

HUMAN RIGHTS VIOLATION: ECOWAS COURT THROWS OUT CASE BY A FORMER NIGERIAN MILITARY OFFICER

An ECOWAS Court panel of three judges has dismissed a suit filed by Lt Col. Silas Jock Santoi, a retired Nigerian military officer, alleging the violation of his human rights by the Federal Republic of Nigeria over his compulsory retirement in 2006 for allegedly pursuing a University degree without the authorization of the Chief of Army Staff.

In dismissing the suit, the panel led by Honorable Justice Gberi-be Ouatarra on 23rd January, 2019 held that the plaintiff had not proven the violation of his rights by the defendants, including his right to fair hearing; right to work; right to physical integrity; right to have one's cause heard by a Court; the right to enjoy the best privilege of good health; right to education and right not to be subjected to inhuman treatment.

It also rejected the plaintiff's request for the payment of 10 billion naira as general damages and compensation for the breach of his fundamental human rights.

In his suit no ECW/CCJ/APP/17/18, Santoi said that his travails started in 2000, after submitting a letter notifying the Army of the completion of his studies but in response the Army rejected the course as 'illegal and unapproved,' thereby recommending him for premature retirement.

The officer accused the Army of having 'deliberately avoided the correct trial procedure, in violation of Section 117 of the Armed Forces Act that provides the right for an Officer to elect to be tried by either a Court Martial or Summary Trial.'

The plaintiff averred that his efforts to seek redress using various administrative channels, including resort to the national courts, the national parliament, the national judicial council and four Nigerian leaders, were frustrated, thereby compelling him to approach the ECOWAS Court seeking various reliefs, including a declaration that his participation in the course was duly approved by the Army.

He also asked the Court to declare that the stoppage of his salary, benefits, entitlements and purported retirement while the matter was pending before a competent court of law for determination, constituted an affront to justice and a breach of his fundamental human rights and should be reversed pending the determination of the matter.

Santoi further urged the Court to declare him 'physically and mentally fit 'and order the government of Nigeria to 'withdraw all earlier defamatory publications as to his health status.'

Also on the panel were Honorable Justices Keikura Bangura and Januaria Silva Moreira Costa.