



of the Economic Community of West African States (ECOWAS)

English Edition

2022

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

HOLDEN IN ABUJA, NIGERIA

NOTICE OF REGISTRATION OF APPLICATIONS

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AND
THE FEDERAL REPUBLIC OF NIGERIA - DEFENDANT

**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/01/22

BETWEEN

1. **HON. JUSTICE JOSEPH IKPALA**
2. **MR. HILARY U. ABEKE**
3. **HON. JUSTICE EMMANUEL AKOMAYE AGIM**
4. **HON. JUSTICE JOSEPH WOWO**

} *APPLICANTS*

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) **HON. JUSTICE JOSEPH IKPALA**, (2) **MR. HILARY U. ABEKE**, (3) **HON. JUSTICE EMMANUEL AKOMAYE AGIM & (4) HON. JUSTICE JOSEPH WOWO** (*APPLICANTS*) and **REPUBLIC OF THE GAMBIA** (*DEFENDANT*) was filed by the Applicants and registered by the Court on 11th day of January, 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicants:

**HON. JUSTICE JOSEPH IKPELA,
MR. HILARY U. ABEKE,
HON. JUSTICE EMMANUEL AKOMAYE AGIM
HON. JUSTICE JOSEPH WOWO**

All Nigerians former judicial officers at The Gambia at different times.

The Address for Service is
C/o of Their Solicitors
Messrs. OLOWOLAFE & CO
House No. 2,
19, Ebitu Ukiwe Street,
Jabi-Abuja.

b. Name and address of Defendant:

**REPUBLIC OF THE GAMBIA,
C/o the Attorney General,
of the Republic of The Gambia,
Ministry of Justice,
Marina Parade,
Banjul, the Gambia.**

2. SUBJECT-MATTER OF THE PROCEEDINGS

- a. The Violation of rights and freedom of the Applicants, as enshrined in Articles 1,2,3,4 and 7 of the African Charter on Human and People's Rights.
- b. Violation of Applicants rights as enshrined in Articles 2, 6, 8,10 and 11(1) of Universal Declaration of Human Rights.
- c. Violation of Applicants rights as enshrined in Section 6 of the Truth, Reconciliation and Reparations Commission (TRRC) Act 2017.
- d. Violation of Applicant rights as enshrined in Section 24 of the Constitution of The Gambia as Amended.

3. ORDERS SOUGHT BY THE APPLICANTS

- a. THAT the recommendation that the Applicants be banned from holding public office in The Gambia is a violation of their rights to fair hearing.
- b. THAT the names of the Applicants should be expunged from the lists of persons banned from public office in the Defendant's Commission report.
- c. A DECLARATION that the inclusion of the names of the Applicants in the list of persons to be banned from public office in the Defendant Commission report is a Violation of the Applicants rights to fair hearing.
- d. AN ORDER compelling the Defendant to tender a written apology to the Applicants for including their names in the list of persons banned from public office which has seriously affected the reputation of the Applicants and such apology must be published in all the major newspapers in The Gambia.
- e. AN ORDER to pay the Applicants Fifty Million Dollars (USD 50,000,000) each for the violation of the rights to fair hearing
- f. AN ORDER to pay the Applicants the sum of Fifty million Dollars (USD 50,000,000) for the mental and emotional trauma caused to the Applicants based on the effect of the publication of the Defendant's Commission report plus 6 % interest per annum.
- g. A DECLARATION that the Defendant pay successful Attorney fees

4. SUMMARY OF THE PLEAS-IN-LAW

The Applicants relied on following provisions to bring the Application:

- a. ARTICLE 9(4) Supplementary Protocol of the Community Court of Justice of Economic Community of West African States;
- b. Article 10(d) Supplementary Protocol of the Community Court of Justice of Economic Community of West African States;
- c. Article 1,2,3,4 and 7 of African Charter of Human and People's rights;
- d. Article 2, 6, 8, 10 and 11(1) of the Universal Declaration of Human Rights;
- e. Section 6 of the Truth, Reconciliation and Reparations Commission Act 2017;
- f. Section 24 of the Constitution of the Republic of The Gambia 1997 as Amended;

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. That the Defendant mentioned their names as persons to be BANNED from holding public office even though they were never invited to defend themselves of any allegation levelled against them.
- b. The Applicants state that banning them from holding any public office is indicative of punitive measure for wrongdoing or an act of misconduct and attracts social stigma and public odium.
- c. That they have never engaged in any wrongdoing or misconduct to warrant any punishment from the Defendant.
- d. The Applicants state that as judicial officers there are procedures under the Gambian Constitution to handle any misconduct or wrongdoing of a Judge and it involves inviting the judicial officer to defend the allegation against him or her.
- e. The Applicants further state that it is their fundamental human rights to fair hearing to be invited to defend themselves of any allegation against them if any at all before any decision can be made against them as provided by both National and International laws.

DATED THIS 20th DAY OF JANUARY, 2022.

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/02/22

BETWEEN

MR. ALLOFA CODJO KOSSI _____ *APPLICANT*

AND

THE REPUBLIC OF BENIN/AJT _____ *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. ALLOFA CODJO KOSSI (APPLICANT) AND THE REPUBLIC OF BENIN/AJT (DEFENDANT)**, was filed by the Applicant and registered by the Court on the 12th day of January 2022.

1. NAMES AND ADDRESSES OF PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicant:

MR. ALLOFA CODJO KOSSI,

a traditional medical practitioner, who has been in detention at the ***Maison d'arrêt de Cotonou (Bénin)***, who is represented by Maître Alexandrine F. SAIZONOU-BEDIE lawyer registered with the Court of Appeal in Cotonou (Bénin);

b. Name and address of Defendant:

STATE OF BENIN,

represented by the ***Agent Judiciaire du Trésor*** (State Judicial Agent in the Public Treasury Office) in Cotonou;

2. SUBJECT-MATTER OF THE PROCEEDINGS

Applicant requests from the Court as follows :

- a. TO FIND that since 5th October 2010, Mr. ALLOFA Codjo Kossi has been detained at the ***Maison d'arrêt de Cotonou (Bénin)*** without any Court judgment;
- b. TO FIND that the conditions of his incarceration do not afford him any conducive framework for his physical and sexual fulfilment;
- c. TO FIND that as such, he is arbitrarily deprived of the warmth and love of his wife and children;
- d. TO FIND that this situation seriously infringes upon Applicant's human rights;
- e. TO FIND that the State of Benin failed in its obligation to protect Applicant's right to be tried within reasonable period by an impartial tribunal, as well as his right to equal and full protection of the law;

- f. TO FIND that the Defendant State violates the provisions of Articles 3 and 7 of the African Charter on Human and Peoples' Rights, Article 8 of the Universal Declaration of Human Rights;
- g. TO ORDER his outright release, and order the State of Benin to pay Applicant the sum of twenty-five million (25.000.000) CFA francs, as damages.

3. ORDERS SOUGHT BY THE APPLICANT

The orders sought by the Applicant are pursuant to the above-stated subject-matter

4. SUMMARY OF THE PLEAS-IN-LAW

In support of his claims, Applicant invokes the violation of the following legal instruments:

- a. Articles 8, 15, 17, 18 and 26 of the Constitution of the State of Benin;
- b. Articles 3, 6 and 7 of the African Charter on Human and Peoples' Rights; and
- c. Article 8 of the Universal Declaration of Human Rights.

5. SUMMARY OF THE MAIN ARGUMENTS BY APPLICANT

Applicant avers that his detention is abnormally long, and that it violates a certain number of both national legislations, as well as international legal instruments, especially, as the Constitutional Court of his country (Bénin) has declared that the right to be tried within reasonable period is violated. Applicant holds that the Judicial Authorities have violated Applicant's right to fair trial within reasonable period, since he has been behind bar for eleven years now without any Court judgment. He claims the sum of 25.000.000 CFA Francs for abusive detention.

DONE IN ABUJA, THIS 20TH DAY OF JANUARY, 2022

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 NO: ECW/CCJ/APP/03/22

BETWEEN

RAMAGLIA GUISEPPE & ANOR. _____ *APPLICANTS*

AND

REPUBLIC OF CÔTE D'IVOIRE _____ *DEFENDANT*

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 **RAMAGLIA GUISEPPE & ANOR. (APPLICANTS)** AND **REPUBLIC OF CÔTE D'IVOIRE (DEFENDANT)** was filed by the Applicants and registered by the Court on the 13th day of January 2022.

1. NAMES AND ADDRESSES OF PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicants:

RAMAGLIA GUISEPPE & ANOR.

The Applicants are represented by *SCPA Oré-Diallo & Associés*, Lawyers registered with the Court of Appeal of Abidjan. Address: Domiciled at Abidjan, Commune de Cocody, Cité Villas Cadres, Villa BT 83, Angle Sud-Ouest des Rues C62 et C37. Telephone: 22.44.26.02. Fax: 22.44.04.03. Postal Address: 08 BP 1215 Abidjan 08.

b. Name and address of Defendant:

REPUBLIC OF CÔTE D'IVOIRE

sued through the Ministry of Finance and the Economy, represented by the Judicial Officer of the Treasury, domiciled at its office location at Abidjan, Commune de Plateau, Immeuble du Trésor au 4ème Etage, BP V 163 Abidjan.

2. SUBJECT-MATTER OF THE PROCEEDINGS

The Applicants plead that it may please the Court to:

- a. Declare the Application admissible;
- b. Declare that it has jurisdiction to adjudicate on the case;
- c. Find that the Defendant State violated:
 - i. **The right to freedom and security:** as guaranteed under Article 6 of the African Charter on Human and Peoples' Rights (ACHPR); Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR); and Article 9 of the 1948 Universal Declaration of Human Rights (UDHR);

- ii. **The right to presumption of innocence:** as guaranteed under Article 14(2) of the ICCPR; Article 7(1) (b) of the ACHPR; and Article 11(1) of the UDHR;
 - iii. **The right to be tried in reasonable time:** as guaranteed under Articles 9(3) and 14(3) (c) of the ICCPR; and Article 7(1) (d) of the ACHPR;
 - iv. **The right to property:** as guaranteed under Article 14 and related provisions of the ACHPR; and Article 17 of the UDHR.
- d. **In reparation**, the Applicants **plead** that it may please the Court to order the Republic of Côte d'Ivoire to:
- i. Cease all violation of their human rights, by way of automatic release from prison; restitution of all their confiscated assets and properties, movable and immovable, physical and non-physical, which were expropriated by the Defendant State upon disputed court decisions;
 - ii. Annul immediately of all the measures of unjust seizure of the companies **SCI Italivoire** and **Regina Margherita** belonging to the Applicants, under unjust court orders issued by the investigating judge; and immediately annul all the measures of seizure of movable and immovable assets, physical and non-physical, personally belonging to the Applicants;
 - iii. Pay to each of the Applicants, the sum of 1 Billion CFA Francs as a lump sum for all the harms caused each of them;
 - iv. Comply with the judgment within thirty (30) days after service of notice of such judgment;
 - v. Notify the Court of the complete implementation of the judgment thus pronounced, within thirty (30) days after expiration of the time given for execution of the judgment.
 - vi. Order the Respondent State to pay the entire cost.

3. SUMMARY OF THE PLEAS-IN-LAW

In support of their complaints against the Republic of Côte d'Ivoire, the Applicants invoke:

- a. Article 6, 7 and 14 of the African Charter on Human and Peoples' Rights;
- b. Article 7, 9 and 14 of the International Covenant on Civil and Political Rights; and
- c. Articles 9, 11 and 17 of the Universal Declaration of Human Rights.

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicants are Italian citizens, they were arrested and put in custody for: international drug trafficking, illegal possession of firearms and criminal association.
- b. Consequently, their properties were seized. They claim that the Defendant State violated their right to freedom and security, their rights to presumption of innocence, to trial within reasonable time, and to property.
- c. It was for this reason that they brought their case before the ECOWAS Court of Justice, asking the Court to find violation of their fundamental human rights, as enumerated above, and the award of damages on their behalf.
- d. The Applicants ask the Court for the reliefs sought, as stated above under "Subject-Matter of the Dispute".

DATED THIS 9th DAY OF MAY 2022.

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/04/22

BETWEEN

MR. DIAWARA OUMAR _____ *APPLICANT*

AND

REPUBLIC OF COTE D'IVOIRE _____ *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. DIAWARA OUMAR (APPLICANT)** AND **REPUBLIC OF COTE D'IVOIRE (DEFENDANT)** was filed by the Applicant and registered by the Court on the 13th day of January 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. **MR. DIAWARA OUMAR**

Mr DIAWARA Oumar, born on 25 October 1978 in Pointe Noire (Congo), of Congolese nationality, company director, domiciled in Abidjan in the Republic of Côte d'Ivoire, represented by Maître Géraldine ODEHOURI-KOUDOU, Maître DAGBO Esther Désirée, and Maître Diallo Souleymane, SCPA ORE-DIALLO, Tel: 22 41 20 01/ 22 00 27 22 WhatsApp 00 (225) 07 08 00 24 24, emails: cabinetodehourik@gmail.com, estherdagbo@yahoo.fr, dialoulci@yahoo.com.

} *APPLICANT*

b. **REPUBLIC OF COTE D'IVOIRE**

Acting through the Minister of Economy and Finance, represented by the Judicial Agent of the Treasury (AJT), with an address in Abidjan Commune du Plateau, derrière le 1er arrondissement, immeuble du Trésor au 4ème étage, BP V 163 Abidjan, Tel : 20.25.38.15 Fax : 20.30.25.28

} *DEFENDANT*

2. SUBJECT-MATTER OF THE APPLICATION

- a. FIND the violation of the Applicant's rights resulting from the violation of the provisions of a judgment of the ECOWAS Court of Justice in his favour;
- b. FIND also the violation of his right to a fair trial, especially the right to defence, the right to be judged by a competent and impartial court and the right to property;
- c. Finally, FIND and put an end to the violation of the Applicant's human rights by the reiteration of the annulment of all the acts of prosecution and the annulment of the decision of criminal and pecuniary conviction, and the restitution of all his property seized or of which he has been dispossessed;

- d. ORDER the Defendant State to pay the Applicant the sum of 30,076,796,560 billion CFA francs for the material damages suffered and 3,000,000,000 billion CFA francs as compensation for moral damages;
- e. And finally, to ORDER the Defendant State to bear the costs.

3. SUMMARY OF THE PLEAS-IN-LAW

In support of his claims, the Applicant invokes the following relevant legal provisions:

- a. On the violation of the right to property, Article 17 of the Universal Declaration of Human Rights (UDHR), which states that "Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property";
- b. Also Article 14 of the African Charter on Human and Peoples' Rights (ACHPR) which states that: "The right to property shall be 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. And finally, the provisions of Resolution 60/147 adopted by the United Nations General Assembly on 16 December 2005, which set out the fundamental principles concerning compensation for victims of human rights violations.
- d. Fundamental principles concerning reparation for victims of gross human rights violations.

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant, a beneficiary of a decision of the Community Court dated 22 October 2021 (Judgment No. 34/2021) between him and the Republic of Côte d'Ivoire, maintains that despite the service of this judgment on 26 October 2021 by the Court Registry, followed by a court order to pay dated 12 November 2021 containing various fines, the Ivorian State convicted the Applicant on the basis of new charges (complicity in misuse of corporate assets and money laundering), subsequently sentencing him to 20 years' imprisonment and more than twenty billion francs.
- b. The sentence was accompanied by a ban on entry into Côte d'Ivoire and the confiscation of all his assets and companies.
- c. The Applicant states that it was in view of this new harassment by the Defendant State that he applied to the Court to have the persistence of the violation of his rights noted and to have it sanctioned.
- d. It follows from the above that the Applicant requests that the Defendant State be ordered to pay the sum of thirty billion seventy-six million seven hundred and ninety-six thousand five hundred and sixty (30,076,796,560) CFA francs for the material harm suffered, and the sum of three billion (3,000,000,000) CFA francs for the non-material harm suffered, and to pay the costs of the proceedings to the Defendant State.

DATED THIS 30TH DAY OF JANUARY 2022.

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/05/22

BETWEEN

**THE INCORPORATED TRUSTEES OF THE SOCIO-ECONOMIC
RIGHTS AND ACCOUNTABILITY PROJECT (SERAP)**

[Suing for itself and on behalf of concerned Nigerians] _____ *APPLICANTS*

AND

THE FEDERAL REPUBLIC OF NIGERIA _____ *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 **THE INCORPORATED TRUSTEES OF THE SOCIO-ECONOMIC RIGHTS AND ACCOUNTABILITY PROJECT - SERAP (APPLICANTS)** AND **THE FEDERAL REPUBLIC OF NIGERIA (DEFENDANT)** was filed by the Applicants and registered by the Court on the 17th day of January, 2022.

1. NAMES AND ADDRESSES OF PARTIES

The names and addresses of the parties are as follows:

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

**SOCIO-ECONOMIC RIGHTS AND ACCOUNTABILITY
PROJECT (SERAP)**

18, Bamako Street,
Wuse Zone 1, Abuja,
Nigeria.

b. *Name and address of Defendant:*

THE FEDERAL REPUBLIC OF NIGERIA

C/o Attorney-General of the Federation,
Federal Ministry of Justice,
Abuja, Nigeria.

2. SUBJECT-MATTER OF THE PROCEEDINGS

The violation of the rights to economic and social development, right to general satisfactory environment favourable to development, right to dignity of human person, right to disposal of natural resources and wealth in the overall interest of the people, right to health and right to education contained in Articles the African Charter on Human and Peoples' Rights and the International Covenant on Economic Social and Cultural Right, 1966.

3. ORDERS SOUGHT BY THE APPLICANTS

- a. A DECLARATION that the failure of the Defendant to halt its continuous borrowing amounts to breach of the Applicants' and other Nigerians' rights to enjoyment of socio economic and cultural rights, social security, adequate standard of living, health, education, economic, social and cultural development and general satisfactory environment favourable for development

guaranteed respectively under Articles 2, 9, 11, 12 & 13 of the International Covenant on Economic, Social and Cultural Rights, and Articles 15, 16, 17, 22 and 24 of the African Charter on Human and Peoples' Rights.

- b. A DECLARATION that the failure of the Defendant to halt its continuous borrowing is amounts to breach the Defendant's legal obligations, particularly under Articles 15, 16, 17, 22 and 24 of the African Charter on Human and Peoples' Rights, and Articles 2, 9, 11, 12 & 13 of the International Covenant on Economic, Social and Cultural Rights.
- c. AN ORDER directing and compelling the Defendant to issue an immediate moratorium on borrowing and immediately halt further borrowing by the Federal Government and the 36 states to address a systemic debt crisis, prevent retrogressive economic measures, and the disproportionately negative impact of unsustainable debt on the most vulnerable and marginalized Nigerians.
- d. AN ORDER directing and compelling the Defendant to conduct assessment of the borrowing by governments since 1999 to address the dire consequences of unsustainable debts on people and communities across Nigeria, and to ensure that borrowing at all levels of government considers the human rights impacts.
- e. AN ORDER directing and compelling the Defendant to publish details of spending of loans obtained by the Nigerian Government since 1999 including the list of projects and locations of any such projects on which the loans have been spent.
- f. AN ORDER directing and compelling the Defendant to adopt ensure effective measures to address transparency and accountability gaps in spending of loans, and the systemic and widespread corruption in ministries, departments and agencies, as documented by the Office of the Auditor-General of the Federation, including in the 2019 Audited Report.
- g. AN ORDER OF PERPETUAL INJUNCTION restraining the Defendant and its agents from continuously embarking on unsustainable borrowing except and otherwise the human rights impact assessment of the previous borrowings is conducted and recommendations fully implemented.
- h. SUCH FURTHER orders the Honorable Court may deem fit to make in the circumstances of this suit.

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. That according to reports and available evidence, the Defendant through the Senate and House of Representatives on 14th and 15th December, 2021 approved the loans of \$5,803,364,553.50 and a grant component of \$10 Million US Dollars under the 2018 - 2020 External Borrowing (Rolling) Plan of the Federal Government.
- b. That the failure of the Defendant to curb its inordinate, persistent and unsustainable borrowing has caused diversion of significant portions of the national budget to servicing of national and domestic debts and has precipitated stringent economic measures on Nigerians and the aggravated socio-economic status of Nigerians. The persistent and unsustainable borrowing and its effect of Nigerians amounts to violation of the rights of Nigerians to economic, social and cultural rights, development, satisfactory environment favourable to their development, disposal of natural resources and wealth in their overall interest, health and education. These rights are guaranteed in Articles 1, 2, 6, 9, 12 & 13 of the International Covenant on Economic, Social and Cultural Rights and Articles 1, 5, 15, 16, 17, 21, 22 & 24 of the African Charter on Human and Peoples' Rights.

- c. That the Defendant has also violated the right of Nigerians to adequate standard of living contrary to the provision of the Articles 2 & 11 of the International Covenant on Economic, Social and Cultural Rights.
- d. That Nigeria is also a state party to regional and international treaties and conventions which protect right to adequate standard of living under the provision of the Articles 2 & 11 of the International Covenant on Economic, Social and Cultural Rights; and right to development under Articles 1, 2, 3, 4, 5, 6, 7, 8, 9 & 10 of the Declaration of Right to Development.
- e. That it is therefore apparent that the Defendant's inordinate desire for loans and persistent borrowing have progressively asphyxiated the wellbeing and conditions of living of Nigerians, thereby adversely violating the human and socio-economic and cultural rights of the people.

DONE IN ABUJA, THIS 2ND DAY OF FEBRUARY 2022.

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/06/22

BETWEEN

**LIGUE TOGOLAISE DES DROITS
DE L'HOMME (LTDH) & 7 ORS.**

_____ *APPLICANTS*

AND

THE REPUBLIC OF TOGO

_____ *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 **LIGUE TOGOLAISE DES DROITS DE L'HOMME (LTDH) & 7 ORS**, (*APPLICANTS*) AND **THE REPUBLIC OF TOGO** (*DEFENDANT*), was filed by the Applicants and registered by the Court on the 18th day of January 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

- | | | |
|---|---|-------------------|
| <p>a. LIGUE TOGOLAISE DES DROITS DE L'HOMME (LTDH) AND 7 ORS all Togolese nationals represented by Maître Darius Totékpo-Mawu Kokou ATSOO, Lawyer registered with the Bar in Lomé, Togo.</p> | } | <i>APPLICANTS</i> |
| <p>b. THE REPUBLIC OF TOGO
Whose address is the seat of power in Lomé, Boulevard du Mono 2 Avenue du Général de Gaulle; taken in the person of its Legal Representative, Minister of Justice, and Liaising Minister with State Institutions, living and domiciled in his office in Lomé.</p> | } | <i>DEFENDANT</i> |

2. SUBJECT-MATTER OF THE PROCEEDINGS

Applicants solicit that may it please the Community Court of Justice, ECOWAS:

- a. To HOLD jurisdiction and examine the alleged violations of Plaintiffs/Applicants' human rights, by the State of Togo;
- b. To DECLARE the present initiating Application as admissible;
- c. To DECLARE AND ADJUDGE that there was violation of Plaintiffs/Applicants' rights;
- d. To ORDER the Defendant State to pay the sums of money detailed as follows as damages, for all prejudices suffered:
 - i. fifty million (50.000.000) CFA francs to each of the Plaintiffs/Applicants Association, i.e. the sum total of two hundred and fifty million (250.000.000) CFA francs;
 - ii. two hundred million (200.000.000) CFA francs to Mr. ATCHOLI KAO Monzolouwè B. E;
 - iii. two hundred million (200.000.000) CFA francs to Mr. KAMINGH Piabalo;
 - iv. three hundred million (300.000.000) CFA francs to Mr. AMENUVEVE Basile.

3. SUMMARY OF THE PLEAS-IN-LAW

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

- a. Articles 4, 6, 8, 11 and 12 of the African Charter on Human and Peoples' Rights;
- b. Articles 2, 13, and 20 of the Universal Declaration of Human Rights of 10th December 1948;
- c. Articles 9 and 12 of the International Covenant on Civil and Political Rights;
- d. Articles 13, 21, 22, 30, and 50, together with paragraph 5 of the preamble of the Constitution of Togo of 14 October 1994;
- e. Articles 1 and 2 of the UN Resolution 53/144 on «Declaration on the Rights of Individuals, groups and Civil Society Organisations in the promotion and protection of Human Rights and universally recognised Fundamental Liberties.»

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

Plaintiffs/Applicants aver that:

- a. On 1st August 2020, the Political Movement known and called ***Dynamique Monseigneur Kpodzro***, that is composed of political parties and Civil Society Organisations that were in support of Mr. Gabriel Mensah Kodjo AGBÉYOMÉ in the Presidential Polls of 22nd February 2020 in Togo called a procession within the framework of the contestation of the results of the said election, and to request for the establishment of the truth concerning the elections.
- b. On the day of the procession, persons who were in their majority the youth, male and female, armed with knives, machetes in most cases, were stationed in various corners of streets in Lomé, the capital of Togo.
- c. This practice was not the first of its kinds; it was used first in 2005 (with a heavy price paid for it, in terms of loss in human lives counted to be between five hundred and a thousand deaths, among the civilians, according a UN Report), in 2012 and just recently in 2017 during the manifestation organised by the opposition political parties and civil society organisations, within the framework of asking for the implementation of constitutional, institutional and electoral reforms. That the consequences of the use of such practice were seriously wounded, mutilated and handicapped for life, and loss of human lives.
- d. That no judicial procedure was initiated by the competent authorities, for these militia men who operated barefaced, besides security officers to be tried and punished pursuant to the extant laws of Togo, and the international obligations that the State of Togo has subscribed to.
- e. Consequently, Plaintiffs/Applicants solicit that the Honourable Court should find the State of Togo liable for violation of their right to physical and mental integrity, their right to surety and security, their right to free movement, their right to freedom of association, and their right to meetings and holding manifestations

DONE IN ABUJA, THIS 2ND DAY OF FEBRUARY 2022.

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/07/22

BETWEEN

- | | | |
|---|---|-------------------|
| <ol style="list-style-type: none"> 1. PROF. JEAN-PIERRE EZIN AND 2. MR. CLAUDE AKOTEGNON, | } | <i>APPLICANTS</i> |
|---|---|-------------------|

AND

ECOWAS COMMISSION _____ *DEFENDANT*

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 **Prof. Pierre EZIN & ANOR. (APPLICANTS)** AND **ECOWAS COMMISSION (DEFENDANT)**, was filed by the Applicants and registered by the Court on the 18th day of January 2022.

1. NAMES AND ADDRESSES OF PARTIES

The names and addresses of the parties are as follows:

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

**PROF. JEAN-PIERRE EZIN AND
MR. CLAUDE AKOTEGNON,**
both represented by Maître Sadikou Ayo ALAO
Lawyer registered with the Bar in Benin;

b. ***Name and address of Defendant:***

ECOWAS COMMISSION,
located at
101, YAKUBU GOWON CRESCENT,
ASOKORO DISTRICT,
P.M.B. 401,
ABUJA, NIGERIA ;

2. SUBJECT-MATTER OF THE PROCEEDINGS

- a. Applicants REQUEST from the Honourable Court an order on the removal of restrictions on the payment of severance payments as follows:-
 - i. For Prof. Jean-Pierre EZIN: 117.000.000 FCFA;
 - ii. For Mr. Claude AKOTEGNON: 35.000.000 FCFA;
- b. An ORDER on the Chief Registrar of the Court to submit a report on the enforcement of the judgment that will be entered following the judicial procedure, in the instant case;
- c. An ORDER on ECOWAS Commission to bear all costs.

3. ORDERS SOUGHT BY THE APPLICANTS

The orders sought by Applicants are in conformity with the above-stated subject-matter of the proceedings.

4. SUMMARY OF THE PLEAS-IN-LAW

In support of their claims, Applicants rely on the jurisprudence of the Court as follows:-

- Judgment N° ECW/CCJ/JUD/18/18 and Judgment N° ECW/CCJ/JUD/19/18 both delivered on 29th June 2018.

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENT

Applicants aver that the Judgments delivered by the Honourable Court in their favour have never been enforced by the ECOWAS Commission. They claim that in the judgments under reference, the Honourable Court did hold that for any delay in the settlement of the sums of money decided upon, by the Court, the ECOWAS Commission shall pay 5% of the amounts per month.

DONE IN ABUJA, THIS 2ND DAY OF FEBRUARY 2022.

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/09/18

BETWEEN

ADAM LATIF & 14 ORS. _____ *APPLICANTS*

AND

THE REPUBLIC OF TOGO _____ *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 **ADAM LATIF & 14 ORS (APPLICANTS)** AND **THE REPUBLIC OF TOGO (DEFENDANT)**, was filed by the Applicants and registered by the Court on the 11th day of January 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. **ADAM LATIF & 14 ORS.**

Represented by their Counsels as follows: Me Darius Totékpo-Mawu Kokou ATSOO, Lawyer registered with the Bar in Lomé, Togo, with address at Lomé, Amadahomé, Immeuble ELIZA HOME, 2^e étage 07 BP: 7722 Lomé-Togo; Me Raphael Nyama KPANDE-ADZARE, Lawyer registered with the Bar in Lomé in Togo, "JORAS", Cabinets d'Avocats Associés, quartier Totsi, tronçon Total Totsi-carrefour Limousine, 04 BP: 877, Lomé-Togo; and Me Elom Koffi KPADE, Lawyer registered with the Bar in Lomé Togo, Lomé-Hédzranawoé, Boulevard du Haho en face, côté ouest de la Polyclinique Saint Joseph – 06 BP: 61201-BE Lomé-TOGO .

} *APPLICANTS*

b. **REPUBLIC OF TOGO**

Acting through its Minister of Justice and National Legislation, with address in Lomé-Togo.

} *DEFENDANT*

2. SUBJECT-MATTER OF THE PROCEEDINGS

Applicants request that may it please the Honourable Court

- a. To DECLARE and ADJUDGE that there was violation, by the State of Togo, of the following rights of Applicants: the right to moral and physical integrity, as well as their right not to be subjected to torture and other cruel, inhuman treatments or degrading punishments; the violation of their right not to be detained arbitrarily; the violation of their right to presumption of innocence.

Consequently,

- b. To ENJOIN the State of Togo to take all necessary and urgent measures in ensuring that the perpetrators of the presumed actions of torture, cruel and inhuman or degrading punishments be tried and punished pursuant to the laws in vogue.
- c. To ORDER the State of Togo to pay each of the Applicants, and for the prejudices suffered, owing to acts of torture, cruel, inhuman treatments or degrading punishments, the sum of one hundred millions (150.000.000) CFA francs.
- d. To ORDER the State of Togo to pay each of the Applicants, for all prejudices suffered owing to arbitrary detention and the violation of their right to presumption of innocence that they were subjected to the sum of one hundred million (100.000.000) CFA francs, as reparation.
- e. To ORDER the State of Togo to proceed immediately and without delay, with the unconditional release of Applicants.
- f. To ORDER the State of Togo to bear all costs.

3. SUMMARY OF THE PLEAS-IN-LAW

In support of their claims against the State of Togo, Applicants cite the violations of:

- a. Articles 5, 6 and 7 of the African Charter on Human and Peoples' Rights;
- b. Articles 2, 7, 9, 10 and 14 of the International Covenant on Civil and Political Rights;
- c. Articles 1, 2, 11, 12, 13 and 15 of the UN Convention against torture and other cruel, inhuman punishment or degrading treatments; and
- d. Articles 3, 5, 9 and 11 of the Universal Declaration of Human Rights.

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. Applicants hold grievances against the Defendant State as they accuse it of violating their fundamental human rights, sequel to the public demonstrations of 2017, that lasted well into December 2018, which were violently repressed by the law enforcement agents. Plaintiffs/Applicants aver that the State of Togo violated: their right to physical and mental integrity, their right not to be subjected to torture, and other cruel, inhuman treatments or degrading punishments. Plaintiffs/Applicants further claim that the Defendant State equally violated their right not to be arbitrarily detained, as well as their right to presumption of innocence.
- b. It was in these circumstances that Applicants filed the instant case before the Court and request that the Court finds the violations of their above-stated fundamental rights, and consequently award damages in their favour.
- c. Applicants solicit that may it please the Honourable Court to adjudicate on the above-stated claims as contained in the subject-matter of the Application.

DONE IN ABUJA, THIS 15TH DAY OF FEBRUARY 2022.

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/11/22

BETWEEN

MR. MODIBBO Z. USMAN _____ *APPLICANT*

AND

- | | | |
|--|---|-------------------|
| <ol style="list-style-type: none"> 1. THE COMMISSION OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES 2. THE PRESIDENT OF THE COMMISSION OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATE | } | <i>DEFENDANTS</i> |
|--|---|-------------------|

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. MODIBBO Z. USMAN** (*APPLICANT*) AND **(1) THE COMMISSION OF THE ECONOMIC COMMUNITY OF WEST AFRICAN (2) THE PRESIDENT OF THE COMMISSION OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES** (*DEFENDANTS*) was filed by the Applicant and registered by the Court on 7th day of February, 2022.

1. NAMES AND ADDRESSES OF PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicant:

MR. MODIBBO Z. USMAN
Resident – Abuja
Federal Capital Territory
Federal Republic of Nigeria

b. Name and address of Defendants:

**COMMISSION OF THE ECONOMIC COMMUNITY
OF WEST AFRICAN STATES.**

**THE PRESIDENT OF THE COMMISSION OF THE
ECONOMIC COMMUNITY OF WEST AFRICAN
STATES.**

2. SUBJECT-MATTER OF THE PROCEEDINGS

Sustained violation of the Applicant's right to basic enjoyment of economic and social rights guaranteed by Articles 1, 2, 3, 4 and 5 of the African Charter on Human and Peoples Rights, Articles 2, 3, 8, 12 and 25 of the Universal Declaration of Human Rights, Articles 2, 3, 6, and 26 of International Covenant on Civil and Political Rights; Articles 2, 3, 8, 12 and 25 of the Universal Declaration of Human Rights; 2, 3, 6, and 26 of International Covenant on civil and Political Rights; Articles 2, 3, 5, 10, 11 and 12 of International Economic, Social and Cultural Right, Violation of the Applicant's right to fair hearing and gross violation of Article 69, 67, 69 and 73 of the ECOWAS Staff Regulation.

3. ORDERS SOUGHT BY THE APPLICANT

- a. A DECLARATION that the dismissal of the Applicant by the 1st and 2nd Defendants is arbitrary, null and void same having violated the provisions of the ECOWAS Staff Regulation, the African Charter on Human and Peoples Right and other applicable International Protocols the Defendants are bound by.
- b. A DECLARATION that the stoppage of the Applicant's salary before the exhaustion of the Appeal process is arbitrary, unlawful, null and void and contrary to the provisions of Article 68 (b) of the ECOWAS Staff Regulations.
- c. AN ORDER of this Honourable Court setting aside the dismissal of the Applicant forthwith for being arbitrary, null and void and in violation of the provisions of the ECOWAS Staff Regulations and the African Charter on Human and Peoples rights and other international instruments.
- d. AN ORDER of mandatory injunction restraining the Defendants and or his agents from advertising the Applicant's Post contrary to Article 73(b) of the ECOWAS Staff Regulations pending the hearing and determination of his appeal before this Honourable Court.
- e. AN ORDER of this Honourable Court directing the Defendants to pay forthwith the Applicant his salary arrears and all other entitlements from January 2021 till date.

Or in the alternative;

AN ORDER mandating the Defendants to pay all the Applicant's outstanding entitlements including salary arrears, bonuses, grants inter alia from the date it was last paid till the date judgment is executed and to further pay the sum of 5 Million US Dollars for the violations of the Applicant's rights hereto.

- f. AN ORDER of this Honourable Court restraining the Defendants from violating the rights of the Applicant in any manner whatsoever without due process of law.
- g. AN ORDER of this Honourable Court directing the Defendants to pay over to the Applicant the sum of \$1000. 00 (One Thousand Dollars) only as cost of prosecuting this suit.
- h. And ANY OTHER ORDER OR ORDERS this Community Court of Justice might make in the circumstance of this case.

4. SUMMARY OF THE PLEAS-IN-LAW

- a. Violation of Articles 2, 67, 68, 69, 70, 71, 73 of the ECOWAS Staff Regulations.
- b. Violation of Articles 2, 3, 7, 14, 15, 16 and 19 of the African Charter on Human and peoples' Rights.

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant avers that he is a certified information technology expert with decades of meritorious, unassailable experience in the field of information technology (IT). That he was appointed as a Programme Expert (ICT) with the **Inter- Governmental Action Group (GIABA)**, Dakar, Senegal via a letter of Appointment dated **August 31st, 2006**.
- b. The Applicant avers that he was suspended from office on July 1, 2019 over unproved allegations of irregularities committed in the procurement process at GIABA between 2011 and 2013. That the suspension and complimentary procedure adopted by the Defendants is a violation of the provisions of Article 69 of the ECOWAS Staff Regulations which provides the steps to be carried out before an ECOWAS Staff is subjected to disciplinary procedure.

- c. The Applicant further avers that he was not afforded the right to fair hearing before his suspension as guaranteed by the African Charter on Human and Peoples' Rights, the UN Charter on Human Rights and other International Bills of Rights.
- d. That he was wrongly accused of committing fraud and procurement irregularities and could not be liable for irregularities in any procurement process because he was not a staff of the procurement division and did not carry out procurement functions. That he was never shown any audit report nor any document or evidence evincing proof of any wrong doing committed by him.
- e. The Applicant contends that the indictment without proof is a lucid witch-hunt measure and a means of silencing him for his anti-corruption stand at GIABA. That a total of eight members of the staff of GIABA including the Applicant were suspended on suspicion of conspiracy to commit financial irregularities. The Applicant further contends that in spite of the allegation that the said persons conspired to defraud the GIABA, some of them (3) were exonerated from the allegation by the 2nd Defendant without any reasons adduced for the discriminatory finding while no reason was advanced for the indictment of the Applicant who was jointly charged for the same offence.

DATED THIS 18th DAY OF FEBRUARY 2022.

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/12/22

BETWEEN

Mr. ALEXANDRE DIDIER AMANI _____ *APPLICANT*

AND

THE REPUBLIC OF TOGO _____ *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. ALEXANDRE DIDIER AMANI (APPLICANT) AND THE REPUBLIC OF TOGO (DEFENDANT)**, was filed by the Applicant and registered by the Court on the 8th day of February 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

a. Name and address of Applicant:

Mr. ALEXANDRE DIDIER AMANI an Ivorian national living in Abidjan (Côte d'Ivoire), assisted and represented by Maître Célestin Kokouvi G. AGBOGAN, Lawyer registered with the Court, with address at Angle Rue Konfess et 400 Rue des Gémeaux, Tokoin Forever, en face du Centre de Santé ATES, BP: 2785 Lomé, Tél. 22 26 12 47, Fax. 22 26 70 55 / 90 18 17 57; Email: agbogancelestin@gmail.com and Maître Claude Kokou AMEGAN, Lawyer registered with Bar in Togo, with address at 1147 Rue LITIME SOUZANETIME, Bretelle Rue de l'OCAM, camegan2012@gmail.com

b. Name and address of Defendant:

STATE OF TOGO

Whose address is the seat of power in Lomé, Boulevard du Mono 2 Avenue du Général de Gaulle; taken in the person of its Legal Representative, Minister of Justice, and Liaising Minister with State Institutions, living and domiciled in his office in Lomé.

2. SUBJECT-MATTER OF THE PROCEEDINGS

Applicant solicits that may it please the Honourable Community Court of Justice of ECOWAS:

- a. To DECLARE and ADJUDGE his initiating Application is admissible;
- b. To DECLARE and ADJUDGE that the actions of the police officers of the Defendant State constitute serious violations of the relevant provisions on the right to freedom of movement,

the right to freedom of association, the right to freedom of holding opinion, the right to freedom of expression, and the right to freedom of not to be discriminated against.

- c. TO ORDER the State of Togo to carry out an investigation, with a view to holding the presumed authors responsible and punish them pursuant to the relevant ECOWAS Community legal provisions as well as those of international human rights law.
- d. TO ORDER the State of Togo to pay to Plaintiffs/Applicants the sum of one hundred and fifty million (150.000.000) CFA Francs as damages, pursuant to the relevant ECOWAS Community legal provisions as well as those of international human rights law.

3. SUMMARY OF THE PLEAS-IN-LAW

In support of his claims, Applicant invokes the violation of the following instruments:

- a. Articles 11, 12 of the African Charter on Human and Peoples' Rights;
- b. Articles 2, 13, 19 and 20 of the Universal Declaration of Human Rights;
- c. Article 19 of the International Covenant on Civil and Political Rights;
- d. Articles 2, 3 and 4 of the ECOWAS Protocol Free Movement, the Right to Residence and Establishment within ECOWAS of 29th May 1979;

4. SUMMARY OF THE MAIN ARGUMENTS BY PLAINTIFF/APPLICANT

- a. Applicant avers that as an Ivorian Citizen, he is the National Coordinator of « *Tournons La Page* » (TLP) Côte d'Ivoire. «Tournons La Page» is an international Panafrican Organisation working in the area of the promotion of Democratic Alternative Governance in Africa. This is a non-partisan and peaceful Alliance of more than 200 organisations for the defence of human rights, youth movements, labour unions, religious associations, intellectuals and artists that are henceforth regrouped in ten national coalitions, namely: Burundi, Cameroon, Congo, Côte-d'Ivoire, Gabon, Guinea, Niger, Democratic Republic of Congo, Chad and Togo.
- b. Applicant further avers that in his quality as the National Coordinator of the coalition TLP Côte d'Ivoire, he was invited to participate in an international meeting organised on 15 October 2019 in Lomé to mark the establishment of the new Togolese coalition. On Monday 14 October 2019, at about 15h GMT, Mr. Alexandre Didier AMANI went to the Félix Houphouët Boigny International Airport in Abidjan, to board an Air Côte d'Ivoire flight to Lomé.
- c. Applicant also states that after barding formalities done, he was accosted by a female employee of the company Air Côte d'Ivoire, who informed him that he could not board the plane en route to Togo, and, in the process, the said employee showed him a mail of the C.I.D in Togo in which it was specifically stated that he Applicant was banned from entering Togo. It was also stated that the State of Togo did not justify the reason for Applicant's ineligibility to board a plane from his country, more so as Applicant has fulfilled all requirements to embark on his journey.
- d. Applicant further equally avers that «three other ECOWAS Citizens are also barred from entering Togo.» Through his Regional Assistant Director, Amnesty International held that «this unacceptable ban shows the extent to which the Togolese Authorities can go, to oppose any follow-up on human rights situations done by any independent body.» Thus, Applicant further claims that by banning Applicant from entering into its territory, the State of Togo flagrantly violates fundamental liberties as enshrined under the ECOWAS Community Law, and international Law. Precisely, the State of Togo has, seriously and unjustifiably infringed upon the right to free movement that Applicant is to enjoy within the

ECOWAS landscape, Togo equally violates his right to freedom of association, his right to holding opinion and his right to freedom of expression, and finally, Togo disregards the principle of non-discrimination.

DONE IN ABUJA, THIS 25th DAY OF FEBRUARY 2022.

SIGNED: 

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/13/22

BETWEEN

MR. KARIM TONKO _____ *APPLICANT*

AND

REPUBLIC OF TOGO _____ *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. KARIM TONKO (APPLICANT) AND THE REPUBLIC OF TOGO (DEFENDANT)** was filed by the Applicant and registered by the Court on the 8th day of February, 2022.

1. NAMES AND ADDRESSES OF PARTIES

The names and addresses of the parties are as follows:

a. ***Name and address of Applicant:***

Mr. Karim TONKO,
assisted by Maître Célestin Kokouvi G. AGBOGN and
Maître Claude Kokou AMEGAN, both Lawyers
registered at the Bar of TOGO;

b. ***Name and address of Defendant:***

REPUBLIC OF TOGO,
Lomé, Palais de la Présidence, 2, avenue du Général
de GAULLE, Lomé-Togo, represented by the Minister
of Justice and Relations with the Institutions of the
Republic

2. SUBJECT-MATTER OF THE PROCEEDINGS

- a. Order the Republic of Togo to carry out an investigation to establish liability and punish the alleged perpetrators in accordance with the relevant provisions of ECOWAS and international human rights law.
- b. Order the Republic of Togo to pay the Applicant the sum of one hundred and fifty million (150,000,000) CFA francs as damages, in accordance with the relevant provisions of ECOWAS and international human rights law.

3. ORDER SOUGHT BY THE APPLICANT

This Application for an order shall be in accordance with the Subject-Matter of the dispute specified above.

4. SUMMARY OF THE PLEAS-IN-LAW

In support of his claims, the Applicant relied on the following instruments:

- a. Articles 2 and 3 of the Protocol on the Free Movement of Persons, the Right of Residence and Establishment, ECOWAS zone;
- b. Articles 11 and 12 of the African Charter on Human and Peoples' Rights;
- c. Articles 2, 7, 13, 19 and 20 of the Universal Declaration of Human Rights (UDHR); and
- d. Articles 2 and 19 of the International Covenant on Civil and Political Rights.

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENT

The Applicant claims to have gone to Lomé in Togo to participate in the launch of the organization Tournons la page branche in Togo. According to him, he was denied entry into the territory of the Togolese Republic, adding that he is an ECOWAS citizen. By this ban he believes that his human rights were violated. The Applicant is seeking damages.

DONE IN ABUJA, THIS 28th DAY OF FEBRUARY 2022.

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/14/22

BETWEEN

MR MAIKOUL ZODI _____ *APPLICANT*

AND

REPUBLIC OF TOGO _____ *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. MAIKOUL ZODI (APPLICANT)** AND **THE REPUBLIC OF TOGO (DEFENDANT)** was filed by the Applicant and registered by the Court on the 8th day of February 2022.

1. NAMES AND ADDRESSES OF PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicant:

MR. MAIKOUL ZODI

Represented by his Counsel, Mr. Célestin Kokouvi G. AGBOGAN, Lawyer at the Court, Angle Rue Konfess and 400 Rue des Gémeaux, Tokoin Forever, opposite the Centre de Santé ATES, BP: 2785 Lomé; and Mr. Claude Kokou AMEGAN, Lawyer at the Bar of Togo, 1147 Rue LITIME SOUZANETIME, Bretelle Rue de l'OCAM, opposite the Ministère de la Justice, Lomé

b. Name and address of Defendant:

THE REPUBLIC OF TOGO

With its headquarters in Lomé, at the Palais de la Présidence on the boulevard du Mono, 2 Avenue du Général de Gaulle; acting in pursuit and diligence of its legal representative, the Minister of Justice, residing and domiciled in its offices in Lomé, B.P: 121 Lomé-standard.

2. SUBJECT-MATTER OF THE PROCEEDINGS

- a DECLARE AND ADJUDGE that the actions of the police officers constitute a violation of the relevant provisions on freedom of movement, freedom of assembly, opinion, expression and non-discrimination.

Consequently,

- b ORDER the Republic of Togo to carry out an investigation to establish liability and punish the alleged perpetrators in accordance with the relevant provisions of ECOWAS and international human rights law.

- c. ORDER the Republic of Togo to pay the Applicant the sum of one hundred and fifty million (150,000,000) CFA francs as damages, in accordance with the relevant provisions of ECOWAS and international human rights law.

3. SUMMARY OF THE PLEAS-IN-LAW

In support of his claims against the Republic of Togo, the Applicant alleged the violation of:

- a. Articles 2 and 3 of the Protocol on the Free Movement of Persons, the Right of Residence and Establishment, ECOWAS zone;
- b. Articles 11 and 12 of the African Charter on Human and Peoples' Rights;
- c. Articles 2 and 19 of the International Covenant on Civil and Political Rights; and
- d. Articles 2, 7, 13, 19 and 20 of the Universal Declaration of Human Rights.

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant alleged that the Defendant violated his fundamental rights. Indeed, the Applicant is a citizen of Niger, he maintains that he is responsible for a pan-African movement and as such he was invited to an international meeting in Lomé. He added that when he arrived at the Benin-Togo border, he was denied entry without any reason. The Applicant considered that the actions of the Defendant's police officers towards him constituted a violation of the relevant provisions relating to freedom of movement, freedom of assembly, opinion, expression and non-discrimination.
- b. For this reason, the Applicant applied to the Court to establish the violation of his fundamental rights mentioned above and consequently to be compensated.
- c. The Applicant is seeking the above claims from the Court in the subject-matter of the application.

DONE IN ABUJA, THIS 28th DAY OF FEBRUARY 2022.

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/15/22

BETWEEN

SUNDAY ADEYEMO (A.K.A) SUNDAY IGBOHO _____ *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 SUNDAY ADEYEMO (AKA) SUNDAY IGBOHO (APPLICANT) AND THE REPUBLIC OF BENIN (DEFENDANT)** was filed by the Applicant and registered by the Court on the 11th day of February, 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. ***Name and address of Applicant:***

SUNDAY ADEYEMO (A.KA) SUNDAY IGBOHO

°/o Tosin Ojaomo Esq.

Suit C044 H & A Plaza, Olusegun Obasanjo

Wuye, FCT Abuja, Nigeria.

Republic of Liberia.

b. ***Name and address of Defendant:***

THE REPUBLIC OF BENIN

Embassy of the Republic of Benin,

Plot 328 Diplomatic Drive,

Central Business District,

Abuja, Nigeria.

2. SUBJECT-MATTER OF THE PROCEEDINGS

That the Defendant violated the Applicant's human rights including but not limited to personal liberty, freedom of movement, presumption of innocence, due process and dignity of human person.

3. ORDERS SOUGHT BY THE APPLICANT

a. WHEREFORE, Chief Adeyemo prays for the following from this Honorable Court: Pursuant to Article 59 of Rules of Procedure, an Expedited Procedure and Hearing, regarding the imprisonment and release of Chief Adeyemo.

b. DECLARATION that Benin's actions regarding Chief Adeyemo are unlawful, for:

i. arbitrary arrest and detention,

- ii. violating his freedom of movement,
 - iii. violating his right to an unbiased trial within a reasonable time, and
 - iv. violating his dignity of human person.
- c. AN ORDER for the immediate and unconditional release of Chief Adeyemo, along with his Nigerian passport, pending litigation and determination on damages.
 - d. AN ORDER awarding General damages to Chief Adeyemo, in an amount equivalent to \$1,000,000 (U.S.) for each day that Chief Adeyemo has been imprisoned in Benin, until the date of his release and return of his Nigerian passport, and
 - e. SUCH FURTHER ORDERS as this Honourable Court may deem fit.

3. SUMMARY OF THE PLEAS-IN-LAW

- a. That the Defendant feigning continuous court proceedings as an excuse to imprison and hold the Applicant, without legal basis, and without meaningful due process is a violation of the Applicants' rights as provided under The African Charter on Human and Peoples' Rights, The Universal Declaration of Human Rights, The International Convention on Economic Social and Cultural rights, International Covenant on Civil and Political Rights, and the ECOWAS Revised Treaty.
- b. That by arresting the Applicant, seizing his passport, and holding him a prisoner, constitutes a violation of the Applicants' rights under the African Charter on Human and Peoples' Rights, and the Universal Declaration of Human Rights.
- c. That the arbitrary arrest and continuous imprisonment of the Applicant by the Defendant is in violation of the Applicants' right and a violation of the African charter on Human and Peoples' Rights and other relevant International Instruments.

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. That the Applicant, Chief Adeyemo is a Nigerian citizen of ECOWAS, a husband, father, businessman, philanthropist, political activist, and ultimately, a lover of the Yoruba.
- b. That the Applicant was inspired by insecurity, genocide, and crimes against humanity being perpetuated against the Yoruba People in Nigeria, he emerged as a political activist.
- c. That he advocates for Self-Determination by the Yoruba to ensure the security of the People via independence from Nigeria, seeing the government demonstrated that it cannot be trusted with this duty.
- d. That the Applicant is a leading voice condemning the terrorism suffered by farmers and other rural dwellers in the Southwest region of Nigeria.
- e. That the Applicant started leading peaceful rallies, educating the Yoruba People about self-determination, and the need to have a country independent of the current entity called Nigeria.
- f. That Applicant avers that on Thursday, July 1, 2021, a battalion of Nigerian soldiers attacked him at his home in Soka, Ibadan, where several gunshots were fired at his home, which contained the Applicant, his family, friends, and associates.

- g. The Applicant avers that during the attack, which was executed without a search warrant or an arrest warrant, the soldiers committed murder, and arrested several of the Applicant's visitors, including the popular media personality, Ms. Oluwakemi Ifeoluwa AKA "Lady K."
- h. The Applicant avers that during the attack on the Applicant's home, before the soldiers discovered Lady K's location and arrested her, she started a live stream documenting the ordeal in real time.
- i. The Applicant further avers that in the wake of the Nigerian soldiers' attack, he went into hiding and became a political refugee who escaped Nigeria en route to Germany, by traveling through neighboring Benin Republic.
- j. That on or about Monday, the 19th day of July 2021, Chief Adeyemo's journey was truncated when Benin officials arrested him and his wife at the Cadjehoun Airport in Cotonou; he has since been held prisoner in Benin, without any criminal charges or due process pending in Benin.

DATED THIS 28th DAY OF FEBRUARY 2022.

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/17/22

BETWEEN

1. **COLLECTIF POUR LA VÉRITÉ DES
URNES TOGO DIASPORA**
2. **LE RÉSEAU DE LA COORDINATION DE
LA DIASPORA TOGOLAISE INDÉPENDANTE**

} *APPLICANTS*

AND

THE REPUBLIC OF TOGO _____ *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.) **COLLECTIF POUR LA VÉRITÉ DES URNES TOGO DIASPORA** 2.) **LE RÉSEAU DE LA COORDINATION DE LA DIASPORA TOGOLAISE INDÉPENDANTE** (*APPLICANTS*) AND **THE REPUBLIC OF TOGO** (*DEFENDANT*), was filed by the Applicants and registered by the Court on the 5th day of April 2022.

1. NAMES AND ADDRESSES OF PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicants:

CVU-TOGO-DIASPORA AND CONSORTS (RCDTI),
represented by Maître Kenneth FELIHO du Barreau
de Bruxelles (Belgique);

b. Name and address of Defendant:

THE REPUBLIC OF TOGO
represented by its State Judicial Agent.

2. SUBJECT-MATTER OF THE PROCEEDINGS

Applicants request the Honourable Court:

- a. TO DECLARE the initiating Application filed by it as admissible;
- b. TO FIND the non-creation of the Senate in Togo between 2005 to 2020, pursuant to the 1992 Constitution of Togo, as amended severally (Law N° 2002-029 of 31/12/2002: art. 51 new that provides that: «the Legislative Power delegated by the People is exercised by a Bicameral Parliament composed of two Houses: the ‘Assemblée Nationale’ (House of Representatives) and The Senate»;
- c. TO FIND the non-existence of The Senate in Togo, between 2005 to 2020, to invalidate its fictitious and illegal existence as unconstitutional and therefore non-existent, as well as all decisions and actions, which were retroactively taken by it, effective from the year 2002;
- d. TO ORDER the immediate and unconditional release of all political prisoners, as well as the annulment of all judicial controls that were arbitrarily made, in the absence of any

judicial investigations, or such controls that were imposed on the concerned persons presumed innocent by the judicial investigations, which are still everlasting, beyond any reasonable period in Togo;

- e. TO ORDER the investigations of various dummy procedures, and the trial of the Togolese security personnel, who are responsible for: 1) common law crimes, 2) offences that are taken to be crimes against the citizens or the Togolese People, 3) crimes against humanity, which, by definition are imprescriptible, including war crimes in times of peace, and 4) various economic offences, untruths about public accounts and corruption against the Togolese People;
- f. TO AWARD damages for the CVU-TOGO-DIASPORA & Anor. (RCDTI), as well as for civil parties and the Togolese citizens, who are the victims of the prejudice that is taken to be a crime against the Togolese People or a crime against humanity;
- g. TO FIND that ECOWAS has failed in its obligation in human rights protection, the preservation of constitutional order and democratic gains;
- h. TO DECLARE and ADJUDGE that: 1) the perpetrators and accomplices of Constitutional, Institutional or military *coups d'Etat*, 2) The serving authorities who block every possibility for change of Government, through the modification of the Constitution, or by installing an unconstitutional and illegal Constitutional Court, as well as 3) the beneficiaries all unconstitutional changes can neither take part in Local, Legislative or Presidential Elections in Togo, nor even be proposed to occupy positions in Togo, or in supranational organisations such as UEMOA (Francophone West African Economic and Monetary Union), UMOA (West African Monetary Union), BCEAO (Central Bank of Francophone West African States) and the African Union, (Article 12 of the Supplementary Act A/SA.13/02/12 on the Regime of Sanctions);
- i. TO ORDER the resignation of the present illegal President of Togo, who came to power through an unconstitutional amendment, pursuant to Articles 1 and 12 of the ECOWAS Protocol on Democracy and Good Governance, as well as Article 23 (5) of the African Charter on Human and Peoples' Rights, which provide respectively that: "any amendment or constitutional revision or legal instruments, which infringes upon the principles of democratic change", to the sanctity of elections and public accounts in Togo are forbidden;
- j. TO ORDER the State of Togo to pay the sum of 3.870.000 Euros to the civil parties, inclusive of their lawyers' appearance fees, in reparation of the physical and moral prejudices suffered (Articles 66 and 69 of the Rules of procedure of the Community Court of Justice, ECOWAS);
- k. TO ORDER the New Authorities in Togo to carry out judicial investigations, with a view to identifying, bringing charges against, and trying the perpetrators of the crimes committed during public manifestations for Democracy in Togo, sequel to the decisions of an "inexistent" Constitutional Court in Togo, which the CCJ, ECOWAS must sanction;
- l. TO ORDER, *in solidum*, due to the principle of continuity of the State, all experts/consultants /and financiers of the State of Togo the multinational companies that supported the principle of an illegal, unconstitutional, and therefore inexistent Constitutional Court, as well as the underlining corruption.

3. ORDERS SOUGHT BY APPLICANTS

The orders sought by Applicants are in consonance with the subject-matter of the litigation, as stated above.

4. SUMMARY OF THE PLEAS-IN-LAW

In support of their claims, Applicants cite the following legal texts: The provisions as contained in the Togolese Constitution, the provisions as contained in the practice directions given to the Chief Registrar of the Court in 2012, Article 7 (1a) of the African Charter on Human and Peoples' Rights, Articles 1 and following of the International Covenant on Civil and Political Rights (ICCPR), Articles 3 and following of the AU Convention on the Prevention and Fight against corruption, as well as all ECOWAS and WAEMU Legal Texts.

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENT

According Applicants, the non-existence of the actions taken by the State of Togo through its administrative and judicial institutions, the unconstitutionality of the Constitutional Court, the annulment of the legality of the Constitutional Court of Togo, followed by the retroactivity of the non-existence of its actions and other reasons justify the instant case that is brought before the ECOWAS Court of Justice, through which they seek that justice must be seen to be served.

DONE IN ABUJA, THIS 20TH DAY OF APRIL 2022.

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/18/22

BETWEEN

ADVOCAID LIMITED _____ *APPLICANT*

AND

THE REPUBLIC OF SIERRA LEONE _____ *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 **ADVOCAID LIMITED (APPLICANT)** and **THE REPUBLIC OF SIERRA LEONE (RESPONDENT)** was filed by the Applicant and registered by the Court on the 12th day of April, 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of parties are as follows:

a) **ADVOCAID LIMITED**

A civil-society organization dedicated to the promotion and protection of human rights, with a particular focus on women's rights. The address of the Plaintiff is 145 Circular Road, Freetown, Republic of Sierra Leone.

} *APPLICANT*

b) **THE REPUBLIC OF SIERRA LEONE**

a Member State of the Economic Community of West African States (ECOWAS).

} *RESPONDENT*

2. SUBJECT-MATTER OF THE PROCEEDINGS

Violation of the fundamental human rights of the public under articles 1, 2, 3(1) and 12 (1) of the African Charter on Human and Peoples' Rights.

3. ORDERS SOUGHT BY THE APPLICANT

- a. A DECLARATION that the Republic of Sierra Leone is legally responsible for the violation of the right to equality and non-discrimination pursuant to Article 2 of the African Charter, right to equality before the law pursuant to article 3 of the African Charter, right to freedom of movement pursuant to Article 12 (1) of the African Charter.
- b. A DECLARATION that the Republic of Sierra Leone has violated its general obligations pursuant to article 1 of the African Charter.
- c. AN ORDER for the Republic of Sierra Leone to repeal its loitering laws.
- d. AN ORDER for the Republic of Sierra Leone to carry out training and sensitization of its law enforcement agents on how to prevent human rights violations while ensuring the security of lives and property.

4. SUMMARY OF THE PLEAS-IN-LAW

- a. **Article 2 of the African Charter** provides that “[e]very individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status”.
- b. **The African Charter in Article 3 (1)** provides that “[e]very individual shall be equal before the law”. *The International Covenant on Civil and Political Rights* in its article 26 states that “[a]ll persons are equal before the law and are entitled without any discrimination to the equal protection of the law. **Mr Mamboleo M Itundamilamba v Democratic Republic of Congo (Communication No 302/05, para 102)**
- c. **Article 12 (1) of the African Charter** provides that “[e]very individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law”. **Article 12 (2)** further provides that “[t]his right may only be subject to restrictions, provided for by law for the protection of national security, law and order, public health or morality. See also **Article 12 (1) of the ICCPR**.
- d. By virtue of the failure to adopt legislative or other measures to recognize the rights and freedoms under the African Charter, the Republic of Sierra Leone has violated its obligations. **Article 1 of the African Charter on Human and Peoples’ Rights, Commission Nationale des Droits de l’homme et des Libertes v Chad**

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant avers that the Public Order Act of 1965 is an Act of Parliament in Sierra Leone, Public Order Act, Section 13 (1)(e) – (f) of the Criminal Procedure Act, Section 31 of the Summary Conviction Offences Ordinance of 1906, together make up the laws on loitering in Sierra Leone.
- b. That in Sierra Leone, poor people going about their normal lives and moving at night are arrested, not because they harm anyone, but just because they are out at night, and subjected to systemic police corrupt practices of sexual and physical violence and demands for bribes of between Thirty Thousand Leones (Le30 000, approximately USD 3) and Five Hundred Thousand Leones (Le500 000, approximately USD 50) to secure their release from police stations without a charge. While people with greater economic means or status, are left untouched and do not face arrests.
- c. That most suspects arrested for loitering are detained at the prisons or correctional centres when they have not been charged to court.
- d. That the Loitering laws are enforced in a discriminatory manner and frequently result in arbitrary and unlawful arrests targeting the poor and marginalized groups in society
- e. That Loitering laws further place the onus on any person deemed undesirable by the police to explain their presence. As such, these laws violate the presumption of innocence and the privilege against self-incrimination.

DONE IN ABUJA, THIS 27TH DAY OF APRIL 2022.

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/19/22

BETWEEN

OGBONNA KAYCEY VINCENT INNOCENT _____ *APPLICANT*

AND

1. CHIEF EMEKA FRANCIS UJAGBA _____ *1ST RESPONDENT*

2. NIGERIA POLICE FORCE _____ *2ND RESPONDENT*

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. OGBONNA KAYCEY VINCENT INNOCENT (APPLICANT)**, **CHIEF EMEKA FRANCIS UJAGBA (1ST RESPONDENT)** AND **THE NIGERIA POLICE FORCE (2ND RESPONDENT)**, was filed by the Applicant and REGISTERED by the Court on 12th April, 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. **MR. OGBONNA KAYCEY VINCENT INNOCENT** } *APPLICANT*
Plot 38 Baatsona
Off Spintex Road
Accra

AND

b. **CHIEF EMEKA FRANCIS UJAGBA** } *RESPONDENTS*
Nigeria

c. **NIGERIA POLICE FORCE** }
Nigeria

2. SUBJECT-MATTER OF THE PROCEEDINGS

The Applicant who resides in Ghana alleges that he was arbitrarily detained for 20days by agents of the 2nd Respondent on the instruction of the 1st Respondent due to contractual differences. He alleges his fundamental human rights had been violated by the Respondents and that there is a further threat to extradite him from Ghana to Nigeria, without following due process.

3. ORDERS SOUGHT BY THE APPLICANT

- a. A restraining order to absolutely restrain the 2nd Respondent and all other relevant authorities from taking any steps to extradite the Applicant from Ghana to Nigeria.
- b. Costs against the Respondents pursuant to Article 66 of the Rules of the Court of Justice of the Economic Community of the West African States.
- c. Any other order (s) that this Honourable Court may deem just and fit.

4. SUMMARY OF THE PLEAS-IN-LAW

Violation of his right to liberty.

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant who is based in Ghana, avers that on the 26th of October, 2020, he entered into a Loan and Exclusivity Agreement with the 1st Respondent based in Nigeria for the grant of a loan amounting to Two Billion Naira (NGN 2,000,000,000), interest free. He alleged that the loan was to be paid within one year but that before the expiration of the year, the 1st Respondent demanded for the complete payment of the full sum.
- b. The Applicant avers that despite all his pleas to 1st Respondent to honour the terms of the loan, the 1st Respondent still insisted on the complete payment of the loan. He avers that when he visited Nigeria in January 2022, the 1st Respondent ensured that the Applicant was arrested by officers of the 2nd Respondent for breach of the contractual agreement which ought to be a purely civil matter.
- c. The Applicant alleged that he was unlawfully detained from 4th - 24th of January, 2022 and that he was only released after he had been tortured into signing an undertaking that he will sell all his properties in Ghana and give the proceeds to the 1st Respondent.
- d. The Applicant alleges that he was escorted to Ghana by officers of the 2nd Respondent to oversee the valuation of his properties in Ghana. He alleged that he has reliable information that the Respondents were attempting to extradite him to Nigeria for him to be perpetually detained arbitrarily, without being charged to Court.

DATED THIS 27TH DAY OF APRIL 2022.

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/20/22

BETWEEN

**THE INCORPORATED TRUSTEES OF THE SOCIO-ECONOMIC
RIGHTS AND ACCOUNTABILITY PROJECT (SERAP)**

[Suing for itself and on behalf of concerned Nigerians] _____ *APPLICANTS*

AND

THE FEDERAL REPUBLIC OF NIGERIA _____ *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 **THE INCORPORATED TRUSTEES OF THE SOCIO-ECONOMIC RIGHTS AND ACCOUNTABILITY PROJECT - SERAP (APPLICANTS)** AND **THE FEDERAL REPUBLIC OF NIGERIA (DEFENDANT)** was filed by the Applicants and registered by the Court on the 19th day of April, 2022.

1. NAMES AND ADDRESSES OF PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicants:

**SOCIO-ECONOMIC RIGHTS AND ACCOUNTABILITY
PROJECT (SERAP)**

18, Bamako Street,
Wuse Zone 1, Abuja,
Nigeria.

b. Name and address of Defendant:

THE FEDERAL REPUBLIC OF NIGERIA

C/o Attorney-General of the Federation,
Federal Ministry of Justice,
Abuja,
Nigeria.

2. SUBJECT-MATTER OF PROCEEDINGS

The violation of the rights to economic and social development, right to general satisfactory environment favourable to development, right to dignity of human person, right to disposal of natural resources and wealth in the overall interest of the people, right to health and right to education contained in Articles the African Charter on Human and Peoples' Rights and the International Covenant on Economic Social and Cultural Right, 1966.

3. ORDERS SOUGHT BY THE APPLICANTS

- a. A DECLARATION that the failure of the Defendant to halt its continuous borrowing amounts to breach of the Applicant's and other Nigerians' rights to enjoyment of socio economic

and cultural rights, social security, adequate standard of living, health, education, economic, social and cultural development and general satisfactory environment favourable for development guaranteed respectively under Articles 2, 9, 11, 12 & 13 of the International Covenant on Economic, Social and Cultural Rights, and Articles 15, 16, 17, 22 and 24 of the African Charter on Human and Peoples' Rights.

- b. A DECLARATION that the failure of the Defendant to halt its continuous borrowing amounts to breach the Defendant's legal obligations, particularly under Articles 15, 16, 17, 22 and 24 of the African Charter on Human and Peoples' Rights, and Articles 2, 9, 11, 12 & 13 of the International Covenant on Economic, Social and Cultural Rights.
- c. AN ORDER directing and compelling the Defendant to issue an immediate moratorium on borrowing and immediately halt further borrowing by the Federal Government and the 36 states to address a systemic debt crisis, prevent retrogressive economic measures, and the disproportionately negative impact of unsustainable debt on the most vulnerable and marginalized Nigerians.
- d. AN ORDER directing and compelling the Defendant to conduct assessment of the borrowing by governments since 1999 to address the dire consequences of unsustainable debts on people and communities across Nigeria, and to ensure that borrowing at all levels of government considers the human rights impacts.
- e. AN ORDER directing and compelling the Defendant to publish details of spending of loans obtained by the Nigerian Government since 1999 including the list of projects and locations of any such projects on which the loans have been spent.
- f. AN ORDER directing and compelling the Defendant to adopt ensure effective measures to address transparency and accountability gaps in spending of loans, and the systemic and widespread corruption in ministries, departments and agencies, as documented by the Office of the Auditor-General of the Federation, including in the 2019 Audited Report.
- g. AN ORDER OF PERPETUAL INJUNCTION restraining the Defendant and its agents from continuously embarking on unsustainable borrowing except and otherwise the human rights impact assessment of the previous borrowings is conducted and recommendations fully implemented.
- h. SUCH FURTHER orders the Honorable Court may deem fit to make in the circumstances of this suit.

4. SUMMARY OF THE PLEAS-IN-LAW

- a. Articles 1, 2, 6, 9, 12 & 13 of the International Covenant on Economic, Social and Cultural Rights;
- b. Articles 1, 5, 15, 16, 17, 21, 22 & 24 of the African Charter on Human and Peoples' Rights;
- c. Articles 2 & 11 of the International Covenant on Economic, Social and Cultural Rights;
- d. Articles 1, 2, 3, 4, 5, 6, 7, 8, 9 & 10 of the Declaration of Right to Development.

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. That according to reports and available evidence, the Defendant through the Senate and House of Representatives on 14th and 15th December, 2021 approved the loans of \$5,803,364,553.50 and a grant component of \$10 Million US Dollars under the 2018 - 2020 External Borrowing (Rolling) Plan of the Federal Government.

- b. That the failure of the Defendant to curb its inordinate, persistent and unsustainable borrowing has caused diversion of significant portions of the national budget to servicing of national and domestic debts and has precipitated stringent economic measures on Nigerians and the aggravated socio-economic status of Nigerians. The persistent and unsustainable borrowing and its effect of Nigerians amounts to violation of the rights of Nigerians to economic, social and cultural rights, development, satisfactory environment favourable to their development, disposal of natural resources and wealth in their overall interest, health and education. These rights are guaranteed in Articles 1, 2, 6, 9, 12 & 13 of the International Covenant on Economic, Social and Cultural Rights and Articles 1, 5, 15, 16, 17, 21, 22 & 24 of the African Charter on Human and Peoples' Rights.
- c. That the Defendant has also violated the right of Nigerians to adequate standard of living contrary to the provision of the Articles 2 & 11 of the International Covenant on Economic, Social and Cultural Rights.
- d. That Nigeria is also a state party to regional and international treaties and conventions which protect right to adequate standard of living under the provision of the Articles 2 & 11 of the International Covenant on Economic, Social and Cultural Rights; and right to development under Articles 1, 2, 3, 4, 5, 6, 7, 8, 9 & 10 of the Declaration of Right to Development.
- e. That it is therefore apparent that the Defendant's inordinate desire for loans and persistent borrowing have progressively asphyxiated the wellbeing and conditions of living of Nigerians, thereby adversely violating the human and socio-economic and cultural rights of the people.

DONE IN ABUJA, THIS 6TH DAY OF MAY 2022.

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/21/22

BETWEEN

SULEIMAN IDRIS _____ *APPLICANT*

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 **SULEIMAN IDRIS (APPLICANT)** AND **ECOWAS COMMISSION (DEFENDANT)** was filed by the Applicant and registered by the Court on 4th day of May, 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

- | | | |
|---|---|------------------|
| <p>a. The Applicant is SULEIMAN IDRIS an Executive Assistant to the Commissioner of Administration and Conference, at the ECOWAS commission, a Nigerian and community citizen of ECOWAS.
c/o Y.B. Usman Esq.
Mildred & Patriarch Attorneys
28 Blantyre Street, Wuse 2, Abuja
Phone: 07032091409, 08056833254
Email:mildred.patriarch@gmail.com</p> | } | <i>APPLICANT</i> |
| <p>b. ECOWAS COMMISSION,
an institution of the
Economic Community of West African State
101, Yakubu Gowon Crescent, Asokoro,
Abuja FCT, Nigeria.</p> | } | <i>DEFENDANT</i> |

2. SUBJECT-MATTER OF THE PROCEEDINGS

- a. Violation of the Applicant's Fundamental right to work and gainful employment contrary to Article 23(1) of the Universal Declaration of Human Rights, Article 6 of the International Covenant on Economic, Social and Cultural Rights and Article 15 of the African Charter on Human and Peoples' Rights.
- b. Violation of the Applicant's Fundamental Rights to freedom from discrimination on the basis of agents of the Respondent namely the Commissioners for Administration & Conference and Personnel abusing their office based on personal vendetta; to revenge against the Applicant on their initial failure to dismiss him from his employment contrary to Articles 2 and 7 of the Universal Declaration of Human Rights, Articles 2 and 26 of the International Covenant on Civil Political Rights and Articles 2 and 3 of the African Charter on Human and Peoples' Rights; all of which guarantees equality before the law and freedom from discrimination.

- c. Violation of the Human Right of the Applicant not to be subjected to all forms of degradation of man, particularly inhuman or degrading punishment and treatment contrary to Article 5 of the African Charter on Human and Peoples Rights.

3. ORDERS SOUGHT BY THE APPLICANT

- a. That the Court having find a violation of his right to employment, should make an ORDER of immediate reinstatement and payment of all his salaries and entitlements for all the period starting from the date of extensions of all the other Executive Assistants contract to the end of the contract in June 2022.
- b. Or on the alternative ORDERS the Defendant to pay all his salaries, entitlements, allowances, particularly severance allowance from the date of his employment in May 2018 to June 2022.
- c. An ORDER that the Defendant pays the sum of \$100, 000.00 (One Hundred Thousand United States of America Dollars) for restitution against the discrimination the Applicant suffered in the Respondent hands.
- d. An ORDER that the Defendant pay \$500, 000. 00 (Five Hundred Thousand United States of America Dollars) compensation to the Applicant for all the moral damages and mental torture and degrading treatment he and the family suffered.
- e. An ORDER that the Defendant pays the Applicant \$20, 000. 00 (Twenty Thousand United States of America Dollars) legal and litigation cost.
- f. An INTEREST CHARGE on any delay in payment to be accessed by the Court.
- g. AND ALL FURTHER ORDER OR ORDERS the Court may deem fit to make in the circumstances.

4. SUMMARY OF THE PLEAS-IN-LAW

The Applicant relied on the following provisions to bring his Application:

- a. Article 33 of the Rules of the Community Court of Justice;
- b. Article 9 and 10 of the Supplementary Protocol A/SP.1/01/05 amending the Protocol (A/P1/7/91) relating to the Community Court of Justice;
- c. Articles 2, 3, 5, 15, and 28 of the African Charter on Human and Peoples Rights;
- d. Articles 2, 7, and 23(1) of the Universal Declaration of Human Rights adopted and proclaimed by General Assembly resolution 217 a (iii) of 10 December 1948;
- e. Articles 2 and 26 of the International Covenant on Civil and Political Rights;
- f. Article 6 of the International Covenant on Economic, Social and Cultural Rights.

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant by a subsequent memorandum of redeployment dated 17th June, 2020 (copy Attached as EXHIBIT D) having been absorbed of any wrong doing was reassured in paragraph number 3 of the memorandum that his "CONTRACT APPOINTMENT IS SPECIFICALLY TIED TO THE TERM OF SERVICE OF Commissioner, General Administration and Conferences" which is originally supposed to end by the 28th February, 2022.
- b. The Authorities of Head of States and Governments in an ordinary session in Abuja, Nigeria on December 12, 2021 extended the tenure of statutory appointees and that of their Executive

Assistants whose tenure are tied to that of their principal and thus confirmed by a memorandum that all executive Assistants tenure should be extended after vetting by Office of the Auditor General of the Commission. In the said memorandum dated February 25th, 2022; The Commissioner of Human Resources listed the Applicants name as number viii amongst the list of the EXECUTIVE ASSISTANTS submitted for vetting for extension of their contract to end in June 2022 by the Auditor General.

- c. However, by twist of event, Applicant aver that he was served a letter of termination of contract of Appointment back dated to the 11th February, 2022 and served onto him on the 1st of March, 2022.
- d. Applicant further states that following from the above, he and his dependants were immediately denied access into all ECOWAS premises without any known infraction or any disciplinary decision by the Commissioner of Human Resources in a memorandum to Commissioner for Administration and Conferences dated 7th March, 2022.
- e. The Applicant aver that having sensed obvious collusion based on personal vendetta by the Commissioners of Human Resources and Administration & Conference who took laws into their hands by orchestrating his unlawful and illegal termination of employment, he wrote Three letters to the President of the Commission between 4th March to 19th April 2022 seeking for his intervention to correct the violations of his rights by his agents but the President decided to remain mute.
- f. Applicant submits that having exhausted all known avenue to seek redress by amicable settlement, he did not receive any response from the office of the President of the commission and has also been denied access to all ECOWAS Premises making it difficult for him to know the exact situation of his status, he has therefore approach this honorable Court to seek redress for the violations of his various rights already listed in the Subject-Matter of the proceedings.

DATED THIS 16TH DAY OF MAY 2022.

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/22/22

BETWEEN

1. **INCORPORATED TRUSTEES OF
OKPAMAKHIN COMMUNITY INITIATIVE**

2. **MR. OYUGBO AIDELOMON**

3. **MR. CAPTAIN EDIARE**

4. **MR. FERDINARD OHIREN**

5. **MR. ISAAC ADUBI**

6. **MRS. JOY ISI EMWANTA**

7. **MR. SUNDAY OGEDENGBE**

8. **MR. ABRAHAM OGEDEGBE**

*(For and on behalf of persons who are farmers and
users of the Owan Benin Compartment 10 and
Iuleha/Ora/Ozalla Forest Reserves
on the Owan Forest Zone [OFZ])*

} *APPLICANTS*

AND

THE FEDERAL REPUBLIC OF NIGERIA _____ *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 **THE INCORPORATED TRUSTEES OF OKPAMAKHIN COMMUNITY & 7 ORS. (APPLICANTS)** AND **THE FEDERAL REPUBLIC OF NIGERIA (DEFENDANT)** was filed by the Applicants and registered by the Court on the 11th day of May, 2022.

1. NAMES AND ADDRESSES OF PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicants:

**INCORPORATED TRUSTEES OF OKPAMAKHIN
COMMUNITY INITIATIVE & 7 ORS.** vbihe Village, Ozalla,
Owan West Local Government Area (LGA)

b. Name and address of Defendant:

THE FEDERAL REPUBLIC OF NIGERIA
The Honorable Attorney-General of the Federation
Federal Ministry of Justice, Federal Secretariat Complex,
Shehu Shagari Way, Abuja
08023193403, maimunashiru@yahoo.com

2. SUBJECT-MATTER OF THE PROCEEDINGS

Violation of the right of indigenous people to food, water and nutrition, the right to land and property, the right not to be deprived of one's means of subsistence, the right to take part in one's cultural life and the right to information.

3. ORDERS SOUGHT BY THE APPLICANT (S)

The Applicants seeks the following orders:

- a. A DECLARATION that the Applicants communities owned and are entitled to use or manage the reserved and deforested part of the Owan Forest Zone and resources therein so as to promote sustainable land management best practices as guaranteed by **Section 20** of the Constitution of Federal Republic of Nigeria of 1999, National Policy on the Environment (Revised) of 2016, **Article 11 (1) & 15** of the International Covenant on Economic and Socio Cultural Rights of 1976, **Article 21** of the African Charter of Human and peoples' Rights, **Section 41 (3)** of the Forestry Law of Bendel State of 1968 and **Section 8 (1) (2)** of Forestry Regulation of 1968
- b. A DECLARATION that the act of the Defendant and its agent to give out 35, 500. 52 hectares of reserved community land of the Owan Forest Zone to big businesses constitutes a misappropriation and or impairment of the right of the Applicants to take part in their cultural and rural life as provided for in **Article 17 (2) & (3) & 22** of the African Charter on Human and Peoples' Rights, **Article 6 & 15** of the International Covenant on Civil & Political Right (ICCPR) 1966 & **Article 1** of the International Covenant on Economic and Socio-Cultural Rights of 1976
- c. A DECLARATION that the failure of the Defendant to release the information sought for in a letter dated 7th day of March 2022 sent by the 1st Applicant to the Defendant seeking for information relating to the identity of the investors and nature of proposed grant on the Owan Forest Zone and a copy of the transcript of the meeting with affected local communities is a breach of its right to information and public records as provided for in **Section 39** of the Constitution of Federal Republic of Nigeria of 1999, **Article 19** of the International Covenant on Civil and Political Rights (ICCPR) of 1966, **Article 13** of United Nations Framework Convention on Climate Change 1994 and **Article 14** of the Universal Declaration of Human Rights (1948)
- d. AN ORDER that the Applicants enjoy the forest land (including the reserved and deforested) and its natural resources in line with the right of indigenous people to land and property and the right not to be deprived of means of subsistence as provided in **Article 1 (2)** of the International Covenant on Economic and Socio-Cultural Rights of 1976 and **Article 21 (5)** of the African Charter on Human and Peoples' Rights of 1966
- e. THE SUM of **N500, 000 (Five Hundred Thousand US Dollars Only)** being money claimed for the breach of the Applicants rights as above.

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. That the 1st Applicant is suing for the violation of the right of its members who are also farmers and other land users within the Owan BC 10 and the Iuleha/Ora/Ora community forests, respectively (being an integral part of the Owan Forest Zone), Edo State, Nigeria. The rights amongst contested in this case includes right to property & forest land, livelihood and environmental conservation sustainability).
- b. That these rights are within the stipulated exceptions for the enforcement of a fundamental right by a legal person.
- c. That taking over indigenous peoples land most times are not carried out in accordance with international human rights law, neither are they undertaken solely for the purpose of promoting the general welfare. See **Article 4** of ICESCR. The amount of the compensation and the time and manner of payment must be just and equitable, inflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances including the current use of land, the history of the acquisition, the market value of the property, the extent of direct state investment and the purpose of the expropriation

- d. The Applicants being the affected populations were not duly consulted in the whole exercise. The 1st Applicant forwarded a request note to the Defendant under the Freedom of Information Act of 2011 and the request was not acted on.
- e. That failure of the Defendant to protect their human rights under international human rights instrument to which the 1st Respondent is a member constitutes a wrongdoing against the Applicants and violates their fundamental human rights as provided for under Articles 1, 3, 4, 6, 23, and 24 of the African Charter, alleging that this is sufficient cause of action.

DONE IN ABUJA, THIS 27TH DAY OF MAY 2022.

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/23/22

BETWEEN

DR. MOMODU KHALIPHA CHAM _____ *APPLICANT*

AND

- | | | |
|--|---|-------------------|
| <ol style="list-style-type: none"> 1. COMMISSION OF THE ECONOMIC COMMUNITY
OF WEST AFRICAN STATES 2. THE PRESIDENT OF THE COMMISSION OF
THE ECONOMIC COMMUNITY OF WEST
AFRICAN STATE | } | <i>DEFENDANTS</i> |
|--|---|-------------------|

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 **DR. MOMODU KHALIPHA CHAM (APPLICANT)** AND **COMMISSION OF THE ECOWAS & ANOR. (DEFENDANTS)** was filed by the Applicant and registered by the Court on the 12th day of May, 2022.

1. NAMES AND ADDRESSES OF PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicant:

DR. MOMODU KHALIPHA CHAM a Gambian citizen.

b. Name and address of Defendants:

ECOWAS COMMISSION,
Asokoro, Abuja.

2. SUBJECT-MATTER OF THE PROCEEDINGS

Sustained violation of the Applicant's right to basic enjoyment of economic and social rights guaranteed by the African Charter on Human and Peoples Rights, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights. Also, the violation of the Applicant's right to fair hearing and gross violation of Article 69, 67 and 73 of the ECOWAS Staff Regulation.

3. ORDERS SOUGHT BY THE APPLICANT

- a. A DECLARATION that the dismissal of the Applicant by the 1st and 2nd Respondents is arbitrary, null and void same having violated the provisions of the ECOWAS Staff Regulation, the African Charter on Haman and Peoples Right and other applicable International Protocols the Respondents are bound by.
- b. A DECLARATION that the stoppage of the Applicant's salary before the exhaustion of the Appeal process is arbitrary, unlawful, null and void and contrary to the provisions of Article 68 (b) of the ECOWAS Staff Regulations.

- c. AN ORDER of this Honourable Court setting aside the dismissal of the Applicant forthwith for being arbitrary, null and void and violative of the provisions of the ECOWAS Staff Regulations and the African Charter on Human and Peoples rights and other international instruments.
- d. AN ORDER of Mandatory Injunction restraining the Defendants and or his agents from advertising the Applicant's Post of Procurement Officer contrary to Article 73(b) of the ECOWAS staff regulations pending the hearing and determination of his appeal before this Honourable Court.
- e. AN ORDER of this Honourable Court directing the Defendants to pay forthwith the Applicant his salary arrears and all other entitlements from January 2021 till date.
- f. AN ORDER of this Honourable Court directing the 1st and 2nd Defendant to reinstate the Applicant back to his position as a Procurement Officer
- g. AN ORDER of this Honourable Court RESTRAINING the Respondents from violating the rights of the Applicant in any manner whatsoever without due process of law.
- h. AN ORDER of this Honourable Court directing the Respondent to pay over to the Applicant the sum of \$100,000. 00 (One Hundred Thousand Dollars) only as cost of prosecuting this suit.
- i. AND ANY OTHER ORDER OR ORDERS this Community Court of Justice might make in the circumstance of this case.

4. SUMMARY OF THE PLEAS-IN-LAW

- a. Violation of Articles 2, 68, 69, 70, 71 of the ECOWAS Staff Regulations.
- b. Violation of Articles 2, 3, 7, 14, 15, 16 and 19 of the African Charter on Human and peoples' Rights.

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. That the Applicant is a certified procurement professional appointed as a procurement officer of the **Inter- Governmental Action Group (GIABA)**, Dakar, Senegal. That the Applicant was unlawfully suspended based on suspicion of irregularities based on a Forensic Audit Report conducted by Ernst and Young U.K in the context of the purchase of IT equipment when he held the position of procurement Officer at GIABA in Senegal, West Africa, where he was stationed from 30th June 2010 to 13th August 2021. That no query was issued to the Applicant to defend the allegations against him before the decision to suspend him was taken in breach of the extant provisions of the ECOWAS Staff Regulations.
- b. That for over a year after the alleged incident, the Defendants did not set up any panel to investigate the allegations leveled against the Applicant contrary to the ECOWAS Staff Regulations.
- c. That the Applicant from the 2nd Defendant inviting him to the ECOWAS JOINT DISCIPLINARY BOARD meeting to consider the said indictment by the forensic audit over indications of financial irregularities or fraud leveled against him which was earlier scheduled to hold at Abuja but later held at Dakar, Senegal on the 9th to 12th day of November, 2020. The said letter was signed by the Commissioner of Human resources and surprisingly, copied to the Chairman of the Joint Disciplinary Advisory Board which is contrary to the ECOWAS Staff Regulations.
- d. That the Joint disciplinary board ought to be an independent body free from any interference from the 2nd Defendant as regards who to steer the committee, the decision and recommendation it considers on any staff.

- e. That the Applicant appeared before the board on the and was given a charge sheet containing the offence leveled against him thus depriving the Applicant of adequate time and facilities to enable him respond to the allegations leveled by the 2nd Defendant.
- f. The Applicant further contends that in spite of the 2nd Defendant's allegation that the some of the staff accused of the same offence were exonerated from the allegation by the 2nd Defendant without any reasons adduced for the discriminatory finding while no reason was advanced for the indictment of the Applicant who was jointly charged for the same offence. The Applicant however discovered that the 2nd Defendant used the instrumentality of his office to disseminate the defamatory message to staff, partners, donors, National Financial Intelligence Unit and other agencies in clear violation of Article 2 of the ECOWAS Staff Regulation.
- g. The Applicant further avers that before he received the decision of the 2nd Respondent on the appeal he submitted his *salaries, allowances and other emoluments was suspended in spite of exercising his right of Appeal in line with Article 73 of the ECOWAS Staff regulation.*
- h. The Applicant states that he was issued with a sanction of dismissal by the 2nd Defendant pursuant to the recommendation of **ECOWAS JOINT DISCIPLINARY BOARD**. The Applicant further states that he appealed the sanction of dismissal by the 2nd Defendant. The Applicant avers that he invoked his right of Appeal under Article 27 and Article 73 of the 1st Defendant's Staff Regulation by requesting a Staff Representative to send a Memorandum of Appeal through the Administrative and Finance Commission to the Council of Ministers on the **15th day of March, 2021**. The Applicant further avers that before he received the decision of the 2nd Respondent on the appeal his salaries, allowances and other emoluments was suspended by the 2nd Defendant since January, 2021 in spite of exercising his right of Appeal in line with Article 73 of the ECOWAS Staff regulation.
- i. The Applicant contends that it was wrong and a clear violation of the ECOWAS staff regulation for the 2nd Defendant to suspend his salaries and emoluments when he had invoked his right of Appeal in compliance with the Staff regulation. The Applicant further states that as a result of the Defendant's cessation of his salaries and other emoluments he has suffered physical and psychological trauma.
- j. The Applicant's claim is principally hinged on non-compliance by the Respondent with provisions of its Staff Rules and Regulations in the violation of right to fair hearing, non-adherence to internal staff rules and regulations, and unfair dismissal.
- k. The Applicant avers that his right to fair hearing and presumption of innocence, right to equal treatment, right to work, equal remuneration for equal pay has been violated.

DONE IN ABUJA, THIS 30TH DAY OF MAY 2022.

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/24/22

BETWEEN

MR. ZADI PHILIPPE _____ *APPLICANT*

AND

- | | | |
|--|----------------------------------|--------------------------|
| <p>1. THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICA (ECOWAS).</p> <p>2. THE COMMISSION OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)</p> | <p style="font-size: 3em;">}</p> | <p><i>DEFENDANTS</i></p> |
|--|----------------------------------|--------------------------|

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. ZADI PHILIPPE (APPLICANT) AND THE CONFERENCE /AUTHORITY OF HEADS OF STATE AND GOVERNMENT & ANOR. (DEFENDANTS)** was filed by the Applicant and registered by the Court on the 24th day of May, 2022.

1. NAMES AND ADDRESSES OF PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicant:

MR ZADI PHILIPPE

An Ivorian national, born on 17/08/1966 in Gagnoa in the Republic of Côte d'Ivoire, domiciled at 8 Rue Etienne DOLET 95340 Persan (France), Tel. +33751291907, email philippe zadi@yahoo.com.

Mariam DIAWARA, member of the Mali Bar Association, located at Rue 603 Porte 116 DARSALAM, BAMAKO-MALI, BP 696/Tel (+ 23) 2022 81 33 /66 74 81 23 / 74 41 22 88 / Fax (+223) 222 81 33, e-mail : mediawaramariam@yahoo.fr

b. Name and address of Defendants:

THE CONFERENCE/AUTHORITY OF HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICA (ECOWAS).

THE COMMISSION OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES.

Represented by the President of the ECOWAS Commission, Mr Jean-Claude Kassi BROU, at his offices in Abuja in the Federal Republic of Nigeria.

2. SUBJECT-MATTER OF THE PROCEEDINGS

Alleges that the immediate closure of the land and air borders between ECOWAS countries and the Republic of Mali is a clear violation of the Articles of the ECOWAS Revised Treaty and the Community Protocols.

3. ORDERS SOUGHT BY THE APPLICANT

- a. DECLARE the application admissible;
- b. DECLARE that it has jurisdiction.
- c. ADJUDGE AND DECLARE that the measures taken on 09 January 2022 by the 4th Extraordinary Session of the ECOWAS Conference/Authority of Heads of State and Government, especially the immediate closure of land and air borders between ECOWAS countries and the Republic of Mali, are a clear violation of Articles 7(3) and 59 of the ECOWAS Revised Treaty, 45 and 46 of Protocol A/SP.1/12/01 of 21 December 2001 on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism of Prevention, Management, Conflict Resolution, Peacekeeping and Security, Article 25 of the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security signed in Lome on 10 December 1999, Protocol A/SP.1/5/79 of Dakar of 25 May 1979 on the free movement of persons, the right of residence and establishment. (Art.2. 1°-3°, Protocol A/P.3/5/82 of 29 May 1982, signed in Cotonou, on the Community Citizenship Code, Protocol A/SP.1/7/86 of Abuja of 1 July 1986 on the right of residence and Protocol A/SP.2/5/90 of Banjul of 29 May 1990 on the right of establishment;
- d. ADJUDGE AND DECLARE ECOWAS liable for the material, financial and moral damages suffered by the Applicant as a result of these measures, which have no Community legal basis;
- e. ORDER ECOWAS to pay to the Applicant the sum of 100 million CFA francs, for all causes of prejudice, under a penalty of 1 million CFA francs from the date of notification of the judgment of the Court.
- f. ANNUL all measures taken by the 4th Extraordinary Session of the ECOWAS Conference/ Authority of Heads of State and Government, held in Accra (Ghana) on 9 January 2022, especially the closure of land and air borders between Member States and the Republic of Mali;
- g. GIVE the Community Commission 30 days to report to the Court on the execution of these measures;
- h. ORDER ECOWAS to pay all the costs of the proceedings.

4. SUMMARY OF THE PLEAS-IN-LAW

- a. Article 9(1) of the Supplementary Protocol A/SP.1/01/05 Amending the Preamble;
- b. Articles 1, 2, 9, 22 and 30 of Protocol A/P.1/7/91 on the Court of Justice of the European Communities;
- c. Articles 7 (3) and 59 of the ECOWAS Revised Treaty;
- d. Articles 45 and 46 of Protocol A/SP.1/12/01 of 21 December 2001 on Democracy and Good Governance, Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security;

- e. Article 25 of the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security;
- f. Art.2. 1°- 30), Protocol A/P.3/5/82 of 29 May 1982, signed in Cotonou and containing the Community's Citizenship Code,
- g. Protocol A/SP.1/7/86 of Abuja of 1 July 1986 on the right of residence; and
- h. Protocol A/SP.2/5/90 of Banjul of 29 May 1990 on the right of establishment.

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. That the Court should retain its material, territorial, temporal and personal jurisdiction to examine the present application and assess its merits;
- b. The present application is not time-barred, and moreover the Applicant is not legally incapacitated in any way, so the Court can only admit the present application;
- c. The measures of closure of land and air borders do not appear in the nomenclature of sanctions provided for in Articles 45 and 46 of Protocol A/SP.1/12/01 of 21 December 2001 on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for the Prevention, Management and Resolution of Conflicts and for the Maintenance of Peace and Security, nor in that of the Protocol Relating to the Mechanism for the Prevention, Management and Resolution of Conflicts and for the Maintenance of Peace and Security signed in Lome on 10 December 1999;
- d. It is clear that the contested decisions have no basis in Community law;
- e. As for the loss, it resulted from the impossibility of returning by air or even by land to Côte d'Ivoire, a border country. The abnormal extension of the stay caused substantial costs, in particular the purchase of a new plane ticket to return to Côte d'Ivoire and France, and additional and unforeseen accommodation costs. In addition, there is evidence of a causal link between the decisions in question and the alleged losses.
- f. The conditions for extra-contractual Community liability having been met, the Court will hold ECOWAS liable for the damage caused by these illegal decisions.

DATED THIS 9TH DAY OF JUNE 2022.

SIGNED:



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/25/22

BETWEEN

MR. IDRISSA DJIBO _____ *APPLICANT*

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 MR. IDRISSA DJIBO (APPLICANT) AND REPUBLIC OF NIGER (DEFENDANT)** was filed by the Applicant and registered by the Court on the 26th day of May 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. Name and address of the Applicant:

IDRISSA DJIBO

Represented by his Counsel Moustapha Amidou Nebie Maman, lawyer registered at the Court, BP 36 Niamey, Banga-Bana district, 5th Arrondissement.

b. Name and address of the Defendant:

REPUBLIC OF THE NIGER

Represented by the State Judicial Agency, in the person of its Director General, located in Niamey, District: Koira-Kano, BP: 841 Niamey-Niger.

2. SUBJECT-MATTER OF THE PROCEEDINGS

- a. ADJUDGE AND DECLARE that the Defendant State failed to fulfil its obligations and violated the human rights of the Applicant;
- b. DECLARE that the detention of Mr. Idrissa Djibo following order N 11/12 of 12 May 2022 of the Litigation Division of the Administrative Court of Niger is arbitrary detention;
- c. DECLARE that his detention is extremely prejudicial to his fundamental rights and order the condemnation of the Republic of Niger for all the aforementioned violations and his release;
- d. ORDER the Republic of Niger to pay Mr. Idrissa Djibo the sum of three hundred million (300,000,000) CFA francs as compensation for the damage suffered as a result of not being tried within a reasonable time. And the sum of ONE HUNDRED AND FIFTY MILLION (150,000,000 FCFA) for compensation for the damage suffered as a result of arbitrary detention;

- e. ORDER the Defendant State to pay the Applicant the sum of twenty million (20,000,000) FCFA for costs and the sum of ten million (10,000,000) FCFA for irreducible costs.

3. SUMMARY OF THE PLEAS-IN-LAW

In support of his claims against the Republic of Niger, the Applicant alleges violations of:

- a. Articles 6 and 7 of the African Charter on Human and Peoples' Rights;
- b. Articles 2, 3, 9 and 14 of the International Covenant on Civil and Political Rights; and
- c. Articles 9 and 10 of the Universal Declaration of Human Rights.

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant is a citizen of Niger; he was charged with the crime of rape and remanded in custody on 10 July 2014. He claims to have been detained for 8 years and 10 months without trial. He maintains that despite the order of the president of the litigation division of the Administrative Court ordering his release, he is still in detention. He claims that his right to be tried within a reasonable time is violated and that his detention is arbitrary.
- b. For this reason, the Applicant brought an action before the ECOWAS Court, seeking a declaration that the above-mentioned fundamental rights were violated and, consequently, that he should be compensated.
- c. The Applicant prays the Court to deal with the above-mentioned claims in the subject-matter of the Application.

DATED THIS 13th DAY OF JUNE 2022.

SIGNED: 

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/26/22

BETWEEN

MR. ABAYOMI BABALOLA _____ *APPLICANT*

AND

REPUBLIC OF IVORY COAST _____ *RESPONDENT*

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. ABAYOMI BABALOLA (APPLICANT) AND REPUBLIC OF IVORY COAST (RESPONDENT)** was filed by the Applicant and registered by the Court on the 16th day of June, 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. Name and address of the Applicant:

MR. ABAYOMI BABALOLA
c/o Falana & Falana's Chambers
Applicant's Solicitors
22 Mediterranean Street,
Imani Estate,
Maitama District, Abuja

b. Name and address of the Respondent:

REPUBLIC OF IVORY COAST,
C/o Attorney General of the Federation.

2. SUBJECT-MATTER OF THE PROCEEDINGS

Violation of rights to life, fair hearing and dignity of Human person guaranteed by Article 1, 2,3,4,5,18 and 23 of the African Charter on Human and Peoples' Rights.

3. ORDERS SOUGHT BY THE APPLICANT

The Applicant therefore seeks the following reliefs:

- a. A DECLARATION that the arrest, detention, trial and conviction of the deceased (**ITUNU BABALOLA**) by the Respondent are illegal as it violates her right to fair hearing as guaranteed by Article 7 of the African Charter on Human and Peoples' Rights.
- b. A DECLARATION that the killing of **ITUNU BABALOLA** by the agent of the Respondent is a violation of the right to life of Itunu Babalola as guaranteed under Article 2, 3, 4,5,18 and 23 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) and the Ivory Coast constitution 2016.

- c. AN ORDER directing the Respondent to pay the sum of \$500 Million to the Applicant as compensation for the unlawful killing of Itunu Babalola.

4. SUMMARY OF THE PLEAS-IN-LAW

- a. ARTICLES 1, 2, 3, 4, 5, 18 and 23 OF THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS AS AMENDED BY ARTICLE 10 OF THE SUPPLEMENTARY PROTOCOL A/SP.1/01/05.
- b. ARTICLE 7 OF THE AFRICAN CHARTER ON HUMAN AND PEOPLES RIGHTS AND ARTICLE 6 & 7 OF THE IVORY COAST CONSTITUTION 2016.
- c. ARTICLE 4 OF THE REVISED TREATY OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) 1993.

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant alleged that the malicious killing of the deceased by the agents of the Respondent is a violation of the right to life of Itunu Babalola as guaranteed under Article 2, 3, 4, 5, 18 and 23 of the African Charter on Human and Peoples' Rights.
- b. That the deceased was kept in the Respondent detention where she was been dehumanized without medical facility and that the duty of due diligence under international law enjoins a State to take action to prevent human rights violations, and to investigate, prosecute and punish them when they occur and the state's failure or omission to take preventive or protective action itself represents a violation of basic rights on the State's part which is because the State controls the means to verify acts occurring within its territory.
- c. That a state party has an obligation to ensure that the victim has an effective remedy available for all victims of violations in the State. That no one including the police officer who maliciously imprison the deceased and the suspect who burgled the deceased house at Bondoukou has been punished for their involvement in the death of the deceased.
- d. That Victims of arbitrary killing are entitled to adequate compensation from the State where the violation was committed. That the Applicant is entitled to damages payable by the Respondent for the unlawful killing of the deceased. That the Respondent is duty bound as provided under Article 1 of the African Charter to investigate, arrest and prosecute the perpetrators of the heinous crime complained of herein and thereafter pay the families/dependents of the deceased adequate compensation.

DONE IN ABUJA, THIS 30TH DAY OF JUNE 2022.

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/27/22

BETWEEN

MR. AMINE MICHEL SAAD _____ *APPLICANT*

AND

STATE OF GUINEA-BISSAU _____ *RESPONDENT*

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. M. AMINE MICHEL SAAD (APPLICANT) AND THE REPUBLIC OF GUINEA-BISSAU (RESPONDENT)**, was filed by the Applicant and registered by the Court on the 16th day of June 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. Name and address of the Applicant:

M. AMINE MICHEL SAAD

of Guinean nationality, jurist and lawyer, residing in Bissau, Guinea-Bissau;

Whose Counsel is Dr. Silvano Armando Sanca, lawyer, registered with the Bar of Guinea-Bissau under no. 251 and domiciled at his law firm AMINE SAAD&ADVOGADOS, located at Avenida Pansau Na Isna, no. 23 C in Bissau,
Telephone: +245 95 539 58 07 and
e-mail: advogados.aminesaadsilvano@gmail.com

b. Name and address of the Respondent:

STATE OF GUINEA-BISSAU

Represented by the Minister of Finance, domiciled at the Ministry of Finance, Avenue Amílcar Cabral, Bissau.

2. SUBJECT-MATTER OF THE PROCEEDINGS

The present Application seeks from the Court

- a. TO FIND that the Respondent State has violated the right to respect for human dignity and the right to an adequate standard of living;
- b. TO FIND a violation of the Applicant's right to equal treatment;
- c. TO FIND a violation of the Applicant's guaranteed right to property;
- d. TO ORDER the Respondent State to pay the Applicant his pension arrears and a life annuity;

- e. Finally, TO ORDER the State of Guinea-Bissau to bear all costs.

3. SUMMARY OF THE PLEAS-IN-LAW

In support of his claims, the Applicant alleges violation of various human rights protected by the following principal international legal instruments:

- a. The human rights violations in question basically concern the principle of human dignity and the right to an adequate standard of living protected by Article 25-1 of the Universal Declaration of Human Rights (UDHR) of 10 December 1948;
- b. Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 16 December 1966;
- c. The right to equal treatment provided for by Articles 2 and 7 of the Universal Declaration of Human Rights (UDHR),
- d. Article 2-1 of the International Covenant on Civil and Political Rights (ICCPR);
- e. Article 3 of the African Charter on Human and Peoples' Rights (ACHPR) of June 1981; and
- f. Finally the guarantee of the right to property provided for by Article 17-1 of the Universal Declaration of Human Rights.

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant, a citizen of Guinea-Bissau, jurist and lawyer, contends that by the effect of Decree No. 5/2014 promulgated on 16 April 2014, and published in the Official Gazette No. 18 of 6 May 2014, he was excluded from the category of persons eligible for a pension and a life allowance even though he worked in the public administration as a Public Prosecutor for many years.
- b. The Applicant's aim is to remedy the injustice of recent years and the need to define a new legal framework for the public administration, in order to guarantee a more satisfactory application of the pension to former public workers.

DATED THIS 30th DAY OF JUNE 2022.

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/28/22

BETWEEN

MAÎTRE TRAORE MOUSSA _____ *APPLICANT*

AND

REPUBLIC OF COTE D'IVOIRE _____ *RESPONDENT*

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 TRAORE MOUSSA (APPLICANT)** AND **REPUBLIC OF CÔTE D'IVOIRE (RESPONDENT)** was filed by the Applicant and registered by the Court on the 17th day of June, 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. Name and address of the Applicant:

MR. TRAORE MOUSSA

Represented by its counsel, SCPA Oré-Diallo & Associés, lawyers registered at the Court of Appeal of Abidjan, residing in Abidjan, Municipality of Cocody, Cité Villas Cadres, Villa BT 83, Angle Sud-Ouest des Rues C62 and C37.

b. Name and address of the Respondent:

REPUBLIC OF COTE D'IVOIRE

In the person of the Minister of the Economy and Finance, represented by the Judicial Agent of the Treasury, located at the former building of the Embassy of the United States of America, in Abidjan, Commune du Plateau, BPV 98 Abidjan.

2. SUBJECT-MATTER OF THE PROCEEDINGS

- a. Find a violation of the right to liberty and security, the right not to be arbitrarily detained;
- b. Find the violation of right to presumption of innocence;
- c. Order the Republic of Côte d'Ivoire to put an end to these ongoing human rights violations by immediately releasing the Applicant;
- d. DECLARE his claim for damages to be well founded;
- e. ORDER the Respondent State to pay the Applicant the sum of eight hundred and fifty million (850,000,000) FCFA in compensation for damages suffered;

- f. GIVE the Republic of Côte d'Ivoire 30 days from the date of notification to comply with the judgment;
- g. DECLARE that the Republic of Côte d'Ivoire shall submit a report on the execution of this judgment to the ECOWAS Court of Justice upon expiry of the 30-day period.

3. SUMMARY OF THE PLEAS-IN-LAW

In support of his claims against the Republic of Côte d'Ivoire, the Applicant alleges violations of:

- a. Articles 6 and 7.1.h of the African Charter on Human and Peoples' Rights; and
- b. Article 9.1 of the International Covenant on Civil and Political Rights.

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant, an Ivorian lawyer, was found guilty of breach of trust and misuse of company assets. He maintains that despite the order of the Correctional Division of the Court of Appeal granting him provisional release, he is still being held in prison to this day. The Applicant considers that his right to liberty and security and his right to the presumption of innocence were violated. He added that he was the victim of arbitrary detention.
- b. For this reason, the Applicant brought an action before the ECOWAS Court seeking a declaration that the above-mentioned fundamental rights were violated and, consequently, that he should be compensated.
- c. The Applicant is seeking from the Court the claims set out above in the subject-matter of the application.

DATED THIS 5TH DAY OF JULY 2022.

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/29/22

BETWEEN

MADAM AFANVI AKUYO _____ *APPLICANT*

AND

THE REPUBLIC OF TOGO _____ *RESPONDENT*

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 MADAM AFANVI AKUYO (APPLICANT) AND THE REPUBLIC OF TOGO (RESPONDENT)**, was filed by the Applicant and registered by the Court on the 1st day of July 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. Name and address of the Applicant:

MADAM AFANVI AKUYO, A Togolese national, born on 30 April 1974, retailer, residing and domiciled in Lomé-Togo, Adamavo district, the Plaintiff is assisted by SCPA FEMIZA ASSOCIES, a law firm, located in Lomé, 390, Rue M'Bomé, Tokoin Tamé, 14 BP 64 Lomé 14, Tel: 93 01 83 56, Email: femiza@femizaassociates.net or ferdinandzohoun@gmail.com

b. Name and address of the Respondent:

THE REPUBLIC OF TOGO
Represented by the Keeper of the Seals, Minister of Justice, residing and domiciled at his offices in Lomé,
Email: minjusticetogo@yahoo.fr

2. SUBJECT-MATTER OF THE PROCEEDINGS

The present Application seeks from the Court:

- a. TO ORDER the Respondent State to carry out an investigation to apprehend those responsible for the acts complained of in order to restore the applicant's honour, pursuant to the provisions of Article 12 of the Convention against Torture of 10 December 1984 and taking into account their gravity under the terms of Article 4 of the same Convention;
- b. TO ORDER the Respondent State to carry out an investigation to apprehend those responsible for the acts complained of in order to restore the Applicant's honour, pursuant to the provisions of Article 12 of the Convention against Torture of 10 December 1984 and taking into account their gravity under the terms of Article 4 of the same Convention;
- c. TO ORDER the State of Togo to pay the Applicant the sum of one hundred million (100,000,000) CFA francs as damages;

3. SUMMARY OF THE PLEAS-IN-LAW

In support of her claims the Applicant relies on the following Articles

- a. Articles 5, 9, 11.1 and 12 of the Universal Declaration of Human Rights of 10 December 1948;
- b. Articles 5, 6 and 7.1.b of the African Charter on Human and Peoples' Rights of 27 June 1981;
- c. Articles 9.1, 9.5, 10.1, 14.2 and 14.3 of the International Covenant on Civil and Political Rights of 16 December 1966;
- d. Article 16.1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984.

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant, of Togolese nationality, states that on 1 April 2020, a state of health emergency lasting three (03) months was decreed by the President of Togo with the aim of combating the spread of COVID-19 in Togo;
- b. To this end, a cash transfer programme called "Novissi" has been set up to support any eligible Togolese citizen who has lost income as a result of the implementation of the pandemic response measures.
- c. The Applicant states that she had lost her telephone at that time and that it had been used by unknown persons for monetary transactions under the Novissi programme.
- d. Having recovered her number after 8 days, she had no idea that she was in possession of a SIM card that had been used for financial transactions.
- e. That on 27 May 2020, she was arrested at her home in the presence of her family and taken by law enforcement officers to the GIPN camp
- f. After she arrived at the GIPN camp, the officers informed her of the charges against her, which included fraud, complicity to commit fraud and criminal conspiracy.
- g. She explains that she was handcuffed night and day and slept on the floor in a cell she shared with men, and that even during her menstrual period she had no sanitary protection or clothing.
- h. She further avers that, after several attempts by her family to contact her, it was only on 6 June 2020, with the help of the NGO Compassion and a group of parishioners for whom the Applicant was working, that her uncle, brother-in-law and a representative of the parish were able to talk to her for about five minutes in the presence of a camp official;
- i. That on 8 June 2020, the Applicant was presented to the press by the DGPJ as a swindler through a report exposing her face and identity in the media
- j. A few days after her transfer, she tested positive for Covid-19 and was transferred to the civil prison in Tsévié;
- k. After being held for six (06) months in Lomé prison, the Applicant was released following an order of partial dismissal issued by the examining magistrate on 05 May 2021 and, surprisingly, four (04) days before that date, she was transferred to a hotel in order to undergo quarantine.

- I. Consequently, the Applicant would like justice to be done and the perpetrators of these acts to be sought out and punished.

DATED THIS 18TH DAY OF JULY 2022.

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 AT ABUJA, NIGERIA.

SUIT N°: ECW/CCJ/APP/31/22

BETWEEN

MRS. KINSOUGBO AMÉLÉ, (MOTHER OF AMEKEYA MATHI) _____ APPLICANT

AND

REPUBLIC OF TOGO _____ 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. KINSOUGBO AMÉLÉ, mother of AMEKEYA MATHIAS (APPLICANT) AND REPUBLIC OF TOGO (DEFENDANT)** was filed by the Applicant and registered by the Court on the 4th day of July 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. **Mrs. KINSOUGBO Amélé, mother of AMEKEYA Mathias**

A national of Togo, born on 24 November 2009, student in CM1 class, living in Zéyi (near Afangnan) in Togo, represented by SCPA FEMIZA ASSOCIES, a law firm registered at the Bar of Togo, located at 390, Rue Mbomé, Tokoin Tamé in Lomé, 14 BP 64 Lomé 14, Tel: 00228 93 01 83 56, E-mail : femiza@femizaassociés.net, or ferdinandzohoun@gmail.com .

} **APPLICANT**

b. **REPUBLIC OF TOGO**

Represented by the Minister of Justice, residing and domiciled in his offices in Lomé, Email: minjusticetogo@yahoo.fr

} **DEFENDANT**

2. SUBJECT-MATTER OF THE PROCEEDINGS

- a. ORDER the Republic of Togo to carry out an investigation to arrest the culprits of the incriminated acts, in accordance with the provisions of Article 12 of the Convention against Torture of 10 December 1984 and with due regard to their seriousness pursuant to Article 4 of the same Convention;
- b. ORDER the Republic of Togo to compensate for the damage suffered, while bearing in mind the relevant provisions of the Convention against Torture, in particular Article 14, as well as the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law adopted by the United Nations General Assembly on 16 December 2005 in its Resolution 60/147, in particular in the form of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition;

- c. ORDER the Republic of Togo to pay the Applicant the sum of **one hundred million (100,000,000) CFA francs** in damages, in accordance with the provisions of Article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 and Article 9/5 of the International Covenant on Civil and Political Rights of 16 December 1966

3. SUMMARY OF THE PLEAS-IN-LAW

In support of her claims, the Applicant relies on the following articles:

- a. Article 3 of the Universal Declaration of Human Rights of 10 December 1948;
- b. Articles 2 (1), 3, 6, 19, 23, 24, 37 and 39 of the International Convention on the Rights of the Child of 1989;
- c. Articles 3(h), 7, 10, 15 and 25 of the Convention on the Rights of Persons with Disabilities (2005);
- d. Articles 5, 14 and 16 of the African Charter on the Rights and Welfare of the Child (1990);
- e. Articles 3, 4, 5 and 6 of the African Charter on Human and Peoples' Rights of 27 June 1981;
- f. The United Nations Convention against Torture of 10 December 1984, taken in the spirit and form;
- g. Articles 7 and 24 para.1 of the International Covenant on Civil and Political Rights of 16 December 1966.

b. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant is a Togolese national. She stated that on 22 October 2017, at around 11 pm, after finishing preparing the food she was going to sell the next day, she lay down inside the mosquito net alongside her son AMEKEYA K. M. Mathias and her daughter, at the spot where she sells food.
- b. At around 2 a.m., she was awakened by the sound of fighting, and noticed a crowd about 100 metres away from where they were sleeping. She approached to ascertain the cause of the commotion and realised that it was a fight between two law enforcement officers and a group of local youths.
- c. As she went back to bed, she saw a green military van arrive carrying a group of law enforcement and security officers;
- d. The vehicle stopped not far from where her son AMEKEYA K. M Mathias was sleeping, while her daughter had woken up and joined her.
- e. The law enforcement and security officers jumped out of the van and started firing tear gas to disperse the crowd. One of the officers fired tear gas into the mosquito net under which her son was standing;
- f. That she tried to rescue her son, but was beaten with a baton and threatened with being shot. That as a result, she and her daughter took refuge in a house next door;
- g. The law enforcement officer then went to the net and shot into it a second time. It was only about 20 minutes after the officer had left that the child could be rescued;
- h. The Applicant said she found her son lying in a pool of blood and crying, with wounds all over his body, his face and left forearm completely shredded. That he had his left forearm amputated and was disabled for life;

- i. The Applicant states that her son is dependent on the assistance of third parties for many of his needs, has psychological trauma, regularly wakes up screaming in the middle of the night and has to face the taunts of his school and neighbourhood mates every day.
- j. Consequently, the Applicant wishes that justice be done for her son and that the authors of these acts be sought and punished.

DATED THIS 20TH DAY OF JULY 2022.

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/32/22

BETWEEN

MRS. DEVE BOSSUA SALEM _____ *APPLICANT*

AND

FEDERAL REPUBLIC OF NIGERIA _____ *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. DEVE BOSSUA SALEM (APPLICANT) AND THE FEDERAL REPUBLIC OF NIGERIA (DEFENDANT)** was filed by the Applicant and registered by the Court on the 7th of July, 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. Name and address of the Applicant:

MRS. DEVE BOSSUA SALEM

C/o CHIEF SEBASTINE T. HON SAN, FCI Arb.
PP: S. T. HON. SAN. & Co. (Lawshield Partners),
No 13B, Muhammadu Buhari Street, Peace Court
Estate, Opposite Living Faith Church, Lokogoma,
F.C.T, Abuja.
Tel: 0803 339 5045,
Emails: sebashon@yahoo.com and
honsebas@gmail.com

b. Name and address of the Defendant:

FEDERAL REPUBLIC OF NIGERIA

C/o the Attorney General of the Federation of Nigeria,
Federal Ministry of Justice,
Shehu Shagari Way, Abuja.

2. SUBJECT-MATTER OF THE PROCEEDINGS

Violation of the Applicant's late husband's right to life as enshrined in Articles 4, 5, 6 and 23(1) of the African Charter on Human and Peoples Rights.

3. ORDERS SOUGHT BY THE APPLICANT

- a. A DECLARATION that the Defendant, through its police officers, acted in breach of the provisions of the African Charter when it arrested, detained and tortured Mr. Henry Tordue Salem to death; and thereafter falsely claimed, with the active support/conspiracy of the staff/employees of Wuse General Hospital, Abuja (a Government-owned Hospital), that the deceased was/had been knocked down by a motor vehicle driven by a hit-and-run driver, Mr. Clement Itoro.

ALTERNATIVELY TO THE ABOVE:

A DECLARATION that the Defendant's police officers were willfully negligent, in that they failed to proactively take steps to secure the life of Mr. Henry Tordue Salem (deceased), when one Mr. Clement Itoro reported to them at a police check point which was not far from the scene of a motor accident, about hitting the deceased with his car, which resulted in his death, which death could possibly have been averted had the police acted with official dispatch and or acted swiftly.

- b. AN ORDER that the Defendant should pay to the Applicant the sum of **2 Million US Dollars**, being the sum the late Henry Tordue Salem would have, if alive till exhaustion of his life expectancy as a Christian, given to the Applicant for her maintenance and the maintenance of their little daughter, MISS AVANNA SALEM.
- c. AN ORDER that the Defendant should pay to the Applicant the sum of **10 Million US Dollars** compensatory damages for the mental and psychological anguish caused her, together with the permanent deprivation of the Applicant of the right to enjoy the love of her life, owing to the unlawful and unconstitutional murder of her husband, Mr. Henry Tordue Salem.
- d. AN ORDER that the Defendant should pay to the Applicant the sum of **5 Million US Dollars** aggravated damages for the illegal detention, torture and the premeditated murder of the late Mr. Henry Tordue Salem by officers of the Nigerian police, who acted in a most reprehensible and unlawful manner/ for willful negligence on the part of the police, who refused, failed or neglected to intervene swiftly to save the life of the deceased.
- e. Interest at the rate of 25% (twenty-five per centum) per annum on any sum/all sums of money awarded by this Honourable Court as monetary judgment, calculated from the date of judgment till the judgment sum is fully liquidated.

4. SUMMARY OF THE PLEAS-IN-LAW

- a. **Article 1 of the African Charter of Human and Peoples Rights** not only requires the State parties thereto to recognise the rights, duties and freedoms enshrined in the Charter, it also commits the States to respect them and also to take measures to give effect to them.
- b. **Article 4 of the African Charter of Human and Peoples Rights.** Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of his right.
- c. **Article 2 of the European Convention on Human Rights**, which provides "*Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law*".
- d. **Article 5 & 6 of the African Charter on Human and Peoples Rights** has imposed on the Defendant a mandatory obligation to take pre-emptive operational measures to protect lives, which duty was breached in this case. Every individual shall have the right to liberty and to the security of his person.
- e. **Articles 4, 5, 6 and 23(1) of the African Charter**, we humbly submit that the Applicant is entitled to compensatory and even punitive damages from the Nigerian State.

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant, alleged that her husband, late Henry Tordue Salem, was not killed by a hit-and-run driver as claimed by the Nigerian police but was murdered by the police.
- b. That the Applicant's husband had died as a result of the willful negligence of the said police, when they refused, failed or neglected to either apprehend Mr. Clement Itoro, the so called hit-and-run driver or compel him to take them to the scene of the accident, with a view to making efforts to save the life of the deceased.

DONE IN ABUJA, THIS 21ST DAY OF JULY, 2022.

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/33/22

BETWEEN

ELHADJ TIDJANI ABOUBACAR _____ *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 **MR. ELHADJ TIDJANI ABOUBACAR** (*APPLICANT*) AND **THE REPUBLIC OF NIGER** (*DEFENDANT*) was filed by the Applicant and registered by the Court on the 1st day of August 2022.

1. NAMES AND ADDRESS OF THE PARTIES:

The names and address of the parties are as follows:

a. **ELHADJ TIDJANI ABUBACAR**

A Nigerien national, with an address in Maradi-Niger, counsel: Maître Aquereburu & Partners, Société d'Avocats Juridique et Fiscale, 777, Av. Kleber DADJO (Immeuble ALICE), 08 B.P. 8989 Lomé 08, Telephone: (00228) 22 21 05 05 and Mr. CHAIBOU Abdourahamane, Lawyer at the Niger Bar, Plot E of Block 5453, WEST-FAISCEAU housing estate, behind the BINETA PRIVATE SCHOOL COMPLEX, BP 10417, Niamey, Republic of Niger, Telephone: (00227)90 43838 37

} *APPLICANT*

b. **THE REPUBLIC NIGER**

Represented by the Director of the State Judicial Agency, B.P 11 404 Niamey-Niger, rue KK – 138 Quartier Koira Kano, Niamey; Tel (00227) 20732284

} *DEFENDANT*

2. SUBJECT-MATTER OF THE PROCEEDINGS

- a. FIND that the Defendant has not taken any steps to comply with the judgment of the Court of 12 December 2012.
- b. DECLARE that such non-execution constitutes, under international human rights law, a continuous violation of the Applicant's rights;
- c. ORDER the Defendant State to pay the Applicant the sum of one billion (1,000,000,000) CFA francs as damages;

3. SUMMARY OF THE PLEAS-IN-LAW

- a. The Applicant, in support of his claims, invokes the provisions of the ECOWAS Treaty, the Supplementary Protocol on to the Court and those of the Rules of the Court:
- b. Whereas, under the terms of Articles 15 (4) and 76 paragraph 2 of the ECOWAS Revised Treaty and Article 19 (2) of the 1991 Supplementary Protocol, the decision rendered by the Court is enforceable and without appeal;
- c. Whereas Article 22(3) of the 1991 Supplementary Protocol on the Court of Justice requires the Member States and the institutions of the Community to take all necessary measures without delay to ensure the execution of the Court's decision;
- d. Article 62 of the Rules of the Court provides that **"The judgment shall be binding from the date of its delivery"**.
- e. The Applicant therefore relied on the case-law of the European Court of Human Rights. Thus, in its judgment of 10 March 2003 (Case: MEHEMI v. The French Republic; application no. 53470/99), the Court decided that there had been a violation by France of Mr. MEHEMI's rights under Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, on the grounds that by definitively banning the Applicant from French territory, his right under the aforementioned Article 8 had been infringed, which obliged the French State to take measures to put an end to the Applicant's removal from his family. At the end of this judgment, France did not take all measures to end the Applicant's removal; the latter again appealed to the European Court on the grounds that the violation of his rights continues despite the first judgment which asked France to end this violation. And that is why the Court condemned France for resisting the execution of its judgment.
- f. The Court must therefore find that the Republic of Niger has not executed the judgment delivered on 12 December 2012 and declare that this non-execution constitutes a continuous violation of the Applicant's rights;

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant, a Nigerien citizen, complains that the Republic of Niger has refused to comply with the judgment of the Court of Justice of ECOWAS of 12 February 2012, in which the ECOWAS Court of Justice declared the Applicant's action to be well-founded and ordered the Republic of Niger to make reparation for the human rights violations and to restore the rights of Mr. Elhadj Tidjani ABOUBACAR and stated that the sum corresponding to this reparation shall bear interest at the BCEAO rate from 10 November 2009.
- b. The Applicant stresses the final nature of the 2012 judgment and states that the Defendant has not taken any steps to ensure compliance with the judgment, but rather has refused to do so, which constitutes a flagrant breach of those international commitments and justifies the present action before the Community Court.

DATED THIS 16TH DAY OF AUGUST 2022.

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/34/22

BETWEEN

Mr. KETOYOU CARLOS KOMLANVI _____ *APPLICANT*

AND

THE REPUBLIC OF TOGO _____ *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. KETOYOU CARLOS KOMLANVI (APPLICANT) AND THE REPUBLIC OF TOGO (DEFENDANT)**, was filed by the Applicant and registered by the Court on the 1st day of August 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. Name and address of the Applicant:

Mr. KETOYOU Carlos Komlanvi of Togolese nationality, Director of publication of "l'Indépendant Express", assisted by Maitre KPADE Koffi Elom, Lawyer at the Bar of Togo, residing at Lomé Hédzranawoé, Boulevard du Haho, opposite the west side of the Polyclinique Saint Joseph, 06 B. P. 61201-BE, Tel: (+228) 22 61 27 70 / Cel: (228) 90 11 72 81, E-mail: belomkpade@gmail.com, NIF: 1001304521; in whose chambers domicile is elected for the present and its consequences.

b. The name and address of the Defendant:

THE REPUBLIC OF TOGO
Represented by the Keeper of the Seals, Minister of Justice, residing and domiciled at his offices in Lomé, Email: minjusticetogo@yahoo.fr.

2. SUBJECT-MATTER OF THE PROCEEDINGS

The present Application seeks from the Court:

- a. TO ORDER the Respondent State to allow the Daily «*L'Indépendant Express*» the continuation of its official activities of information as one of the Togolese Media, without hindrance;
- b. TO ORDER the Defendant to carry out an investigation into the various acts of threats and intimidation to which the Applicant was subjected
- c. TO ORDER the Defendant to carry out an investigation in order to arrest those responsible for the acts in question, pursuant to the provisions of Article 12 of the Convention against Torture of 10 December 1984 and taking into account their seriousness under Article 4 of the same Convention;

- d. TO ORDER the Defendant to provide sufficient and acceptable guarantees of safety for the Applicant to enable him to return to Togo to resume his journalistic activities;
- e. TO ORDER the State of Togo to make reparation for the harm suffered, taking into account the relevant provisions of the Convention against Torture, in particular Article 14, as well as the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law adopted by the United Nations General Assembly on 16 December 2005 in Resolution 60/147, in particular in the form of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition;
- f. TO ORDER the Defendant to pay the Applicant the sum of Two Hundred Million (200.000.000) CFA francs as damages, pursuant to the provisions of Article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 and Article 9/5 of the International Covenant on Civil and Political Rights of 16 December 1966.

3. SUMMARY OF THE PLEAS-IN-LAW

In support of his claims, the Applicant relies on the following Articles:

- a. Articles 7, 9(1), 19(1) and 19(2) of the International Covenant on Civil and Political Rights of 16 December 1966;
- b. Articles 4, 5, 6 and 9 of the African Charter on Human and Peoples' Rights of 27 June 1981;
- c. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984;
- d. Article 19 of the 1948 Universal Declaration of Human Rights;
- e. Principles 1, 9 and 20 of the Declaration of Principles on Freedom of Expression and Access to Information in Africa.

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant, who is the Publishing Director of "*l'Indépendant Express*", is of Togolese nationality. He states that on 28 December 2020, he published an article on his website and via social media entitled: "*Scoop de fin d'année: Femmes ministres interpellées pour vol de cuillères dorées* (End of year scoop: Female Ministers arrested on the theft of gold plated spoons.)"
- b. Following the articles that were published, the Applicant was informed by third parties that he was being sought by law enforcement and security officers who came to his home and workplace. At around 2 p.m. he received a telephone call from an unknown person saying that he wanted to take out a subscription to his newspaper.
- c. In response, he gave him the telephone number of his Sales Manager, Teddy AYIKA, who was subsequently arrested by six (06) law enforcement and security agents who dressed in civilian clothes.
- d. After receiving a summons, he was arrested at his home at around 10.30pm and taken to the Central Intelligence and Criminal Investigation Department. For three (03) days, he was taken out only to be interrogated for several hours with weapons pointed at his face.

- e. That on 31 December 2020, the editor-in-chief of the *Indépendant Express*, Mr. Richard AZIAGUE, signed and issued a press release entitled “Editorial clarification” in which he went back over the applicant’s article, pointing out that it did not concern Togo;
- f. That on the same day, the *Haute Autorité de l’Audiovisuel et de la Communication* (HAAC) issued a summons to the Applicant for 4 January 2021 at 9 a.m.; the Applicant was finally released on 02 January 2021; on 04 January 2021, he complied with the HAAC’s summons.
- g. That in response to this summons, the HAAC by decision N°001/HAAC/21/P referred the matter to the President of the Court of First Instance of Lomé for the withdrawal of the Registration of the Weekly Newspaper “*L’Indépendant Express*” and also ordered the cessation of publication of the said newspaper in all its forms (physical and digital) as from 04 January 2021;
- h. On 08 January 2021, through the intermediary of his Counsel, the Applicant lodged an appeal with the Administrative Chamber of the Supreme Court, seeking the annulment of the HAAC’s decision on the grounds that it was *ultra vires*;
- i. On 15 January 2021, in parallel with these proceedings, the Lomé Court of First Instance handed down its decision granting HAAC’s request to withdraw the registration of the Weekly Newspaper “*L’Indépendant Express*” and to cease publication of the said newspaper in all its forms;
- j. In relation to the applicant’s appeal for annulment before the administrative division of the Supreme Court, the latter handed down its decision on 09 March 2021, dismissing his appeal on the grounds that the HAAC’s decision was legal;
- k. Throughout these events, the Applicant regularly received threats against himself and his family through telephone calls, which led him to go on exile on 05 January 2021 and to be joined later by his family on 12 May 2021;
- l. The Applicant therefore brought an action before the ECOWAS Court of Justice to ensure that his freedom of expression was guaranteed and that those responsible for violating this right were punished.

DATED THIS 16TH DAY OF AUGUST 2022.

SIGNED:



Maître Tony ANENE-MAIDOH
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/36/22

BETWEEN

- | | | |
|--|---|-------------------|
| <ol style="list-style-type: none"> 1. HASSAN KARGBO 2. MOHAMED FORNAH 3. ABIBATU SESAY 4. MOMOH THOLLEY 5. ALIMAMY SILLAH 6. ALIE ABDUL KAMARA 7. JOSEPH KARGBO 8. ALFRED JALLOH | } | <i>APPLICANTS</i> |
|--|---|-------------------|

AND

THE REPUBLIC OF SIERRA LEONE _____ 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 **HASSAN KARGBO & ORS. (APPLICANTS) AND REPUBLIC OF SIERRA LEONE (DEFENDANT)** was filed by the Applicants and registered by the Court on the 8th day of August, 2022.

1. NAMES AND ADDRESSES OF THE PARTIES:

a. Name and address of Applicants:

- i. **Mr. Hassan Kargbo**
No. 22, back of Radio Maria,
Makeni, Republic of Sierra Leone.
- ii. **Mr. Mohamed Fornah**
No. 20, Old Mabanta Road, Makeni,
Republic of Sierra Leone.
- iii. **Ms. Abibatu Sesay.**
No. 22, Teko Road, Makeni, Republic of Sierra
Leone. She is suing on behalf of the Late
Augustine Conteh. Augustine Conteh was Ms.
Sesay's younger brother.
- iv. **Mr. Momoh Tholley.**
No. 4, Savage Square, Makeni, Republic of
Sierra Leone. He is suing on behalf of the Late
Alusine Sesay. Alusine Sesay was Mr. Tholley's
nephew.
- v. **Mr. Alimamy Sillah.**
No. 3, Fofana Street, Makeni, Republic of Sierra
Leone. He is suing on behalf of the Late
Mohamed Sillah. Mohamed Sillah was Mr.
Alimamy Sillah's nephew.

- vi. **Mr. Alie Abdul Kamara.**
No. 17, Freetown Highway, Makeni, Republic of Sierra Leone. He is suing on behalf of the Late Thaimu Kamara. Thaimu Kamara was the elder brother of Mr. Alie Abdul Kamara.
- vii. **Mr. Joseph Kargbo.**
17, Lower John Street, Makeni, Republic of Sierra Leone. He is suing on behalf of the Late Foday Kargbo. Foday Kargbo was the younger brother of Mr. Joseph Kargbo.
- viii. **Mr. Alfred Jalloh.**
No. 15 Eight Corner, Masingbi, Sierra Leone. He is suing on behalf of the Late John Jalloh. John Jalloh was the nephew of Mr. Alfred Jalloh.

b. Names and address of the Defendant

THE REPUBLIC OF SIERRA LEONE,
c/o The Hon. Attorney General and Minister of Justice,
Guma Building, 7 Lamina Sankoh Street,
Freetown, Sierra Leone.

2. SUBJECT-MATTER OF THE PROCEEDINGS

The Violation of the fundamental rights of the Applicants under Articles 1, 4, 5 and 7 (1)(a) of the African Charter on Human and Peoples' Rights; Articles 2 (3), 6 (1) and 7 of the International Covenant on Civil and Political Rights; and Articles 1, 2, 13, 14 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

3. ORDERS SOUGHT BY THE APPLICANTS

The Applicants are therefore seeking the following:

- a. A DECLARATION that the Republic of Sierra Leone has violated the rights of the 1st and 2nd Applicants to security of the person;
- b. A DECLARATION that the Republic of Sierra Leone has violated the right to life of the 1st and 2nd Applicants, as well as the relatives of the 3rd to 8th Applicants who were shot and killed by Sierra Leone Law enforcement agents;
- c. A DECLARATION that the Republic of Sierra Leone has violated the right to a remedy of the 1st and 2nd Applicants, as well as the relatives of the 3rd to 8th Applicants who were shot and killed by Sierra Leone's law enforcement agents;
- d. AN ORDER for the Republic of Sierra Leone to carry out an effective investigation into the incidents of use of force by law enforcement agents in Makeni on 17th and 18th July 2020, and to prosecute all officers found culpable for excessive use of force and other human rights violations;
- e. AN ORDER for the Republic of Sierra Leone to pay to the 1st Applicant financial compensation in the sum of Five Hundred Thousand Dollars only (USD 500, 000), such amount being untaxable;

- f. AN ORDER for the Republic of Sierra Leone to pay to the 2nd Applicant financial compensation in the sum of Three Hundred Thousand Dollars only (USD 300, 000), such amount being untaxable;
- g. AN ORDER for the Republic of Sierra Leone to pay to each of the 3rd to 8th Applicants financial compensation in the sum of Two Hundred and Fifty Thousand Dollars only (USD 250, 000), such amount being untaxable;
- h. AN ORDER for the Republic of Sierra Leone to undertake measures to prevent use of excessive violence by its law enforcement agents in times of peaceful protest, including training, provision of adequate law enforcement tools among others;
- i. ANY FURTHER ORDER or Orders as the Court deems fit to make in the circumstances of this case.

4. SUMMARY OF THE PLEAS-IN-LAW

- a. ARTICLE 33 OF THE RULES OF PROCEDURE OF THE COMMUNITY COURT OF ECOWAS;
- b. ARTICLES 9 (1), 9 (4), 10 (D) AND 12 OF THE PROTOCOL CREATING THE COURT, AS AMENDED BY SUPPLEMENTARY PROTOCOL (A/AS.1/01/05); AND
- c. ARTICLES 1, 4, 5 AND 7 (1)(a), OF THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS;
- d. ARTICLES 2 (3), 6 (1) AND 7 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR); AND
- e. ARTICLES 1, 2, 12, 13, 14 AND 16 OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CAT).

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. Alleged violation of the Applicants' rights by the Republic of Sierra Leone under Articles 1, 4, 5 and 7 (1)(a) of the African Charter on Human and Peoples' Rights; Articles 2 (3), 6 (1) and 7 of the International Covenant on Civil and Political Rights; and Articles 1, 2, 13, 14 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- b. That Sierra Leone's law enforcement agents have caused grave, permanent injuries to the 1st and 2nd Applicants by shooting them. The injuries the 1st and 2nd Applicants continue to suffer by acts of State agents qualifies as a violation of the right to security of the person. This is even more-so as the injuries result from the excessive use of armed force by State agents.
- c. That the failure of the Republic of Sierra Leone to conduct an effective investigation into the circumstances in which the 1st and 2nd Applicants were shot by law enforcement agents, and to initiate prosecution of perpetrators of the unlawful use of force, is an additional violation of the right to security of the person.

DONE IN ABUJA, THIS 24TH DAY OF AUGUST 2022.

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/37/22

BETWEEN

MOHAMED MORLU _____ *APPLICANT*

AND

THE REPUBLIC OF SIERRA LEONE _____ *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 **MOHAMED MORLU (APPLICANT)** AND **THE REPUBLIC OF SIERRA LEONE (DEFENDANT)** was filed by the Applicant and registered by the Court on the 12th day of August, 2022.

1. NAMES AND ADDRESSES OF PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicant:

MR. MOHAMED MORLU

Churchyard Area, off Wilkinson Road,
Freetown, Republic of Sierra Leone.

b. Name and address of the Defendant:

THE REPUBLIC OF SIERRA LEONE,

c/o The Hon. Attorney General and Minister of Justice,
Guma Building, 7 Lamina Sankoh Street,
Freetown, Sierra Leone.

2. SUBJECT-MATTER OF THE PROCEEDINGS

The violation of Applicant's human rights guaranteed under African Charter on Human and Peoples' Rights; the International Covenant on Civil and Political Rights; and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

3. ORDERS SOUGHT BY THE APPLICANT

- a. A DECLARATION that the Republic of Sierra Leone has violated the right of Mohamed Morlu to a remedy and access to justice as provided for in articles 1 and 7 of the African Charter on Human and Peoples' Rights; article 2(3)(a) of the ICCPR; and articles 4, 5, 12, 13 and 14 of the CAT;
- b. A DECLARATION that the Republic of Sierra Leone has violated the right of Mohamed Morlu to security of the human person as provided for in article 6 of the African Charter on Human and People's Rights and article 9 of the ICCPR;
- c. A DECLARATION that the Republic of Sierra Leone is legally responsible for violating the right of Mohamed Morlu to freedom from torture under article 5 of the African Charter; article 7 of the ICCPR and articles 1, 2, 12, 13, 14 and 16 of the CAT;

- d. AN ORDER that the Republic of Sierra Leone should conduct an effective investigation into the shooting of Mohamed Morlu on 23rd March 2017, to identify the perpetrators, and bring them to justice;
- e. AN ORDER for the Republic of Sierra Leone to pay to the Plaintiff financial compensation in the sum of Two Hundred and Fifty Thousand Dollars only (USD 250, 000), such amount being untaxable;
- f. AN ORDER for the Republic of Sierra Leone to bear the cost of Mohamed Morlu's medical treatment for any future surgical intervention to remove the bullet still lodged in his abdomen;
- g. AN ORDER for the Republic of Sierra Leone to undertake measures to prevent use of excessive violence by its law enforcement agents in times of peaceful protest, including training, provision of adequate law enforcement tools among others;
- h. ANY FURTHER ORDER or ORDERS as the Court deems fit to make in the circumstances of this case.

4. SUMMARY OF THE PLEAS-IN-LAW

- a. ARTICLE 33 OF THE RULES OF PROCEDURE OF THE COMMUNITY COURT OF ECOWAS;
- b. ARTICLES 9 (1), 9 (4), 10 (D) AND 12 OF THE PROTOCOL CREATING THE COURT, AS AMENDED BY SUPPLEMENTARY PROTOCOL (A/AS.1/01/05); AND
- c. ARTICLES 1, 5, 6 AND 7 (1)(a), OF THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS;
- d. ARTICLES 2 (3) AND 7 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR); AND
- e. ARTICLES 1, 2, 12, 13, 14 AND 16 OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CAT).

5. SUMMARY OF MAIN SUPPORTING ARGUMENT

That the violation by the Republic of Sierra Leone of the rights of Mohammed Morlu under articles 1, 4, 5 and 7 (1)(a) of the African Charter on Human and Peoples' Rights; Articles 2 (3), 6 (1) and 7 of the International Covenant on Civil and Political Rights; and Articles 1, 2, 13, 14 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

DONE IN ABUJA, THIS 25TH DAY OF AUGUST 2022.

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/38/22

BETWEEN

MR. JONAS KUGBLENU ADUNKE _____ *APPLICANT*

AND

- | | | |
|---|---|-------------------|
| <ol style="list-style-type: none"> 1. COUNCIL OF MINISTERS, ECOWAS 2. THE PRESIDENT OF THE ECOWAS COMMISSION 3. THE HON. COMMISSIONER OF ADMINISTRATION & FINANCE, ECOWAS COMMISSION. | } | <i>DEFENDANTS</i> |
|---|---|-------------------|

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. JONAS KUGBLENU ADUNKE (APPLICANT) AND COUNCIL OF MINISTER, ECOWAS & ORS. (DEFENDANTS)** was filed by the Applicant and registered by the Court on the 16th day of August, 2022.

1. NAMES AND ADDRESSES OF PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicant:

MR. JONAS KUGBLENU ADUNKPE of Angwa
Makama, Masaka, Karu Local Government Area,
Nasarawa State.

b. Name and address of Defendants:

**COUNCIL OF MINISTERS, ECOWAS;
THE PRESIDENT OF THE ECOWAS COMMISSION;
THE HON. COMMISSIONER OF ADMINISTRATION &
FINANCE, ECOWAS COMMISSION.**

101 Yakubu Gowon Crescent,
Asokoro District,
P.M.B 401,
Abuja, F.C.T.,

2. SUBJECT-MATTER OF PROCEEDINGS

Breach of contract of service relating to promotions and review of salaries. Breach of fundamental rights to fair hearing. Wrongful reversal of Applicant's salaries, allowances and other entitlements from G7 to G5. Payment of accumulated difference in salaries, allowances and other entitlements between G7 Step 1 and G5 Step3 calculating from 1/11/2017 to 30/11/2020 on Grade Level G7/ 1 a period of 37 Months. Interest, Damages and cost of the suit thereof.

3. ORDERS SOUGHT BY THE APPLICANT

- a. A DECLARATION that the action of the Defendants in refusing to promote the Applicant and or review his salaries as at when due and without any fault of the Applicant was a

gross violation of Articles 29 (e) & 65 of the ECOWAS Staff Regulation thereby breaching the Applicant's terms of contract of his employment with Defendants.

- b. A DECLARATION that the action of the Defendants in refusing to promote the Applicant as at when due along with his contemporaries was grossly discriminatory and amounts to unfair labour practice.
- c. A DECLARATION that the action of the Defendants which abruptly and unilaterally reverted the Plaintiff's salaries, allowances and other entitlements from G7 Step 1 to G5 Step 3 from 1st November, 2017 till his retirement on 30th November, 2020 without due process and without giving him any reason or explanation whatsoever was illegal and constitute a gross violation of his Fundamental Rights.
- d. A DECLARATION that the Defendants acted arbitrarily and capriciously and in breach of the Applicant's fundamental rights to fair hearing when the Defendants abruptly and unilaterally reverted the Payment of his salaries, allowances and other entitlements from G7 Step 1 to G5 Step 3 from 1st November, 2017 till his retirement on 30th November, 2020 without giving him notice or reason of any wrong doing and without affording the Applicant the opportunity to defend himself before such reversal.
- e. AN ORDER of this Honourable court setting aside the arbitrary decision of the Defendants which abruptly and unilaterally reversed the Applicant's salaries, allowances and other entitlement from G7 Step 1 to G5 Step 3 from 1st November, 2017 till his retirement on 30th November, 2020.
- f. AN ORDER of this Honourable Court directing the Defendants to pay to the Applicant the accumulated differences in arrears of salaries, allowances and other entitlements between G7 Step 1 and G5 Step 3 from 1st November, 2017 to 30th November, 2020 a period of 37 Months as follows:

a. Salaries	28,533.89 UA
b. Separation Allowances (G7 ₁ - G5 ₃) = 18,470.04AU – 13.060.32U	5,409.72 UA
c. 59 Leave Days Committed Cash (G7 ₁ - G5 ₃)= 4,127.77AU – 2,918.81UA	1,208.96 UA
TOTAL 35,152.57 UA	

to be converted to US Dollars at the prevailing exchange rate. See Exhibit "Z" for breakdown.

- g. AN ORDER directing the Defendants to pay the sum of **Two Hundred and Fifty Million Naira (N250, 000,000.00)** to the Applicant for delays and or loss of promotions and breach of the Applicant's terms of contract of employment with the Defendants.
- h. AN ORDER of general damages in the sum of **Two Hundred and Fifty Million Naira (N200, 000,000.00)** for the unimaginable embarrassment, great inconveniences, emotional stress psychological torture, aggravated pains and long sufferings resulting from breach of the Applicant's fundamental rights.
- i. The Applicant also CLAIM 25% interest per annum from 1st day of November, 2017 till date of judgment and 10% interest per annum from the date of judgment until the said judgment sum is liquidated.
- j. We humbly submit that the Applicant further claim the sum of **N3, 000,000.00** as Solicitor's fees.

4. SUMMARY OF THE PLEAS-IN-LAW

- a. ARTICLES 9 (1) (g) & (f), 10 (c), (d) & (e), 12 & 13 OF THE REVISED TREATY OF THE ECOWAS;
- b. SUPPLEMENTARY PROTOCOL (A/SP.1/01/05);
- c. ARTICLES 29 (e), 65 & 73 OF THE ECOWAS STAFF REGULATIONS;
- d. ARTICLES 32 (1) & (4) 33 & 69 (b) OF THE RULES OF THE COMMUNITY COURT OF JUSTICE, ECOWAS AND AFRICAN CHARTER ON HUMAN AND PEOPLES RIGHTS.

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. That the action of the Defendants in refusing to promote the Applicant and or review his salaries as at when due along with his contemporaries and without any fault of the Applicant was a gross violation of Articles 29 (e) & 65 of the ECOWAS Staff Regulations thereby breaching the Applicant's terms of contract of his employment with Defendants. That this was a clear breach of statutory duty on the part of the Defendant, grossly discriminatory and amounts to unfair labour practice.
- b. That in compliance with the enabling Rules and Regulations that governed his employment with the Defendants, the Applicant exhausted all the informal and internal mechanisms through series of letters of appeals to the appropriate authorities hoping that his case would be addressed before his eventual retirement. Unfortunately, all his entreaties fell on deaf ears. And his retirement benefits were calculated based on G5 Step 3 rather than G7 Step 1.
- c. That the Defendants acted arbitrarily and capriciously when they abruptly and unilaterally reverted the payment of the Applicant's salaries, allowances and other entitlement from G7 Step 1 to G5 Step 3 without any recourse to him or allegation of any wrong doing.
- d. That the action of the Defendants is a clear violation of the legal regime of the ECOWAS.

DONE IN ABUJA, THIS 31ST DAY OF AUGUST 2022.

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/39/22

BETWEEN

- | | | |
|---|---|-------------------|
| <ol style="list-style-type: none"> 1. THE INCORPORATED TRUSTEES OF PRINCE & PRINCESS CHARLES OFFOKAJA FOUNDATION, NIGERIA 2. PRINCE & PRINCESS CHARLES OFFOKAJA FOUNDATION, SWITZERLAND | } | <i>APPLICANTS</i> |
|---|---|-------------------|

AND

THE FEDERAL REPUBLIC OF NIGERIA _____ *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 **INCORPORATED TRUSTEES OF PRINCE & PRINCESS CHARLES OFFOKAJA FOUNDATION, NIGERIA & ANOR. (APPLICANTS)** AND **THE FEDERAL REPUBLIC OF NIGERIA (DEFENDANT)** was filed by the Applicants and registered by the Court on the 12th day of August, 2022.

1. NAMES AND ADDRESSES OF THE PARTIES:

a. Name and address of the Applicants:

INCORPORATED TRUSTEES OF PRINCE & PRINCESS CHARLES OFFOKAJA FOUNDATION, NIGERIA & ANOR., are a Non-Governmental Organization established under the Swiss Civil Code. It is a member of the Coalition for the International Criminal Court, CICC.

b. Name and address of the Defendant:

THE FEDERAL REPUBLIC OF NIGERIA,
c/o, The Honourable Attorney-General of the Federation, Attorney-General's Chambers, Federal Ministry of Justice, Federal Secretariat Complex, Shehu Shagari Way, Abuja, Nigeria.

2. SUBJECT-MATTER OF THE PROCEEDINGS

The Violation of the right to development of the Afro American individuals and Peoples of Afro American Majority States in the African Diaspora.

3. ORDERS SOUGHT BY THE APPLICANTS

The Applicants request the following orders:

- a. A DECLARATION that the Defendant has continuously breached Article 22(2) of the African Charter by not formulating, and then executing a policy to bring up Haiti's arbitrarily blocked

2016 application to join the AU as a Member State for consideration of the Assembly of the Union in its ordinary and extraordinary sessions since then in light of Article 9(c) of the Constitutive Act.

- b. AN ORDER Compelling the Defendant to, by a method of its own choosing, including possible invocation of Articles 9(e) and 9(c) of Constitutive Act of the Union, formulate, and then execute a policy to bring up Haiti's arbitrarily blocked application for membership of the African Union for consideration at the next ordinary/extraordinary session of the Assembly of the Union.
- c. AN ORDER Compelling the Defendant to formulate, and then execute policies that bring up any future request by any Majority Afro American State in the African Diaspora whose request for membership of the African Union is arbitrarily blocked before the Assembly of the Union for consideration as soon as possible after such a violation occurs.
- d. AN ORDER Compelling the Defendant to set up a mechanism that invites and encourages non-fugitive Afro American individuals from Afro American Minority States who want to participate Fully in the building of the African Union by granting such Afro Americans (dual) citizenship, to any non-fugitive Afro American who is from an Afro American Minority State in the African Diaspora who requests for the citizenship of the Defendant State because they want to participate Fully in the building of the African Union.
- e. AN ORDER compelling the Defendant to submit a report on its steps to implement this Judgment within one year and six months of Judgment.

4. SUMMARY OF THE PLEAS-IN-LAW

- a. Article 33 of the Rules of the ECOWAS Community Court of Justice ("The Rules");
- b. Articles 11 & 12 of the ECOWAS Court Protocol ("The Protocol");
- c. Article 4 (g) of the Revised Treaty of the Economic community of West African States ("The Revised Treaty")
- d. Article 3(q) of the Protocol On Amendments to the Constitutive Act of the African Union ("The Protocol On Amendments")
- e. Articles 1, 17(2), 21(4), 22(1), 22(2) and 29(8) of the African Charter on Human and Peoples' Rights ("The Charter")
- f. Articles 3(a), (c), (d), (e), (f), (h), (l), (j), (k), (L), 9(c), 9(e); and 29 of the Constitutive Act of the African Union. ("The Constitutive Act")

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. That Article 1 of the United Nations Declaration on the Right to Development states; "The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized."
- b. That Article 3(q) of the Protocol on Amendments to the Constitutive Act of the African Union makes it clear that the **African Diaspora** is an **important part** of the **African Continent** that should be invited and encouraged to participate **Fully** in the building of the African Union. Not giving the Afro Americans their rights under Article 3(q) violates their rights to economic, social and cultural development under Article 22(1) of the African Charter; and the omission of the Defendant to provide an effective remedy to that infringement violates Afro American rights under Article 22(2) of the African Charter.

- c. That the continuing omission of the Defendant to protect and ensure the right to the development of the Afro American individuals and Peoples of the African Diaspora is a violation of Articles 22(1) and 22(2) of the African Charter on Human and Peoples' Rights, also known as the African Charter.

DONE IN ABUJA, THIS 25TH DAY OF AUGUST 2022.

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/40/22

BETWEEN

- | | | |
|--|---|-------------------|
| <ol style="list-style-type: none"> 1. ASSOCIATION MALIENNE DES EXPULSÉS
(MALIAN ASSOCIATION OF EXPELLED PERSONS) 2. NIGERIEN YOUTH FOR SUSTAINABLE DEVELOPMENT | } | <i>APPLICANTS</i> |
|--|---|-------------------|

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 **ASSOCIATION MALIENNE DES EXPULSÉS & ANOR.** (*APPLICANTS*) AND **THE REPUBLIC OF NIGER** (*DEFENDANT*) was filed by the Applicants and registered by the Court on the 12th day of September 2022.

1. NAMES AND ADDRESS OF THE PARTIES:

The names and addresses of the parties are as follows:

a. Name and address of Applicants:

THE ASSOCIATION MALIENNE DES EXPULSÉS

The 1st Applicant is a non-governmental organisation registered under the laws of the Republic of Mali with the objectives of defending the rights of migrants and providing psychological and economic support to migrants.

NIGERIEN YOUTH FOR SUSTAINABLE DEVELOPMENT

The 2nd Applicant is also an organisation, registered under the laws of the Republic of Niger, whose objective is to promote the rights of migrants and victims of human trafficking.

Represented by:

Bashir S. Ahmad (Esq.) & Ibrahim M. Mukhtar (Esq.); Bashir Ahmad & CO., No.3, Ogbia Close, Opp Parkland Golf Club, Off Arochukwu Street, Garki 2, Abuja. 08035515359, Sabash4j@nigerianbar.co

b. Name and address of Defendant:

REPUBLIC OF NIGER

Member State of the Economic Community of West African States (ECOWAS) and subject to the jurisdiction of this Court.

2. SUBJECT-MATTER OF THE PROCEEDINGS

- a. FIND that the Defendant State violated the rights of persons on its territory, detained, expelled, harassed, repelled and impeded the movement of citizens of the community and other migrants within its borders in accordance with international law;

- b. FIND the violation of the right of the Applicants by the treatment of migrants within the borders of the Respondent, including numerous cases of arrest, detention, torture and inhuman treatment by the security agents of the Respondent and by other non-state actors on the territory of the Respondent;
- c. ORDER the respondent State to take measures to ensure the safety, protection and well-being of migrants within its borders in accordance with its obligations under international law;
- d. ORDER the Defendant State to repeal the offending provisions of Law No. 2015-36 in accordance with its obligations under Articles 1 and 12 of the African Charter on Human and Peoples' Rights and Article 2 of Protocol A/P1/5/79 on the free movement of persons, the right of residence and establishment.

3. SUMMARY OF THE PLEAS-IN-LAW

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

- a. Concerning the violation of the right to non-discrimination and equality provided for in Articles 2 and 3 of the African Charter on Human and Peoples' Rights, on the violation of the right to life referred to in Article 4 of the African Charter on Human and Peoples' Rights;
- b. On the violation of the right to respect for human dignity enshrined in article 5 of the African Charter on Human and Peoples' Rights, and the right to an impartial and immediate investigation; articles 12 and 13 of the Convention against Torture;
- c. With regard to the violation of the right to liberty and security of person enshrined in Article 6 of the African Charter on Human and Peoples' Rights, as well as the violation of the right of everyone to have his cause heard enshrined in Article 7 of the African Charter on Human and Peoples' Rights;
- d. And finally on the violation of the right to property (Article 14 of the African Charter), the right to health (Article 16 of the African Charter), the right to education (Article 17 of the African Charter) and the right to protection of the family and vulnerable groups (Article 18 of the African Charter).

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicants argue that according to information collected by UNHCR in April 2022, many people were internally displaced, refugees and returnees. They also argue that since 2015, Niger has come under pressure from international partners to stem the flow of migrants to Europe.
- b. They accused the Defendant State of adopting and implementing Law No. 2015-36 on migrant smuggling, which led to the criminalisation of migratory movements within the country, with consequences for both ECOWAS citizens and transporters and third parties facilitating the illegal entry of migrants into the country.
- c. That the application of this law led to abuses, and the Applicants seek various orders from the Court to put an end to the abuses caused by the implementation of the said law.

DATED THIS 26TH DAY OF SEPTEMBER, 2022.

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/41/22

BETWEEN

M. ABIGUIME MAGULIWÈ & ORS _____ *APPLICANTS*

AND

THE REPUBLIC OF TOGO _____ *RESPONDENT*

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. ABIGUIME MAGULIWÈ & ORS (APPLICANTS) AND THE REPUBLIC OF TOGO (RESPONDENT)* was filed by the Applicants and registered by the Court on the 14th day of September 2022.

1. NAMES AND ADDRESSES OF PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicants:

M. ABIGUIME MAGULIWÈ & ORS

ABIGUIME Maguilwè and others, represented by Maître Kokouvi Gamadiko AGBOGAN and others, Lawyers registered at the Bar of Lomé, Togo, corner of rue Confesse and 400 rue des Gémeaux, Tokoin Forever, BP: 2785, Lomé-TOGO,

E-mail: agbogancestin@gmail.com, Tel: +228 22 51 90 91 / +228 90 29 29 47 (Lead Counsel), with an address for service at the chambers for the purposes of the present document and its subsequent proceedings;

b. Name and address of Respondent:

THE REPUBLIC OF TOGO

Republic of Togo, whose address is in Lomé, at the Palais de la Présidence de la République, 851, avenue de la Présidence, Lomé-Togo, represented by its legal representative, the Garde des Sceaux, Minister of Justice and Legislation.

2. SUBJECT-MATTER OF THE PROCEEDINGS

- a. Find that the Applicants' right to work was infringed;
- b. Further find a violation of the Applicants' right to exercise their trade union freedoms, in particular the right to form and join a trade union organisation and the right to strike;

- c. Finally, find a violation of the right to liberty and the prohibition of arbitrary arrest and detention;
- d. ORDER the Respondent State to immediately and unconditionally release the Applicants;
- e. ORDER the Respondent State to pay each of the Applicants the sum of one hundred and fifty million (150, 000,000) CFA francs by way of compensation for the moral and material damage suffered as a result of the violation of their right to work;
- f. ORDER the Respondent State to pay each of the Applicants the sum of one hundred and fifty million (150, 000,000) CFA francs for damages suffered as a result of the violation of their right to freedom of association, in particular the right to form or join a trade union organisation SET and the right to strike;
- g. ORDER the Republic of Togo to pay to each of KOSSI Kossikan, Joseph TOYOU and Ditorga Sambara BAYAMINA, the sum of two hundred and fifty million (250,000,000) CFA francs for damages suffered as a result of the violation of their rights to freedom and the fact that they were arbitrarily arrested and detained at the civil prison in Lomé;
- h. AND ORDER the Respondent State to pay the entire costs.

3. SUMMARY OF THE PLEAS-IN-LAW

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

- a. On the violation of the right to work of the Applicants, they mainly invoke the provisions of Article 15 of the African Charter on Human and Peoples' Rights of June 1981 which **provides that "Everyone has the right to just and favourable conditions of work and to equal pay for equal work"**, Article 23 paragraph 1 of the Universal Declaration of Human Rights of 10 December 1948 which states in substance that **"1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment"**, and Articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 16 December 1966;
- b. With regard to the violation of their freedom of association, they relied on the provisions of Article 8 of the African Charter on Human and Peoples' Rights, Article 23 paragraph 4 of the Universal Declaration of Human Rights, Article 8 of the International Covenant on Economic, Social and Cultural Rights, Article 22 of the International Covenant on Civil and Political Rights, and Conventions 87 and 98 of the International Labour Organisation (ILO);
- c. Lastly, with regard to the violation of the right to liberty and the right not to be arbitrarily deprived of liberty, the Applicants relied on the relevant provisions of Article 6 of the African Charter on Human and Peoples' Rights, Article 9 of the Universal Declaration of Human Rights and Article 9 of the International Covenant on Civil and Political Rights.

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicants, teachers with Togolese nationality, claim to have set up a trade union (SET) at the end of a general meeting held on 22 May 2021 in Lomé;
- b. They state that they have fully complied with the administrative and legal requirements for setting up the above-mentioned union, which was created to improve the socio-economic and professional conditions of its members. The Applicants claim to have submitted the documents of the Togo Teachers' Union (SET) to enable the new structure to function normally;

- c. Despite the completion of the formalities necessary for the operation of the new structure by the leaders, the Togolese authorities remained radical in their refusal to grant the authorisations necessary for the operation of the SET, even going so far as to imprison the trade union leaders ;
- e. The Applicants complained that the Respondent State took unlawful disciplinary measures and deprived the trade union officials of their liberty, and that the Respondent State should be ordered to pay various sums of money as compensation for the damage suffered.

DATED THIS 30TH DAY OF SEPTEMBER, 2022.

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/43/22

BETWEEN

- | | | |
|---|---|-------------------|
| <ol style="list-style-type: none"> 1. TELE MOBIL INTERNATIONAL SARLU 2. MR. SAM AGUEM MAZNA | } | <i>APPLICANTS</i> |
|---|---|-------------------|

AND

REPUBLIC OF TOGO _____ *RESPONDENT*

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 **TELE MOBIL INTERNATIONAL SARLU & ANOR.** (*APPLICANTS*) AND **THE REPUBLIC OF TOGO** (*RESPONDENT*) was filed by the Applicants and registered by the Court on the 14th day of September 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicants:

TELE MOBIL INTERNATIONAL SARLU

Headquarters located at Lomé, Togo, Boulevard du 13 Janvier. Tel. 228-22.20.85.10 / 90.07.63 98-90 08 98 45, legally represented by the **Sam Aguem Mazna**, Administrator. Born on 17 September 1985, at Kemerida, Togolese citizen, resident at the indicated address.

SAM AGUEM MAZNA (MR.)

Born on 17 September 1985, at Kemerida, in Togo, Togolese citizen, resident and domiciled at Lomé, Togo, Boulevard du 13 Janvier. Tel. 228-22.20.85.10 / 90.07.63 98-90 08 98 45.

The Applicants herein have consented to adopt, for the purposes of the instant procedure that pleadings and processes be served on them at the address of the **Maitre Barthélemy Law Chambers**, Lawyer registered with the Court of Appeal of Abidjan, resident at Treichville, Abidjan, Immeuble Nanan Yamouso, Escalier E, 1^{er} Etage à Droite, Porte 118, 05, BP 447, Abidjan 05, Tel. 27.21.24.06.24. E-mail: cabinetkyb20@gmail.com.

b. Name and address of Respondent:

TOGOLESE REPUBLIC

Headquarters located at Lomé, at the Presidential Palace, Boulevard du Mono, 2 Avenue du Général de Gaulle; acting for and on behalf of the Defendant as legal representative, Minister of Justice and Garde des Sceaux, resident and domiciled in his office location at Lomé, B.P: 121 Lomé-standard.

2. SUBJECT-MATTER OF THE PROCEEDINGS

DECLARATIONS from the Court:

- a. That the Republic of Togo violated human rights, namely the right to be tried in reasonable time, violation of the right to protection and assistance, the right to adequate standard of living, the right to ideal health, guaranteed by Article 7 of the African Charter on Human and Peoples' Rights (ACHPR), Article 10 of the Universal Declaration of Human Rights (UDHR) and Articles 6, 10, 11 and 12(1) of the International Covenant on Economic, Social and Cultural Rights of 1966.
- b. That the Republic of Togo is blameable for all the aforementioned violations committed.

ORDERS by the Court:

- c. For the Republic to Togo take measures so that a decision is made as soon as possible, failing which there must be a penalty of Fifty Million (CFA F 50,000,000) CFA Francs per day of default.
- d. For the Republic of Togo to compensate the Applicants to the tune of Three (3) Billion CFA Francs as compensation for all the harms done against the Applicants.

3. SUMMARY OF THE PLEAS-IN-LAW

In support of their complaints against the Togolese Republic, the Applicants invoke violation of:

- a. Article 7 of the African Charter on Human and Peoples' Rights (ACHPR);
- b. Articles 6, 10, 11 and 12(1) of the International Covenant on Economic, Social and Cultural Rights of 1966; and
- c. Article 10 of the Universal Declaration of Human Rights (UDHR);

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. Tele Mobil International Sarlu and Mr. Sam Aguem Mazna, the Applicants, in the instant case, maintain that following a dispute relating to a contract between them and Union Togolaise de Banque, the courts of the Respondent State did not try the case in reasonable time. The Applicants claim that the Togolese Republic violated their fundamental rights, namely: right to protection and assistance, right to adequate standard of living, and to ideal health.
- b. It is for this reason that the Applicants brought their case before the Honourable Court for the Court to find violation of their fundamental rights, as indicated above, and to seek compensation.
- c. The Applicants make the claims stated above in the Subject-Matter of the Application.

DATED THIS 29TH DAY OF SEPTEMBER 2022.

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/44/22

BETWEEN

**LA SOCIÉTÉ DE PROMOTION AGRICOLE
ET INDUSTRIELLE KNOWN AS SOPAI SA** _____ *APPLICANT*

AND

REPUBLIC OF COTE D'IVOIRE _____ *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 **LA SOCIÉTÉ DE PROMOTION AGRICOLE ET INDUSTRIELLE known as SOPAI (APPLICANT)** AND **REPUBLIC OF COTE D'IVOIRE (DEFENDANT)** was filed by the Applicant and registered by the Court on the 22nd day of September, 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. Name and address of the Applicant:

LA SOCIÉTÉ DE PROMOTION AGRICOLE ET INDUSTRIELLE KNOWN AS SOPAI SA, with share capital of 10,000,000 FCFA, located in Abidjan, Commune de Cocody Riviera Allabra, 08 BP 2058 Abidjan 08, Tel: 22-47-12-52; Fax: 22-47-57-70, represented by Mr. Detoh Kouassi Alexis, its legal representative and a national of Côte d'Ivoire, with an address at the registered office of the said company,

The address for service is SCPA ORE-DIALLO & Associés, Attorneys at Law at the Abidjan Court of Appeal, with an address at Abidjan, Commune de Cocody, Cité Villas Cadres, Villa BT 83, Angle Sud-Ouest des Rues C62 et C37, Tel: 27-22-44-26-02, Fax: 27-22-44-26-03.

b. Name and address of the Defendant:

THE REPUBLIC OF COTE D'IVOIRE
Through the Minister of the Economy and Finance, represented by the Judicial Agent of the Treasury, at its offices in Abidjan, Commune du Plateau.

2. SUBJECT-MATTER OF THE PROCEEDINGS

Alleged violation of the Applicant's right to fair hearing by an independent, neutral and impartial tribunal; and right to property.

3. ORDERS SOUGHT BY THE APPLICANT

- a. DECLARE the Application admissible;
- b. DECLARE that it has jurisdiction;
- c. ALLEGES a violation by the Defendant State of its right to a fair hearing by an independent, neutral and impartial tribunal, or indeed the right to a tribunal, guaranteed by Article 7 (1) of the African Charter on Human and Peoples' Rights (ACHPR), Article 9 (1) of the International Covenant on Civil and Political Rights (ICCPR);
- d. ALLEGES violation by the Defendant State of its right to property, guaranteed by Article 14 of the ACHPR and Article 17 of the UDHR.
- e. ORDER the Republic of Côte d'Ivoire to pay **La Société SOPAI** the sum of ten billion (10,000,000,000) CFA francs, for all causes of damage combined.
- f. IMPART a period of 30 days to the Defendant State, as from the notification that will be made to it, to comply with the judgment to be delivered in this case.
- g. TO DECLARE that the Republic of Côte d'Ivoire must send a report to the Court stating that the Judgment has been complied with at the end of the 30-day period.
- h. ORDER the Respondent State to pay all the costs.

4. SUMMARY OF THE PLEAS-IN-LAW

- a. Protocol A/P.1/7/91 on the ECOWAS Court of Justice;
- b. The ECOWAS Revised Treaty of 24 July 1993;
- c. Supplementary Protocol A/SP.1/01/05 of 19 January 2005 amending Protocol A/P.1/7/91 on the ECOWAS Court of Justice;
- d. The Rules of the ECOWAS Court of Justice of 28 August 2002;
- e. Article 7(1) of the African Charter on Human and Peoples' Rights (ACHPR);
- f. Article 14(1) of the International Covenant on Civil and Political Rights (ICCPR).
- g. Articles 1 and 2 of the African Charter on Human and Peoples' Rights.

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Court's jurisdiction in human rights matters is based on Article 9(4) of Protocol A/P.1/7/91, as amended by Supplementary Protocol A/SP.1/01/05;
- b. That the jurisdiction of the Court to hear the present case is established;
- c. The conditions of admissibility of an Application submitted to the Court are defined by Article 10 (d) of the Supplementary Protocol A/SP.1/01/05 of 19 January 2005, amending Protocol A/P.1/7/91 on the Community Court of Justice, ECOWAS;
- d. The Applicants invoke their status as victims of human rights violations, which the Defendant State has undertaken to guarantee and ensure respect for by acceding to international human rights instruments. They are clearly identified in the initiating Application and have not previously seised any international Court with concurrent jurisdiction to hear cases of human rights violations;

- e. The right to a Court is guaranteed by Article 7 (1) of the African Charter on Human and Peoples' Rights (ACHPR) and Article 14 (1) of the International Covenant on Civil and Political Rights (ICCPR), according to which everyone has the right to a fair hearing by a court which will decide on disputes;
- f. The conditions for the application of Article 14 of the Charter require that a property right has been infringed by the Defendant State, firstly, and that this infringement must be unrelated to the aim of protecting public order or the general interest, secondly, and in accordance with the provisions of the appropriate laws, including international norms and principles;
- g. International doctrine and the treaty organs distinguish three types of obligation for States, which constitute the corollary of human rights: the obligation to respect, the obligation to protect and the obligation to guarantee and give effect to the human rights guaranteed by the international legal instruments to which they have acceded;
- h. In accordance with the principle of reparation, compensation must be awarded for any damage resulting from a violation of human rights, which compensation is subject to economic assessment as appropriate and proportionate to the gravity of the violation and the circumstances of each case;
- i. That the Applicants, who can validly claim, before the Community Court of Justice, a right to compensation for the damage caused by the violation of their rights, enshrined in various relevant human rights instruments, request that the Court order the Republic of Côte d'Ivoire to pay the sum of 10 billion CFA francs, for all causes of damage combined.

DATED THIS 10TH DAY OF OCTOBER 2022.

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/47/22

BETWEEN

TEMITOPE OBASAJU STEPHEN _____ *APPLICANT*

AND

- | | | |
|--|---|--------------------|
| <ol style="list-style-type: none"> 1. PRESIDENT OF ECOWAS COMMISSION 2. PRESIDENT, ECOWAS COURT OF JUSTICE | } | <i>RESPONDENTS</i> |
|--|---|--------------------|

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 **TEMITOPE OBASAJU STEPHEN** (*APPLICANT*) AND **THE PRESIDENT OF ECOWAS COMMISSION & ANOR.** (*RESPONDENTS*) was filed by the Applicant and registered by the Court on the 28th day of September, 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. Name and address of the Applicant:

TEMITOPE OBASAJU STEPHEN

c/o Y.B. Usman Esq.

Mildred & Patriarch Attorneys

mildred.patriarch@gmail.com

07032092409

b. Names and address of the Respondents:

THE PRESIDENT, ECOWAS COMMISSION,

101, Yakubu Gowon Crescent,

Asokoro, Abuja 2 - FCT,

Nigeria.

THE PRESIDENT, ECOWAS COURT OF JUSTICE

10 Dar Es Salam Street, Wuse 2,

Abuja-FCT, Nigeria.

2. SUBJECT-MATTER OF THE PROCEEDINGS

Violation of the Applicant's **Fundamental right to work and gainful employment** contrary to Article 23(1) of the Universal Declaration of Human Rights, Article 6 of the International Covenant on Economic, Social and Cultural Rights and Article 15 of the African Charter on Human and Peoples' Rights.

3. ORDERS SOUGHT BY THE APPLICANT

- a. AN ORDER of the Court declaring that the misinterpretation of the decision of the Council that maintain Judges can change their Executive Assistants in the memo dated 21st September, 2022, is illegal and unlawful because the appointment of the Executive Assistant- The Applicant

- has a statutory flavor and is tied to that of his Principal; the Nigeria Judge who is still in service under the same statutory provision and Extension granted by the Decision of the Council.
- b. A DECLARATION that the Decision of the Council granting extension of tenure to the three judges is not a reappointment as they did not go through the appointment procedure stipulated by ECOWAS Judicial Council.
 - c. AN ORDER maintaining the Applicant in office for as long as the Nigeria Judge continues in office as provided by the Decision of the Council.
 - d. AN ORDER restraining the President of the ECOWAS Court or his agents from violating Applicant's right to employment by the planned constructive dismissal by the said memo of 21st September, 2022.
 - e. AN ORDER restraining the Nigeria Judge and the President of the Court from recommending or appointing a new Executive Assistant as my position is not vacant.
 - f. AN ORDER restraining the President of the Court and his agents from terminating my subsisting contract as Executive Assistant to the Nigeria Judge in the ECOWAS Court of Justice.
 - g. THAT the President of the Court having violated Applicant's right to employment by the constructive dismissal planned for 10th October, 2022, should make an order of immediate reinstatement and payment of all his salaries and entitlements for all the period starting from the date of extensions of all the Judges contract until the new office holders will take over.
 - h. Or on the alternative ORDERS the Respondents to pay all his salaries, entitlements, allowances, particularly severance allowance from the date of his employment to the anticipated date of handing over to the new office holders in 2026, estimated at Five Million United States Dollars (\$5, 000,000:00)
 - i. AN ORDER that the Respondents pay one million United States Dollars (\$1,000,000:00) compensation to the Applicant for all the moral damages, mental torture and degrading treatment he and the family has suffered as a result of the anticipated constructive dismissal come October 10th, 2022.
 - j. AN ORDER that the Respondents pays the Applicant Fifty Thousand United States Dollars (\$50,000) for legal and litigation cost.
 - k. AN INTEREST CHARGE on any delay in payment to be accessed by the Court.
 - l. AND ALL FURTHER ORDER OR ORDERS the Court may deem fit to make in the circumstances.

4. SUMMARY OF THE PLEAS-IN-LAW

- a. ARTICLE 33 OF THE RULES OF THE COMMUNITY COURT OF JUSTICE, ECOWAS;
- b. ARTICLE 9 AND 10 OF THE SUPPLEMENTARY PROTOCOL A/SP.1/01/05 AMENDING THE PROTOCOL (A/P1/7/91) RELATING TO THE COMMUNITY COURT OF JUSTICE;
- c. ARTICLES 2, 3, 5, 15, AND 28 OF THE AFRICAN CHARTER ON HUMAN AND PEOPLES RIGHTS;
- d. ARTICLES 2, 7, AND 23(1) OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS ADOPTED AND PROCLAIMED BY GENERAL ASSEMBLY RESOLUTION 217 A (III) OF 10 DECEMBER 1948;
- e. ARTICLES 2 AND 26 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS;

- f. ARTICLE 6 OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS;
- g. ECOWAS STAFF REGULATIONS ARTICLE 7 OF PRINCIPLES OF STAFF EMPLOYMENT.

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. That the interpretation of the decision of the Council which states that Judges can change their Executive Assistants is illegal and unlawful because the appointment of the Executive Assistant is tied to the tenure of his Principal; the Nigeria Judge who is still in service under the same statutory provision and Extension granted by the Decision of the Council.
- b. That the Decision of the Council granting extension of tenure to the three judges is not a reappointment as they did not go through the appointment procedure stipulated by ECOWAS Judicial Council. That the President of the ECOWAS Court violated the Applicant's right to employment by the planned constructive dismissal vide the said memo of 21st September, 2022.
- c. That appointing a new Executive Assistant is a violation of the Applicant's right since the position is not vacant. That the termination of his appointment by the President of the Court and his agents as Executive Assistant to the Nigeria Judge in the ECOWAS Court of Justice is a violation of his rights.

DATED THIS 13TH DAY OF OCTOBER, 2022.

SIGNED:



Dr. Yaouza OURO-SAMA (PhD, CIPD Assoc.)
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/48/22

BETWEEN

- | | | |
|---|---|-------------------|
| <ol style="list-style-type: none"> 1. THE GLOBAL JUSTICE & RESEARCH PROJECT
<i>(a non-profit organization registered in the Republic of Liberia)</i> 2. CHARLES SUNWABE 3. DOROTHY SUNWABE-VOKER 4. NELAY T. SUNWABE
<i>(Citizens of the Republic of Liberia and the United States of America, on behalf of themselves and members of their family who were victims of the massacre at St. Peter's Lutheran Church in Monrovia, Liberia, of 29 and 30 July 1990.)</i> | } | APPLICANTS |
|---|---|-------------------|

AND

THE REPUBLIC OF LIBERIA _____ **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 **THE GLOBAL JUSTICE & RESEARCH PROJECT & 3 ORS.** (*APPLICANTS*) AND **THE REPUBLIC OF LIBERIA** (*DEFENDANT*) was filed by the Applicants and registered by the Court on the 4th of day of October, 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the Parties are as follows:

a. Name and address of the Applicants:

HE GLOBAL JUSTICE & RESEARCH PROJECT & 3 ORS.

c/o Institute for Human Rights & Development in Africa
949 Brusubi Layout, AU Summit Highway,
P.O. Box 1896, Banjul, The Gambia.

b. Name and address of the Defendant:

REPUBLIC OF LIBERIA

c/o Ministry of Justice
Gardiner Avenue & 9th Street
Monrovia, Liberia

2. SUBJECT-MATTER OF PROCEEDINGS

The violation of obligations of various treaties and the enforcement of fundamental human rights.

3. ORDERS SOUGHT BY THE APPLICANTS

Applicants respectfully request that this Honourable Court:

- a. DECLARE that Liberia has violated:
 - i. Articles 1, 4, 5, and 7(1) of the ACHPR;

- ii. Articles 2(3), 6, and 7 of the ICCPR;
 - iii. Articles 2, 7, and 12 of the CAT; and
 - iv. Articles 3 and 146 of the Fourth Geneva Convention, and customary international humanitarian law;
- b. ORDER Liberia to cease and remedy its violations by:
- i. Immediately conducting official, effective, independent investigations into the Lutheran Church Massacre to identify those responsible;
 - ii. Prosecuting those responsible for the Massacre for violations of domestic and international law;
 - iii. Compensating Mr. Sunwabe, Ms. Sunwabe-Voker, and Ms. Sunwabe US\$1,500,000 (one million five-hundred thousand US dollars) for the loss of approximately 16 family members and the Government's subsequent failure to investigate the killings;
 - iv. Providing just and adequate compensation to all other victims of the Massacre and their families, including for moral damage;
 - v. Taking steps to memorialize the Massacre's victims; and
 - vi. Apologizing to the Massacre's victims for its violations;
- c. ORDER Liberia to pay the Applicants' reasonable attorneys' costs and fees; and
- d. ORDER any other such relief as the Court may deem just and appropriate.

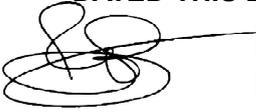
4. SUMMARY OF THE PLEAS-IN-LAW

- a. Article 33 of the Rules of Procedure of the Court of Justice;
- b. Articles 9(4) and 10(d) of Protocol A/P.1/7/91 (as Amended by Supplementary Protocol A/SP.1/01/05) to the Revised Treaty of ECOWAS);
- c. Articles 1, 4, 5, and 7(1) of the African Charter on Human and Peoples' Rights (the "**ACHPR**");
- d. Articles 2(3), 6, and 7 of the International Covenant on Civil and Political Rights (the "**ICCPR**");
- e. Articles 2, 7, and 12 of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (the "**CAT**"); and
- f. Articles 3 and 146 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (the "**Fourth Geneva Convention**") and its Protocol Additional Relating to the Protection of Victims of Non-International Armed Conflicts ("**Additional Protocol II**"), as well as customary international humanitarian law.

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENT

That the Republic of Liberia's failure to effectively investigate and prosecute the Lutheran Church Massacre or commence an independent and effective investigation of the Massacre, including prosecuting those responsible amounts to a violation of Applicant's rights to life, freedom from torture and cruel and inhuman treatment, and freedom from war crimes.

DATED THIS 20TH DAY OF OCTOBER, 2022.

SIGNED: 

Dr. Yaouza OURO-SAMA (PhD, CIPD Assoc.)

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/49/22

BETWEEN

**ASSOCIATION DES VICTIMES DE LA TORTURE
AU TOGO (ASVITTO)** _____

APPLICANT

AND

REPUBLIC OF TOGO _____

RESPONDENT

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 ASSOCIATION DES VICTIMES DE LA TORTURE AU TOGO (ASVITTO) (APPLICANT) AND THE REPUBLIC OF TOGO (RESPONDENT)**, was filed by the Applicant and registered by the Court on the 7th October 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. Name and address of the Applicant:

ASSOCIATION DES VICTIMES DE LA TORTURE AU TOGO (ASVITTO) represented by its Chairman, Mr. ATCHOLI KAO Monzolouwè B. E., head office located at Tokoin hôpital, not far from the Graal hotel, Telephone: (+228) 98 75 72 47 / 90 62 55 60, 08 BP: 81616 Lomé-Togo; E-mail: asvitto@gmail.com

MR. ATCHOLI KAO MONZOLOUWÈ B. E., acting in his capacity as Statutory Representative of the Association of Victims of Torture in Togo (ASVITTO), residing and domiciled at the above-mentioned address (Exhibit 1);

All having as Counsel:

Maître Elom Koffi KPADE, Avocat au Barreau de Lomé au Togo, Lomé-Hédzranawoé Boulevard du Haho en face côté Ouest de la Polyclinique Saint Joseph-06 B.P. 61201-BE, Tél.: (+228) 22 61 27 70 / +228 90 11 72 81, E-mail : belomkpade@gmail.com, (Lead Counsel) whose address is chosen as address for service in the present proceedings and following;

Maître Raphaël N. KPANDE-ADZARE, Lawyer at the Lomé Bar in Togo, "JORAS", Cabinet d'Avocats Associés, Quartier Totsi, Tronçon Total Totsi-Carrefour Limousine, von en face de la microfinance millénium, angle rue Abolo, 241 TOT, 04 BP: 877, Lomé-Togo, Tel. +228 91 87 27 47, E-mail: etudecabinetavocatsjoras@gmail.com

b. Name and address of the Respondent:**THE REPUBLIC OF TOGO**

having its registered office in Lomé, at the Palais de la Présidence de la République, 851, avenue de la Présidence, Lomé-Togo, represented by its legal representative, the Keeper of the Seals, Minister of Justice and Legislation.

2. SUBJECT-MATTER OF THE PROCEEDINGS

The present Application seeks from the Court:

- a. To FIND a violation of the right to freedom of association;
- b. To FIND a violation of the right to non-discrimination and equality before the law;
- c. To FIND a violation of the right to an effective remedy and to be tried within a reasonable time;
- d. To ORDER the Respondent State to issue the registration Certificate to ASVITTO without delay, and to take all necessary measures to ensure the effective enjoyment of the rights and freedoms guaranteed;
- e. To ORDER the Respondent State to pay the applicants the sum of Two Hundred Million (200.000.000) CFA Francs for the violation of their right to freedom of association;
- f. Also, To ORDER the Respondent State to pay the sum of one hundred and fifty million (150.000.000) CFA francs for the violation of the right to equality of all before the law and the prohibition of discrimination;
- g. To ORDER the Respondent State to pay the sum of one hundred and fifty million (150.000.000) CFA francs for breach of the right to an effective remedy and to be tried within a reasonable time
- h. Finally, to ORDER the Respondent State to bear all costs.

3. SUMMARY OF THE PLEASE-IN-LAW

In support of its claims, the Applicant relies on the following international legal instruments:

- a. The right to freedom of association is enshrined in the relevant provisions of Article 10 of the African Charter on Human and Peoples' Rights: "1. Everyone shall have the right freely to form associations with others, subject to compliance with the rules laid down by law", Article 20(1) of the Universal Declaration of Human Rights, which states that "Everyone has the right to freedom of peaceful assembly and association", and Article 22(1) of the International Covenant on Civil and Political Rights, which states that "Everyone has the right to freedom of peaceful assembly and association": « 1. *Everyone has the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. 2. No restrictions may be placed on the exercise of this right other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. This Article shall not prevent the exercise of this right by members of the armed forces and the police from being subject to legal restrictions.*», and also Articles 1 and 2 of United Nations Resolution 53/144 on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms;

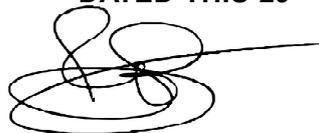
- b. The right to non-discrimination and equality before the law enshrined in Articles 2 and 3-1 of the African Charter on Human and Peoples' Rights, Articles 2 and 7 of the Universal Declaration of Human Rights, and Article 3 of the International Covenant on Civil and Political Rights.
- c. And finally, the right to an effective remedy and to be tried within a reasonable time, in accordance with articles 7 of the African Charter on Human and Peoples' Rights, articles 8 and 10 of the Universal Declaration of Human Rights, and article 14-1 of the International Covenant on Civil and Political Rights.

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant maintain that, following the constituent general meeting of the Association of Victims of Torture in Togo (ASVITTO), the founding members filed the necessary documents with the authorities on 06 July 2012, a declaration aimed at obtaining the receipt enabling the association to obtain the legal personality necessary to conduct its activities;
- b. That despite all the efforts made and the firm intention of the technical and financial partners to support the association in order to benefit from the subsequent funding, the association has been unable to obtain the necessary receipt.
- c. This refusal by the administrative authorities has prevented ASVITTO from implementing its programmes of activities, in particular the monitoring of prisons and human rights in prisons.

DATED THIS 29TH DAY OF MARCH 2023.

SIGNED:



Dr. Yaouza OURO-SAMA (PhD, CIPD Assoc.)
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/50/22

BETWEEN

**THE INCORPORATED TRUSTEES OF PRINCE AND
PRINCESS CHARLES OFFOKAJA FOUNDATION** _____ *APPLICANTS*

AND

THE FEDERAL REPUBLIC OF NIGERIA _____ *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 **THE INCORPORATED TRUSTEES OF PRINCE AND PRINCESS CHARLES OFFOKAJA FOUNDATION (APPLICANTS)** AND **THE FEDERAL REPUBLIC OF NIGERIA (DEFENDANT)** was filed by the Applicants and registered by the Court on the 13th day of October, 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties is as follows:

a. ***Name and address of the Applicants:***

**THE INCORPORATED TRUSTEES OF PRINCE AND
PRINCESS CHARLES OFFOKAJA FOUNDATION**
c/o Charles Offokaja
Igwe Offokaja Palace, Akwaukwu, Anambra State, Nigeria
08180409392
charlesoffokaja@gmail.com

b. ***Name and address of the Defendant:***

THE FEDERAL REPUBLIC OF NIGERIA
c/o, The Honourable Attorney-General of the Federation
Attorney-General's Chambers, Federal Ministry of Justice,
Federal Secretariat Complex, Shehu Shagari Way, Abuja.

2. SUBJECT-MATTER OF THE PROCEEDINGS

Violation of the Applicants' right to freedom of expression and the Defendant's failure to meet the deadline it set through a unilateral act binding on it under international law.

3. ORDERS SOUGHT BY THE APPLICANTS

The Applicants request the following orders:

- a. A DECLARATION that the Defendant through all its State Houses of Assembly had a fiduciary duty the Applicants to reject or approve the constitution amendment bill on Independent Candidacy by the National Assembly on Independent Candidacy between April and the first week of August, 2022.

- b. A DECLARATION that as a result of the Defendant's omission through all its State Houses of Assembly to reject or approve the constitution amendment bill on Independent Candidacy by the first week of August, 2022, promissory estoppel or detrimental reliance has occurred.
- c. A DECLARATION that the Defendant violated the Applicants' rights to freedom of expression under Article 9 of the African Charter.
- d. AN ORDER compelling Nigeria to, barring any future change(s) via future constitutional amendment(s), immediately implement independent candidacy for the purpose the 2023 elections and all future elections under all the following requirements which will be used in tandem with relevant Constitutional provisions and relevant Electoral Act provisions as determined by Nigeria's electoral body:
 - i. Any intending independent candidate must fill and submit an Intention To Contest form gotten from Nigeria's, electoral body, and the cost of the form should not be more than Nigeria's Federal minimum wage. For any election cycle, intending independent candidates shall submit a petition/signed list of holders of valid voters cards also known as Permanent Voters Cards who support their independent candidacy, latest 14 days to the election;
 - ii. For Local Government Chairmanship candidates and State House of Assembly candidates, 20,000 holders of valid voters cards also known as Permanent Voters Cards from their Local Government Area – for Local Government Councilor-ship candidate, 10,000 holders of valid voters cards also known as Permanent Voters Cards from their constituency or from their local government area;
 - iii. For State House of Assembly independent candidacy, 30,000 holders of valid voters cards also known as Permanent Voters Cards from their constituency;
 - iv. For Governorship independent candidacy, 150,000 holders of valid voters cards also known as Permanent Voters Cards from their state;
 - v. For Senatorial or Federal House of Representatives independent candidacy, 100,000 holders of valid voters cards also known as Permanent Voters Cards from their constituency;
 - vi. For Presidential independent candidates 300,000 holders of valid voters cards also known as Permanent Voters Cards from the entire body of Nigerian voters.
 - vii. Nigeria's electoral body should after receipt of the form and supporters list check the validity of the supporters against the list of registered holders of valid voters cards also known as Permanent Voters Cards in the country, and if it tallies give the person a Certificate To Contest and list the person as independent candidate for the purpose of the general election. If not, communications are continued till the intending independent candidate gets the right number of supporters who are holders of valid voters cards also known as Permanent Voters Cards up until 14 days before the date of the general election.
 - viii. Independent candidates shall have until 5 days before the election to submit to Nigeria's electoral body their intended symbol for the purpose of the election. If approved by the electoral body, the candidate can use that symbol for a period of 5 electoral cycles and personally renew it if they chose after that.
 - ix. If unapproved by the electoral body, the candidate's photo and name shall be used instead on the voting material. Intending candidates can use or change their symbols at anytime by submitting a signed request to change their symbol to Nigeria's electoral body at a cost not greater than Nigeria's Federal Minimum wage, and can only use one approved symbol at a time. Independent candidates can optionally have the photo of themselves and their running mates used instead.

- e. AN ORDER compelling Nigeria to by means of its own choosing ensure that the participation of independent candidates in the 2023 elections does not lead to a shift of the already set date of the 2023 general election.
- f. AN ORDER compelling Nigeria to by means of its own choosing, bar any aspirant who has already contested officially in a party primary election for a position from contesting as an independent candidate for the same position in the same electoral cycle. This shall not include aspirants who for one reason or the other withdrew prior to the commencement of voting in any party primary elections.
- g. AN ORDER, compelling the Defendant to pay the sum of N2 Million Naira, as exemplary damages for the wanton infringement of fundamental rights of the Applicants and for violation of its international obligations to respect those rights.
- h. AN ORDER compelling the Defendant to pay the costs of this litigation.
- i. AN ORDER compelling the Defendant to present a report to the honourable Court, within a period of 1 month after its 2023 election, on its implementation of the Court's judgment and consequential orders concerning this case.
- j. SUCH FURTHER **REMEDY(IES)** as this Honorable Court may deem fit to grant in the circumstances.

4. SUMMARY OF THE PLEAS-IN-LAW

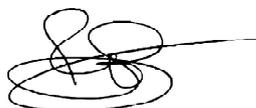
- a. Article 9(4) of the Community Court's Protocol;
- b. Article 4 of the Revised ECOWAS Treaty;
- c. Article 10(d) of the Court's Protocol;
- d. Article 9(1) and 9(2) of the African Charter on Human and Peoples' Rights.

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. That Defendant failed to meet the deadline it set through a unilateral act binding on it under international law, which has in turn led to a violation of the Applicants' right to freedom of expression, and the threat of further violation of the same fundamental right as a result of the possible non-adherence to a second unilateral act binding on the Defendant.
- b. That non-adherence by the Defendant to a unilateral act which prevents the Applicants from being able to receive information they need to express and disseminate their opinions within the law violates the Applicants' rights to freedom of expression under Article 9 of the African Charter.
- c. That the Federal Republic of Nigeria has been a party to the Revised Treaty of the Economic Community of West African States (ECOWAS) since its entry into force in 1995. It has been a party to the ECOWAS Court's Protocol since its entry into force on 5th November 1996; and also a party to the Supplementary Protocol, which extended this Court's jurisdiction to hear human rights cases brought by individuals, since its provisional entry into force on 19th January, 2005.

DATED AT ABUJA THE 28TH DAY OF MARCH 2023.

SIGNED:



Dr. Yaouza OURO-SAMA (PhD, CIPD Assoc.)
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/51/22

BETWEEN

DAME GBELA GUELALO & ORS _____ *APPLICANTS*

AND

REPUBLIC OF COTE D'IVOIRE _____ *RESPONDENT*

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. GBELA GUELALO AND ORS (APPLICANTS) AND THE REPUBLIC OF COTE D'IVOIRE (RESPONDENT)** was filed by the Applicants and registered by the Court on the 28th day of October 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicant (s):

DAME GBELA GUELALO & ORS.

Represented by their counsel, Me Simone ASSA-AKOH, lawyer registered at the court, located in Abidjan, Vieux Cocody, 8 Rue B 15, BP 2614 Abidjan 08.

b. Name and address of Respondent:

REPUBLIC OF COTE D'IVOIRE

In the person of the Minister of the Economy and Finance, represented by the Judicial Agent of the Treasury, located at the former building of the Embassy of the United States of America, in Abidjan, Commune du Plateau, BPV 98 Abidjan.

2. SUBJECT-MATTER OF THE PROCEEDINGS

a) DECLARE that Côte d'Ivoire is liable for the violation:

- i. The right to life, protected by Article 4 of the African Charter on Human and Peoples' Rights, Article 4.1 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Article 3 of the Universal Declaration of Human Rights and Article 6.1 of the International Covenant on Civil and Political Rights;
- ii. The right to physical and moral integrity of the person, to respect for the inherent dignity of the human person, and to security of person, guaranteed by Articles 4, 5 and 6 of the African Charter on Human and Peoples' Rights, and Articles 3 and 4 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women;

- iii. The right to health, protected by Article 16 of the African Charter on Human and Peoples' Rights and Article 14 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women;
 - iv. The right to have one's cause heard and the right to a fair trial, protected by articles 7 (a) and 26 of the African Charter on Human and Peoples' Rights;
 - v. Obligations under Article 1 of the African Charter on Human and Peoples' Rights.
- b) As a result of these violations, ORDER Côte d'Ivoire to:
- i. To pay monetary compensation of US\$300,000 to Gbela Guelalo Christine, US\$300,000 to Nouhouan Kouan Marie, US\$300,000 to Kaoume Tea Yvonne, and US\$200,000 to Anicette Gbato Eldvige married to Gompou. The Court is requested to order the payment of these reparations to the victims within one year of notification of the judgment. If manual payment is not possible, the bank transfer will be made under the most favourable financial conditions authorised by the banking legislation of Côte d'Ivoire. The compensation to be paid must be exempt from tax or any other deduction;
 - ii. Repeal Order N°. 2018-669 of 6 August 2018 on amnesty;
 - iii. Investigate the complaints lodged by the four applicants with a view to prosecuting and punishing all perpetrators within a reasonable timeframe;
 - iv. Make a public apology to the victims within six months of notification of the judgment on the merits. The State will have to consult with the victims or their representatives on the details of the apology, such as where and when it will be held. These apologies must be disseminated via the media;
 - v. Publish the judgment on the merits, at its own expense, in an official government journal within six months of notification of the judgment;
 - vi. Bear the entire costs.

3. SUMMARY OF THE PLEAS-IN-LAW

In support of their claims against the Republic of Côte d'Ivoire, the Applicants alleged violations of:

- a. Articles 1, 4, 5, 6, 7, 16 and 26 of the African Charter on Human and Peoples' Rights;
- b. Articles 3, 4 and 14 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;
- c. Article 6.1 of the International Covenant on Civil and Political Rights; and
- d. Article 3 of the Universal Declaration of Human Rights.

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. Tensions during the 2010 presidential elections led to armed conflict, resulting in human rights violations. The applicants stated that their human rights were violated by the Respondent State during the said armed conflict. They believe that the following rights were violated: the right to life, the right to physical and moral integrity, the right to health, the right to have one's cause heard and the right to a fair trial.

- b. For this reason, the Applicants brought an action before the ECOWAS Court, seeking a declaration that the above-mentioned fundamental rights had been violated and, consequently, that they should be compensated.
- c. The Applicants are seeking the above claims from the Court as set forth in the subject-matter of the Application.

DATED THIS 31st DAY OF MARCH 2023.

SIGNED:



Dr. Yaouza OURO-SAMA (PhD, CIPD Assoc.)
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/52/22

BETWEEN

MR. GALI ALI _____ *APPLICANT*

AND

REPUBLIC OF NIGER _____ *DEFENDANT*

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. GALI ALI (APPLICANT)** AND **REPUBLIC OF NIGER (DEFENDANT)** was filed by the Applicant and registered by the Court on the 23rd day of November, 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. Name and address of the Applicant:

MR. GALI ALI

Born on 19 January 1979 in Boboye/DOSSO, of late Ali Moussa and Aissa Djibo, a serving judge in the Republic of Niger, with an address in Niamey, Commune I, quartier Banifandou, Tel: 00227 96.48.96.41

Defended and represented by Maître Ould Salem Moustapha Said, Attorney-at-law at the Niger Bar Association, located in Niamey, Boulevard Askia Mohamed, à côte du CEG 25, Tel 00277.96.90.28.48, with an address for service in accordance with Article 33 (3) of the Rules of the ECOWAS Court of Justice, Counsel for Mr GALI ALI consents, that service be effected to him through other technical means namely by the following email address:

E-mail: saidoulsalem@gmail.com

b. Name and address of the Defendant:

REPUBLIC OF NIGER

Represented by the Agence Judiciaire de l'ETAT (State Judicial Agency), through its Director General, located at Niamey Quartier: Koira-kano, BP: 841 Niamey Koira Kano

2. SUBJECT-MATTER OF THE PROCEEDINGS

Find that the Republic of Niger failed to fulfil its obligations by disregarding the Applicant's right to have access to the courts of his country and to be judged by an independent and impartial court.

3. ORDERS SOUGHT BY THE APPLICANT

- a. DECLARE that the Court has jurisdiction
- b. GRANT the Applicant's legitimate claims
- c. ADJUDGE AND DECLARE that the Republic of Niger failed to fulfil its obligations by disregarding the Applicant's right to have access to the courts of his country and to have his case heard and judged by an independent and impartial court, in violation of Article 10 of the UDHR, Article 7 of the African Charter on Human Rights and 14 of the International Covenant on Civil and Political Rights
- d. CALL ON the Republic of Niger to ensure that Mr. GALI ALI's case (against General Tarka) is heard and judged by an impartial and independent court.

4. SUMMARY OF THE PLEAS-IN-LAW

- a. Protocol A/SP.1/01/05 of 19 January 2005 amending Protocol A/P.17/91 of the ECOWAS Court of Justice;
- b. Article 13 paragraph 2 of the Protocol on the ECOWAS Court of Justice;
- c. Article 14 of the International Covenant on Civil and Political Rights;
- d. Article 7 paragraph 1 of the African Charter on Human Rights;
- e. Article 10 of the Universal Declaration of Human Rights.

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant is entitled to bring an action before the Court; he has legal standing and an interest in doing so;
- b. That the ECOWAS Court of Justice has jurisdiction to hear all cases of violation of human rights within the States of the Community;
- c. Since 2005, any national of one of the Member States may bring a case before the Court in the event of a violation of the protocols, decisions, treaties or conventions adopted by ECOWAS;
- d. That in this case, Mr. GALI Ali has exhausted all national procedures enabling him to have his case heard and judged by an impartial court.
- e. Thus the ECOWAS Court of Justice will find that the Republic of Niger violated the provisions of Article 10 of the Universal Declaration of Human Rights, Article 07 of the African Charter on Human and Peoples' Rights and Article 14 of the International Covenant on Civil and Political Rights.

DATED THIS 28TH DAY OF MARS 2023.

SIGNED:



Dr. Yaouza OURO-SAMA (PhD, CIPD Assoc.)
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/53/22

BETWEEN

1. **THE INCORPORATED TRUSTEES OF SOCIO-ECONOMIC RIGHTS & ACCOUNTABILITY PROJECT (SERAP)**
2. **CHIEF ERIC DOOH** [*For himself and on behalf of Goi Community in Gokana Local Government Area of Rivers States*]
3. **ABIOLA OWOAJE**
4. **ADAJE OBIABO SUNDAY**
5. **ADEKUNLE BABATUNDE OKI**
6. **AKINBOBOLA ADUMASI**
7. **BOLAJI AJIBOLA**
8. **BOLUWATIFE OKOIDEGUN**
9. **CHUNG DAUDA**
10. **DANIEL MSHEILA**
11. **EGBERI ODIRI MACKSON**
12. **EMMANUEL OLAGUNDOYE**
13. **IDORENYIN ETUK**
14. **LAJA ODUKOYA**
15. **LUCKY IKHUESE**
16. **TOR AHEMBA**
17. **VICTOR OGBOMON**

} *APPLICANTS*

AND

FEDERAL REPUBLIC OF NIGERIA _____ *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 THE INCORPORATED TRUSTEES OF SOCIO-ECONOMIC RIGHTS & ACCOUNTABILITY PROJECT (SERAP) & 16 ORS (APPLICANTS)** and **THE FEDERAL REPUBLIC OF NIGERIA (DEFENDANT)** was filed by the Applicants and registered by the Court on the 23rd day of November 2022.

1. NAMES AND ADDRESSES OF PARTIES

The names and addresses of the parties are as follows:

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

- i. **THE INCORPORATED TRUSTEES OF SOCIO-ECONOMIC RIGHTS & ACCOUNTABILITY PROJECT (SERAP).**

- ii. **CHIEF ERIC DOOH** [*For himself and on behalf of Goi Community in Gokana Local Government Area of Rivers States*]
- iii. **ABIOLA OWOAJE**
- iv. **ADAJE OBIABO SUNDAY**
- v. **ADEKUNLE BABATUNDE OKI**
- vi. **AKINBOBOLA ADUMASI**
- vii. **BOLAJI AJIBOLA**
- viii. **BOLUWATIFE OKOIDEGUN**
- ix. **CHUNG DAUDA**
- x. **DANIEL MSHEILA**
- xi. **EGBERI ODIRI MACKSON**
- xii. **EMMANUEL OLAGUNDOYE**
- xiii. **IDORENYIN ETUK**
- xiv. **LAJA ODUKOYA**
- xv. **LUCKY IKHUESE**
- xvi. **TOR AHEMBA**
- xvii. **VICTOR OGBOMON**

The 1st Applicant is **SOCIO-ECONOMIC RIGHTS & ACCOUNTABILITY PROJECT (SERAP)**; 18, Bamako Street, Wuse, Zone 1, FCT Abuja.

The 2nd Applicant is **CHIEF ERIC DOOH**, a leader of Goi Community in Gokana Local Government Area of Rivers States and he is suing for Himself and on behalf of Goi Community in Gokana Local Government Area of Rivers States.

The 3rd to 17 Applicants are Nigerians who indicated their interest to the 1st Applicant to be co-Applicants in this suit via their response to a tweet put out by SERAP on *Twitter @SERAPNigeria*.

b. Name and address of Defendants :

FEDERAL REPUBLIC OF NIGERIA

C/o The Minister of Justice & Attorney-General of the Federation,
Federal Secretariat Towers (5th & 10th Floors),
Shehu Shagari Way, Central Area,
P.M.B. 192, Garki,
Abuja, FCT.

2. SUBJECT-MATTER OF THE PROCEEDINGS

- a. Alleged violation of the economic and social rights of the people of the Niger Delta including the rights to an adequate standard of living, to life and human dignity, to a clean and healthy environment; to wealth and natural resources, and to economic and social development – as a consequence of: the plundering of the country's wealth and natural

resources through the operations of illegal pipelines by non-state actors in some parts of the Niger Delta, and the failure and/or lack of due diligence to prevent and combat oil theft;

- b. The failure to investigate and prosecute suspected perpetrators; the failure to recover proceeds of crimes; and the failure to respect, protect, promote and fulfil the various human and peoples' rights guaranteed under the African Charter on Human and Peoples' Rights and other similar human rights treaties to which Nigeria is a state party.

3. ORDERS SOUGHT BY THE APPLICANT(S)

- a. A DECLARATION that everyone in the Niger Delta is entitled to the internationally recognized human right to an adequate standard of living, to life and human dignity, to a clean and healthy environment; to wealth and natural resources, and to economic and social development.'
- b. A DECLARATION that the failure and/or negligence of the Defendant to prevent and combat oil theft through the operations of illegal pipelines by non-state actors, and to thoroughly, independently and impartially investigate, arrest, publish and prosecute the perpetrators of this oil theft and operation of illegal refineries as well as recover all the proceeds from oil theft and operation of illegal refineries, is unlawful, as it Nigeria's international human rights and anti-corruption obligations and commitments.
- c. A DECLARATION that the failure and/or negligence of the Defendant to thoroughly, independently and impartially investigate, arrest, publish and prosecute the perpetrators of this oil theft and operation of illegal refineries as well as recover all the proceeds of oil theft and operation of illegal refineries, is unlawful, as it amounts to depriving the Nigeria People of their right to the enjoyment of the natural resources and the use of oil/public wealth for the public good, contrary to Nigeria's international human rights and anti-corruption obligations and commitments.
- d. A DECLARATION that the failure and/or negligence of the Defendant to thoroughly, independently and impartially investigate, arrest, publish and prosecute the perpetrators of this oil theft and operation of illegal refineries as well as recover all the proceeds of oil theft and operation of illegal refineries, is unlawful and contrary to the provisions of the African Union Convention on Preventing and Combating Corruption, the United Nations Convention Against Corruption, the International Covenant on Economic, Social and Cultural Rights, and the African Charter on Human and Peoples' Rights.
- e. A DECLARATION that the failure of the Defendant to provide access to justice and effective remedies including reparation for the victims, is unlawful as it amounts to breaches of obligations to respect, protect, promote and fulfil the human rights guaranteed under the African Charter on Human and Peoples' Rights and International Covenant on Economic, Social and Cultural Rights.
- f. A DECLARATION that the failure of the Defendant to provide an environment necessary for securing and promoting the enjoyment of the human rights of the people of Niger Delta is unlawful, as it amounts to breaches of obligations to promote and fulfil the human rights guaranteed under the African Charter on Human and Peoples' Rights and International Covenant on Civil and Political Rights.
- g. A DECLARATION that the systematic denial of access to information on the identity of the perpetrators of oil theft and operation of illegal refineries to the Nigeria people especially those of the Niger Delta on whose soil these crimes are committed, is unlawful and violates the International Covenant on Economic, Social and Cultural Rights, and the African Charter on Human and Peoples' Rights.

- h. AN ORDER directing the Defendant and/or its agents individually and/or collectively to respect, protect, promote, and fulfil the human rights of the Niger Delta that have continued to suffer the effects of oil theft and plundering by non-state actors.
- i. AN ORDER compelling the Defendant to immediately take the following measures: to carry out a transparent and effective investigation of the reports and allegations of oil theft and operation of illegal refineries; order the arrest and publish the names of the perpetrators of oil theft and operation of illegal refineries, and investigate the report of the destruction by security agents of a vessel used to carry out oil bunkering and theft, to extract and reveal the identities of the owners of the vessel as well as those who destroyed the vessel.
- j. AN ORDER directing the Defendant to pay adequate monetary compensation of 500 million US Dollars (\$500,000,000.00) to the victims of these crimes and human rights violations within the Niger Delta Region, and any other forms of reparation that the Honorable Court may deem fit to grant.

4. SUMMARY OF THE PLEAS-IN-LAW

- a. ARTICLES 1, 2, 4, 16, 21, 22 & 24 OF THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS;
- b. ARTICLES 1, 2, 3, 12(b) & 25, OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS;
- c. ARTICLES 5, 6, 10(c), 13(d), 17, 18, 19, 20, 23, 24, 25, 30(1), 31, 35, 52, & 57 OF THE UNITED NATIONS CONVENTION AGAINST CORRUPTION 2003;
- d. ARTICLES 4(1), 6, 8, 9, 12, & 16 OF THE AFRICAN UNION CONVENTION ON PREVENTING AND COMBATING CORRUPTION 2003;
- e. ARTICLE 33 OF THE RULES OF THE COMMUNITY COURT OF JUSTICE;
- f. ARTICLE 10 OF THE SUPPLEMENTARY PROTOCOL A/SP.1/01/05 AMENDING THE PROTOCOL (A/P.1/7/91) RELATING TO THE COMMUNITY COURT OF JUSTICE.

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. Under international human rights law, the Government of Nigeria is obligated to effectively take measures to prevent and combat acts of corruption within the public and private sectors. The Nigerian people whose rights are violated through oil theft and the existence of numerous illegal refineries should have access to an effective remedy. The right to effective reparation includes restitution, measures to restore the victim to the original situation; compensation for economically assessable damage; rehabilitation; satisfaction, which should include effective measures aimed at the verification of the facts and full and public disclosure of the truth, judicial and administrative sanctions against perpetrators of these crimes liable for the violations and guarantees of non-repetition.
- b. The Defendant has done nothing to investigate, arrest, and prosecute the perpetrators, let alone recover the proceeds diverted by these perpetrators from the oil theft. The actions of the Defendant are neither in conformity with Section 15(5) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) nor with Articles 4(1)(d), (g), (h), (i), 6, 9, 12 and 16 of the African Union Convention on Preventing and Combating Corruption; Articles 5, 10(c), 13(d), 17, 18, 19, 20, 23, 24, 25, 30(1), 31, 35, 52 and 57 of the United Nations Convention Against Corruption.
- c. It is not enough for the Defendant to allege that they have taken measures to address the issue of oil theft and operation of illegal refineries on the basis that there are security and

anti-corruption agencies saddled with the task of prosecuting offenders, without the Defendant showing any concrete, positive and proactive measures that they have taken to prevent, fight and bring the perpetrators of this oil theft including the owners of the illegal refineries to justice.

- d. That the jurisdiction of this Honorable Court cannot be called into question whenever the facts claimed are related to human rights.

DATED THIS 28TH DAY OF MARCH 2023.

SIGNED:



Dr. Yaouza OURO-SAMA (PhD, CIPD Assoc.)
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/54/22

BETWEEN

- | | | |
|---|---|-------------------|
| <ol style="list-style-type: none"> 1. THE INCORPORATED TRUSTEES OF PRINCE & PRINCESS CHARLES OFFOKAJA FOUNDATION, NIGERIA 2. PRINCE & PRINCESS CHARLES OFFOKAJA FOUNDATION, SWITZERLAND | } | <i>APPLICANTS</i> |
|---|---|-------------------|

AND

THE FEDERAL REPUBLIC OF NIGERIA _____ *RESPONDENT*

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 THE INCORPORATED TRUSTEES OF PRINCE & PRINCESS CHARLES OFFOKAJA FOUNDATION, NIGERIA** AND **THE FEDERAL REPUBLIC OF NIGERIA** (*APPLICANTS*) AND **THE FEDERAL REPUBLIC OF NIGERIA** (*RESPONDENT*) was filed by the Applicants and registered by the Court on the 24th November 2022.

1. NAMES AND ADDRESSES OF PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicants:

**THE PRINCE ET PRINCESS CHARLES OFFOKAJA,
FOUNDATION,**

**PRINCE & PRINCESS CHARLES OFFOKAJA
FOUNDATION, SWITZERLAND**

is a non-governmental organisation established under the Swiss Civil Code. It is a member of the Coalition for the International Criminal Court (CICC).

b. Name and address of Respondent:

THE FEDERAL REPUBLIC OF NIGERIA

c/o the Attorney General of the Federation
Office of the Attorney General, Federal Ministry of
Justice,
Federal Secretariat Complex, Shehu Shagari Way,
Abuja (Nigeria).

2. SUBJECT-MATTER OF THE PROCEEDINGS

The present Application seeks from the Court to find the violation of the right to development of African-American individuals and peoples in majority African-American states in the African diaspora.

3. ORDERS SOUGHT BY THE APPLICANT(S)

The Applicants solicit that may it please the Court to issue as follows:-

- a. A DECLARATION that the Respondent State has continuously violated Article 22(2) of the African Charter by failing to formulate and then implement a policy to support Haiti's application to join the African Union as a Member State, an application that was arbitrarily blocked in 2016 for consideration by the Assembly of the Union at its ordinary and extraordinary sessions since then in the light of Article 9(c) of the Constitutive Act.
- b. AN ORDER on the Respondent State to formulate and implement, by a method of its choice, including the possible invocation of Articles 9(e) and 9(c) of the Constitutive Act of the Union, a policy aimed at supporting Haiti's arbitrarily blocked application for membership of the African Union, for consideration at the next Ordinary/Extraordinary Session of the Assembly of the Union.
- c. AN ORDER on the Respondent State to formulate, then to implement policies aimed at supporting in the future any application for membership of the African Union by any majority African-American state of the African diaspora, the consideration of which was arbitrarily blocked before the Assembly of the Union.
- d. AN ORDER on the Respondent State to establish a mechanism that invites and encourages non-fugitive African-Americans from African-American minority states who wish to participate fully in the construction of the African Union by granting African-American citizenship (dual nationality) to any non-fugitive African-American living in an African-American minority state of the African Diaspora requesting citizenship of the Respondent state in order to participate fully in the construction of the African Union.
- e. AN ORDER on the Respondent State to submit a report on the measures it has taken to implement this decision within one year and six months of the date of the decision.

4. SUMMARY OF THE PLEAS-IN-LAW

The Applicants relies on the following instruments

- a. Article 33 of the Rules of the Court of Justice of the Community, ECOWAS ("the Rules");
- b. Articles 11 and 12 of the Protocol on the ECOWAS Court ("the Protocol");
- c. Article 4 g) of the Revised Treaty of the Economic Community of West African States ("Revised Treaty");
- d. Article 3 q) of the Protocol on Amendments to the Constitutive Act of the African Union ("the Protocol on Amendments");
- e. Articles 1, 17(2), 21(4), 22(1), 22(2) and 29(8) of the African Charter on Human and Peoples' Rights ("the Charter");
- f. Articles 3 a), c), d), e), f), h), l), j), k), l), 9c), 9e) and 29 of the Constitutive Act of the African Union. ("Constitutive Act")

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. Article 1 of the United Nations Declaration on the Right to Development states that "The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.

- b. Article 3(q) of the Protocol on Amendments to the Constitutive Act of the African Union makes it clear that **Africans in the Diaspora** constitute **an important part** of the African continent that should be invited and encouraged to participate fully **in the building** of the African Union. Failure to guarantee African-Americans their rights under Article 3(q) violates their rights to economic, social and cultural development under Article 22(1) of the African Charter; and the Respondent State's refusal to guarantee an effective remedy for this violation violates the rights of African-Americans under Article 22(2) of the African Charter.
- c. That the Respondent State's continued refusal to protect and guarantee the right to development of African-Americans and African peoples of the Diaspora constitutes a violation of Articles 22(1) and 22(2) of the African Charter on Human and Peoples' Rights, also known as the African Charter.

DATED THIS 28TH DAY OF MARCH 2023.

SIGNED:



Dr. Yaouza OURO-SAMA (PhD, CIPD Assoc.)
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/55/22

BETWEEN

ENGR. KOLAWOLE O. A. KOIKI _____ *APPLICANT*

AND

THE FEDERAL REPUBLIC OF NIGERIA _____ *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 **ENGR. KOLAWOLE O.A. KOIKI (APPLICANT)** AND **THE FEDERAL REPUBLIC OF NIGERIA (DEFENDANT)** was filed by the Applicant and registered by the Court on the 25th day of November, 2022.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. Name and address of the Applicant:

ENGR. KOLAWOLE O. A. KOIKI
c/o Falana & Falana's Chambers,
(Applicant's Solicitors)
22 Meditterenean Street, Imani Estate
Maitama, Abuja. *Falanahumanright@gmail.com*

b. Name and address of the Defendant:

FEDERAL REPUBLIC OF NIGERIA
C/o The Minister of Justice and AGF
Federal Ministry of Justice,
Abuja.

2. SUBJECT-MATTER OF THE PROCEEDINGS

Violation of the human rights to own property, rights to fair hearing, right to freedom from discrimination, right to personal liberty, and rights to compensation guaranteed by Article 7, 8, 9, 10, 12 and 17(1) of the United Nations Universal Declaration of Human Rights and Sections 21, 22, 28 and 31 of the 1963 Constitution of Federal Republic of Nigeria.

3. ORDERS SOUGHT BY THE APPLICANT

The Applicant therefore is asking the Community Court of Justice for the following reliefs:

- a. A DECLARATION that the forceful acquisition by the Defendant of the Applicant's 45% shares in New Nigeria Salt Company Limited and 38.35 acres of land owned by the Applicant via the New Nigeria Salt Company Limited (Take Over) Decree No 77 of 1978 is illegal and violates the Applicant's right to property under Article 17 of the United Nations Universal Declaration of Human Rights and Section 21 of the 1963 Constitution.
- b. A DECLARATION that the detention of the Applicant and confiscation of his passport as well as the closure of his bank account between 1978 and 1982 is illegal and unconstitutional as it violates his fundamental right to personal liberty guaranteed by Section 21 of the 1963 Constitution and Article 9 of the United Nations Universal Declaration of Human Rights.

- c. A DECLARATION that the denial of the Applicant his right to fair hearing by seeking redress is a court of law infringes on the human right of the Applicant as guarantee by Articles 8, 10, 11 (1) of the United Nations Universal Declaration of Human Rights, Section 22 of the 1963 Constitution.
- d. A DECLARATION that the refusal of the Defendant to allow the Applicant purchase 100% shares in New Nigeria Salt Company Limited and 38.35 acres of land owned by him violated his right to freedom from discrimination as enshrined in Section 28 of the 1963 Constitution of the Federal Republic of Nigeria and Article 7 of the United Nations Universal Declaration of Human Rights.
- e. AN ORDER of this Honourable Court directing the Defendant, its agents, organs, servants, privies or by whatsoever name called to pay over to the Applicant the sum of N100, 000, 000 (One Hundred Million Naira) only as compensation to the Applicant as a result of forcefully acquiring the Applicant's Company to pay the appropriate compensation entitled to the Applicant's Company; New Nigeria Salt Company Limited (NNSC).
- f. AN ORDER of this Honourable Court directing the Defendant its agents, organs, servants, privies or by whatsoever name called to pay over to the Applicant the sum of N200, 000, 000 (Two Hundred Million Naira) only to the Applicant for the violation of his fundamental human right to fair hearing, personal liberty, property and freedom from discrimination.
- g. AN ORDER of this Honourable Court directing the Defendant its agents, organs, servants, privies or by whatsoever name called to pay over to the Applicant the sum of N100,000, 000 (One Hundred Million Naira) only to the Applicant for the emotional and financial damages suffered.
- h. AN ORDER of this Honourable Court directing the Defendant to pay over to the Applicant the sum of N5,000,000 (Five Million Naira) only being the solicitors fees and other incidental cost.

4. SUMMARY OF THE PLEAS-IN-LAW

- a. ARTICLES 7, 8, 9, 10, 12 AND 17(1) OF THE UNITED NATIONS UNIVERSAL DECLARATION OF HUMAN RIGHTS.
- b. SECTION 21, 22, 28 AND 31 OF THE 1963 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA.
- c. SECTIONS 22(1), 28(1) & 31(1) OF THE 1963 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA.

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. That by virtue of the Privatization and Commercialization Act 1988(now repealed) the Defendant fully privatized and commercialised the property of the Applicant; New Nigeria Salt Company Limited (NNSC) thereby depriving him of his right to own property.
- b. That the action of the Defendant where 100% shares was acquired by the Defendant by virtue of New Nigeria Salt and Company Ltd. (Take Over) Decree No. 27 of 1978 led to the denial of the Applicant's right to property thus constitutes a violation of his fundamental right as guaranteed under the Universal Declaration of Human Rights, of which the Defendant is a signatory.

- c. Furthermore, that the Defendant failed and refused to pay compensation to the Applicant after committing these acts thereby deliberately infringing on the Applicant's fundamental rights. In conclusion, the Applicant was stripped of his fundamental right to personal liberty.

DATED THIS 28TH DAY OF MARCH 2023.

SIGNED:

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Dr. Yaouza OURO-SAMA (PhD, CIPD Assoc.)

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/56/22

BETWEEN

MOSES ABIODUN _____ *APPLICANT*

AND

THE FEDERAL REPUBLIC OF NIGERIA _____ *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 **MOSES ABIODUN (APPLICANT)** AND **THE FEDERAL REPUBLIC OF NIGERIA (DEFENDANT)** was filed by the Applicant and registered by the Court on the 28th day of November, 2022.

1. NAMES AND ADDRESSES OF PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicant:

MOSES ABIODUN

C/o of his lawyer: Avocats Sans Frontieres, France
(ASF France) Plot 756 Abubakar Usman Crescent,
Jabi Abuja. chigozieikedimma@gmail.com and
office.nigeria@avocatssansfrontieres-france.org

b. Name and address of Defendant:

FEDERAL REPUBLIC OF NIGERIA,

C/o Attorney General of the Federal Republic of
Nigeria / Minister of Justice, Federal Ministry of
Justice,
Abuja, Nigeria.

2. SUBJECT-MATTER OF THE PROCEEDINGS

The violation of the Applicant's fundamental Human Rights, arbitrary detention, breach of duty and State Covenant.

3. ORDERS SOUGHT BY THE APPLICANT

- a. A DECLARATION that the detention and continuing detention of the Applicant by the Agent of the Defendant in the facility of the Nigerian Correctional Service Centre, Kirikiri Lagos (Medium Security Custodial Centre Kirikiri, Apapa, Lagos) without trial since 23rd March, 2009 to date is an infringement of the Applicant's rights to personal liberty, right to freedom of movement, provided under sections 35(4&5) and 41 of the constitution of the Federal Republic of Nigeria 1999 and articles 1, 2, 3, 5, 6, 7(1)d) and 12(1)(2) of the African Charter on Human & People's Rights, Cap A9, LFN, 2004.

- b. A DECLARATION that the unfair detainment of the Applicant without trial, in custody of the Nigerian Correctional Service Centre, Kirikiri, Lagos (Medium Security Custodial Centre, Kirikiri, Apapa, Lagos) Nigeria constitutes cruel, inhuman and degrading treatment contrary to the provisions of the Articles 2(1)&(3), 3, 9(3),(4)&(5) and 14(3)(c) and 26 of the International Covenant on Civil and Political Rights (ICCPR), and Articles 1, 2, 5, 7, 8, 9, 10 and 11(1)&(2) of the Universal Declaration of Human Rights.
- c. AN ORDER directing the Defendant to pay the sum of N500, 000,000.00 (Five Hundred Million Naira only) to the Applicant as compensation for unlawful detention for a period of 14years and continuing.
- d. AN ORDER directing the Defendant to unconditionally release the Applicant from the custody Nigerian Correctional Service Centre, Kirikiri, Apapa, Lagos (Medium Security Custodial Centre Kirikiri Apapa Lagos) Nigeria, where he has been unfairly detained for a period of 14years and continuing.
- e. ANY SUCH FURTHER ORDER OR ORDERS as the Court deems fits in the circumstances.

4. SUMMARY OF THE PLEAS-IN-LAW

- a. ARTICLE 33 OF THE RULES OF PROCEDURE OF THE COMMUNITY COURT OF JUSTICE, ECOWAS;
- b. RULE 11 OF THE ECOWAS COURT PROTOCOL (THE PROTOCOL);
- c. ARTICLE 59 OF THE ECOWAS REVISED TREATY (THE REVISED TREATY);
- d. ARTICLES 1, 2, 3, 5, 6, 7, 10, 11(1) & (2) AND 12 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, (UDHR).

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. That a remand and unfair detainment of the Applicant for 14 years is cruel, inhuman and demeaning and degrading of the Applicant dignity.
- b. That the incarceration and arbitrarily detention in the Nigerian Correctional Service Centre, Kirikiri, Lagos State, Medium Security Custodial Centre, Kirikiri, Apapa, Lagos State by Nigerian Police Force is contrary to Articles 1, 2, 3, 5, 6, 7(1)d) and 12(1)(2) of the African Charter on Human and Peoples' Rights (African Charter), Articles 2(1) & (3), 3, 9(3),(4)&(5) and 14(3)(c) and 26 of the International Covenant on Civil and Political Rights (ICCPR), and Articles 1, 2, 3, 5, 6, 7, 10, 11(1) & (2) & 12 of the Universal Declaration of Human Rights. (UNDHR) which are binding on Nigeria.

DATED THIS 28TH DAY OF MARCH 2023.

SIGNED:



Dr. Yaouza OURO-SAMA (PhD, CIPD Assoc.)
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/57/23

BETWEEN

PETER OGBEKHILU _____ *APPLICANT*

AND

FEDERAL REPUBLIC OF NIGERIA _____ *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 **PETER OGBEKHILU (APPLICANT)** AND **FEDERAL REPUBLIC OF NIGERIA (DEFENDANT)** was filed by the Applicant and registered by the Court on the 29th day of November, 2022.

1. NAMES AND ADDRESSES OF PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicant:

PETER OGBEKHILU

No. 4, Urierhu Street off Sakponoba Road,
Benin City, Edo State Nigeria.

b. The names and address of the Defendant:

FEDERAL REPUBLIC OF NIGERIA,

c/o The Attorney General of the Federation,
Federal Secretariat,
Abuja.

2. SUBJECT-MATTER OF PROCEEDINGS

The violation of the Applicant's fundamental right to liberty and security, right to dignity, right to be treated as un-convicted person and right to have one's case heard.

3. ORDERS SOUGHT BY THE APPLICANT

- a, A DECLARATION that no detention order can be issued over mere allegation of commission of an offence against a person save after investigation and issuance of report.
- b. A DECLARATION that the periodic arrest of the Applicant by the Defendant is illegal and unlawful as it violates **Article 6** of the African Charter on Human and Peoples' Rights which guarantees his human right to personal liberty.
- c. A DECLARATION that the Applicant's 106 days cumulative periodic detention without trial is unlawful and a violation of his right as guaranteed by **Article 4, 5, and 7** of the African Charter on Human and People's Rights.
- d. AN ORDER OF COURT discharging the Applicant of any allegation by the Defendant leading to his incarceration

- e. AN AWARD OF 100, 000, 000. 00 Naira (ONE HUNDRED MILLION NAIRA AS **GENERAL DAMAGES** being compensation for the violation of the Applicant's rights to dignity, liberty and fair hearing from the date of judgment and interests therein at 10 percent per month until judgment is fully liquidated against the Defendant.
- f. A PERPETUAL INJUNCTION restraining the Defendant or its agents or privies from issuing any warrant of arrest against the Applicant. Arresting or placing him in detention facility anywhere in Nigeria in pursuant arising from this allegation.

4. SUMMARY OF THE PLEAS-IN-LAW

- a. Article 33 of the Rules of Community Court of Justice;
- b. Article 33 of the Rules of the ECOWAS Community Court of Justice;
- c. Article 10 of the Supplementary Protocol Amending the Protocol Relating to the Community Court of Justice;
- d. Rule 11 of the ECOWAS Court Protocol ("The Protocol");
- e. Article 59 of the ECOWAS Revised Treaty ("The Protocol");
- f. Article 3, 10, 11 and 17(1) of the Universal Declaration of Human Rights 1948;
- g. Articles 1, 2, 3, 4, 5, 6, 7 & 26 of the African Charter on Human and People's Rights (Ratification and Enforcement) Act; 1983;
- h. Section 34 (1) (a) (b) and (c), 35 (1) (a) (c), (2), (4) (a) (b), (5), (6) and (7) and 36 (1), (5), (6) (c) and (8) of the 1999 Constitution;
- i. Inherent jurisdiction of this Honorable Court.

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. That the Applicant was arrested over a missing truck for a cumulative period of 106 days within 6 years in three different stations per time without any criminal charge or arraignment. That he has not been arraigned before any court of competent jurisdiction in order to ascertain his guilt contrary to the provisions of **Section 35** of the Constitution of 1999. **Section 35 (1) (a) (c), (2), (4) (a) (b), (5), (6) and (7)** of the 1999 Constitution.
- b. That the act of the Defendant in denying the Applicant trial in an open court for the missing truck and continuous detention without trial is a breach of the Applicant's right to fair hearing, personal liberty and dignity guaranteed under **Article 6** of the African Charter on Human and People's Rights.
- c. That every individual shall have the right to have his cause heard and this comprises among other things the right to be presumed innocent until proven guilty by a competent court or tribunal, the right to defence, including the right to be defended by counsel of his choice and the right to be tried within a reasonable time by an impartial court or tribunal. **Section 36 (1), (5), (6) (c) and (8)** of the 1999 Constitution as well as **Articles 2 and 6** of the African Charter on Human and Peoples' Rights. **Section 36 (1), (5), (6) (c) and (8)** of the 1999 Constitution.

DATED THIS 28TH DAY OF MARCH, 2023.

SIGNED: 

Dr. Yaouza OURO-SAMA (PhD, CIPD Assoc.)
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/58/22

BETWEEN

MRS. COULDIATI & 4 ORS. _____ *APPLICANTS*

AND

BURKINA FASO _____ *RESPONDENT*

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. COULDIATI & 4 ORS. (APPLICANTS) AND BURKINA FASO (RESPONDENT)* was filed by the Applicants and registered by the Court on the 29th of November 2022.

1. NAMES AND ADDRESSES OF PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicant (s):

MRS. COULIDIATI LAYIANI & 4 ORS

The application is lodged by **MRS. COULIDIATI LAYIANI** and her four (04) children namely **TANKOANO DIEYABIDI, TANKOANO YOMBO, TANKOANO DIALENLI** and **TANKOANO SOAMBOALA**. All the Applicants reside in the village of Touaga, in the commune of Diapaga, in the Eastern Region of Burkina Faso.

Represented by:

Groupe de Recherche-Action sur la Sécurité Humaine (GRASH): GRASH is an association registered under Burkinabe law, identification number: 000002169, 01 BP 6465 Ouagadougou CNT, Tel: + 226 70 12 84 88 **Institute for Human Rights and Development in Africa (IHRDA)**

IHRDA is a pan-African NGO registered in The Gambia. 949 Brusubi Layout, AU Summit Highway, PO Box 1896 Banjul, Gambia. Tel: +220 44 10 413/4; Fax: +220 44 10 201; Cell: +220 77 51 200/33 51 200.

GRASH and IHRDA act under the mandate duly signed by Mrs. COULIDIATI Layiani and Mr. TANKOANO Dieyabibi.

IHRDA : gsowe@ihrda.org; ebizimana@ihrda.org

GRASH: grashburkina@gmail.com; trali200@yahoo.fr

b. Name and address of Respondent:

BURKINA FASO

Burkina Faso is represented by the State Judicial Officer, Secteur N° 52 Avenue Mouammar KHADAFI (on the 1st floor of the General Directorate of Treasury and Public Accounting), 03 BP 7040 Ouagadougou 03, Tel: 0022625376887, email: contactajeburkina@aje.gov.bf.

2. SUBJECT-MATTER OF THE PROCEEDINGS

- a. FIND the Respondent State in breach of its obligation to investigate and punish the violation of the right to life;
- b. FIND the violation of the Applicants' right to property and right to housing;
- c. FIND also the violation of the Applicants' right to an effective remedy;
- d. ORDER the Respondent State to pay two hundred (200,000) US dollars in compensation for material and non-material damages;
- e. ORDER the Respondent State to investigate the case and punish the perpetrators within a reasonable time;
- f. AND ORDER the Respondent state to bear the entire costs.

3. SUMMARY OF THE PLEAS-IN-LAW

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

- a. The obligation to investigate and punish violations of the right to life, enshrined in Article 4 of the African Charter on Human and Peoples' Rights, Article 4 (1) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women, Article 6 (1) of the International Covenant on Civil and Political Rights, and Article 3 of the Universal Declaration of Human Rights
- b. Violation of the right to property, enshrined in Article 14 of the African Charter on Human and Peoples' Rights; violation of the right to housing, enshrined in Article 25 (1) of the Universal Declaration of Human Rights;
- c. Violation of right to an effective remedy enshrined in Article 7 (1) of the African Charter on Human and Peoples' Rights and Article 2 (3) of the International Covenant on Civil and Political Rights.

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicants claim that following an accusation of murder of her son made by an elderly woman in November 2020 in the Diapaga region of Burkina Faso, armed youths murdered and buried her husband, destroyed their house and all their property, on the basis of this allegation;
- b. The day after the events, Mrs. COULDIATI's son went to inform the police, who promised to call back, but this was not followed up.
- c. The Tribunal de Grande Instance of Diapaga suggested that they inform the gendarmerie which, after their hearing, did not issue them with a copy of the report of the hearing, let alone any judicial authority or judicial act to record the various violations;
- d. Since then, no further action has been taken on this case, which has justified the referral to the Court.

DATED THIS 28TH DAY OF MARCH 2023.



SIGNED

Dr. Yaouza OURO-SAMA (PhD, CIPD Assoc.)
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/60/22

BETWEEN

STELLIO CAPO CHICHI, AKA KÉMI SEBA _____ *APPLICANT*

AND

BURKINA FASO _____ *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 STELLIO CAPO CHICHI, AKA KÉMI SEBA (APPLICANT) AND BURKINA FASO (DEFENDANT)** was filed by the Applicant and registered by the Court on the 30th day of November 2022. .

1. NAMES AND ADDRESSES OF PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicant:

STELLIO CAPO CHICHI, AKA KEMI SEBA

Represented by Maître Juan Branco, lawyer registered with the Bar Association of Paris; Maître Cheikh Khoureysi Ba, lawyer registered with the Bar Association of Dakar; and Maître Prosper Farama, lawyer registered with the Bar Association of Burkina Faso, Ouagadougou, 2000, BP 10 CM 13009, +226 60 09 56 00

b. Name and address of Defendant:

BURKINA FASO

Represented by the State Judicial Officer of Burkina Faso, whose address for service is at: Ministère de l'Économie et des Finances (Ministry of Economy and Finance), Ouagadougou, Burkina Faso

2. SUBJECT-MATTER OF THE PROCEEDINGS

The Applicant asks the Court to:

- a. FIND that the Applicant suffered arbitrary detention and related violations of his rights, notably violation of his right to freedom of movement;
- b. ORDER Burkina Faso to compensate Kemi Seba in the sum of 50 Million CFA Francs;
- c. ORDER Burkina Faso to bear the costs.

3. SUMMARY OF THE PLEAS-IN-LAW

In support of his complaints against Burkina Faso, the Applicant invokes:

- a. Articles 5, 6, 7, 9 and 12 of the African Charter on Human and Peoples' Rights;
- b. Articles 9, 13 and 19 of the Universal Declaration of Human Rights;
- c. Articles 9 and 19 of the International Covenant on Civil and Political Rights;
- d. Article 2 of Protocol No. 4 of the European Convention on Human Rights; and
- e. Article 1 of the Charter of Fundamental Rights of the European Union.

4. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. As part of an international tour of conferences and campaigns against neo-colonialism organised by the association known as *Urgences Panafricanistes*, Kemi Seba gave a series of public speeches on the subject-matter of neo-colonialism across the African continent, without any trouble or violent incident ever being recorded.
- b. He maintains that following an invitation by the association Copa-BF, he travelled to Burkina Faso to participate in an event organised by the association. That he was arrested without any basis and detained by the gendarmerie and the national criminal investigations police. That he was arbitrarily detained by the Defendant State, which violated his rights to freedom of movement, to freedom of expression, to defence, and to human dignity.
- c. That was why the Applicant brought his case before the Court for a declaration on violation of the stated rights, and for reparation.
- d. The Applicant seeks from the Court the claims set out above in the Subject-Matter of the Application.

DATED THIS 29TH DAY OF MARCH 2023.

SIGNED: 

Dr. Yaouza OURO-SAMA (PhD, CIPD Assoc.)
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/61/22

BETWEEN

PRIESTESS LOVINA AMINA ADONOR _____ **APPLICANT**

AND

THE FEDERAL REPUBLIC OF NIGERIA _____ **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 **PRIESTESS LOVINA AMINA ADONOR (APPLICANT)** AND **FEDERAL REPUBLIC OF NIGERIA (DEFENDANT)** was filed by the Applicant and registered by the Court on the 2nd day of December, 2022.

1. NAMES AND ADDRESSES OF PARTIES

The names and addresses of the parties are as follows:

a. Name and address of Applicant:

PRIESTESS LOVINA AMINA ADONOR

Traditionalist, a Priestess of Ise Ground at Ikwator Weppa Kingdom of Etsakor East Local Government Area, Edo State.

b. Name and address of Defendant:

FEDERAL REPUBLIC OF NIGERIA

The Attorney-General of the Federation,
Federal Ministry of Justice, Federal Secretariat Complex,
Shehu Shagari Way, Abuja
08023193403, maimunashiru@yahoo.com

2. SUBJECT-MATTER OF THE PROCEEDINGS

Violation of fundamental rights to propagate religion and belief, the right to security of person and the right of a woman to own property and not to be discriminated against.

3. ORDERS SOUGHT BY THE APPLICANT

The Applicant seeks the following orders:

- a. A DECLARATION that the illegal takeover, destruction of the Applicant's worship office, materials, building and animals is illegal, unlawful and infringes on the Applicant's right to acquire and own property anywhere in Nigeria as guaranteed by **section 43** of the Constitution of 1999.
- b. A DECLARATION that a woman can head a religious center, manage her followers and the obstruction of the claimant from worshipping at the Ise Ground situate and lying at Ikwator Weppa Kingdom of Etsako East Local Government Area of Edo State by the Defendant is discriminatory and an infringement of her right to propagate her religion, belief in worship, teaching, practice and observance of her religious right as guaranteed in **Section 38** of the Constitution of Federal Republic of Nigeria 1999.

- c. A DECLARATION that failure of the Defendant to investigate the heinous allegation of gender discrimination, destruction of property and working materials of the Applicant is an infringement on the Applicant's right to security as guaranteed by **sections 35, 41 and 42** of the Constitution of the Federal Republic of Nigeria 1999 and **Articles 3, 6 and 12 (1)** of the African Charter on Human and People's Rights (Ratification and Enforcement) Act Laws of the Federation of Nigeria, 2004, **Article 5 & 11** of the Universal Declaration of Human Rights of 1948. And Commission on Human Rights Resolution on Elimination of all forms of intolerance and of discrimination based on religion or belief, Resolution 2005/40 of 19 April 2005.
- d. AN ORDER that the Applicant enjoys her right to religion and belief in line with the right of women to land and property as provided in **Article 2 (2)** of the International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966, **Article 14 and 21 (5)** of the Africa Charter on Human and People's Rights of 1966, **Article 17 (1)** of the Universal Declaration of Human Rights of 1948 and **section 38** of the 1999 Constitution
- e. THE SUM OF **N 10, 000,000:00 (Ten Million Naira Only)** being money claimed for the breach of the Applicants rights as above.
- f. SPECIAL DAMAGES of **N5, 084,400:00 (Five Million Eighty Four Thousand Four Hundred Naira)** for the unlawful destruction of claimant's property and materials of worship with interest of 10% per annum from the date of Judgment until the entire Judgment Debt is paid.
- g. GENERAL DAMAGES of **N5, 000,000:00 (Five Million Naira)** for the tort of Trespass onto the Claimant's property and the obstruction of her recognized right with interest of 10% per annum from the date of Judgment until the entire Judgment Debt is paid.
- h. AN ORDER OF PERPETUAL INJUNCTION restraining the Defendant whether by themselves, servants, agents, assigns, privies or anyone from interfering with the activity of the claimant and property.

4. SUMMARY OF THE PLEAS-IN-LAW

- a. Article 33 of the Rules of the ECOWAS Community Court of Justice;
- b. Rule 11 of the ECOWAS Court Protocol ("The Protocol");
- c. Article 59 of the ECOWAS Revised Treaty ("The Protocol");
- d. Article 2 (2) of the International Covenant on Economic, Social and Cultural Rights 1976;
- e. Articles 7 (1) (a), 9, 14, 17 (2) & (3), 21 (1), (2) & (5) of the African Charter on Human and People's Rights ("The African Charter").
- f. Article 18 (1) & (30) of the International Covenant on Civil & Political Right (ICCPR) 1966;
- g. Sections 38, 42 & 43 of the Constitution of Federal Republic of Nigeria 1999;
- h. Article 18 of General Comment No. 22 on the right to freedom of thought, conscience and religion, Human Rights Committee, 30 July 1993;
- i. Article 6 (a) of the General Assembly Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief 1981;

- j. Article 4 (1) of the Commission on Human Rights Resolution on Elimination of all forms of intolerance and of discrimination based on religion or belief, Resolution 2005/40 of 19 April 2005;
- k. Article 2 (2) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966;
- l. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979;
- m. General Assembly Declaration on the Elimination of Violence against Women, Resolution 48/104 of 20 December 1993.

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. That failure of the Defendant to protect the human rights of the Applicant under the international human rights instrument to which the Defendant is a member constitutes a wrong against them and violates their fundamental human rights as provided for under Articles 1, 3, 4, 6, 23, and 24 of the African Charter.
- b. That failure of the Defendant to investigate and sanction individuals and public officers who failed to act on the Claimant's petition over the acts as allegedly perpetrated by state or by private persons is actionable and that failure of the Defendant to foster a mechanism to protect the Applicant from embarrassment, intimidation and frustration impinges on the right of the Applicant to security and liberty.

DATED THIS 29TH DAY OF MARCH 2023.

SIGNED:



Dr. Yaouza OURO-SAMA (PhD, CIPD Assoc.)
Chief Registrar,
Community Court of Justice, ECOWAS,
Abuja - Nigeria.

