



of the Economic Community of West African States (ECOWAS)

English Edition

2020

**IN THE COMMUNITY COURT OF JUSTICE
OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)**

HOLDEN IN ABUJA, NIGERIA

NOTICE OF REGISTRATION OF APPLICATIONS

CONTENTS	PAGE
<u>SUIT N°: ECW/CCJ/APP/31/20</u>	1
<i>BETWEEN</i> BACHIROU AMADOU ADAMOU & ORS. - APPLICANTS <i>AND</i> REPUBLIC OF NIGER - DEFENDANT	
<u>SUIT N°: ECW/CCJ/APP/33/20</u>	3
<i>BETWEEN</i> MR. NORONHA MADIU PINA EMBALO & 2 ORS - APPLICANTS <i>AND</i> ECOWAS COMMISSION - DEFENDANT	
<u>SUIT N°: ECW/CCJ/APP/38/20</u>	5
<i>BETWEEN</i> Mr. MOHAMED SANOUS NIENTAO & ANOR. - APPLICANTS <i>AND</i> ECOWAS & ANOR. - DEFENDANTS	
<u>SUIT N°: ECW/CCJ/APP/39/20</u>	7
<i>BETWEEN</i> SOCIÉTÉ AFRICA AGRO INDUSTRIE BENIN SA - APPLICANT <i>AND</i> REPUBLIC OF BENIN & 2 ORS. - DEFENDANTS	
<u>SUIT N°: ECW/CCJ/APP/40/20</u>	9
<i>BETWEEN</i> HOUNGUE ERIC NOUDEHOUEYOU - APPLICANT <i>AND</i> REPUBLIC OF BENIN - DEFENDANT	

<u>SUIT N^o: ECW/CCJ/APP/44/20</u>	<u>11</u>
<i>BETWEEN</i> MRS. RAKIA ALPHADI/ABIDINE - APPLICANT <i>AND</i> REPUBLIC OF MALI - DEFENDANT	
<u>SUIT N^o: ECW/CCJ/APP/45/20</u>	<u>13</u>
<i>BETWEEN</i> ABDOULAYE FOFANA & 114 ORS - APPLICANTS <i>AND</i> REPUBLIC OF MALI - DEFENDANT	
<u>SUIT N^o: ECW/CCJ/APP/47/20</u>	<u>16</u>
<i>BETWEEN:</i> ISAAC MENSAH & ORS - APPLICANTS <i>AND</i> THE REPUBLIC OF GHANA - DEFENDANT	
<u>SUIT N^o: ECW/CCJ/APP/48/20</u>	<u>19</u>
<i>BETWEEN</i> YAWOVI AGBOGBO & ANOR. - APPLICANTS <i>AND</i> THE REPUBLIC OF THE GAMBIA - DEFENDANT	
<u>SUIT N^o: ECW/CCJ/APP/50/20</u>	<u>23</u>
<i>BETWEEN</i> Mr. HAMA AMADOU - APPLICANT <i>AND</i> THE REPUBLIC OF NIGER - DEFENDANT	
<u>SUIT N^o: ECW/CCJ/APP/52/20</u>	<u>25</u>
<i>BETWEEN</i> MR. MAMADOU CELLOU DALEIN DIALLO & ANOR. - APPLICANTS <i>AND</i> THE REPUBLIC OF GUINEA - DEFENDANT	
<u>SUIT N^o: ECW/CCJ/APP/54/20</u>	<u>28</u>
<i>BETWEEN</i> SOIBA DIARA - APPLICANT <i>AND</i> REPUBLIC OF MALI - DEFENDANT	

**IN THE COMMUNITY COURT OF JUSTICE
OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)**

HOLDEN IN ABUJA, NIGERIA.

SUIT N°: ECW/CCJ/APP/31/20

BETWEEN

BACHIROU AMADOU ADAMOU & ORS _____ *APPLICANTS*

AND

REPUBLIC OF NIGER _____ *DEFENDANT*

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, pursuant to Article 13 (6) of the Rules of the Community Court of Justice, ECOWAS that an Application BETWEEN **BACHIROU AMADOU ADAMOU & ORS. (APPLICANTS)** AND **REPUBLIC OF NIGER (DEFENDANT)**, was filed by the Applicants and registered by the Court on the 16th day of July 2020.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicant (s)

BACHIROU AMADOU ADAMOU AND ORS.

Represented by their Counsel, Maître Samna Soumana Daouda, Lawyer registered with the Bar Association of Niger, 468, Avenue des Zarmakov, Quartier Plateau, BP 12040 Niamey, Republic of Niger.

b. Name and address of Defendant:

REPUBLIC OF NIGER

Represented by the Director, State Judicial Agency, BP 11404, BP 11404, Niamey.

2. SUBJECT-MATTER OF THE PROCEEDINGS

- a. ADJUDGE AND DECLARE that the Republic of Niger has disregarded the rights of the Applicants as enshrined in Articles 1, 2(1), 7 and 21 of the Universal Declaration of Human Rights;
- b. ADJUDGE AND DECLARE that the Republic of Niger has disregarded their rights as enshrined in Articles 2, 3, 25 and 26 of the International Covenant on Civil and Political Rights;
- c. ADJUDGE AND DECLARE that the Republic of Niger has disregarded their rights as enshrined in Article 13 of the African Charter on Human and Peoples' Rights;
- d. ADJUDGE AND DECLARE that the Republic of Niger has disregarded their rights as enshrined in Articles 4 and 6 of the African Charter on Democracy, Elections and Governance;
- e. ADJUDGE AND DECLARE that the Republic of Niger has disregarded their rights as enshrined in Articles 4 (g) (i) (j) and 5(3) of the Revised Treaty of ECOWAS; and in Articles 1 (b) (h), 4(1), 5 and 6 of ECOWAS Protocol A/SP.1/12/01 on Democracy and Good Governance;

- f. ORDER the State of Niger to establish a reliable and credible electoral register in accordance with Articles 4 and 5 of the ECOWAS Protocol on Democracy and Good Governance, with no exclusions other than those provided for by law;
- g. ORDER the Republic of Niger to respect the Applicants' rights;
- h. ORDER the Republic of Niger to take all the necessary measures to guarantee the rights of the Applicants to participate freely in the electoral process of their country in accordance with the Community and International rules;
- i. ENJOIN the Republic of Niger not to undertake any measure aimed at denying the Applicants their electoral rights;
- j. ASK the Republic of Niger to bear the costs.

4. SUMMARY OF THE PLEAS-IN-LAW

The Applicants invoke violation of the following legal instruments:

- a. Articles 4 (g) (i) (j) and 5(3) of the Revised Treaty of ECOWAS;
- b. Articles 1 (b) (d) (h), 2(i), 5 and 6 of ECOWAS Protocol A/SP.1/12/01 on Democracy and Good Governance;
- c. Article 13 of the African Charter on Human and Peoples' Rights, supplementary to the protocol of ECOWAS;
- d. Articles 4 and 6 of the African Charter on Democracy, Elections and Governance;
- e. Articles 1, 3, 25 and 26 of the International Covenant on Civil and Political Rights;
- f. Articles 1, 2, 7 and 21 of the Universal Declaration of Human Rights.

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicants are all citizens of Niger in the diaspora. They claim that the Constitutional Court of Niger and the National Independent Electoral Commission of Niger are on the verge of denying them their right as voters, and also as persons qualified to stand for elections and be voted for in the 2020 general elections. The Applicants claim that the intention to deny them the right to exercise their franchise can be traced to motives other than those ascribed to COVID 19. All the more so when the registration exercise kicked off in Zone 2, where their names could be located, since 8 February, and that they were simply ignored.
- b. That that was why they filed the suit before the Court so that the Court may find that there is violation of their human rights, and hence, obtain compensation.
- c. The Applicants ask the Court for the claims requested above in their Application.

DONE AT ABUJA, THIS 27TH DAY OF JULY 2020.

SIGNED: 
Mr. Tony Anene-MAIDOH, (Esq.)
Chief Registrar
Community Court of Justice, ECOWAS,
Abuja - Nigeria.

**IN THE COMMUNITY COURT OF JUSTICE
OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)**

HOLDEN IN ABUJA, NIGERIA

SUIT N°: ECW/CCJ/APP/33/20

BETWEEN

MR. NORONHA MADIU PINA EMBALO & 2 ORS _____ *APPLICANTS*

AND

ECOWAS COMMISSION _____ *DEFENDANT*

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, pursuant to Article 13 (6) of the Rules of the Community Court of Justice, ECOWAS that an Application BETWEEN **MR. NORONHA MADIU PINA EMBALO & 2 ORS (APPLICANTS)** AND **ECOWAS COMMISSION (DEFENDANT)**, was filed by the Applicants and registered by the Court on the 24th day of July 2020.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

- | | | | |
|----|--|---|-------------------|
| a. | <p>NORONHA MADIU PINA EMBALO & 2 ORS
all citizens of the Republic of Guinea–Bissau
represented by Mr. Sana Cante Lawyer registered
with the Bar in Guinea-Bissau.</p> | } | <i>APPLICANTS</i> |
| b. | <p>ECOWAS COMMISSION
Represented by its Director of Legal Affairs.</p> | } | <i>DEFENDANT</i> |

2. SUBJECT-MATTER OF THE LITIGATION

The present Application seeks from the Court

- a. TO DECLARE as null and void, and of no effects whatsoever, all actions taken by ECOWAS in recognising the candidate that was declared as winner of the Presidential Elections, by the National Electoral Commission, therefore the President of Guinea - Bissau;
- b. TO ORDER ECOWAS to impose security measures that guarantee the return to constitutionality in Guinea - Bissau, thereby allowing those in charge of the sovereign organs, such as the STJ and the Members of the constitutionally established Government to exercise fully the functions that are theirs;
- c. TO APPLY sanctions or order ECOWAS to do so, against individuals who have participated directly or indirectly in the subversion of the constitutional order of Guinea-Bissau and the violation of international norms;
- d. TO DETERMINE a code of conduct to be followed by ECOWAS and its Member States in mediating political crises, building the democratic rule of law and strengthening the capacity of democratic institutions to function;
- e. TO ORDER ECOWAS to adopt a protocol on the status of Judges or the Courts of Member States;

- f. TO ORDER ECOWAS to pay the Applicants at least 500,000,000,000.00 FCFA (five hundred billion CFA francs) for violations of its duties imposed by international standards and its own treaty.

3. SUMMARY OF THE PLEAS-IN-LAW

In support of their claims, the Applicants invoke the violation of the following international instruments:

- a. Article 28 of the UDHR, which provides that every human being is entitled to an international social and political order in which the rights and freedoms set forth in this Declaration can be fully realized, all of them, without exception: the right to an Independent Court, the right to Freedom of Choice and the fundamental right to the Democratic Rule of Law;
- b. Protocol A/SP.1/12/01 On Democracy and Good Governance Supplementary to the ECOWAS Mechanism for Conflict Prevention, Management Peacekeeping and Security.

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. In general terms, the Applicants, being mature full citizens of Guinea-Bissau, and in possession of full passive capacity to exercise their democratic rights, and particularly having participated in the Presidential Elections of 24 November 2019 claim that at an Extraordinary Meeting of Heads of State and Government on 22 April 2020, ECOWAS issued a declaration recognising as legitimate President of Guinea-Bissau, the candidate declared winner of the second round of the Presidential Elections of 29 December 2020 by the National Electoral Commission.
- b. That ECOWAS, with the illegality of its actions, has violated the Human Rights of the Applicants which are essentially manifested in three Legal principles: the democratic rule of law; freedom of expression or choice, security and the guarantee of the Independence of the Judiciary.

DATED THIS 8th DAY OF DECEMBER 2020.

SIGNED: 

Mr. Tony Anene-MAIDOH, (Esq.)
Chief Registrar
Community Court of Justice, ECOWAS
Abuja - Nigeria.

**IN THE COMMUNITY COURT OF JUSTICE
OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)**

HOLDEN IN ABUJA, NIGERIA.

SUIT N°: ECW/CCJ/APP/38/20

BETWEEN

Mr. MOHAMED SANOUS NIENTAO & ANOR. _____ *APPLICANTS*

AND

ECOWAS & ANOR. _____ *DEFENDANTS*

NOTICE OF REGISTRATION OF APPLICATION

NOTICE IS HEREBY GIVEN, pursuant to Article 13 (6) of the Rules of the Community Court of Justice, ECOWAS that an Application BETWEEN **Mr. MOHAMED SANOUS NIENTAO ANOR (APPLICANTS)** and **THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) & ANOR. (DEFENDANTS)** was filed by the Applicants and registered by the Court on the 14th day of September 2020.

1. NAMES AND ADDRESSES OF THE PARTIES

a. **Mr. MOHAMED SANOUS NIENTAO & ANOR.**
represented by their counsel, Barr Cheik Koureyssi Ba, Lawyer registered with the Bar of Senegal, SICAP AMITIE 3 villa no 4378, 2^{ème} étage, Appt M6, Dakar (Sénégal). } *APPLICANTS*

b. **ECOWAS & ANOR.**
Represented by the President, ECOWAS Commission. } *DEFENDANTS*

2. SUBJECT-MATTER OF THE PROCEEDINGS

TO DECLARE AND ADJUDGE that:

- a. The Summit of Heads of State and Government of ECOWAS has given a wrong qualification to the circumstances that led to the sanctions;
- b. The Declaration by the Summit of Heads of State and Government is not a legal instrument enshrined in the ECOWAS Legal Order and as such, cannot be the source for the attacked sanctions;
- c. The sanctions lack legal basis, and are non-enforceable, and not binding on Member States, the Applicants, as well as other ECOWAS Community Citizens;
- d. The Decisions do not have any binding force, for failure of publishing them pursuant to the prescribed forms;
- e. Since the legal formalities were not adhered to, the said sanctions cannot be enforced;
- f. The sanctions violate Articles 45 of the Dakar Protocol on Democracy and Good Governance of 27th December 2001, and Article 77 of the Cotonou ECOWAS Revised Treaty of 24/07/1993;

- g. The sanctions violate the fundamental principles enshrined in other Community Treaties, especially the Revised Treaty of the WAEMU of 29 January 2003;
- h. TO NOTE that the sanctions taken by the Summit of Heads of State and Government are not applicable to the situation in Mali, therefore such sanctions are inappropriate;
- i. TO ORDER the immediate and unconditional lifting of the sanctions taken illegally against the State of Mali, with payment for damages to the tune of fifty (50) billion CFA francs;
- j. TO DECLARE that the violations committed by the Summit of Heads of State and Government of ECOWAS against the Applicants have caused serious prejudice that requires reparation;
- k. TO ORDER the Summit of Heads of State and Government on the need for the reparation of the prejudice suffered by the Applicants, and to award the nominal costs for the violation of the Applicants' rights;
- l. TO ORDER ECOWAS to bear all costs.

3. SUMMARY OF THE PLEAS-IN-LAW

In support of their claims, the Applicants invoke the violations of:

- a. Article 45 of Protocol A/SP.1/12/01 on Democracy and Good Governance;
- b. Article 77 of the ECOWAS Revised Treaty;
- c. Article 4.c of the WAEMU Revised Treaty; and
- d. Articles 4(g) and 12 of the African Charter on Human and Peoples' Rights.

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicants claim that the Declaration by the Summit of Heads of State and Government of ECOWAS on Mali of 20th August 2020, following the Military *Coup d'état*, especially the closure of all land borders and airspace, as well as the ban on all financial transactions and monetary, economic and financial flows between other ECOWAS Member States and Mali, caused them great prejudice. They aver that these sanctions violate ECOWAS Community Legal Instruments because they are not taken pursuant to any ECOWAS Regulation, as they lack any binding force.
- b. These are the reasons behind the filing of the instant case, by the Applicants, before the Honourable Court, by soliciting that may it please the Court to find the violation of their fundamental rights, and, consequently, to award damages in their favour.
- c. The Applicants solicit that the Court does justice to their above-stated claims, as contained in the subject-matter of their initiating Application.

DATED THIS 7TH DAY OF DECEMBER 2020.

SIGNED 
Mr. Tony Anene-MAIDOH, (Esq.)
Chief Registrar,
Community Court of Justice, ECOWAS,
Abuja - Nigeria.

**IN THE COMMUNITY COURT OF JUSTICE
OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)**

HOLDEN IN ABUJA, NIGERIA

SUIT N°: ECW/CCJ/APP/39/20

BETWEEN

SOCIÉTÉ AFRICAAGRO INDUSTRIE BENIN SA _____ *APPLICANT*

AND

REPUBLIC OF BENIN & 2 ORS. _____ *DEFENDANTS*

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, pursuant to Article 13 (6) of the Rules of the Community Court of Justice, ECOWAS that an Application BETWEEN **AFRICAAGRO INDUSTRIE (APPLICANT)** AND **THE REPUBLIC OF BENIN & 2 ORS. (DEFENDANTS)** was filed by the Applicant and registered by the Court on the 22nd day of September 2020.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

- a. **SOCIÉTÉ AFRICAAGRO INDUSTRIE BENIN SA**
Public limited company with a capital of 10,000,000 CFA francs, head office located at îlot 519-F, Quartier Zongo, Cotonou, Benin, represented by its Chairman of the Board of Directors, Mr. Carlos TESEI, domiciled in this capacity at the said head office, a citizen of Italy, born on 4 July 1959 in Macerata, Italy, resident in Benin, residing at îlot 519-F, Quartier Zongo, Cotonou, Benin, and represented by its Lawyers, SCP BENSIMHON-ASSOCIES, Maître Marc BENSIMHON & Maître Julien BENSIMHON, Lawyers at the Court of Appeal of Paris, 15 Rue Théodule Ribot, 75017 Paris-France, Tel : 01 44 09 98 98, Email : avocats@bensimhon-associés.com
- } *APPLICANT*

AND

- b. **THE REPUBLIC OF BENIN & 2 ORS.**
Represented by the Judicial Agent of the Treasury (AJT), Directorate General of the Treasury and Public Accounting, Avenue Jean Paul 2, Route de l'aéroport international de Cadjehoun, 01 BP 410 Cotonou, Tel: 21 30 11 40
- } *DEFENDANTS*

2. SUBJECT-MATTER OF THE PROCEEDINGS

- a. FIND the violation of the Applicants' right to property;
- b. FIND the violation of the Applicants' right of access to a Court;
- c. FIND ALSO the violation of the Applicants' right of access to an impartial tribunal;

- d. FIND that the violations suffered by the Applicants have caused enormous damage, especially the loss of investment, devaluation of shares, as well as moral damage;
- e. To ORDER the Defendants to reimburse the legal costs incurred;
- f. ORDER the Defendants to pay to the Applicants the sums of CFAF 51,704 million each in respect of expected and unrealized turnover, FCFA 25 million in respect of lawyers' fees in the internal proceedings, FCFA 100 million in respect of non-material damage, and finally FCFA 29 million in respect of reimbursement of legal costs in the present proceedings.

3. SUMMARY OF THE PLEAS-IN-LAW

In support of their claims, the Applicants mainly rely on the violation of the following international legal instruments:

- a. Article 7 of the 1981 African Charter on Human and Peoples' Rights (ACHPR) which provides that: *"Every individual shall have the right to have his cause heard This right includes (...) the right to be tried within a reasonable time by an impartial court or tribunal."*
- b. Article 14 which provides that: *"The right to property is guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws"*.
- c. Finally, article 4 of the 1948 Universal Declaration of Human Rights (UDHR) states that *"everyone, alone and in community, has the right to own property. No one shall be arbitrarily deprived of his property"*.

4. SUMMARY OF MAIN SUPPORTING ARGUMENTS

- a. AFRICA AGRO INDUSTRIE BENIN SA, a limited company with a capital of 10,000,000 CFA francs, whose head office is in Cotonou, BENIN, and represented by its Chairman of the Board of Directors, was set up with the aim of building and operating a cotton ginning factory.
- b. To this end, numerous preliminary steps were undertaken for the constitution of the company of which Mr. Carlo TESEI is the owner of 99.55% of the shares. After obtaining all the administrative authorizations and approvals to start its activities, the company AFRICA AGRO INDUSTRIE BENIN SA was evicted despite the numerous investments made on the basis of the authorizations received (purchase of land, purchase of equipment, financial investments, etc.).
- c. That against all odds, a brutal and arbitrary withdrawal of the granted authorizations led to a total loss of the investments made and of the expected sales figures, that the Applicants brought several appeals before the domestic courts of the respondent State, without any action being taken, forcing the Applicants to bring the matter before the Court of Appeal in order to have their rights defended by an impartial court.
- d. And to order the Defendants to pay various amounts.

DATED THIS 22nd DAY OF OCTOBER 2020.

SIGNED: 

Mr. Tony Anene-MAIDOH, (Esq.)
Chief Registrar
Community Court of Justice, ECOWAS
Abuja - Nigeria.

**IN THE COMMUNITY COURT OF JUSTICE
OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)**

HOLDEN IN ABUJA, NIGERIA.

SUIT N^o: ECW/CCJ/APP/40/20

BETWEEN

HOUNGUE ERIC NOUDEHOUEYOU _____ *APPLICANT*

AND

REPUBLIC OF BENIN _____ *DEFENDANT*

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, pursuant to Article 13 (6) of the Rules of the Community Court of Justice, ECOWAS that an Application BETWEEN **MR. HOUNGUE ERIC NOUDEHOUEYOU** (*APPLICANT*) AND **THE REPUBLIC OF BENIN** (*DEFENDANT*) was filed by the Applicant and registered by the Court on the 22nd day of September 2020.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicant (s):

HOUNGUE ERIC NOUDEHOUEYOU

Represented by his counsel, Me Nadine DOSSOU-SAKPONOU, attorney at the Benin Bar, located at Avenue Steinmetz 01 BP 1204, Cotonou Benin.

b. Name and address of Defendant:

REPUBLIC OF BENIN

Represented by the Judicial Agent of the Treasury, residing in its offices at 01 BP 410, Road of the international airport of Cadjèhoun, Cotonou, Republic of Benin.

2. SUBJECT-MATTER OF THE PROCEEDINGS

The Applicant seeks the following measures from the Court:

- a. A DECLARATION that the Court has jurisdiction;
- b. A DECISION stating that by decision DCC 20-434 of 30 April 2020 of its Constitutional Court, the Defendant violated the rights of the Applicant protected by Articles 1, 2, 5, 7 and 26 of the Charter and Articles 2, 7 and 8 (2) of the ICCPR, 1 (h) of the ECOWAS Protocol on Democracy, as it violates the principles of the *Pacta Sunt Servanda and Estoppel* within the meaning of Articles 19, 24 (1), 25 (1), 26 and 27 of the VCLT and 11 of the A-SP Supplementary Protocol. 01/01/05 of 19 January 2005;
- c. A DECISION stating that the Supplementary Protocol A/SP.1/01/05 of 19 January 2005 entered into force and is enforceable against the Defendant since 19 January 2005;
- d. A DECISION stating that Decision DCC 20-434 of 30 April 2020 is in conflict with peremptory norms of international law within the meaning of Articles 1 and 2 of the Charter, 2 of the

ICCPR, 1 (h) of the ECOWAS Protocol on Democracy, 10 and 30 of the UDHR, 9 (1.d), 9 (4) and 10 (d) of the Supplementary Protocol;

- e. A DECISION ordering the Defendant to annul its Decision DCC- 20-434 of 30 April 2020 within one month of the delivery of the judgment of this Court in accordance with the requirements of Chapter (IX) of United Nations Resolution 60/147 of 16 December 2005 and the jurisprudence of the ACHPR and the ICCJ which recalls that “the State responsible for the violation must endeavour to erase all the consequences of the unlawful act and re-establish the state which would probably have existed if the said act was not committed”;
- f. A DECISION ordering the Defendant to pay to the Applicant, the costs of sending parcels, travel and stay of his Counsel and himself on presentation of supporting documents, as well as the sum of fifteen million CFA francs for legal fees and five hundred million CFA francs for moral damages;
- g. A DECISION ordering the Defendant to ensure that none of its agents take reprisals against the Applicant, his family and Counsels.

3. SUMMARY OF THE PLEAS-IN-LAW

In support of the allegations against the Republic of Benin, the Applicant invokes the violations of:

- a. Article 1(h) of the ECOWAS Protocol on Democracy;
- b. Articles 9, 10 and 11 of the Supplementary Protocol;
- c. Articles 1, 2, 5, 7, and 26 of the African Charter on Human and Peoples’ Rights;
- d. Articles 2, 7 and 8 of the International Covenant on Civil and Political Rights;
- e. Articles 10 and 30 of the Universal Declaration of Human Rights; and
- f. Articles 19, 24, 25, 26 and 27 of the Vienna Convention on the Law of Treaties.

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant is a citizen of Benin, he states that while his case is pending before the Court, the Constitutional Court of Benin, whose decision is challenged, by Decision DCC 20-434 dated 30 April 2020, without legal basis, declares the Court incompetent. The Applicant considers that this decision deprives him of his right to appeal, he adds that several of his human rights were violated by the Republic of Benin.
- b. This is why the Applicant applied to the Court to find violations of his fundamental rights and consequently to be compensated.
- c. The Applicant requests the Court to deal with the above-mentioned claims in the subject-matter of the Application.

DATED THIS 16th DAY OF OCTOBER 2020.

SIGNED: 

Mr. Tony Anene-MAIDOH, (Esq.)
Chief Registrar
 Community Court of Justice, ECOWAS,
 Abuja - Nigeria.

**IN THE COMMUNITY COURT OF JUSTICE
OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)**

HOLDEN IN ABUJA, NIGERIA.

SUIT N°: ECW/CCJ/APP/44/20

BETWEEN

MRS. RAKIA ALPHADI/ABIDINE _____ *APPLICANT*

AND

REPUBLIC OF MALI _____ *DEFENDANT*

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, pursuant to Article 13 (6) of the Rules of the Community Court of Justice, ECOWAS that an Application BETWEEN **Mrs. RAKIA ALPHADI/ABIDINE** (*APPLICANT*) and the **REPUBLIC OF MALI** (*DEFENDANT*) was filed by the Applicant and registered by the Court on the 2nd November 2020.

1. NAMES AND ADDRESSES OF THE PARTIES:

a. **MRS. RAKIA ALPHADI/ABIDINE,**

The Applicant born on 31/12/73 at Timbuktu, is a Malian citizen and lives at 2 Avenue Claude DEBUSSY 92700 Colombes (France). She is assisted by Maître Amadou Tidjiani Diallo, Attorney at Law in Conakry, with an address at 79, Ave du Gal LECLERC 92250 La Garenne Colombes France. Tel: 00 33 6 52 48 73 23, e-mail: acs.lagharenne@gmail.com

} *APPLICANT*

b. **REPUBLIC OF MALI**

Represented by the Directorate of Public Prosecution

} *DEFENDANT*

2. SUBJECT-MATTER OF THE PROCEEDINGS

Violation of electoral rights.

3. SUMMARY OF THE PLEAS-IN-LAW

In support of her allegations, the Applicant invokes:

- a. Article 21 paragraphs 1 and 2 of the Universal Declaration of Human Rights;
- b. Articles 3, 25 of the International Covenant on Civil and Political Rights;
- c. Articles 4 (2), 8 (1), 10 (3), 13 paragraphs 1 and 2 of the African Charter on Human and Peoples' Rights

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

The Applicant stated that she sent a nomination file for the presidential election of Mali and that in return she received a certificate of submission of a nomination file. That subsequently, she submitted through her representative all the supporting documents requested by the Constitutional Council.

That the Constitutional Council published the list of the 15 qualified candidates in which she did not appear for reasons that she considered contrary to electoral law. For these reasons, she wishes the Court to remove all obstacles related to the violation of these rights and to order Mali to compensate all the damages caused by its unlawful exclusion and to pay her One hundred and fifty thousand (150,000) Euro in damages.

DATED THIS 20TH DAY OF NOVEMBER 2020.

SIGNED: 

Mr. Tony Anene-MAIDOH, (Esq.)
Chief Registrar
Community Court of Justice, ECOWAS
Abuja - Nigeria.

**IN THE COMMUNITY COURT OF JUSTICE
OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)**

HOLDEN IN ABUJA, NIGERIA.

SUIT N°: ECW/CCJ/APP/45/20

BETWEEN

ABDOULAYE FOFANA & 114 ORS _____ *APPLICANTS*

AND

THE REPUBLIC OF MALI _____ *DEFENDANT*

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, pursuant to Article 13 (6) of the Rules of the Community Court of Justice, ECOWAS that an Application BETWEEN **ABDOULAYE FOFANA & 114 ORS (APPLICANTS)** AND **THE REPUBLIC OF MALI (DEFENDANT)**, was filed by the Applicants and registered by the Court on the 3rd day of November 2020.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicant (s):

ABDOULAYE FOFANA & 114 ORS.

Abdoulaye FOFANA, born on 31 December 1961 in Mogola, of Malian nationality, Hydrogeological Engineer, domiciled at Kalaban Coura ACI Bamako. The Applicants are 115 Deputies, all Malian citizens, elected to the National Assembly of Mali (the 6th Legislature 2020-2025) and represented by their counsel: Maître Maliki DJIBRILLA, Lawyer registered at the Bar of Mali, Cabinet MD-Conseils, Sotuba-ACI, Avenue des Armées, Voie principale du 3ème Pont, Tel: +22376418741, Email : mdconseils17@gmail.com, Bamako-Mali and Maître Mamoutou SANGARE, Lawyer, Attbougou-759 logements, Tel: +22376489098.
E-mail: maitre.sang@yahoo.fr, Bamako, Mali.

b. Name and address of Defendant:

THE STATE OF MALI

An ECOWAS Member State, the State of Mali is signatory to the ECOWAS Revised Treaty, the Protocol on the ECOWAS Court of Justice, and the Supplementary Protocol that grants the Court jurisdiction to adjudicate human rights cases brought before it by individuals. The State of Mali is represented by the Directorate General of State Litigation, with address at Hamdallaye ACI 2000, Rue 385, Porte 315, BP: 234, Tel: +223 20.29.67.11, fax: (+223) 20.29.67.10.

2. SUBJECT-MATTER OF THE PROCEEDINGS

The Applicants solicit that may it please the Honourable Court to take constraining measures against the State of Mali, aimed at:

- a. Returning of the constitutional order;
- b. Abrogating Decree n°2020-0345/P-RM of 18 August 2020 on the dissolution of the National Assembly of Mali;
- c. Returning the 115 MPs, who are the Applicants in the instant procedure, to the elected functions of their country;
- d. Effecting the reparation for all the moral and pecuniary prejudices caused to the 115 MPs;
- e. Seeking an order on the Defendant State, the State of Mali, to pay to the 115 MPs the provisional sum of 23.032.200.000 FCFA as the total income of the MPs, and the sum of 10.000.000.000 FCFA as damages for the moral prejudice suffered by the Applicants.

3. SUMMARY OF THE PLEAS-IN-LAW

In support of their claims, the Applicants invoke the violation of the following legal instruments:

- a. Articles 3, 4 (g) and 4 (j), of the Revised Treaty of the Economic Community of West African States (ECOWAS);
- b. Articles 9, 13 and 25 of the African Charter on Human and Peoples' Rights (ACHPR);
- c. Article 2 (2) and 2(10), Article 4 (1) and 4 (2), Article 5 of African Charter on Democracy, Elections and Governance (ACDEG);
- d. Article 25 of the International Covenant on Civil and Political Rights (ICCPR) of 1966.
- e. Article 1 (a) of Protocol A/SP.1/12/01 of 21st December 2001 of ECOWAS on Democracy and Good Governance, Supplementary to the Protocol on Mechanism of Prevention, Management, Conflict Resolution, Peace Keeping and Security of 10th December 1999.

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

The Applicants aver that:

- a. Following Judgments n°2020-03/CC-EL of 9 April 2020 and n°2020-04/CC-EL of 30 April 2020 of the Constitutional Court of Mali, on the announcements of the results of first and second rounds of the Legislative Polls in Mali, the above-mentioned MPs, and fifty (50) others were elected as Members of the Legislative Organ. Few months after this election, as Members of the National Assembly, on 18 August 2020, a large numbers of Military Personnel, who were not satisfied with the performance of the then Head of State, Mr. Ibrahim Boubacar KEITA, went into his residence, deported him to their Military Barracks, in the company of the then Prime Minister, Mr. Boubou CISSE. In these circumstances, and in the most ambiguous and perplexity, the mutineer soldiers succeeded in securing from the deported Head of State his resignation as Head of State. As if they were not done yet, the deposed Head of State dissolved the National Assembly, the same day through Decree n°2020-0345/P-RM of 18 August 2020.
- b. The Decree giving effect to the dissolution of the National Assembly was with immediate effect, regardless of its unconstitutional, undemocratic and unconventional nature. In an

official public declaration, the former Head of State first announced his resignation, before proceeding to the dissolution of the National Assembly. In these circumstances, the then Head of State went beyond his constitutional powers, by adopting and signing the dissolution of the National Assembly of Mali by Decree n°2020-0345/P-RM of 18 August 2020. A decree signed during constraints cannot apply in a democratic State. Thus, by this unconstitutional action that violates conventional laws, the MPs who are Applicants in the instant case have suffered and continue to suffer serious prejudices like, not only the lack of exercising their functions as the National Representatives of the Malian People, but also the loss of their remunerations, as MPs, for their five (5) - year – term of office, for the period (May 2020-May 2025.) This is because they could only receive three months salaries of the five years' in their term of office. Thus, by supporting the establishment of an unconstitutional disorderliness, the State of Mali violates the MPs' right to exercise their mandate of representation, thus causing them great prejudices.

- c. The Applicants solicit that may it please the Honourable ECOWAS Court of Justice to find the State of Mali liable for human rights violation.

DATED THIS 23RD DAY OF NOVEMBER 2020.

SIGNED:



Mr. Tony Anene-MAIDOH, (Esq.)

Chief Registrar

*Community Court of Justice, ECOWAS,
Abuja - Nigeria.*

**IN THE COMMUNITY COURT OF JUSTICE
OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)**

HOLDEN IN ABUJA, NIGERIA.

SUIT N°: ECW/CCJ/APP/47/20

BETWEEN:

1. **ISAAC MENSAH**

(On behalf of:

JOSEPH ALI

MILLICENT MENSAH (NEE AMPONSAH)

CLEMENT MENSAH

ESTHER ADWOA MENSAH

COMFORT LIBAAR MAKNYUA

BENJAMIN OKYERE

KOFI ALI

MARTHA BOADU

ELIZABETH FORIWAA

JOSEPH ADDO

SAMUEL KYEI

SALOMEY MENTAH CHIRICAH

DANIEL NAKINIIB LIBAAR

RIHANNAACHIAA

JEMIMA OKYERE

EMMANUEL BIKIDA

PRISCILLA OKYERE

VICTORIA NKANSAH NIPAA

KENNETH BIKIDA

DESTUS AWUAH

EMMANUEL OKYERE

SAMUEL BIKIDA

MARCUS BAAH

APPLICANTS

2. **REGISTERED TRUSTEES OF
AFRICAN NETWORK AGAINST
EXTRAJUDICIAL KILLINGS
AND ENFORCED
DISAPPEARANCES (ANEKED)**

AND

THE REPUBLIC OF GHANA _____ DEFENDANT

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HERE BY GIVEN, pursuant to Article 13(6) of the Rules of the Community Court of Justice, ECOWAS that an Application BETWEEN **ISAAC MENSAH**, Suing on behalf of **23 ORS (APPLICANTS)** and **REPUBLIC OF GHANA (DEFENDANT)** was file by the Applicants and Registered by the Court on the 18th day of November, 2020.

1. NAMES AND ADDRESSES OF THE PARTIES

a. *Name and address of Applicant (s):*

ISAAC MENSAH
(Suing on behalf of 23 ORS)
REGISTERED TRUSTEES OF
AFRICAN NETWORK AGAINST
EXTRAJUDICIAL KILLINGS
AND ENFORCED DISAPPEARANCES (ANEKED)

Deji Ajare, Esq.
Plot 920C, Senanga Street,
Off Accra Street, Zone 5
Wuse, Abuja, FCT.

b. *Name and address of Defendant:*

THE REPUBLIC OF GHANA,
Attorney-General and Minister for Justice,
Old Race Course Road,
Ministries-Accra,
Accra Ghana.

2. SUBJECT-MATTER OF THE PROCEEDINGS

Violation of Applicants Human Right to due to the failure of the Ghanaian government to thoroughly investigate the enforced disappearance; and subsequent failure of the government to grant him access to information and the truth concerning the unlawful detention, and disappearance of his Father.

3. ORDERS SOUGHT BY THE APPLICANTS

- a. A DECLARATION that Defendant is in breach of its duty to investigate a peremptory norm of international law (*Jus cogens*).
- b. A DECLARATION that as a result of the failure of Defendant to provide an effective remedy, has violated the right of Applicants to an effective remedy under Article 1 in conjunction with Articles 4, 5, 6 and 7 of the African charter, and Article 2(3) in conjunction with Articles 6(1), 7, 9, & 16 of the ICCPR.
- c. AN ORDER directing the Defendant to implement its obligations under the African Charter, ICCPR, and the RTI Act in relation to Applicants disappearance.
- d. AN ORDER directing the Defendant to conduct an effective investigation into the circumstances of Applicants disappearance and his whereabouts/fate including his alleged death.
- e. AN ORDER directing the Defendant to provide Applicants with the documents previously requested. These are a copy of the UN/ECOWAS report delivered to Ghana; the coroner's/pathologist's report on the bodies returned to Ghana in 2009; a report on the disbursement of the money paid by The Gambia to the families; a copy of the videotape of the burial ceremony of the six bodies returned to Ghana, and a copy of the picture taken when the money was handed to the family.
- f. AN ORDER directing the Defendant to pay the sum of 1,500,000USD as compensation to the Applicants.

4. SUMMARY OF THE PLEAS-IN-LAW.

- a. Applicants invokes Articles 1 in conjunction with articles 4, 5, 6 and 7, and 9 of the African Charter on Human and Peoples' Rights ('African Charter');
- b. Articles 2(3) in conjunction with articles 6(1), 7, 9, & 16, and 19(2) of the International Covenant on Civil and Political Rights ('ICCPR');
- c. Section 95A, Criminal Offences (Amendment) Act of Ghana, 2012, Act 849;
- d. Sections 1, 2, 18 Right to Information Act of Ghana. 2019 (Act 989) (RTI Act);
- e. Applicants equally submit that, failure of the Defendant to grant Applicants access to the information he requested concerning the disappearance of his father and the events that happened thereafter, the Defendant violates Applicants right to information (guaranteed by Articles 21 (1)(f) *Constitution of Federal Republic of Ghana*, 1992; Section 1 *RTI Act of Ghana*; Art. 19(2) *ICCPR*; and Art. 9 *ACHPR*).

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicants alleges that as a result of Late father unlawful detention and enforced disappearance in The Gambia in July 2005, and the subsequent failure of the Ghanaian government to explore all avenues in order to conduct a comprehensive and effective investigation since when it became aware of it in 2005, the Ghanaian government is in serious breach of a peremptory norm of international law (*Jus cogens*).
- b. Applicants equally alleges that due to the failure of the Defendant to provide an effective judicial remedy, violated his right.
- c. Applicants aver that, failure of the Defendant to grant Applicants access to the information he requested concerning the disappearance of his father and the events that happened thereafter, the Defendant violate right to information (guaranteed by Art.21 (1) (f) *Constitution of Federal Republic of Ghana*, 1992; Sec. 1 *RTI Act of Ghana*; Art. 19(2) *ICCPR*; and Art. 9 *ACHPR*).

DATED THIS 30TH DAY OF NOVEMBER 2020.

SIGNED: 

Mr. Tony Anene-MAIDOH, (Esq.)
Chief Registrar
Community Court of Justice, ECOWAS,
Abuja - Nigeria.

**IN THE COMMUNITY COURT OF JUSTICE
OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)**

HOLDEN IN ABUJA, NIGERIA.

SUIT N°: ECW/CCJ/APP/48/20

BETWEEN

- | | | |
|--|---|-------------------|
| <ol style="list-style-type: none"> 1. YAWOVI AGBOGBO 2. YAWO MAWUNYO (NESTOR) WOMENO | } | <i>APPLICANTS</i> |
|--|---|-------------------|

AND

THE REPUBLIC OF THE GAMBIA _____ *DEFENDANT*

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, pursuant to Article 13(6) of the Rules of the Community Court of Justice, ECOWAS that an Application BETWEEN 1). **YAWOVI AGBOGBO** 2). **YAWO MAWUNYO (NESTOR) WOMENO** (*APPLICANTS*), and **THE REPUBLIC OF THE GAMBIA** (*DEFENDANT*), was filed by the Applicants and registered by the Court on the 18th day of November, 2020.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

- | | | |
|--|---|-------------------|
| <ol style="list-style-type: none"> a. YAWOVI AGBOGBO
Togolese citizen arrested upon entry into The Gambia b. YAWO MAWUNYO (NESTOR) WOMENO
Togolese citizen who resides in Dakar, Senegal | } | <i>APPLICANTS</i> |
| <ol style="list-style-type: none"> c. REPUBLIC OF THE GAMBIA
c/o The Attorney General of the Federation
Ministry of Justice
Banjul, The Gambia | } | <i>DEFENDANT</i> |

2. SUBJECT-MATTER OF THE PROCEEDINGS

The Applicants instituted an action against the Defendant, based on the allegation of human rights violations which occurred as a result of the enforced disappearance of the 1st Applicant in the Gambia during the period of July 2005. The 2nd Applicant sues the Defendant on behalf of himself and his brother, the 1st Applicant, for the violation of the 1st Applicant's right to life; right to liberty and security of person; right to be recognised as a person before the law; and right to be free from cruel, inhuman or degrading treatment. In addition, the 2nd Applicant sues for the violation of his right to be free from cruel, inhuman or degrading treatment; and his right to an effective remedy including the right to a full and effective judicial investigation into the disappearance of the 1st Applicant.

3. ORDERS SOUGHT BY THE APPLICANTS

- a. A DECLARATION that as a result of his enforced disappearance, the Gambian State has violated the rights of Yawovi Agbogbo under Articles 4, 5, and 6 of the African Charter, as well as Articles 6, 7, 9, and 16 of the ICCPR;
- b. A DECLARATION that as a consequence of Yawovi Agbogbo's disappearance, as well as the lack a judicial investigation into the incident and the corresponding prosecution of its perpetrators, the Gambian State has violated the rights of Nestor Womeno under Articles 1 and 5 of the African Charter, and under Articles 2(3) and 7 of the ICCPR;

- c. A DECLARATION that the Gambian State is failing to investigate promptly and effectively, allegations of cruel, inhuman and degrading treatment in breach of its obligations under Articles 12 and 16 of the UNCAT;
- d. A DECLARATION that The Gambia is in breach of its obligations under Articles 1, 2, 6, 12, 17, 18, and 24 of the ICPPED in regard to the enforced disappearance of Yawovi Agbogbo;
- e. A DECLARATION that the hearings of the Gambian Truth, Reconciliation, and Reparations Commission cannot be used as a substitute for criminal justice proceedings;
- f. AN ORDER directing The Gambia to implement its obligations under the African Charter, the ICCPR, the UNCAT, and the ICPPED in relation to Yawovi Agbogbo's disappearance;
- g. AN ORDER directing The Gambia to conduct a thorough, independent and effective criminal and judicial investigation into the circumstances of Yawovi Agbogbo's disappearance, and his whereabouts/fate including his alleged death, and a subsequent prosecution of all persons who participated in the act;
- h. AN ORDER that amnesties must not be granted by the Gambian government in relation to cases of enforced disappearances as this would be a violation of the right to an effective remedy under international law;
- i. AN ORDER directing the Gambia to carry out all efforts to determine and publicly clarify the truth about the fate and whereabouts of Yawovi Agbogbo;
- j. AN ORDER directing the Gambian State to publicly acknowledge its international responsibility for the disappearance of Yawovi Agbogbo and the rest of the West African migrants, and to issue a public apology to the families in an official ceremony;
- k. AN ORDER directing the Gambian government to release an official and public statement declaring that all migrants, regardless of their migratory status, have human rights which must always be respected, protected, and fulfilled by the State; and
- l. AN ORDER directing the Gambian State to ensure that Nestor Womeno and the rest of Yawovi Agbogbo's family obtain reparation and prompt, fair and adequate compensation for the enforced disappearance of Yawovi Agbogbo.

3. SUMMARY OF THE PLEAS-IN-LAW

- a. The Applicants claim that the disappearance of the 1st Applicant after his arrest and detention, as well as the non-disclosure of his whereabouts by the Defendant is a violation and a continued violation of his right to liberty and security of person as guaranteed by Article 6 of the African Charter on Human and Peoples' Rights (African Charter), and Article 9 of the International Covenant on Civil and Political Rights (ICCPR); his right to life as guaranteed by Article 4 of the African Charter and Articles 6 of the ICCPR; his right to be recognised as a person before the law as guaranteed by Article 5 of the African Charter and Article 16 of the ICCPR; and the right to freedom from cruel, inhuman or degrading treatment or punishment as guaranteed by Article 5 of the African Charter and Article 7 of the ICCPR.
- b. The Applicants also claim that the disappearance of the 1st Applicant, the aftermath of the disappearance and the failure to provide a judicial remedy violates the 2nd Applicant's right to be free from cruel, inhuman or degrading treatment or punishment as guaranteed by Article 5 of the African Charter and Article 7 of the ICCPR; and his right to an effective remedy as guaranteed by Article 1 of the African Charter and Article 2 (3) of the ICCPR.

- c. The Applicants also claim that the Defendant failed to honour its obligations under Articles 12 and 16 of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“UNCAT”), and those under the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) relating to the prohibition of enforced disappearances as guaranteed under Articles 1 and 2; the duty to hold perpetrators criminally responsible as provided under Article 6; the duty to investigate as provided under Article 12; the prohibition of secret detention as provided under Article 17; the right to information by victims of enforced disappearances as provided under Article 18; and the right to remedy as provided under Article 24, particularly the right to truth as provided under Article 24(2)).

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicants are Togolese citizens who aver that the 1st Applicant lived in Dakar, Senegal with the 2nd Applicant, his elder brother, before his proposed trip to Europe which resulted in his disappearance. That in July 2005, the 1st Applicant informed the 2nd Applicant that he was travelling by boat from Senegal to the Gambia, and by another boat from the Gambia to Europe.
- b. That about three days after the 1st Applicant's departure from Senegal, the 2nd Applicant received a call from him, that he was in The Gambia, in a police station, under arrest with other intended migrants to Europe. That when the 2nd Applicant called the telephone number he discovered that the 1st Applicant had borrowed a woman's phone at the police station to call him and that she was no longer at the police station.
- c. That concerned about the 1st Applicant's whereabouts, the 2nd Applicant requested a Gambian journalist to provide him with information. That the journalist verified that migrants had been arrested and detained, but could not confirm whether the 1st Applicant had been killed. That in May 2018, he heard of news on RFI (*Radio France Internationale*) of the publication of a report by Human Rights Watch (HRW) and TRIAL International which revealed that in July 2005, about 50 West African migrants (about 40 of whom were Ghanaians) were arrested and murdered within a few days of their arrival in The Gambia, by a paramilitary unit, “the Junglers”, under the instructions of Yahya Jammeh, the former Gambian President.
- d. That after the 2nd Applicant heard about the HRW/TRIAL International Report on RFI, he made effort to find out if the 1st Applicant was alive but did not get any confirmation. That in October, 2018, he attended a press conference held in Dakar Senegal, where Martin Kyere, the only known survivor from the group of migrants arrested in The Gambia, described what had transpired. That the account of the incident as narrated by Martin Kyere shocked and extremely saddened him as well as the confirmation from Martin Kyere of the 1st Applicant's death.
- e. That the 2nd Applicant was informed in September, 2019, by Nana-Jo N'dow of the African Network against Extrajudicial Killings and Enforced Disappearances (ANEKED) about the 1st Applicant's disappearance. That she told him about the proceedings of the Gambian Truth, Reconciliation and Reparations Commission (TRRC), which is a non-judicial body. That she informed him of the testimonies before the TRRC in July 2019, in particular, the testimony of the two Junglers, who confessed to participating in the execution of the migrants under direction from Yahya Jammeh which corroborated the account of the incident in the HRW/TRIAL International Report. That their testimonies contradicted the claims by the Gambian government, of non-involvement in the incident. Further, that Nana-Jo N'dow told the 2nd Applicant that the two Junglers who confessed, were subsequently released from detention following a recommendation by the Attorney-General of the Gambia, who said that they had been in detention for over two years without charge and that they had in establishing the truth of what happened to the migrants.

- f. That there has been no judicial investigation into establishing the truth and the circumstances surrounding the incident, towards holding the perpetrators accountable for the disappearance of the 1st Applicant. That the failure to arrest or prosecute the perpetrators of the act such as would officially reveal and clarify the circumstances of his (and the other migrants) disappearance, and his fate/whereabouts. That the Defendant has violated and continues to gravely violate the Applicants human rights.

DATED THIS 25th DAY OF NOVEMBER 2020.

SIGNED: 

Mr. Tony Anene-MAIDOH, (Esq.)
Chief Registrar
Community Court of Justice, ECOWAS
Abuja - Nigeria.

**IN THE COMMUNITY COURT OF JUSTICE
OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)
HOLDEN IN ABUJA, NIGERIA.**

SUIT N°: ECW/CCJ/APP/50/20

BETWEEN

HAMAAMADOU _____ *APPLICANT*

AND

THE REPUBLIC OF NIGER _____ *DEFENDANT*

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, pursuant to Article 13 (6) of the Rules of the Community Court of Justice, ECOWAS that an Application BETWEEN **HAMA AMADOU (APPLICANT)** AND **THE REPUBLIC OF NIGER (DEFENDANT)**, was filed by the Applicant and registered by the Court on the 20th day of November 2020.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicant (s):

HAMA AMADOU represented by his Counsel, Mr. Samna Soumana Daouda, Lawyer registered with the Bar in Niger, 468, Avenue des Zarmakov, quartier Plateau, BP 12040 Niamey, Republic of Niger.

b. Name and address of Defendant:

THE REPUBLIC OF NIGER
represented by the Director of the State Judicial Agency, BP 11404, Niamey.

2. SUBJECT-MATTER OF THE PROCEEDINGS

- a. TO DECLARE AND ADJUDGE that the State of Niger disregarded the Applicant's right as enshrined under Articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights; Articles 3 and 7 of the African Charter on Human and Peoples' Rights; Article 2 of the International Covenant on Civil and Political Rights; Articles 21 of the Universal Declaration of Human Rights; Article 25 of the International Covenant on Civil and Political Rights; Article 13 of the African charter on Human and Peoples' Rights; and Articles 4 and 6 of the ECOWAS Protocol on Democracy and Good Governance.
- b. TO ORDER the State of Niger to respect the Applicant's right;
- c. TO ORDER the State of Niger to take all necessary measures to guarantee the Applicant's right to have his cause heard by the national courts, and his right to participate in elections;
- d. TO ENJOIN the State of Niger, not to take any measure aimed at deprive the Applicant of his right to have his cause heard before the national courts, his right to participate in the conduct of the affairs of his country;
- e. TO ORDER the State of Niger to bear all costs.

3. SUMMARY OF THE PLEAS-IN-LAW

In support of his grievances against the State of Niger the Applicant invokes the violation of the following legal instruments:

- a. Articles 4 and 6 of ECOWAS Protocol on Democracy and Good Governance;
- b. Articles 3, 7 and 13 of the African Charter on Human and Peoples' Rights;
- c. Articles 2 and 25 of the International Covenant on Civil and Political Rights;
- d. Articles 7, 8, 10, 11 and 21 of the Universal Declaration of Human and Peoples' Rights.

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant is a Niger citizen. He avers that he submitted his candidature for the Presidential Elections, but, by a decision of the Constitutional Court, he was declared ineligible on the strength of the mention of his Police report. He claims he contested this decision, but he was prevented to have access to the court, where judges would examine the grounds of his claims. Thus, the Applicant believes that his fundamental human rights are violated, especially his right to have his cause heard, before the national courts, and his right to participate in the conduct of the affairs of this country.
- b. It was in these circumstances that the Applicant filed the instant case before the Honourable Court, seeking that the Court should note the violation of his fundamental human rights, and consequently, to order that he exercises his rights, and payment of damages in his favour.
- c. Applicant solicits that the Court should adjudicate on their above-stated claims, as contained in the subject-matter of the Application.

DATED THIS 24th DAY OF NOVEMBER 2020.

SIGNED: 

Mr. Tony Anene-MAIDOH, (Esq.)
Chief Registrar
Community Court of Justice, ECOWAS,
Abuja - Nigeria.

**IN THE COMMUNITY COURT OF JUSTICE
OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)**

HOLDEN IN ABUJA, NIGERIA.

SUIT N°: ECW/CCJ/APP/52/20

BETWEEN

MR. MAMADOU CELLOU DALEIN DIALLO & ANOR _____ *APPLICANTS*

AND

THE REPUBLIC OF GUINEA _____ *DEFENDANT*

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, pursuant to Article 13 (6) of the Rules of the Community Court of Justice, ECOWAS that an Application BETWEEN **MR. MAMADOU CELLOU DALEIN DIALLO & ANOR (APPLICANTS)** AND **THE REPUBLIC OF GUINEA (DEFENDANT)**, was filed by the Applicants and registered by the Court on the 10th day of December, 2020.

a. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicant (s):

MR. MAMADOU CELLOU DALEIN DIALLO & ANOR.
born on 3 February 1952 at Labé, he is a Guinean by nationality, he lives at Quartier Boussoura, Commune de Matam, Conakry;

THE UFDG, a political organisation registered under the Guinea Law, acting through its legal representative, Mr. Mamadou Cellou Dalein DIALLO, with address at quartier Dixxin, whose Counsel are Mr. Alpha Yaya DRAME, Mr Mohamed TRAORE, Mr. Pépé Antoine LAMA, Mr. Mamadou Souaré DIOP, Mr. Alsény Aissata DIALLO, Mr. Salifou BEAVOGUI, and Mr. Modibo CAMARA, all Lawyers registered with the Bar in Guinea, who decide to use the address of Cabinet (Law Firm) of Mr. DRAME, situated at 199 Rue Pierre Mauroy, 59000, Lille (France), email :aydavocats@gmail.com

b. Name and address of Defendant:

THE REPUBLIC OF GUINEA
represented by its Judicial Agent

2. SUBJECT-MATTER OF THE PROCEEDINGS

- a. TO NOTE that the Applicants did not enjoy the exercise of their right to a just, independent and impartial tribunal;
- b. TO EQUALLY NOTE that the Applicants did not benefit from a fair trial, pursuant to the relevant provisions under international law;

- c. TO ORDER the Defendant to take all necessary measures to organise a fair public hearing where the adversarial principle would be adhered to;
- d. TO ORDER the re-opening of the electoral trial so that fair hearing would be seen to have been adhered to, and the adversarial principle respected, pursuant to the provisions of international human rights law;
- e. TO EQUALLY NOTE the violation of the Applicants' right to freedom of movement, as well as that of his party the UFDG;
- f. TO NOTE the violation of the right to respect for his residence and that of his party the UFDG;
- g. TO NOTE the violation of the Applicant's right to respect for his properties in the UFDG;
- h. TO DECLARE the Application filed by the Applicant admissible, especially in regard to his order sought as per reparation for the prejudice suffered, and to order the Defendant to pay to the Applicant the sum of 600 000 Dollars, as reparation for the pecuniary prejudice suffered, and the sum of 500 000 000 F CFA, for the moral prejudice suffered;
- i. AND TO ORDER the Defendant to bear all costs, especially to the payment of the sum of one hundred million (100 000 000) F CFA as the appearance fees for Counsel to the Applicants.

3. SUMMARY OF THE PLEAS-IN-LAW

The Applicants' claims are supported by various international legal instruments:

- a. The failure of the Defendant State, which constitutes a liability, and is brought to the fore, in regard to the violation of the right to access the Court, and the right to fair hearing, the violation of Article 7 of the African Charter on Human and Peoples' Rights, Articles 8 and 10 of the Universal Declaration of Human Rights of 1948, all provide, substantially for the right of a person to remedy before competent national courts against actions that violate fundamental human rights, and the person's right to have his cause heard fairly, in a public proceeding, and by an impartial tribunal.
- b. The Applicants also invoke the violation of the right to freedom of movement, the provisions of Articles 6 and 12 of the African Charter on Human and Peoples' Rights, Article 12 of the International Covenant on Civil and Political Rights, and, finally of Article 13 of the Universal Declaration of Human Rights.

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicants claim that on 24 October 2020, the Chairman of the CENI (INEC) declared in public, on national television that Mr. Alpha CONDE was elected Head of State, in the 1st Round of the Presidential Election, pursuant to the provisions of the Electoral Law, whereas ONLY the President of the Constitutional Court is so empowered by law, to make such declaration.
- b. They further claim that they found themselves in a situation where it was practically impossible for them to file a case before the Constitutional Court, owing to the restriction imposed on their freedom of movement, which, moreover, was not done pursuant to any Court decision.
- c. They again claim that despite the diligences by the team of lawyers they put together which sought access to their clients, the security forces exerted free violence on the Applicants, and destroyed their complete computer sets worth 500 000 Dollars.

- d. The Applicants were only able to file a case before the Constitutional Court on 1st November 2020, contesting the provisional results that were released by the CENI, yet, curiously, the Constitutional Court has never examined the objections raised as to the unconstitutionality, while the Court declared in one Judgment dated 7 November 2020, that Mr. Alpha CONDE was elected with 59.69% majority votes in the 1st round of the elections.
- e. The Applicants further claim that in regard to the observed violations, they solicit an award of damages in their favour, to the tune of 600 000 dollars, as reparation for the pecuniary prejudice suffered, and also the sum of 500 000 000 Francs CFA as damages for the reparation of the moral prejudice, and finally the sum of one hundred millions (100 000 000) Francs CFA as honorarium for their Counsel's appearance fee.

DATED THIS 15th DAY OF DECEMBER 2020.

SIGNED: 

Mr. Tony ANENE-MAIDOH, (Esq.)
Chief Registrar
Community Court of Justice, ECOWAS,
Abuja - Nigeria.

**IN THE COMMUNITY COURT OF JUSTICE
OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)**

HOLDEN IN ABUJA, NIGERIA.

SUIT N°: ECW/CCJ/APP/54/20

BETWEEN

SOIBA DIARA _____ *APPLICANT*

AND

REPUBLIC OF MALI _____ *DEFENDANT*

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, pursuant to Article 13(6) of the Rules of the Community Court of Justice, ECOWAS that an Application **BETWEEN SOIBA DIARA (APPLICANT), AND REPUBLIC OF MALI (DEFENDANT)**, was filed by the Applicant and registered by the Court on the 17th day of August 2020.

I. NAMES AND ADDRESSES OF THE PARTIES:

a. **SOIBA DIARRA**

Malian national, born around 1966 at Kangaba, soldier domiciled at Camp de Kati in Republic of Mali. Represented by Maîtres Mariam Diawara and Issa K. Coulibaly, lawyers registered with the Bar Association of Bamako, Mali, and Philippe Zadi, legal professional domiciled in France. Applicant's Counsel has chosen the Mariam Diawara Chambers for service of all Court pleadings and processes in connection with the instant suit. The chambers is located at Darsalam Rue 603, Porte 116. Telephone: 20-22-81-23 /66-74-81-23.

} *APPLICANT*

AND

b. **REPUBLIC OF MALI**

Member State of ECOWAS. The Republic of Mali is represented by the Director-General of State Litigations Department, BP 234 - Telephone: (223) 20 29 67 11- Fax : (223) 20 29 67 10 at Hamdallaye ACI 2000, Rue 385, Porte 315, Bamako, Mali.

} *DEFENDANT*

1. SUBJECT-MATTER OF THE PROCEEDINGS

The Applicant requests the Court to:

- a. ORDER the Republic of Mali to adjudicate upon the application he has filed and to deliver a judgment on it without undue delay, or cease all proceedings instituted against him;
- b. ASK the Republic of Mali to pay to him the sum of 100 Million CFA Francs (CFA 100,000,000) for all the harms done him as a result of violation of his human rights;
- c. GRANT a time-limit of 30 days for execution of the judgment to be delivered by this Honourable Court, starting from the date the Republic of Mali will be served notice of the judgment;
- d. ADJUDGE that the Republic of Mali shall prepare a report confirming execution of the judgment delivered by the Court, before it expires within the 30-day time-limit;
- e. ASK the Republic of Mali to bear the costs.

3. SUMMARY OF PLEAS-IN-LAW

The Applicant invokes violation of the following instruments:

- a. The International Covenant on Civil and Political Rights, in its Article **9(3)**, which stipulates that: **“Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release...”**
- b. Article 14(1) of the same International Covenant on Civil and Political Rights, which states that: **“All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.....”** And 14(1)(c) prescribes the right: **“To be tried without undue delay”**;
- c. Article 6 of the African Charter on Human and Peoples’ Rights, in the terms of which: **“Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.”**

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. Mr. Soiba Diarra, former member of the military junta which overthrew the 2012 regime of the late Amadou Toumani Touré, ex-President of Mali, claims that he was charged with the crimes of kidnapping, murder and abetment, by the trial judge at the economic section of the *Tribunal de Grande Instance of Commune III* of the Bamako district, and he was placed in provisional detention, upon a committal order issued on 13 December 2013.
- b. That after spending more than 3 years in provisional detention, which is far beyond the legally prescribed period for detention, his application for provisional release was rejected. That by Preliminary Judgment N°94 delivered on 8 December 2016 by the *Cour d’Assises* (Central Criminal Court), on the ground that the writ of *habeas corpus* issued against him in the judgment adjourning proceedings by the Criminal Chamber, had been substituted for the committal order, and thereby, there were no new circumstances which would justify his provisional release.
- c. However, after finding violation of the procedural rights guaranteed by the international legal instruments, the same Judgment granted the request for a medical appraisal and accorded a time-limit of 45 days for such carrying out appraisal; and the case was adjourned sine die.
- d. That the medical evaluation was eventually carried out and made available 3 years later. The Applicant claims he was still maintained in detention, irrespective of the expiration of the legally stipulated period of detention. Through his Counsel, he filed his case before the Criminal Chamber of the Court of Appeal of Bamako, and the latter, by Judgment No. 33 delivered on 29 January 2020, granted him provisional release.
- e. Even though has been enjoying provisional release from the time of his arrest by the Criminal Chamber, the Applicant lodges the instant Application before the Honourable Court and asks the Court to find that the Defendant State violated its international commitments in the course of the ups and downs he was made to go through from one State judicial body to the other.

DATED THIS 22ND DAY OF SEPTEMBER 2020.

SIGNED: 
Mr. Tony Anene-MAIDOH, (Esq.)
Chief Registrar
Community Court of Justice, ECOWAS,
Abuja - Nigeria.

