published a series of explosive, jointly-researched reports. The reports were based on the

confidential Central Bank data and other leaked intelligence, and went far beyond merely identifying illicit transfers. The reports specifically alleged that General Mahadi Kéïta and the Minister of Defense were not only beneficiaries of the cryptocurrency network but were actively using offshore accounts, funded by illegal gold mining proceeds, to pay a protection tax to local militias—militias that, in turn, allowed the ‘Black Oath’ terrorist group to operate in the Tiseko and Moribu regions. Crucially, the reports published a graphic that purportedly mapped the flow of cryptocurrency from an offshore wallet linked to the Defense Ministry to an unconfirmed address identified as belonging to the ‘Black Oath’ spokesman, Bakari Alfa. The government, through the Minister of Justice, immediately issued a blistering, nationwide televised address, labelling the entire report as ‘a malicious fabrication based on digitally manipulated evidence designed to cause financial panic and sow the seeds of civil war’. The military’s High Command in the days that followed, reported that the public disclosure of the alleged payment systems and intelligence has compromised the integrity of ongoing covert counter-terrorism operations, endangered the lives of informants, and incited widespread panic and mutiny within the ranks of the CTU, threatening national cohesion and military effectiveness in Koranza. **On 30 October 2023**, journalists who reported on the links between the Koranza army, terrorists, and cryptocurrencies were arrested for ‘spreading false news’ and ‘undermining state security’. **The arrested journalists were later arraigned before the Mina High Court, but the Attorney General discontinued the case, stating that the President has asked him to withdraw all the charges against the journalists.**

23. Following the arrests and the heightened political tension, Koranza’s National Financial Intelligence Service (NFIS) reported an unprecedented surge in encrypted, cross-border communications believed to be originating from the Black Oath leadership in Kebira, coordinating a multi-pronged cyber-attack aimed at disrupting the national power grid and initiating a massive, simultaneous withdrawal of funds from the Koranza Central Bank using cryptographic codes. The NFIS officially declared the existing legal framework requiring prior judicial authorisation for interception as ‘fatally slow’ and ‘unsuited for the real-time, high-speed, encrypted digital threats now facing the nation’s critical financial and energy infrastructure.’ In response, the Koranza Parliament urgently, on 10 October 2024, with a vote of 195 for and 55 against, adopted the Liberty Shield Code, authorising the interception of telephone and digital communications without a warrant. Under this Code, the Minister of the Interior, the Attorney General and the Director of National Intelligence, may, acting jointly, authorise interception of telephone or digital communications without a court warrant if they are of the unanimous view that the interception is necessary for the protection of national security; the prevention of acts of terrorism or sabotage; or the defense against foreign cyber or informational threats. In its preamble, the Code is described as a ‘necessary security

measure to shield the people of Koranza's interests in the collective fight against corruption, terrorism and cybercrime'. As a result, numerous members of the general citizenry, journalists, and activists alike had their phones tracked with sophisticated spyware, which was purchased from a company based in the United States. Ibrahim Dambélé denounced the government's measure and described it as 'digital dictatorship'. The Liberty Shield Code requires the Ministry to submit classified quarterly reports to the Parliamentary Select Committee on Intelligence, summarizing the number of interceptions, the categories of threats targeted, and the general outcomes or disruptions achieved. The Ministry has subsequently submitted all reports as required under the Code.

24. In response to civil discontent to these developments, a not-for-profit organisation advocating for transparency, good governance, and the fight against impunity, the Movement for the Respect of the Integrity of Public Officials (MRIF), was established. Its headquarters is based in Morena; and it has a small satellite office in Mina. It is funded by undisclosed philanthropists based in France. It has a staff complement of five staff members, with two practicing lawyers. MRIF does not have observer status with the African Commission on Human and Peoples' Rights (African Commission).

25. Zako Baleni is a distinguished human rights activist and founder of MRIF. On 1 March 2024, the MRIF embarked on a nationwide protest march to denounce the soaring cost of living, the growing insecurity linked to 'Black Oath' attacks on rural mining communities, and the endemic corruption plaguing public administration. Thousands of people gathered in the main cities across the country. Protestors held placards bearing slogans such as 'Gold for the people, not for the corrupt', 'No to hunger in a land of plenty', 'No to the contracts, yes to sovereignty', 'Our gold, our future, not your fortune', and 'Justice! Freedom! Dignity!'. The protest marches proceeded steadily without any significant incident in the early stages. Protestors chanted patriotic songs and called on the government to engage in immediate reforms. There was no interference by the law enforcement agencies during the whole day. At nightfall, however, in Morena, the situation deteriorated. Heavily armed law enforcement officers attempted to dismiss the protestors, but they refused to heed the call. Some of the protestors were seen attempting to enter ministerial buildings and other state properties, including the Koranza Central Bank. Failing to dismiss the people through negotiations, the police fired tear gas and rubber bullets into the crowd injuring several of the protestors. The police arrested over 150 protestors for 'disturbing public peace and security', according to the Inspector General of Police. All the arrested persons were released four days later.

26. The next morning, the police arrested Zako Baleni in Morena and accused him of 'disturbing public order' and 'inciting revolt', which are offences under the

Koranza Penal Code, carrying a minimum sentence of imprisonment for 6 months without the option of a fine. He was placed in a secret detention facility annexed to the Ministry of the Interior building in Mina. He was later transferred to a military camp in the north of Koranza. He was well-fed and had a room with a bed to himself. However, on 1 May 2024, the Koranza daily newspaper, *The Independent Press*, reported that he has been subjected to psychological and even physical torture methods intended to agree to pre-written confessions, including prolonged isolation, sleep deprivation, deprivation of natural light, and night time interrogations. On 13 May 2024, Zako Baleni escaped from detention through the help of one of the military guards who was sympathetic to his cause. The guard, who was later discovered to be Lieutenant Baba Kande, was the next day found dead at his residence. Officially, the authorities cited a 'botched burglary'; forensic evidence showed that 'there was a forced entry into the Baba Kande's residence'. A postmortem examination conducted by the Mina military hospital revealed the cause of death to be pulmonary hemorrhage (internal lung bleeding). Later that day, the Koranza police issued an arrest warrant for Baleni.

27. Baleni, who went into hiding, later secured a 'private' medical examination and posted the medical results online, accusing the government of torture and inhumane treatment and causing him psychological harm. The government denied Baleni's accusations and called it a 'calculated ploy to win public sympathy and tarnish the integrity of law enforcement agencies'. The government later released CCTV footage which showed Baleni, on most of the days during the period he was in detention in the military camp, chitchatting with military officials, and even on one occasion eating a meal together with the commander-in-chief at the detention facility. Medical records from previous diagnoses that were taken by the detention facility clinic, released on the government's website, showed that Baleni suffered from bipolar disorder and schizophrenia—something attributed to his early childhood days. Baleni posted a video denying the authenticity of the footage and records, but without providing any supporting evidence. On social media, sympathy for Baleni's cause went viral under the hashtag '#JusticeForBaleni', sparking a vast wave of national and international solidarity. International NGOs like Amnesty International and Human Rights Watch called for an independent investigation. Some political analysts held the view that the death of guard Baba Kande sends a clear message: Anyone helping an opponent or activist exposes themselves to deadly reprisals.
28. Fearing for his safety after his escape, Baleni fled to the Republic of Mabanga, a Central African state known for hosting political refugees. Upon his arrival in Mubanga, Baleni submitted an official asylum application to the Mabanga authorities. He was granted refugee status a few days later. The Koranza government has exerted strong diplomatic pressure on Mabanga to obtain his extradition, arguing that Baleni represents a threat to regional stability. In one

of his speeches, Koranza's Minister of Justice stated that 'Zako Baleni is not a human rights defender, but a criminal fugitive'. However, Mabanga has consistently refused to surrender him, arguing that it needs to respect its international commitments regarding asylum and refugee status.

- 29.** Three weeks after Zako Baleni's exile to Mabanga, the MRIF headquarters in Mina was attacked at night by unidentified individuals. The doors were broken down, and the offices ransacked. Several essential documents disappeared, including files containing mining contracts, bank statements, and lists of victims ready to testify. The MRIF issued a statement, describing the attack on its headquarters as targeted, and clearly aimed at destroying evidence that could implicate high-ranking personalities and at destabilising the continuous operations of the association. This attack was widely condemned on *#JusticeForBaleni*. In response to the public outcry, the Ministry of the Interior swiftly deployed a specialised anti-organised crime unit to lead the investigation into the break-in. To date, the police have not arrested any of the assailants, as investigations are currently ongoing. However, the lead investigator indicated in a press conference that preliminary evidence pointed to a professional criminal group possibly operating on behalf of commercial interests affected by the MRIF's work, rather than State agents. Meanwhile, on several occasions, the specialised anti-organised crime unit has requested the MRIF to submit its statements and any evidence to aid in the investigation. MRIF has however refused to do so, stating that it 'does not know who the good guys are' and claiming that the 'specialised anti-organised crime unit is compromised'.
- 30.** From an undisclosed location in Mabanga, Baleni instructed MRIF's lawyers to file a civil suit on his behalf, claiming damages for the human rights violations he suffered due to his arbitrary arrest, brutal treatment and the repression of his right to protest; and claiming for the damage and breach of privacy related to the MRIF headquarters. When Baleni's lawyers appeared before the Constitutional Court to determine whether Baleni's human rights had been violated, Baleni was absent. The Court rejected the lawyer's request to postpone the matter due to Baleni's absence, on the basis that the Court's procedural rules do not require the presence of the complainant before it unless 'exceptional circumstances require otherwise'. The Constitutional Court found that no such 'exceptional circumstances' were present. **It explained that such 'exceptional circumstances' required, is determined on a case-by-case basis and includes instances where the presence of the complainant is needed in taking evidence on the matter before the Court.** Its finding in this regard was based on communications intercepted (under the Liberty Shield Code) between Baleni and his family members, indicating that his choice to stay in Mabanga was based on strategic considerations rather than a fear of his personal safety. The Court proceeded to rule that, on the merits, no violation was established due to a lack of evidence. Following the Constitutional Court's decision, dated

15 December 2024, Baleni's lawyers have not proceeded further with the matter, stating that 'it will be a futile exercise'.

31. On 15 November 2025, the MRIF submitted a communication to the African Commission alleging various human rights violations committed by Koranza. In this communication, MRIF stated the following: 'We urge the Commission to refer the matter to the African Court for its binding decision on this urgent and pressing matter.' On 10 April 2026, the African Commission declared the communication admissible, and referred the case to the African Court to make the following findings:

(a) Koranza has violated the African Charter and other relevant human rights treaties by failing to combat illegal mining and to protect the local communities in its mining regions.

(b) Koranza has violated the African Charter and other relevant international human rights instruments by failing to combat corruption and terrorism within its territory.

(c) Koranza has violated the African Charter and other relevant international human rights law in its treatment of Zako Baleni and the MRIF.

(d) Koranza has violated the African Charter and other international human rights norms by adopting and implementing the Liberty Shield Code.

32. The Commission in its referral notes that the basis for the referral is that 'the issues this case raises are serious and may require the invocation of binding remedial orders'. The African Court scheduled the hearing of the case for 25 July to 2 August 2026. Prepare separate written submissions on behalf of the African Commission (the Applicant), and Koranza (the Respondent). In respect of each of claims (a) to (d) above, address the issue of jurisdiction, admissibility, merits and reparations.