

PROCEDURE

Jurisdiction

Contentious cases

Transfers to the Commission

The Court, when deciding on admissibility, may exercise its discretion under article 6(3) of the Protocol to transfer a case to the Commission if the circumstances of the case so requires – taking cognisance of the nature of the allegations made in the application. (*Daniel Amare and Mulugeta Amare v Republic of Mozambique & Mozambique Airlines*, application 005/2011, decision, 16 June 2011, para 9; *Ekollo Moundi Alexandre v Nigeria and Cameroon*, application 008/2011, decision 23 September 2011, para 11; *Soufiane Ababou v Algeria*, application 002/2011, decision, 16 June 2011; *Association Juristes d’Afrique pour la Bonne Gouvernance v Côte d’Ivoire*, application 006/2011, decision, 16 June 2011, para 10). In a dissenting opinion, Judge Ouguergouz referred to the need for criteria to determine when cases should be transferred to the Commission (*Ekollo Moundi Alexandre v Nigeria and Cameroon*, application 008/2011, decision 23 September 2011, Dissenting Opinion of Judge Ouguergouz).