



## of the Economic Community of West African States (ECOWAS)

English Edition

2023

**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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**SUIT N<sup>o</sup>: ECW/CCJ/APP/41/23**

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*BETWEEN*

**THE INCORPORATED TRUSTEES OF EXPRESSION NOW  
HUMAN RIGHTS INITIATIVE - *APPLICANTS***

*AND*

**THE FEDERAL REPUBLIC OF NIGERIA - *RESPONDENT***

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

**HOLDEN IN ABUJA, NIGERIA.**

**SUIT N<sup>o</sup>: ECW/CCJ/APP/01/23**

*BETWEEN*

**HEIRS OF LATE MAHI ZADI RENÉ** \_\_\_\_\_ *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 **Heirs of late MAHI Zadi René (APPLICANTS) AND REPUBLIC OF COTE D'IVOIRE (RESPONDENT)** was filed by the Applicants and registered by the Court on the 12<sup>th</sup> day of January 2023.

**1. THE NAMES AND ADDRESSES OF THE PARTIES**

*The names and addresses of the parties are as follows:*

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

**THE HEIRS OF THE LATE MAHI ZADI RENÉ**

Represented by their counsel, Maître Mariam DIAWARA, attorney at the Bamako Court of Appeal, with an address at Rue 603 Porte 116 Darsalam, Bamako, Mali, BP 696.

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

**REPUBLIC OF COTE D'IVOIRE**

Represented by the Ministry of the Economy and Finance, represented by the Judicial Agent of the Treasury, with an address at the former building of the Embassy of the United States of America, in Abidjan, Commune du Plateau BP V 98 Abidjan.

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

The Applicants request that the Court should find that the late MAHI Zadi René, their deceased father, was the victim of an alleged violation by the Respondent State of his right to liberty and security, right to the moral health of the family, right to a decent wage and living and right to work.

**3. ORDERS SOUGHT BY THE APPLICANT(S)**

- a. REQUEST the Court to order the Respondent State to pay each of them the sum of 100,000,000 (One hundred million) CFA francs, for all causes of damages.
- b. TO GIVE the Respondent State 30 days to report to the Court on the execution of the judgment.
- c. TO ORDER the Respondent State to bear the costs of the proceedings.

#### 4. SUMMARY OF THE PLEAS-IN-LAW

- a. The Applicants allege violations of Articles 6 and 18 (1) of the African Charter on Human and Peoples' Rights;
- b. Article 9 (1) of the International Covenant on Civil and Political Rights;
- c. Articles 6 and 7(a) of the International Covenant on Economic, Social and Cultural Rights; and
- d. Article 9 of the Universal Declaration of Human Rights.

#### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The heirs of the late MAHI Zadi René, the Applicants in the instant case, consider that their deceased father's rights to liberty and security, moral health of the family, work, wages and a decent living were violated by the Respondent State. They maintained that these fundamental rights had been violated when their deceased father, who was a chief warrant officer and accountant, had been remanded in custody for alleged misappropriation of public funds.
- b. The Applicants claim that, after their father's death, they did not benefit from their pecuniary rights. Especially the pension rights and other pecuniary benefits owed by the State pension fund.
- c. For this reason, the Applicants brought an action before the Court seeking a declaration that the above-mentioned fundamental rights had been violated and, consequently, that they should be compensated.
- d. The Applicant requests the Court to grant the claims set out above in the subject of the application.

**DONE THIS 15<sup>th</sup> DAY OF MAY 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<sup>o</sup>: ECW/CCJ/APP/02/23**

*BETWEEN*

**MR. MAHAMANE TAR CHOUKOU** \_\_\_\_\_ *APPLICANT*

*AND*

**THE REPUBLIC OF NIGER** \_\_\_\_\_ *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. MAHAMANE TAR CHOUKOU (APPLICANT)** AND **THE REPUBLIC OF NIGER (RESPONDENT)** was filed by the Applicant and registered by the Court on the 12<sup>th</sup> day of January, 2023.

**1. NAMES AND ADDRESS OF THE PARTIES:**

*The names and addresses of the parties are as follows:*

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

**MR. MAHAMANE TAR CHOUKOU**

Former ICRC agent, born on 20 December 1979 in Nguigmi (Diffa-Niger), citizen of Niger, residing in Lomé (Togo) with refugee status, assisted by Maître Ahamed MAMANE AMADOU, Attorney at Law, BP: 610 Niamey-Niger, TEL: 0022797014728, email: ahbakinbatoure@gmail.com.

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

**THE REPUBLIC OF NIGER**

Represented by the *Agence Judiciaire de L'Etat*, a public administrative establishment and a legal person under public law, whose registered office is located at Niamey, quartier Koira Kano, not far from the Koura Kano clinic, BP-11.404, TEL: 20.73.22.19, Email: aje-dir@yahoo.fr, in the person of its Director General, residing in that capacity at the said office.

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

Alleged violation by the Respondent State of the Applicant's right to freedom of expression, right to employment, arbitrary and unlawful arrest and detention.

**3. ORDERS SOUGHT BY THE APPLICANT**

- a. FIND that the right to freedom of expression of the Applicant was infringed;
- b. FIND the violation of the Applicant's right to employment;
- c. DECLARE that the arrest and detention of the Applicant by the Respondent was arbitrary and unlawful;

- d. DECLARE that the actions of the Respondent forced the Applicant into exile;
- e. DECLARE that all of these violations of the Applicant's human rights entitle him to compensation;
- f. ORDER the Republic of Niger to pay the Applicant the sum of **500,000,000 FCFA** as compensation for all damages;
- g. ORDER the Republic of Niger to submit to this court, within a short period of time from notification of the decision, a report on the measures taken to implement the orders made therein;
- h. To ORDER the Republic of Niger to bear all costs.

#### 4. SUMMARY OF THE PLEAS-IN-LAW

The Applicant relies on the following main relevant international legal instruments:

- a. Article 9 of the African Charter on Human and Peoples' Rights;
- b. Article 15 of the African Charter on Human and Peoples' Rights
- c. Article 23 of the Universal Declaration of Human Rights of 1948;
- d. Article 6 of the International Covenant on Economic, Social and Cultural Rights;
- e. Article 6 of the African Charter on Human and Peoples' Rights.

#### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant, a Niger citizen, journalist and politician, was dismissed from his position as political adviser to the head of the sub-delegation of the International Committee of the Red Cross (ICRC), on the orders of the Minister of Interior of the Government of Niger.
- b. He alleged that the Respondent State arbitrarily arrested and detained him without any legal basis, when in fact the Republic of Niger signed an agreement with the ICRC (the Applicant's employer) providing for immunity from arrest and detention for national staff and residents for acts committed in the performance of their duties.
- c. In view of all these violations, the Applicant is seeking an order from this Court that the Respondent State be ordered to pay the sum of **500 million CFA francs** for all damages, as well as all costs.

**DATED THIS 18<sup>TH</sup> DAY OF MAY, 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<sup>o</sup>: ECW/CCJ/APP/03/23**

*BETWEEN*

- |   |   |                   |
|---|---|-------------------|
| <ol style="list-style-type: none"> <li>1. <b>PRECIOUS ORUCHE</b></li> <li>2. <b>PATRICK EHOLOR</b></li> <li>3. <b>INCORPORATED TRUSTEE OF ONE LOVE FOUNDATION AND CARING</b></li> </ol> | } | <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 **PRECIOUS ORUCHE & 2 ORS. (APPLICANTS)** AND **THE FEDERAL REPUBLIC OF NIGERIA (RESPONDENT)** was filed by the Applicants and registered by the Court on the 17<sup>th</sup> day of January 2023.

**1. NAMES AND ADDRESSES OF PARTIES**

The names and addresses of the parties are as follows:

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

**PRECIOUS ORUCHE**

**PATRICK EHOLOR**

**INCORPORATED TRUSTEE OF ONE LOVE FOUNDATION AND CARING**

c/o Ihensekhien Samuel Jnr.  
Pathlegal and Co. (Legal Practitioners)  
Suit 5, Highbury plaza  
Opposite Habib Youghurt  
Kubwa, Abuja.  
Email: sammyihens@gmail.com  
08096494392

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

**THE FEDERAL REPUBLIC OF NIGERIA,**  
c/o Ministry of Justice,  
Abuja, Nigeria.

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

The alleged violation of the Applicants' fundamental human rights to dignity of the human person, physical and mental health, liberty, family life, freedom of movement, fair hearing, enjoyment of the rights and freedoms recognised and guaranteed the African Charter on Human and Peoples Rights and the Universal Declaration of Human Rights.

### 3. ORDERS SOUGHT BY THE APPLICANTS

- a. A DECLARATION that the arrest of the Applicants by the armed agents of the Respondent at FCT - Abuja for non-criminal offence on 10<sup>th</sup> to 11<sup>th</sup> August 2022 is illegal as it violates the human right of the Applicants to the dignity of the human person guaranteed by Article 5 of the African Charter of Human and Peoples' Rights and Articles 4 and 5 of the Universal Declaration of Human Rights.
- b. A DECLARATION that the violation of all the recognized fundamental human rights of the 1<sup>st</sup> and 2<sup>nd</sup> Applicants as summarized in this case is illegal as it violates the presumption of innocence guaranteed by Articles 7 (1) (b) and (2) of the African Charter of Human and Peoples Rights and Articles 7 and 8 of the Universal Declaration of Human Rights.
- c. A DECLARATION that the acts of the 1<sup>st</sup> and 2<sup>nd</sup> Applicants in respect of all violations of this 1<sup>st</sup> and 2<sup>nd</sup> Applicants right is illegal and injurious to lack of the dignity of the human person guaranteed by Article 5 of the African Charter of Human and Peoples' Rights and Articles 4 and 5 of the Universal Declaration of Human Rights.
- d. A DECLARATION that the arrest and detention of the 1<sup>st</sup> Applicant by the armed agents of the Respondent without access to his Attorney from 10<sup>th</sup> to 11<sup>th</sup> August 2022 is illegal as it violates the human right of the Applicant to legal representation guaranteed by Article 5 of the African Charter of Human and Peoples' Rights and Articles 4 and 5 of the Universal Declaration of Human Rights.
- e. A DECLARATION of this Court for the stopping, banning and proscription of all road blocks by the Respondent police officers and agents, which is not subject of any criminal investigation activities as same constitutes violation of the right to free of movements of the 1<sup>st</sup> and 2<sup>nd</sup> Applicants and all citizens of Nigeria and members of the 3<sup>rd</sup> Respondents.
- f. AN ORDER of this Honourable Court directing the Respondent to pay over to the 1<sup>st</sup> Applicant the sum of \$500, 000. 00 (Five Hundred Thousand Dollars) only as aggravated and general damages for the violation of 1<sup>st</sup> and 2<sup>nd</sup> Applicant's right to liberty, freedom of movement, private and family life, dignity of person, health, legal representation by the armed agents of the Respondent.
- g. AN ORDER of this Honourable Court directing the Respondent to pay over to the 1<sup>st</sup> and 2<sup>nd</sup> Applicants 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 PLEAS-IN-LAW

- a. Article 33 of the Rules of the Community Court of Justice.
- b. 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.
- c. Articles 1, 2, 3, 4, 5, 7, 15, 16 and 19 of the African Charter on Human and Peoples' Rights.
- d. Articles 1, 2, 3, 4, 5, 6, 7, 8, 13, and 28 of the Universal Declaration of Human Rights adopted and proclaimed by General Assembly Resolution 217 a (iii) of 10 December, 1948.
- e. Articles 1, 2, 3, 4, 5 and 7 of the International Covenant on Civil and Political Rights.

## 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. That Applicants were both arrested and detained unlawfully, they were tortured, brutalized and subjected to degrading and inhuman treatment by armed agents of the Respondent thereby breaching the provisions of Articles 4, 5, 6, 7 and 12 of the African Charter of Human and Peoples Rights and Articles 4 and 5 of the Universal Declaration on Human and Peoples Rights.
- b. That the 1<sup>st</sup> and 2<sup>nd</sup> Applicant are entitled to damages payable by the Respondent for the violation of their right to freedom from torture, personal liberty, family life, fair hearing and freedom of movement guaranteed by Articles 4, 5, 6, 7 and 12 of the African Charter of Human and Peoples Rights and Articles 4 and 5 of the Universal Declaration on Human and Peoples Rights.

**DATED THIS 17<sup>TH</sup> DAY OF MAY 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<sup>o</sup>: ECW/CCJ/APP/04/23**

*BETWEEN*

1. **UNUS AL-HASSAN**
2. **THE ESTATE OF AHMED HUSEIN SUALE DIVELA** \_\_\_\_\_ *APPLICANTS*

*AND*

**THE REPUBLIC OF GHANA** \_\_\_\_\_ *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 **UNUS AL-HASSAN & ANOR. (APPLICANTS)** AND **THE REPUBLIC OF GHANA (RESPONDENT)** was filed by the Applicants and registered by the Court on the 25<sup>th</sup> day of January, 2023.

**1. NAMES AND ADDRESSES OF PARTIES**

*The names and addresses of the parties are as follows:*

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

**UNUS AL-HASSAN & ANOR.**  
 %o Falana & Falana Chambers,  
 22, Mediterranean Street,  
 Imani Estate,  
 MAITAMA,  
 ABUJA.

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

**THE REPUBLIC OF GHANA**  
 %o The Attorney General,  
 Ministry of Justice,  
 Accra, Ghana.

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

Alleged violation of the deceased's fundamental human rights to life, dignity of the human person, physical and mental health, liberty, freedom of movement, enjoyment of the rights and freedoms recognised and guaranteed by the provisions of Articles 1, 2, 3, 4, 5, 7, 15, 16 and 19 of the African Charter on Human and Peoples' Rights, discrimination on ground of status, right to an effective remedy by the competent national judicial institutions for acts violating the Applicant's fundamental rights as guaranteed by the provisions of Articles 1, 2, 3, 4, 5, 6, 7, 8, 13, and 28 of the Universal Declaration of Human Rights.

**3. ORDERS SOUGHT BY THE APPLICANTS**

- a. A DECLARATION that the brutal killing of the 1<sup>st</sup> Applicant's brother and 2<sup>nd</sup> Applicant's breadwinner; Hussein Suale Divela by armed murderers within the Respondent territory at Madina, Accra, Ghana on January 16, 2019 is wrongful, oppressive and illegal as it violates

the deceased's fundamental human right to life guaranteed by Article 4 of the African Charter of Human and Peoples' Rights and Article 3 of the Universal Declaration of Human Rights and Article 13 of the Ghanaian Constitution, 1992 (as amended).

- b. A DECLARATION that the failure of the Respondent to investigate and prosecute the murderers of the deceased Hussein Suale Divela is a dereliction of the duty of the Respondent under Article 1 of the African Charter of Human and Peoples' Rights and Article 1 of the Universal Declaration of Human Rights.
- c. A DECLARATION that the brutal killing of the deceased; Hussein Suale Divela by armed agents of the Respondent at Madina, Accra, Ghana on January 16, 2019 is wrongful, oppressive and illegal as it violates the deceased's fundamental human right to the dignity of the human person guaranteed by Article 5 of the African Charter of Human and Peoples' Rights and Articles 4 and 5 of the Universal Declaration of Human Rights.
- d. A DECLARATION that the brutal killing of the deceased; Hussein Suale Divela by armed agents of the Respondent at Madina, Accra, Ghana in January 16, 2019 is wrongful, oppressive and illegal as it violates the deceased's fundamental human right to fair hearing and presumption of innocence Articles 7 (1) (b) and (2) of the African Charter of Human and Peoples' Rights and Articles 7 and 8 of the Universal Declaration of Human Rights
- e. AN ORDER of this Honourable Court directing the Respondent, their agents, organs, privies, servants or by whatsoever name called to pay over to the Applicants the sum of \$200, 000 000. 00 (Two Hundred Million Dollars) only as general damages for the gruesome murder of their deceased bread winner; Hussein Suale Divela by armed agents of the Respondent at Madina, Accra, Ghana on January 16, 2019.
- f. AN ORDER of this Honourable Court compelling the Respondent, its agents, organs, servants, privies or by whatsoever name called to pay over to the Applicants the sum of \$2, 000,000.00 (Two Million Dollars) only as aggravated and punitive damages that will serve as a deterrent to the Respondent.
- g. AN ORDER of this Honourable Court directing the Respondent to pay over to the Applicants the sum of \$500, 000.00 (Five Hundred Thousand Dollars) only being the solicitors fees and other incidental cost.

#### **4. SUMMARY OF THE PLEAS-IN-LAW**

- a. ARTICLE 33 OF THE RULES OF THE COMMUNITY COURT OF JUSTICE.
- b. 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.
- c. ARTICLES 1, 2, 3, 4, 5, 7, 15, 16 AND 19 OF THE AFRICAN CHARTER ON HUMAN AND PEOPLES RIGHTS.
- d. ARTICLES 1, 2, 3, 4, 5, 6, 7, 8, 13, AND 28 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS ADOPTED AND PROCLAIMED BY GENERAL ASSEMBLY RESOLUTION 217 A (III) OF 10 DECEMBER, 1948.
- e. ARTICLES 1, 2, 3, 4, 5 AND 7 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS.

#### **5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS**

- a. The Applicants allege that their deceased bread-winner was gruesomely murdered within the Respondent's territory by politically exposed persons (who wield immense influence in

the public space) on account of the deceased's investigative journalistic work that has exposed high scale corruption and egregious ills particularly within the Respondent's territory.

- b. Applicants contend that the unresolved death is an onslaught on journalism and press freedom and that the death of the deceased is the ultimate form of censorship.
- c. That the 1<sup>st</sup> Applicant's brother and the 2<sup>nd</sup> Applicant's bread winner was killed without due process of law and without lawful justification which violates the various rights guaranteed by the African Charter on Human and Peoples' Rights, the International Covenant on Civil and Political Rights and other relevant human rights treaties to which the Respondent is a signatory.
- d. That the failure of the Respondent to investigate, arrest, prosecute and compensate the dependents of the deceased (Applicants herein) is a gross violation.

**DATED THIS 25<sup>th</sup> DAY OF MAY 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/05/23**

*BETWEEN*

**M. BAKARY SARRE** \_\_\_\_\_ *APPLICANT*

*AND*

**STATE OF MALI** \_\_\_\_\_ *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 **M. BAKARY SARRE (APPLICANT) AND THE STATE OF MALI (RESPONDENT)**, was filed by the Applicant and registered by the Court on the 6th of February 2023.

**1. NAMES AND ADDRESS OF THE PARTIES:**

*The names and addresses of the parties are as follows:-*

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

**Mr. BAKARY SARRE**

Born on 18 June 1979 in Dougabougou (Region of Ségou) of Malian nationality, Magistrate residing at Niamakoro Cité UNICEF, and having as counsel Maître Fousseyni DJIRE, Lawyer registered at the Bar of Mali, in whose chambers domicile is elected as the need arises, Immeuble MAMOYE ACI 2000 Hamdallaye-Bamako (MALI) ; BP E. 2770;  
Tel: +223 20 29 11 76 - Fax: +223 20 29 25 71;  
Email: ganobaber@yahoo.fr ;

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

**STATE OF MALI**

Represented by the Direction Générale du Contentieux de l'Etat (DGCE) at its offices in Bamako.

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

The present Application seeks from the Court:

- a. To note the alleged violation of the Applicant's constitutional right to housing;
- b. Further to note the alleged violation of the Applicant's right to work by the deprivation of work and benefits for more than six (6) years;
- c. To note the alleged inhuman and degrading treatment inflicted on the Applicant by the public tax authorities of the Respondent State, and the aggravation of the situation of injustice;

**3. ORDERS SOUGHT BY THE APPLICANT**

The Court to denounce the serious violations of human rights, and to order compensation for the damage suffered by the Applicant.

#### 4. SUMMARY OF THE PLEAS-IN-LAW

The Applicant relies principally on the constitutional provisions of the Respondent State and the Statute of the Judiciary in support of his claims:

- a. The violations referred to by the Applicant essentially concern, on the one hand, his constitutional rights to housing and, on the other hand, his right to paid work and the consequent benefits linked to his status as a magistrate in the public tax administration of the respondent State. The constitutional provisions in question are Article 6 of the Constitution of 25 February 1992, which provides that: "**home, property, private and family life and the confidentiality of correspondence and communications are inviolable. They may not be infringed except in accordance with the law.**";
- b. Article 13 of the same Constitution, which provides that: « **the right of ownership is guaranteed. No one may be expropriated except in the public interest and in return for fair and prior compensation.**»;
- c. Article 17, "**education, instruction, training, work, housing, leisure, health and social protection are recognised rights**";
- d. Article 4 of the Judges' Statute, provides that: "**Irrespective of the rules laid down in the Criminal Code and special laws, members of the judiciary are protected against threats and attacks of any kind to which they may be subjected in the course of or in connection with the performance of their duties. The State must compensate the resulting loss in all cases not covered by pension legislation. This compensation extends to the magistrate's family and property.**"

#### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant, a Malian citizen, a magistrate seconded to the Ministry of the Economy and Finance, in the Directorate General of Taxes after his training at ENA, claims to have been sidelined for six (6) years, thus depriving him of his right to work and the benefits associated with his position. He claims to have gone through a period of indescribable depression, only to return to his post in 2020.
- b. He also claims to have taken out a loan of 30,000,000 CFA francs to build his own home so that he would not have to rent, and to enable his family and children to reduce their travel costs.
- c. The Applicant complained that the Respondent State administration had prevented him from owning a home through the actions of officials of the commune 4 town hall, causing serious violations of his human rights, for which he sought compensation.

**DONE ON THIS 18<sup>th</sup> DAY OF MAY 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/06/23**

*BETWEEN*

**RAMON TRILLO MARQUINA** \_\_\_\_\_ *APPLICANT*

*AND*

**ECOWAS COMMISSION** \_\_\_\_\_ *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 **RAMON TRILLO MARQUINA (APPLICANT)** AND **ECOWAS COMMISSION (RESPONDENT)** was filed by the Applicant and registered by the Court on the 6th day of February 2023.

**1. NAMES AND ADDRESSES OF THE PARTIES**

*The names and addresses of the parties are as follows:*

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

**RAMON TRILLO MARQUINA**

Velayos 6,  
28305 Madrid.

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

**ECOWAS COMMISSION**

101, Yakubu Gowon Crescent, Asokoro District  
P.M.B. 401,  
Abuja, Nigeria

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

Alleged breach of Contract by the Respondent.

**3. ORDERS SOUGHT BY THE APPLICANTS**

- a. A DECLARATION that the Respondent's persistent failure to settle the Applicant's fee for legal services rendered amounts to a breach of contract.
- b. AN ORDER directing the Respondent to pay to the Applicant the sum of € 30,474 Euro representing arrears of professional fees plus reimbursable expenses for legal services provided by the Applicant to the Respondent in the Arbitration matter of **JDP v ECOWAS** at the Hague.
- c. 33% Interest on the entire Judgment sum from the date of Judgment until the final date of liquidation.
- d. N3, 500,000 as representing cost of this action.

#### 4. SUMMARY OF THE PLEAS-IN-LAW

ARTICLES 9 AND 11 OF THE PROTOCOL (A/P.1/7/91): ON THE COMMUNITY COURT OF JUSTICE.

#### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant is alleging that the Respondent engaged his Legal Services to represent it in the Arbitral matter between **ECOWAS v JDP** based on the dispute on the contract "Building a joint border post in Seme-Krake" before the International Court of Arbitration at The Hague in the Netherlands.
- b. That the Respondent agreed to pay the sum of € 60,000 Euros, for the plane tickets and Per Diems (i.e., reimbursable expenses) in consideration of the Applicant's legal services. Furthermore, that the Respondent undertook to pay 60% of the fees within 15 days from the contract's signing date and 40% within 15 days after the arbitration court announces the final decision. That reimbursable expenses were also agreed to be paid in advance before the Applicant's journey to represent the Respondent in Nigeria, the United Kingdom (UK) and Benin Republic (Benin) respectively.
- c. That the Respondent paid 60% of the agreed legal fees but withheld in arrears of 40% and reimbursable expenses despite repeated demands by the Applicant. Several promises verbally and via email messages were made to the Applicant assuring him of the payment but he was not paid, eventually his requests for payment were ignored completely, thereby violating the terms of the contract, amounting to a fundamental breach despite having fully discharged his own part of the bargain.

**DATED THIS 8<sup>th</sup> DAY OF MAY 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/07/23**

*BETWEEN*

**GENERAL ABDOU KAZA (Rtd.)** \_\_\_\_\_ *APPLICANT*

*AND*

**STATE OF NIGER** \_\_\_\_\_ *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 **GENERAL ABDOU KAZA (Rtd.) (APPLICANT)** AND **THE STATE OF NIGER (RESPONDENT)**, was filed by the Applicant and registered by the Court on the 8<sup>th</sup> day of February 2023.

**I. NAMES AND ADDRESSES OF THE PARTIES:**

*The names and addresses of the parties are as follows:-*

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

**GENERAL ABDOU KAZA (Rtd.)**

Born on 31st December 1953 at Falwel,  
Department of Loga, in the Dosso Region of the  
Republic of Niger, of Nigerien nationality, Retired  
Major General, residing at Niamey, Dar-Es-Salam  
district, having as Counsel Maître CHAIBOU  
Abdourahaman, Lawyer, Doctor of Law, certificate  
of practice n°0023/BAT/OSK/2023 at the Niger Bar  
dated 03 February 2023, Office, Plot E of Lot  
5453, OUEST-FAISCEAU allotment, quartier  
BOBIEL-CITE CHINOISE, derrière le complexe  
Scolaire Privé BINETA; BP 10417, Niamey,  
République du Niger; Portable GSM: +227 90 43  
38 37; Courriel: [abderchaibou@yahoo.fr](mailto:abderchaibou@yahoo.fr);  
[chaibouabder@gmail.com](mailto:chaibouabder@gmail.com)

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

**STATE OF NIGER**

Represented by the AGENCE JUDICIAIRE D'ÉTAT, a  
public administrative institution, in the person of its  
Director General, B.P. 11.404 Niamey- Niger;  
Tel:207322219 or 20732284;  
Rue KK -138 Quartier Koira Kano, Niamey.  
E-mail: [oumarouibrahim388@gmail.com](mailto:oumarouibrahim388@gmail.com)

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

The alleged violation by the Respondent of the principle of equality of citizens before the law and of non-discrimination.

### 3. ORDERS SOUGHT BY THE APPLICANT(S)

- a. TO FIND that the Applicant's human rights had been violated by the Respondent enshrining the right of succession of the lineage in the succession to the chieftaincy of the canton of Falwel;
- b. TO ORDER the Respondent State to pay him the sum of one hundred (100) million CFA francs as damages for fair compensation for physical, moral and psychological harm;
- c. TO ORDER the State of Niger to bear all costs.

### 4. SUMMARY OF THE PLEAS-IN-LAW

- a. Articles 2 and 3 of the African Charter on Human and Peoples' Rights;
- b. Article 7 of the Universal Declaration of Human Rights;
- c. Article 26 of the International Covenant on Civil and Political Rights;
- d. Article 26 of the International Covenant on Civil and Political Rights as the legal basis for his claims of breach of the principle of equality of citizens before the law and of non-discrimination.

### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant in this case, a Nigerian citizen and retired army general, contends that the administrative and judicial authorities of the Respondent State unfairly excluded him from the process of succession to the chieftaincy of the canton of Falwel, for which he believes he meets the customary conditions and legitimacy for access to the chieftaincy of the canton of Falwel under the law of succession of the lineage.
- b. In addition, the Applicant maintained that the Respondent State, despite its legal obligations to prevent and protect against practices and discrimination contrary to international conventions, had not deigned to comply with its Community obligations.
- c. In view of all these violations, the Applicant requests that the Respondent State be ordered to pay the sum of 100 million CFA francs as damages for fair compensation for the physical, moral and psychological harm he has suffered, and equally be ordered to bear all costs.

**DATED THIS 18<sup>th</sup> DAY OF MAY 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/08/23**

*BETWEEN*

**MR. KABINET SYLLA** \_\_\_\_\_ *APPLICANT*

*AND*

**REPUBLIC OF GUINEA** \_\_\_\_\_ *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. KABINET SYLLA (APPLICANT) AND REPUBLIC OF GUINEA (RESPONDENT)** was filed by the Applicant and registered by the Court on the 13<sup>th</sup> day of February 2023.

**1. NAMES AND ADDRESSES OF THE PARTIES:**

*The names and addresses of the parties are as follows:*

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

**Mr. KABINET SYLLA**

M. Kabinet SYLLA aka, "Bill GATES", Economic Operator, born on 05 September 1965 in Siguiri, and Guinean national, with an address at quartier Nongo, Commune of Ratoma, Conakry, represented by Maîtres Lanciné SYLLA, Almamy Samory TRAORE, Jean-Marie Lamine KAMANO and Joseph LOUA, members of the Bar Association of Guinea, with an address for service at Cabinet AST Avocats of Maître Almamy Samory TRAORE, located at quartier Nongo, behind Stade Général Lansana CONTE (GLC), Tel: 00224 622 398 225, who consents, pursuant to Article 33 (3) of the Rules of the Court, to receive all notifications and all service of documents by electronic means at the following address: [almamy@astavocat.net](mailto:almamy@astavocat.net) or [alsamtraore@gmail.com](mailto:alsamtraore@gmail.com)

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

**REPUBLIC OF GUINEA**

The Republic of Guinea, represented by the Judicial Agent of the State, at its offices in Almamy, Cité chemin de fer, Commune de Kaloum, Conakry, represented by Maîtres MOUNIR Houssein Mohamed et Associés, Mamadou Souaré DIOP, Pépé Antoine LAMA and Amadou Babahein CAMARA, members of the Bar Association of Guinea, with an address in Conakry.

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

Alleged violation by the Respondent of the Applicant's right to be presumed innocent; right to have his case heard within a reasonable time and arbitrary detention.

### 3. ORDERS SOUGHT BY THE APPLICANT

- a. FIND a violation of the Applicant's right to be presumed innocent;
- b. FIND that the Applicant's right to have his case heard within a reasonable time had been violated;
- c. Finally, FIND that the Applicant's detention was arbitrary;
- d. ORDER the Respondent State to proceed with the immediate release of the Applicant;
- e. ORDER the Respondent State to pay the Applicant the sum of five hundred million (500,000,000) CFA francs by way of compensation;
- f. And ORDER the Respondent State to bear the costs.

### 4. SUMMARY OF THE PLEAS-IN-LAW

- a. Article 14(2) of the International Covenant on Civil and Political Rights;
- b. Article 7 (1b) of the African Charter on Human and Peoples' Rights;
- c. Article 11 of the Universal Declaration of Human Rights;
- d. Articles 7 of the ACHR; 9, paragraph 3, 14 of the ICCPR;
- e. Article 6 of the African Charter on Human and Peoples' Rights;
- f. Article 9 of the Universal Declaration of Human Rights.

### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant is a citizen of Guinea, a steward in the office of the President of the Republic of Guinea, who claims to have been the subject of a judicial investigation for acts of corruption in the private sector, misappropriation of public funds, handling of public funds, conspiracy to forge and forgery of public documents, organised theft, unlawful enrichment, corruption, abuse of authority, money laundering and aiding and abetting;
- b. At the end of several hearings, for which reports were drawn up, and following various investigations, the Applicant asserted that he had been exonerated of the charges against him, and that there was no plausible reason for his prosecution;
- c. The Applicant maintained that, against all expectations, having diligently responded to a summons from the Economic and Financial Crimes Court (CRIEF), he had been charged and remanded in custody at the prison despite the absence of evidence likely to support his charge and detention;
- d. He therefore complains that the Respondent State has violated his rights to the presumption of innocence, to have his case heard within a reasonable time, and his arbitrary detention; a violation of rights which he seeks to be established and compensation for damages to tune of five hundred (500,000,000) CFA francs.

**DATED THIS 1<sup>st</sup> DAY OF JUNE 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<sup>o</sup>: ECW/CCJ/APP/10/23**

*BETWEEN*

1. **GAIUS IDUSUYI EMOKPAE**
2. **MONDAY OMOROGIUWA**
3. **ABEL UWADIA EMOKPAE**
4. **OSAGIODOUWA HENRY EGHAGHE**
5. **PAUL UWUIVBONSE ISIBOR**
6. **SILVESTER EDUWUIRHOFO OBAYUWANA**
7. **WILFRED E. EMOKPAE**
8. **COLLINS OGHOMWEN OJO**  
*(for themselves and on behalf of  
the indigenes and the people of  
Oke-Oroma Village, Ikpoba Okha LGA)*

} **APPLICANTS**

*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 **GAIUS IDUSUYI EMOKPAE & 7 ORS.** (*APPLICANTS*) AND **THE FEDERAL REPUBLIC OF NIGERIA** (*RESPONDENT*) was filed by the Applicants and registered by the Court on the 28<sup>th</sup> day of February, 2023.

**1. NAMES AND ADDRESSES OF THE PARTIES:**

*The names and addresses of the parties are as follows:*

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

**GAIUS IDUSUYI EMOKPAE & 7 ORS**  
(Oke Oroma Village,  
Ikpoba Okha Local Government Area,  
Edo State, Nigeria.

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

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

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

The alleged violation of the fundamental rights of the Applicants to own properties, have and enjoy peaceful possession and assembly, practice religion of their choice and freedom of expression as guaranteed by the African Charter on Human and People's Rights.

### 3. ORDERS SOUGHT BY THE APPLICANTS

- a. A DECLARATION that the indeterminate acquisition of the 714.750 hectares Oke-Oroma land and destruction of Houses, Economic trees, Ancestral Deities and farm produces constitute a violation of the right to own properties, right quality life, right to adequate compensation and right self-determination under the African Charter on Human and Peoples' Rights.
- b. A DECLARATION that the unlawful and excessive use of force in the acquisition of properties of the Applicants under the laws and procedures of The African Charter, Nigeria's Constitution and the Land Use Act 1978 violate the Applicants' rights.
- c. A DECLARATION that the continued intimidations and brute use of force in the compulsory acquisition of the Applicants' properties without adequate compensations are a violation of the Applicants' rights under Article 14 of the African Charter.
- d. AN ORDER compelling the Respondent to pay the Applicants adequate and prompt compensation and special damages for the 714.750 hectares of land compulsorily acquired and the various destructions of their properties, farmlands, deities and cemeteries as follows:
  - i. The sum of ₦ 33,858,753,481.00 (Thirty-Three Billion, Eight Hundred and Fifty-Eight Million, Seven Hundred and Fifty-Three Million, Four Hundred and Eighty-One Naira) only being compensation for the 714.750 hectares of land compulsorily acquired.
  - ii. The sum of ₦ 242,692,520.75 (Two Hundred and Forty-Two Million, Six Hundred and Ninety-Two Thousand, Five Hundred and Twenty Naira, Seventy -Five Kobo) only being special damages for the destruction of 17 buildings and structures belonging to the Applicants.
  - iii. The sum of ₦ 380,752,322.00 (Three Hundred and Eighty Million, Seven Hundred and Fifty-Two Thousand, Three Hundred and Twenty-Two Naira) only being special damages for the destruction of Farmlands belonging to the Applicants.
  - iv. The sum of ₦ 7,857,350.00 (Seven Million, eight Hundred and Fifty-Seven Thousand, Three Hundred and Fifty Naira) only being special damages for the destruction of the two deities of the Community.
  - v. The sum of ₦ 15,645,860.00 (Fifteen Million, Six Hundred and Forty-Five Thousand, Eight Hundred and Sixty Naira) only being special damages for the destruction of the village cemetery.
- e. GENERAL DAMAGES in the sum of ₦ 2,000,000,000.00 (Two Billion Naira) only.
- f. PECUNIARY DAMAGES for the loss of earnings, in a sum to be determined;
- g. An ORDER that the Respondent pay the Applicants' cost of this action, in accordance with Article 66 of the Court's Rules of Procedure.

### 4. SUMMARY OF THE PLEAS-IN-LAW

- a. Article 9 (4) of the Court's Protocol grants this Court's "jurisdiction to determine cases of violation of Human Right that occur in any Member State."

- b. Unlawful Acquisition of Land and Arbitrary/brute use of force to alienate Ancestral Lands amounting to breach of the right to own property under Article 14 of The Charter.
- c. Section 43 and 44 of the Constitution of Federal Republic of Nigeria 1999 (as amended),
- d. Section 28 and 29 of The Land Use Act 1978 provides for circumstances where properties can be compulsory acquired and same prioritizes prompt and adequate Compensation and right of access for the determination of Applicants' interest in the property and the amount of compensation.

## 5. SUMMARY OF MAIN THE SUPPORTING ARGUMENTS

- a. The Applicants alleged that the acquisition of the 714.750 hectares Oke-Oroma land and the destruction of Houses, Economic trees, Ancestral Deities and farm produces constitute a violation of the right to own properties, right quality life, right to adequate compensation and right self-determination under the African Charter on Human and Peoples' Rights.
- b. That the unlawful and excessive use of force in the acquisition of properties of the Applicants under the laws and procedures of the African Charter, Nigeria's Constitution and the Land Use Act 1978 violate the Applicants rights.
- c. That the continued intimidations and brute use of force in the compulsory acquisition of the Applicants' properties without adequate compensations are a violation of the Applicants' rights. Therefore, the Applicants seek adequate and prompt compensation and special damages.

**DATED THIS 8<sup>th</sup> DAY OF MAY 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<sup>o</sup>: ECW/CCJ/APP/11/23**

*BETWEEN*

**GOMAABDOUL AZIZ** \_\_\_\_\_ *APPLICANT*

*AND*

**TOGOLESE REPUBLIC** \_\_\_\_\_ *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 **GOMA ABDOUL AZIZ (APPLICANT)** AND **THE TOGOLESE REPUBLIC (RESPONDENT)** was filed by the Applicant and registered by the Court on the 22<sup>nd</sup> day of March 2023.

**1. NAMES AND ADDRESSES OF PARTIES**

The names and addresses of the parties are as follows:

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

**GOMAABDOUL AZIZ**

Represented by IHRDA and CDFDH.

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

**TOGOLESE REPUBLIC**

Headquarters at Lomé, at the Palais de la Présidence, on Boulevard du Mono, 2 Avenue du Général de Gaulle; coming before the Court, in the instant case, as the authorised representative of the Minister of Justice (Garde des Sceaux), whose office address is at Lomé, B.P. 121 Lomé-Standard.

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

The Applicant seeks a declaration from the Court to the effect that the Togolese Republic is to be held accountable for alleged violation of his right to physical and mental integrity, protection from acts of torture, cruel, inhuman and degrading treatment; his right to personal freedom and protection from arbitrary detention; his right to fair trial; his right to personal health and the health of the members of his family.

**3. ORDERS SOUGHT BY THE APPLICANT**

- a. The Applicant seeks an order from the Court for the Togolese Republic to urgently release him, so as to prevent any further deterioration of his health, and to enable him receive better health care.
- b. He seeks an order from the Court for the Togolese Republic to take all appropriate measures to ensure that the persons suspected of carrying out acts of torture, cruel, inhuman and degrading treatment are hunted down, arrested and punished, in accordance with the laws in force.

- c. He seeks an order for the Togolese Republic to pay **USD 247,913.11** in reparation for the physical and psychological harm done him and his family. The Court is requested to order the payment the stated reparation within the space of one year starting from the date the judgment will be delivered. Where the payment of physical cash is not possible, a bank transfer is requested, in the most favourable financial conditions possible, under the banking laws of Togo. The amount thus paid is requested to tax free and exempt from any form of deduction.
- d. The Applicant equally asks for costs to be awarded against the Respondent.

#### 4. SUMMARY OF THE PLEAS-IN-LAW

- a. Articles 5, 6, 7 and 16 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. Article 12 of the International Covenant on Economic, Social and Cultural Rights;
- d. Articles 1, 2, 11, 12, 13 and 15 of the United Nations Convention against Torture, and Other Cruel, Inhuman and Degrading Treatments; and
- e. Articles 3, 5, 9, 11 and 25 of the Universal Declaration of Human Rights.

#### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant claims that in the aftermath of political demonstrations in August 2017, calling for the implementation of the political reforms provided for in the *Accord Politique Global* (APG), an agreement signed in Ouagadougou, Burkina Faso, violence broke out.
- b. That several people were arrested before and after the dates programmed for these demonstrations, amongst them Abdoul Aziz Goma, the Applicant.
- c. He maintains that he was arrested and charged with attempting to violate the security of the State, criminal association, and destruction of public property. He further claims that he was remanded under committal order.
- d. The Applicant is of the view that his fundamental rights have been violated as follows: his right to physical and mental integrity, and his right to protection from torture, cruel, inhuman and degrading treatment. He also claims that his right to freedom, his right to prohibition of arbitrary detention, his right to health, and his right to fair trial, were violated.
- e. It is on the basis of this that the Applicant brought his case before the Honourable Court, for the Court to find that violation of his fundamental human rights, as indicated above, were violated, and consequently, to seek compensation.

**DATED THIS 22<sup>ND</sup> DAY OF MAY 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<sup>o</sup>: ECW/CCJ/APP/12/23**

*BETWEEN*

**DABILGOU TIMBINDI VINCENT** \_\_\_\_\_ *APPLICANT*

*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 **TIMBINDI VINCENT DABILGOU** (*APPLICANT*) AND **BURKINA FASO** (*RESPONDENT*) was filed by the Applicant and registered by the Court on the 30<sup>th</sup> day of March 2023.

**1. NAMES AND ADDRESSES OF PARTIES**

The names and addresses of the parties are as follows:

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

**DABILGOU Timbindi Vincent**

Represented by: Me Ambroise Ségui FARAMA, Barrister-at-Law registered with the Bar in Burkina Faso, Me Apollinaire Yaméogo, Barrister-at-Law registered with the Bar in Burkina Faso et SCPA BIRBA-GUITANGA ET ASSOCIES, Barrister-at-Law registered with the Bar in Burkina Faso Burkina Faso.

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

**BURKINA FASO**

Represented by the State Judicial Officer, with address as: Immeuble DIAWARA, Avenue Hamado Paul YUGBARE, Arrondissement no 6 de Ouagadougou (Secteur no 29, quartier Songnaaba) 03 BP: 7040 Ouagadougou 03

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

Alleged violation by the Respondent of the Applicant's right to freedom, and protection from arbitrary arrest and detention, right to a fair trial, and to be tried in a competent court.

**3. ORDERS SOUGHT BY THE APPLICANT**

- a. Prayer to the Court for a declaration that Burkina Faso violated the rights to freedom, and protection from arbitrary arrest, of Vincent Timbindi Dabilgou;
- b. Prayer for the Court to adjudge and declare that Burkina Faso violated Vincent Dabilgou's right to a fair trial, and more especially, his right to be tried in a competent court as provided under Article 14 of the International Covenant on Civil and Political Rights;

- c. Prayer for the Court to adjudge and declare that in the instant case, his trial by any other court apart from the *Haute Cour* amounts to a violation of his right to fair trial.
- d. An order from the Court for immediate termination of the violation of his rights, notably violation of his right to freedom, by release from detention;
- e. An order from the Court for a Burkina Faso to strictly adopt the laid down procedural measures in the case against Dabilgou Vincent, notably the procedure for bringing charges formally against an accused, as provided under Constitution ;
- f. Order Burkina Faso to pay 150 Million CFA Francs for the economic harm caused him, and 1 CFA Franc as nominal costs for psychological harm done against him.

#### 4. SUMMARY OF THE PLEAS-IN-LAW

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

#### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant is a former Minister of Burkina Faso. Following the overthrow of the Government which he was part of, he claims that he was arrested under a committal order by the Public Prosecutor, for embezzlement of public funds, dubious financing of a political party, and money laundering.
- b. He maintains that he is a victim of arbitrary detention, in that, his being denied his freedom upon a committal order issued by an incompetent Office of the Public Prosecutor, was a violation of procedure.
- c. He avers that the Respondent State violated his fundamental rights, namely his right to freedom and his right to fair trial.
- b. That is the reason why the Applicant brought his case before the Court, for the Court to find that those violations occurred, and for him to be compensated.

**DATED THIS 22<sup>nd</sup> DAY OF MAY 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/13/23**

*BETWEEN*

1. **DR. KALILOU DOUMBIA**
2. **COLONEL-MAJOR KASSOUM GOITA**
3. **COMMISSAIRE DE POLICE MOUSTAPHA DIAKITE**
4. **ADJUDANT-CHEF ABDOULAYE BALLO**
5. **ISSA SAMAKE**

} *APPLICANTS*

*AND*

**REPUBLIC OF MALI** \_\_\_\_\_ *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 **Dr. KALILOU DOUMBIA & 4 ORS (APPLICANTS)** AND **REPUBLIC OF MALI (RESPONDENT)** was filed by the Applicants and registered by the Court on the 3<sup>rd</sup> day of April, 2023.

**1. NAMES AND ADDRESSES OF THE PARTIES:**

*The names and addresses of the parties are as follows:*

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

**DR. KALILOU DOUMBIA,  
COLONEL-MAJOR KASSOUM GOITA,  
COMMISSAIRE DE POLICE MOUSTAPHA DIAKITE,  
ADJUDANT-CHEF ABDOULAYE BALLO,  
ISSA SAMAKE**, all are Malian nationals, and represented by SCPA DO-FINI CONSULT, Bamako HAMDALLAYE, rue pavée du Dr Ousmane TRAORE (Pharmacie FATA), Porte 607. Tel: (00223) 65 52 87 70;

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

**REPUBLIC OF MALI**

Represented by the General Directorate of State Litigation (DGCE) at its offices in Bamako located at the following address: Place de la liberté, former premises of the administrative section of the Supreme Court, (+223) 20 29 67 11; contact@dgce.gouv.ml;

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

Alleged violation by the Respondent of the Applicants' right to be protected against acts of torture and other cruel, inhuman or degrading treatment, their right of defence and their detention.

### 3. ORDERS SOUGHT BY THE APPLICANTS

- a. DECLARE that the Applicants' human rights have been violated by the excessive length of time they have spent in police custody, their confinement and the violation of their rights of defence;
- b. FIND also that some of the Applicants had been confined, extracted and attempted to extract confessions from them;
- c. FIND acts of torture and other cruel, inhuman or degrading treatment or punishment inflicted on the Applicants;
- d. ORDER the Respondent State to cease all acts of violation of human rights and release the Applicants;
- e. ORDER interim measures to guarantee the Applicants' fundamental human rights;
- f. ORDER the Respondent State to compensate the Applicants for the moral, financial and professional harm they have suffered by paying various sums to the Applicants and their families;
- g. And ORDER the Respondent State to bear the costs.

### 4. SUMMARY OF THE PLEAS-IN-LAW

- a. Article 9(5) of the International Covenant on Civil and Political Rights;
- b. Article 12 of the Convention against states;
- c. Article 5 of the Universal Declaration of Human Rights as well as the African Charter on Human and Peoples' Rights.

### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicants are Malian nationals and have all been charged with criminal conspiracy, attempted attacks and plotting against the government, and placed under a detention order on 3 November 2021 by the investigating judge of the 3<sup>rd</sup> Chamber of the Tribunal de Grande Instance of Commune VI in the District of Bamako.
- b. They claim to have been abducted, confined and tortured for two (2) months in cramped rooms, handcuffed, with no toilet, no light, no adequate food, no quality food and no water, subjected to torture sessions and sleep interruptions, all outside the judicial chain, thus committing serious irregularities, a source of illegal detention.
- c. The Applicants also accuse the Respondent State of having subjected them to acts of torture and cruel, inhuman and degrading treatment, which they request the Court to sanction.

**DATED THIS 18<sup>TH</sup> DAY OF MAY 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<sup>o</sup>: ECW/CCJ/APP/14/23**

*BETWEEN*

**ALHAJI BARRY** \_\_\_\_\_ *APPLICANT*

*AND*

- |  |   |                    |
|--|---|--------------------|
| <ol style="list-style-type: none"> <li>1. <b>COMMISSION OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)</b></li> <li>2. <b>PRESIDENT, ECOWAS COMMISSION</b></li> </ol> | } | <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 ALHAJI BARRY (APPLICANT) AND ECOWAS COMMISSION & ANOR. (RESPONDENTS)* was filed by the Applicant and registered by the Court on the 6th Day of April, 2023.

**1. NAMES AND ADDRESSES OF PARTIES**

The names and addresses of the parties are as follows:

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

**ALHAJI BARRY**  
c/o I. B Muhammad & Co.,  
Suit 37B Lebrex Plaza,  
Ajose Adeogun Street, Utako,  
Abuja. 08061687067 [Balamohd007@gmail.com](mailto:Balamohd007@gmail.com)

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

**COMMISSION OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS),**  
**PRESIDENT, ECOWAS COMMISSION**  
ECOWAS Commission, Asokoro, Abuja.

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

- a. Alleged 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, the International Economic, Social and Cultural Right.
- b. Alleged violation of the Applicant's right to fair hearing and gross violation of Article 69, 67 and 73 of the ECOWAS Staff Regulations.

**3. ORDERS SOUGHT BY THE APPLICANT**

- a. A DECLARATION that the dismissal of the Applicant by the 1<sup>st</sup> and 2<sup>nd</sup> 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 Respondents and or their 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 Respondents 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 1<sup>st</sup> and 2<sup>nd</sup> Respondents to reinstate the Applicant back to his position as a Finance 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 Respondents to pay over to the Applicant the sum of \$500,000. 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 MAIN SUPPORTING ARGUMENTS

- a. The Applicant alleged that he was accused of committing fraud by the Respondents, no witness was called to testify and or demonstrate how he was involved in the said fraudulent activities at GIABA and he was not given any opportunity to ask questions in order to prove his innocence.
- b. That the Applicant was dismissed arbitrarily by the 1<sup>st</sup> and 2<sup>nd</sup> Respondents amounting to a violation of the provisions of the ECOWAS Staff Regulation and the African Charter on Haman and Peoples' Right respectively.
- c. 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.
- d. The Applicant further averred that his right to fair hearing and presumption of innocence, right to equal treatment, right to work and equal remuneration for equal pay has been infringed upon by the Respondent.

**DATED THIS 17<sup>TH</sup> DAY OF APRIL 2023.**

SIGNED: 

**Dr. Yaouza OÜRO-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<sup>o</sup>: ECW/CCJ/APP/15/23**

*BETWEEN*

**HOMELAND STUDY GROUP FOUNDATION & 31 ORS.** \_\_\_\_\_ *APPLICANTS*

*AND*

**THE REPUBLIC OF GHANA** \_\_\_\_\_ *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 HOMELAND STUDY GROUP FOUNDATION & 31 ORS. (APPLICANTS) AND THE REPUBLIC OF GHANA (RESPONDENT)* was filed by the Applicants and registered by the Court on the 18<sup>th</sup> day of April, 2023.

**1. NAMES AND ADDRESSES OF THE PARTIES**

*The names and addresses of the parties are as follows:*

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

**HOMELAND STUDY GROUP FOUNDATION & 31 ORS.**

(Western Togoland Independence and Leadership)  
Ho, P. O. Box 1107, Barracks New Town,  
Tel: 0243570828, Email: [hsqfwtl@protonmail.com](mailto:hsqfwtl@protonmail.com),  
[bncwtl@protonmail.com](mailto:bncwtl@protonmail.com)

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

**THE REPUBLIC OF GHANA,**  
Jubilee House, Kanda,  
ACCRA,  
GP Digital Address, GA-000-288.

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

Alleged violation of fundamental human rights, in particular the right of peoples to self-determination or the right to self-determination, a principle resulting from international law and human rights law.

**3. ORDERS SOUGHT BY THE APPLICANTS**

- a. CONDEMN the Republic of Ghana to cease the annexation and to let free the territory of western Togo within the borders as established following the mandate and tutelage of the United Nations.
- b. ORDER the Republic of Ghana to release all detainees arrested for claiming self-determination in Western Togoland.
- c. TO CONDEMN the government of the Republic of Ghana to withdraw from its legal framework the decree of 1976 to be contrary to the fundamental rights and freedoms enshrined in international and regional instruments.

- d. ORDER the Republic of Ghana to pay the HOMELAND STUDY GROUP FOUNDATION (WESTERN TOGOLAND INDEPENDENCE AND LEADERSHIP) the sum of five million (5,000,000) US dollars as compensation for all damages suffered as a result of the various persecutions suffered by the foundation.
- e. ORDER the Republic of Ghana to pay to each of the persons arbitrarily detained the sum of one hundred and twenty thousand (125,000) US dollars as compensation for moral, material and bodily injury.

#### 4. SUMMARY OF THE PLEAS-IN-LAW

- a. Chapter 1, Article 1, § 2, Chapter IX, Article 55, and Chapter XII, Article 75 of the Charter of the United Nations;
- b. Resolution 224 (III), adopted on 18 November 1948;
- c. Resolution 326 (IV) of 15 November 1949, which is fixed;
- d. Resolution 563 (VI) of 18 January 1952;
- e. General Assembly resolution 1514 (XV) dated December 14, 1960;
- f. Articles 1 and 5 of the Declaration on the right to development;
- g. Articles 19 and 20 of the African Charter on Human and Peoples' Rights;
- h. Convention N°. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

#### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicants alleged that the Respondent is denying the peoples of western Togoland the right to self-determination. That the Respondent is a member of the international community and has taken part in adoption of numerous international texts which enshrine the right to self-determination.
- b. That some people from Western Togo were arrested or forced into hiding for attending a meeting where the issue of self-determination in Western of Togo was discussed. That on the basis of an illegal decree taken by an anti-constitutional military government in 1976 (Decree of the Supreme Military Council, Decree on prohibited organizations 1976), Ghanaian courts have convicted activists of the Association "Homeland Study Group Foundation (HGSF)" who champion the cause of self-determination to jail time.
- c. That the application by the Ghanaian government of the 1976 decree constitutes a violation of fundamental rights and freedoms, in particular freedom of expression guaranteed by Article 19 of the Universal Declaration of Human Rights of 1948.

**DATED THIS 28<sup>TH</sup> DAY OF APRIL 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<sup>o</sup>: ECW/CCJ/APP/16/23**

*BETWEEN*

- |  |   |                   |
|--|---|-------------------|
| <ol style="list-style-type: none"> <li>1. <b>FORUM AGAINST HARMFUL PRACTICES (FAHP)</b></li> <li>2. <b>WE ARE PURPOSEFUL</b></li> <li>3. <b>KADIJATU BALAIMA ALLIEU</b></li> </ol> | } | <i>APPLICANTS</i> |
|--|---|-------------------|

*AND*

**REPUBLIC OF SIERRA LEONE** \_\_\_\_\_ *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 **1) FORUM AGAINST HARMFUL PRACTICE 2) WE ARE OURPOSEFUL 3) KADIJATU BALAIMA ALLIEU (APPLICANTS) AND REPUBLIC OF SIERRA LEONE (RESPONDENT)** was filed by the Applicants and registered by the Court on the 1<sup>st</sup> day of July, 2023.

**1. NAMES AND ADDRESSES OF PARTIES**

*The names and addresses of the parties are as follows:*

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

**FORUM AGAINST HARMFUL PRACTICES (FAHP),**  
68 Bai Bureh Road, Texaco,  
Freetown, Republic of Sierra Leone.

**WE ARE PURPOSEFUL,**  
No. 2, Lewis Drive, Hill Station,  
Freetown, Republic of Sierra Leone.

**MS. KADIJATU BALAIMA ALLIEU,**  
is a citizen of Sierra Leone.

**b. Name and address of Respondent (s)**

**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 alleged violation of the fundamental human rights of Kadijatu Balaima Allieu, and several other women and girls in the Republic of Sierra Leone pursuant to Articles 2(1), 2(2), 3, 4, 5 and 25 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol); Articles 1, 5, 6 and 7 of the African Charter on Human and Peoples' Rights (African Charter); Articles 1(1) and 21 of the African Charter on the Rights and Welfare of the Child (ACRWC) and Articles 2(3), 7 and 9 of the International Covenant on Civil and Political Rights (ICCPR).

### 3. ORDERS SOUGHT BY THE APPLICANT(S)

- a. A DECLARATION that the Republic of Sierra Leone has violated its duty to take legislative and other measures to prohibit Female Genital Mutilation (FGM) in Sierra Leone pursuant to Articles 2(1)(b), 4 and 5 of the Maputo Protocol, and Article 21 of the African Charter on the Rights and Welfare of the Child;
- b. A DECLARATION that the Republic of Sierra Leone by its failure to take legislative and other measures to prohibit FGM in Sierra Leone has violated the right of Kadijatu Balaima Allieu to be free from FGM pursuant to Articles 2(1)(b), 4 and 5 of the Maputo Protocol;
- c. A DECLARATION that the Republic of Sierra Leone has violated the rights of Kadijatu Balaima Allieu to dignity, and to freedom from torture, cruel, inhuman or degrading treatment pursuant to Article 5 of the African Charter on Human and Peoples' Rights, Articles 3(1) and 3(4) of the Maputo Protocol, and Article 7 of the ICCPR;
- d. A DECLARATION that the Republic of Sierra Leone has violated the rights of Kadijatu Balaima Allieu to a remedy and access to justice pursuant to the provisions of Articles 1 and 7(1)(a) of the African Charter on Human and Peoples' Rights, Article 25 of the Maputo Protocol, and Article 2(3) of the ICCPR;
- e. A DECLARATION that the Republic of Sierra Leone has violated the right of Kadijatu Balaima Allieu to security of the person pursuant to Article 6 of the African Charter on Human and Peoples' Rights, Article 4 of the Maputo Protocol, and Article 9 of the ICCPR;
- f. AN ORDER for the Republic of Sierra Leone to take immediate legislative action to prohibit and sanction FGM in Sierra Leone;
- g. AN ORDER for the Republic of Sierra Leone to adopt such other legislative, administrative, social and economic measures as may be necessary to ensure the eradication of FGM of women and girls in Sierra Leone;
- h. AN ORDER of financial compensation for Kadijatu Balaima Allieu in the sum of Two Hundred Thousand United States Dollars (USD 200, 000) as damages for the violations of her human rights;
- i. AN ORDER for the Republic of Sierra Leone to carry out a prompt and effective investigation into the facts of the FGM carried out on Kadijatu Balaima Allieu, and to bring the perpetrators to justice;
- j. 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. Articles 2(1), 2(2), 3, 4, 5 and 25 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol);
- b. Articles 1, 5, 6 and 7 of the African Charter on Human and Peoples' Rights (African Charter);
- c. Articles 1(1) and 21 of the African Charter on the Rights and Welfare of the Child (ACRWC) and
- d. Articles 2(3), 7 and 9 of the International Covenant on Civil and Political Rights (ICCPR).

## 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant, Kadijatu Balamaima Allieu was subjected to FGM against her will, threatened and detained arbitrarily. She eventually fled to Liberia. Subsequently, Kadijatu returned to Sierra Leone in 2020. However, to date, the Republic of Sierra Leone is yet to conduct an effective investigation into her ordeal to identify the perpetrators. Also, no one has been prosecuted for the violations suffered by Kadijatu. The Applicant has been left frustrated by her failure to get justice, as well as the continued practice of female genital mutilation in Sierra Leone.
- b. That the Republic of Sierra Leone has violated the right of Kadijatu Balaima Allieu to security of the person pursuant to Article 6 of the African Charter on Human and Peoples' Rights, Article 4 of the Maputo Protocol, and Article 9 of the ICCPR;
- c. That Failure of the Republic of Sierra Leone to take adequate measures to eradicate FGM is a violation of Articles 2(1)(b), 4 and 5 of the Maputo Protocol and Article 21 of the African Charter on the Rights and Welfare of the Child
- d. That pursuant to the provision of Article 5 of the African Charter, the Republic of Sierra Leone is legally responsible for the violation of the rights of Kadijatu Balaima Allieu to dignity and freedom from torture, cruel, inhuman or degrading treatment.
- e. The Republic of Sierra Leone has violated the right of Kadijatu Balaima Allieu to a remedy and access to justice.
- f. The Republic of Sierra Leone is legally responsible for the violation of the right of Kadijatu Balaima Allieu to security of the person pursuant to Article 6 of the African Charter.

**DATED THIS 10<sup>TH</sup> DAY OF JULY 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/17/23**

*BETWEEN*

**MR. MODIBO BATHILY** \_\_\_\_\_ *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. MODIBO BATHILY (APPLICANT)** AND **REPUBLIC OF COTE D'IVOIRE (RESPONDENT)** was filed by the Applicant and registered by the Court on the 24<sup>th</sup> day of April 2023.

**1. NAMES AND ADDRESS OF THE PARTIES:**

*The names and domicile of the parties are as follows:*

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

**MR. MODIBO BATHILY**

Mr. Modibo BATHILY is a national of Mali, born on 25 May 1970 in Côte d'Ivoire. Company Director, represented by Maître Alphonse VAN, Lawyer at the Court in Abidjan, residing at Cité des Cadres, Villa No. 83, Rue des Jardins, Commune de Cocody, Abidjan, Republic of Côte d'Ivoire, mobile No. +225 07 59 31 35 62, e-mail: cabinetvan@yahoo.com.

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

**REPUBLIC OF COTE D'IVOIRE**

The Defendant State is represented by its Minister of the Economy and Finance in the person of the Agent Judiciaire du Trésor "A.J.T.", whose offices are on the 4th floor of the building of the former Embassy of the United States of America in Abidjan, Commune du Plateau BP V. 98 Abidjan.

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

Alleged violation of the Applicant's right to property.

**3. ORDERS SOUGHT BY THE APPLICANT**

- a. ORDER the Respondent State to take all necessary measures to restore the right to property of the Applicant;
- b. ORDER the Respondent State to pay the Applicant the sum of one billion (1,000,000,000) CFA francs by way of damages for all causes of damage;
- c. GRANT the Respondent State a period of 3 months from the date of notification to comply with the judgment, subject to a penalty of one million (1,000,000) CFA francs for each day of delay;

- d. ORDER that the Respondent shall submit a report on the enforcement of the judgment to the ECOWAS Court at the end of the 3-month period;
- e. ORDER the unsuccessful Respondent State to bear the costs of the present action.

#### 4. SUMMARY OF THE PLEAS-IN-LAW

- a. Article 17 of the Universal Declaration of Human Rights;
- b. Article 14 of the African Charter on Human and Peoples' Rights.

#### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant is a national of Mali born on 25 May 1970 in Côte d'Ivoire. He claims that a group of heirs composed of 7 children and 10 beneficiaries of the late AHOUANGONOU Marcellin, himself the heir of the late AHOUANGOUANOU Jacob, sold him a built urban land with a capacity of 2800 square meters located in Abidjan at the price of 480,000,000 CFA francs. Which he paid into the accounts of the notary in charge of the estate, to enable him to regularise the sale and divide the proceeds between the heirs.
- b. Another group of beneficiaries, believing that the building had been sold without their consent, applied to the Abidjan Court of First Instance to have the deed of sale annulled. However, the Court declared their action inadmissible and dismissed their claim to ownership.
- c. That, contrary to all expectations, on appeal by the heirs of the late Marcellin AHOUANGONOU, the Judicial Chamber of the Supreme Court of Côte d'Ivoire, now the Court of Cassation, by judgment N°.700/18 of 14 December 2018, dismissed the application for the sale to be declared null and void and declared the sale 'null and void and unenforceable', stating, without any basis, that the notarial deed of sale would be null and void if it did not specifically mention the identity of successors of Marcellin AHOUANGONOU in title.
- d. That the High Court then ordered the Applicant to return the property to the estate of the late Jacob AHOUANGONOU, even though the certificate of ownership No. 17001866 of 03 October That the Applicant holds was never the subject of an annulment decision either by the Administrative Court (Conseil d'Etat) or by any other competent administrative authority.
- e. The Applicant alleged that the Respondent State, through the decisions of its highest courts, violated his right to property and consequently requested that the Court order the Respondent State to pay him the sum of one billion (1,000,000,000) CFA francs in damages for all causes of damage combined.

**DATED THIS 4<sup>TH</sup> DAY OF JUNE 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<sup>o</sup>: ECW/CCJ/APP/18/23**

*BETWEEN*

**SOULEY SANI KOUKOU** \_\_\_\_\_ *APPLICANT*

*AND*

**REPUBLIC OF NIGER** \_\_\_\_\_ *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 SOULEY SANI KOUKOU (APPLICANT) AND REPUBLIC OF NIGER (RESPONDENT)** was filed by the Applicant and registered by the Court on the 16<sup>th</sup> day of May 2023.

**1. NAMES AND ADDRESSES OF PARTIES**

The names and addresses of the parties are as follows:

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

**SOULEY SANI KOUKOU**

**Counsel: Maître Ould Salem Moustapha Said**,  
Attorney at Law, member of the Niger Bar Association,  
located in Niamey, Boulevard Askia Mohamed, BP  
:10.417 Tel : 00227 96.90.28.48, 00227  
20.35.28.02.E-mail : saidoulsalem@gmail.com;  
saidoulsale@gmail.com.

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

**REPUBLIC OF NIGER**

Represented by the Agence Judiciaire de l'ETAT  
through its Director General, located in Niamey  
Quartier: Koirakano, BP: 841 Niamey-Niger.

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

Alleged violation by the Republic of Niger of the Applicant's right to property against the African Charter on Human and Peoples' Rights, the Universal Declaration of Human Rights and the Constitution of 10 November 2010 in force in the Republic of Niger.

**3. ORDERS SOUGHT BY THE APPLICANT**

- a. DECLARE that it has jurisdiction.
- b. ADMIT 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 ownership of his land title N<sup>o</sup>. 12.591 in his country, in violation of Article 17 of the UDHR, Article 14 of the African Charter on Human Rights and Article 28 of the Constitution of Niger.

- d. ORDER the Republic of Niger to pay Sieur SANI KOUKA the sum of Five hundred million (500,000,000) CFA francs in view of the current value of the land by way of damages.

#### 4. SUMMARY OF THE PLEAS-IN-LAW

- a. Protocol A/SP.1/01/05 of 19 January 2005 amending Protocol A/P.1/7/91;
- b. Article 13 paragraph 2 of the Protocol on the ECOWAS Court of Justice;
- c. The Supplementary Protocol (A/SP.1/01/05) of 19 January 2005 amending the Protocol (A/P.1/7/91) on the Community Court of Justice, Article 10 (d);
- d. The cases **Prof. Etim Moses Essien v. Republic of The Gambia; Hadijatou Mani Koraou v. Republic of Niger** of 19 December 2010, (**Océan King LTD v. Republic of Senegal** of 8 July 2011); Judgment n°ECW/CCJ/JUD/12/15 of 20 April 2015 in the case of **Les établissements VAMO and KUEKIA PASCAL v. Republic of Benin**; In the case of **Khalifa Ababacar SALL v. Republic of Senegal** of 26 December 2017;
- e. Article 4 of the ECOWAS Revised Treaty;
- f. Article 14 of the African Charter on Human and Peoples' Rights, Article 17 of the Universal Declaration of Human Rights and Article 28 of the Constitution of 10 November 2010 in force in the Republic of Niger.

#### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant fulfils all these conditions and expects the Court to protect his human rights, which have been violated by the Republic of Niger;
- b. The Community Court of Justice of ECOWAS has jurisdiction to hear all cases of violation of human rights within the States of the Community;
- c. Since 2005, the Court can be seised by any national of one of the Member States in case of violation of protocols, decisions, treaties or conventions adopted by ECOWAS;
- d. Under the terms of Article 4 of the ECOWAS Treaty, Member States have undertaken to recognise the promotion and protection of human rights in accordance with the terms of the 1981 African Charter on Human and Peoples' Rights;
- e. Article 14 of the African Charter refers to respect for the law and Article 28 of the Niger Constitution, which is the national law governing expropriation, provides for an expropriation procedure. In the present case, Sani Kouka has not been compensated in advance, and the Republic of Niger has not provided any proof that the 2016 expropriation decree concerning the Applicant has been complied with;
- f. The Niger courts are violating the Applicant's right to property;
- g. The value of the property was estimated at 83 million CFA francs in 2003. From 2003 to 2023, *i.e.* over 20 years, this value has increased exponentially in Niamey.

**DATED THIS 1<sup>ST</sup> DAY OF AUGUST 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<sup>o</sup>: ECW/CCJ/APP/19/23**

*BETWEEN*  
**HIMA ADAMOU** \_\_\_\_\_ *APPLICANT*

*AND*  
**REPUBLIC OF NIGER** \_\_\_\_\_ *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 Hima Adamou (APPLICANT) AND REPUBLIC OF NIGER (RESPONDENT)** was filed by the Applicant and registered by the Court on the 17<sup>th</sup> day of May 2023.

**1. NAMES AND ADDRESSES OF PARTIES**

The names and addresses of the parties are as follows:

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

**HIMA ADAMOU**

*Counsel:* Maître Ould Salem Moustapha Saïd, Lawyer registered with the Bar of Niger, with address at Niamey, Boulevard Askia Mohamed, beside CEG 25, Tel 00277.96.90.28.48.

E-mail: [saidoulsalem@gmail.com](mailto:saidoulsalem@gmail.com);  
[saidoulsale@gmail.com](mailto:saidoulsale@gmail.com)

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

**REPUBLIC OF NIGER**

Represented by the State Judicial Officer, sued through the person of the Director-General, with address at Niamey, Quartier Koira-Kano, BP: 841 Niamey-Niger

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

Alleged violation by the Republic of Niger of the Applicant's right to personal freedom and security, pursuant to the provisions of: the African Charter on Human and Peoples' Rights, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and Protocol A/P.1/5/79 of ECOWAS.

**3. ORDERS SOUGHT BY THE APPLICANT**

- a. A DECLARATION that the Court is competent to adjudicate upon the case.
- b. A DECLARATION that the Applicant's claims are legitimate and admissible.
- c. A FINDING that the Republic of Niger violated the Applicant's right to personal freedom and security, pursuant to the provisions of: Article 6 of the African Charter on Human and

Peoples' Rights, Article 9 of the International Covenant on Civil and Political Rights, Article 9 of the Universal Declaration of Human Rights, Article 12 of the International Covenant on Civil and Political Rights, and Article 2 of Protocol A/P.1/5/79 of ECOWAS.

- d. AN ORDER to release Hima Adamu immediately from detention.

#### 4. SUMMARY OF THE PLEAS-IN-LAW

- a. Articles 2 and 6 of the African Charter on Human and Peoples' Rights, disregarding the individual freedom of the Applicant.
- b. Articles 3 and 9 of the Universal Declaration of Human Rights.
- c. Article 9 of the International Covenant on Civil and Political Rights.
- d. Article 2 of Protocol A/P.1/5/79 of ECOWAS.
- e. Article 12 of the International Covenant on Civil and Political Rights.
- f. Protocol A/SP 1/01/05 of 19 January 2005 amending Protocol A/P/17/91.
- g. Article 13 (2) of the Protocol relating to the Community Court of Justice, ECOWAS.
- h. Article 10 (d) of Supplementary Protocol A/SP.1/01/05 of 19 January 2005 amending Protocol A/P/17/91 on the Community Court of Justice.
- i. The following Case Laws: **Prof. Etim Moses Essien v. Republic of The Gambia; Hadijatou Mani Koraou v. Republic of Niger** (19 December 2010); **Ocean King Ltd. v. Republic of Senegal** (8 July 2011); Judgment No. ECW/CCJ/JUD/12/15 of 20 April 2015 on Case Concerning **Les Etablissements VAMO et KUEKIA PASCAL v. Republic of Benin; Khalifa Ababacar Sall v. Republic of Senegal** (26 December 2017).
- j. Article 4 of the ECOWAS Treaty.

#### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant claims that he has fulfilled all the conditions required and is looking forward to the protection of his rights by the Court, as trampled upon by the Republic of Niger.
- b. That the Community Court of Justice, ECOWAS is competent to determine all cases of human rights violation in the Member States of ECOWAS.
- c. That since 2005, the Court is invested with the power to admit cases from citizens of ECOWAS bringing cases of violation of the protocols, decisions, treaties or conventions adopted by ECOWAS.
- d. That in the terms of Article 4 of the ECOWAS Treaty, the Member States of ECOWAS committed themselves to recognise, promote and protect human rights, in accordance with the terms of the 1981 African Charter on Human and Peoples' Rights.
- e. That the law forbids arbitrary detention, outside the specific cases provided for by law.
- f. That the following international legal instruments provide for and protect individual security of every person living in a State party like Niger, which has ratified that provision in these legal instruments: the 10 December 1948 Universal declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights, and the 1981 African Charter on Human and Political Rights. That in the case at hand, Hima Adamou was detained solely on

the will of the Public Prosecutor, who is no more than a party to the case, whereas the Investigating Judge who had placed Hima Adamou under committal order had ordered that he be released on provisional grounds, and whereas the same Investigating Judge had accepted to admit as guarantee assets valued at CFA F 328,000,000.

- g. That the Office of Public Prosecution cannot assume the place and powers of the Criminal Chamber and arrogate to itself the competence to alter or quash the decisions made by Investigating Judge.
- h. That the freedom of movement is a fundamental freedom provided by in fundamental law and in all international legal instruments.
- i. That he, the Applicant, is not free to move where he desires, since he is confined in prison, whereas the Investigating Judge, the only judge competent to maintain him in prison, has issued an order that he be granted provisional release.
- j. That such attitude sufficiently proves violation of his fundamental rights.

**DATED THIS 1<sup>ST</sup> DAY OF AUGUST 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/20/23**

*BETWEEN*

- |  |   |                   |
|--|---|-------------------|
| <ol style="list-style-type: none"> <li>1. <b>LIGUE TOGOLAISE DES DROITS DE L'HOMME</b></li> <li>2. <b>LIGUE DES CONSOMMATEURS DU TOGO (LCT)</b></li> <li>3. <b>ASSOCIATION DES VICTIMES DE TORTURE AU TOGO (ASVITTO)</b></li> <li>4. <b>MADAME KOUASSI HOUÉFA AKPEDJE</b></li> <li>5. <b>MONSIEUR FERDINAND MENSAH KODJOCOUMA AYITE</b></li> </ol> | } | <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 (1) **LIGUE TOGOLAISE DES DROITS DE L'HOMME** (2) **LIGUE DES CONSOMMATEURS DU TOGO**, (3) **ASSOCIATION DES VICTIMES DE TORTURE AU TOGO**, (4) **MADAME KOUASSI HOUÉFA AKPEDJE**, (5) **MONSIEUR FERDINAND MENSAH KODJOCOUMA AYITE** (*APPLICANTS*) AND **REPUBLIC OF TOGO** (*RESPONDENT*) was filed by the Applicants and registered by the Court on the 17<sup>th</sup> day of May 2023.

**1. NAMES AND ADDRESSES OF THE PARTIES**

*The names and addresses of the parties are as follows:*

***Name and address of Applicants:***

- a. **LIGUE TOGOLAISE DES DROITS DE L'HOMME(LTDH)**  
with its Head office at 315 Rue Békpo Tokoin Centre Hôpital, face Hôtel Graal, 01BP: 2302, e-mail: ltdhtogo@gmail.com, registration N°: 1218/MATD-SG-DAPOC-DOCA of 07 October 2005, represented by its President, Maître Célestin G. Kokouvi AGBOGAN, with an address in that capacity at the said head office.
- b. **LIGUE DES CONSOMMATEURS DU TOGO (LCT)**  
08BP816161, Lomé-Togo, Telephone: +22890943043/9877664, with its head office at Agoé Adidoadin, Première Rue Hôtel Concorde, registration N°0811/MATDCL-SG-DLPAP-DOCA of 5 June 2013, E-mail: lctogo2013@gmail.com, represented by its President Mr SOGADJI Hoéléké Yao, residing in that capacity at the said head office.
- c. **ASSOCIATION DES VICTIMES DE TORTURE AU TOGO (ASVITTO)**  
with its Head office at 315 Rue Békpo Tokoin Centre Hôpital, face Hôtel Graal, 08BP: 81616, email: asvitto@gmail.com, registration No. 0604/06-06-2012, represented by its President Mr ATCHOLI KAO Monzoulouwè B. E, acting in this capacity at the said registered office.

**d. MRS. KOUASSI HOUFAAKPEDJE**

Togolese national, Lomé, quartier Agbelepedogan, Tel: +228 91 96 59 56, E-mail: fabbikouassi@gmail.com.

**e. MR. FERDINAND MENSAH KODJOCOUMA AYITE**

Togolese national, 73 rue Ernest Renan, 92000, Naterre.

Represented by **Maître Darius Totékpo-Mawu Kokou ATSOO**, Attorney at Law member of the Bar Association of Lomé in Togo, Office located in Lomé, Amadahomé, Immeuble ELIZA HOME, 2ème étage, 07 BP: 7722 Lomé-Togo, Tel: +228 22 55 85 86 / 98 81 66 66, E-mail: darius.atsoo@atsoolawyerfirm.com (Principal Counsel);

**Maître François Ayayi ALOGNON**, Attorney at Law, Lomé, Togo, 135 Boulevard Félix Houphouët Boigny, BP. 61361, Tel: +228 22 21 87 72 / +228 90 01 75 89, E-mail: franc\_alo@yahoo.fr;

**Maître Alexis IHOU**, Phd. In Law Docteur, Associate Attorney at the Lille Bar Association, SELARL ALEXIS IHOU AVOCATS, 11-Grand Place, 59100 ROUBAIX, E-mail: ihouavocat@gmail.com ; Tel: +33 3 62 64 71 49 / +33 7 88 43 05 10 ;

**Maître Raphaël Nyama KPANDE-ADZARE**, Avocat au Barreau de Lomé au 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;

**Name and address of Respondent:****f. REPUBLIC OF TOGO**

With its Headquarters in Lomé, at 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**

Alleged violation by the Republic of Togo of the Applicants' rights to development, a satisfactory standard of living, free provision and equitable redistribution of national wealth, as well as their right to prohibition of corruption; right to an effective remedy, and right to be tried within a reasonable time.

**3. ORDERS SOUGHT BY THE APPLICANTS**

- a. DECLARE itself competent to examine the allegations of violations of the applicants' human rights by the Republic of Togo, in accordance with the provisions of Article 9 of the Supplementary Protocol (A/SP.1/01/05) amending the Preamble, Articles 1, 2, 9, 22 and 30 of Protocol A/P.1/7/91 on the Court of Justice of the Economic Community of West African States (ECOWAS), as well as Article 4 paragraph 1 of the English version of the said Protocol of 19 January 2005.
- b. DECLARE the Applicants' application admissible, in accordance with the provisions of Article 10 of the Supplementary Protocol (A/SP.1/01/05) amending the Preamble, Articles 1, 2, 9, 22 and 30 of Protocol A/P.1/7/91 on the Community Court of Justice, ECOWAS, as well as Article 4 paragraph 1 of the English version of the said Protocol of 19 January 2005.

- c. ADJUDGE and declare that there was violation by the Republic of Togo of: the Applicants' rights to development, a satisfactory standard of living, free provision and equitable redistribution of national wealth, as well as their right to prohibition of corruption; right to an effective remedy, and right to be tried within a reasonable time.
- d. ORDER the Republic of Togo to take all appropriate, urgent and necessary measures to ensure that the alleged perpetrators of acts of corruption and other similar offences of which the Applicants were victims, together with their accomplices, are prosecuted and punished in accordance with the texts, laws and regulations in force; and to order the freezing, seizure and confiscation of the proceeds of the said offences and their transfer to the account of the national public treasury.
- e. ORDER the Republic of Togo to pay each of the Applicants one (01) symbolic franc for violation of their rights to development, a satisfactory standard of living, free provision and equitable redistribution of national wealth, as well as their right to the prohibition of corruption and similar offences in the cases of the management of the accounts of the 2013 and 2017 African Cup of Nations, the Bolloré Group, and the management of the Covid-19 accounts.
- f. ORDER the Republic of Togo to pay each of the Applicants the sum of one (01) symbolic franc for damages suffered as a result of the violation of the applicants' right to an effective remedy in the cases concerning the management of the accounts of the 2013 and 2017 African Cup of Nations, the Bolloré Group, and the management of the Covid-19 accounts.
- g. ORDER the Republic of Togo to take all necessary steps to investigate and prosecute the civil party complaint lodged by the *Ligue des Consommateurs du Togo* in the case of misappropriation of public funds in the procurement and management of petroleum products.
- h. ORDER the Republic of Togo to pay the *Ligue des Consommateurs du Togo* (LCT) the sum of fifty million (50,000,000) CFA francs for infringement and violation of its right to have its case heard within a reasonable time.
- i. PURSUANT to Article 66 of the Rules of Procedure of the Community Court of Justice of the Economic Community of West African States (ECOWAS), order the Togolese State to bear all the costs.

#### 4. SUMMARY OF THE PLEAS-IN-LAW

- a. Articles 9 of the Supplementary Protocol (A/SP.1/01/05) amending the Preamble 1, 2, 9, 22 and 30 of Protocol A/P.1/7/91 on the ECOWAS Community Court of Justice;
- b. Judgment No. ECW/CCJ/JUD/09/11 of 07 October 2014 in the case of **Ms AMEGANVI Manavi Isabelle and others v. the Republic of Togo** and judgment No. ECW/CCJ/APP/11/2022 of 24 March 2022 in the case of **Gabriel Messan Agbéyomé KODJO v. Togolese Republic**;
- c. Article 10 of the Supplementary Protocol (A/SP.1/01/05) amending the Preamble, Articles 1, 2, 9, 22 and 30 of Protocol A/P.1/7/91 on the ECOWAS Community Court of Justice;
- d. Articles 22, 23, 25 and 26 of the UDHR; 21 and 22 of the ACHPR and 25, 26, 27, 32, 33 and 38 of the Protocol A/SP.1/12/01 on Democracy and Good Governance additional to the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security of December 2001;

- e. Law No 2005-007 of 18 May 2005, Togo ratified the United Nations Convention against Corruption, which was adopted in New York on 31 October 2003 and entered into force on 14 December 2005. Articles 15 to 30, 31, 32 et seq. the Convention criminalises and punishes acts of corruption and corruption-related offences;
- f. Articles 2 and 4 of the ICESCR;
- g. Article 6 of the Protocol on the fight against corruption adopted in Dakar in 2001 by the Conference of Heads of State and Government of the Member States of the Economic Community of West African States (ECOWAS);
- h. Article 48 of the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security;
- i. Articles 25, 26, 27, 32, 33 and 38 of Protocol A/SP1/12/01 on Democracy and Good Governance additional to the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security of December 2001;
- j. Articles 7 of the ACHPR, 8 and 10 of the UDHR and 14(1)(3) of the ICCPR;
- k. Article 9 of the Protocol on the fight against corruption adopted in Dakar in 2001;
- l. Case N°ECW/CCJ/APP/36/2016, Mougonga Saturnin and Ontala Ndouma Raisa against the Republic of Togo (page 45).

## 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Court has jurisdiction to enforce the provisions of the ACHPR, as well as the various international legal instruments for the protection of human rights, in order to ensure the protection of victims of human rights violations in the member countries of the Community. Togo is a Member State of the ECOWAS Community and the cases of violations reported took place within its jurisdiction: the Court should declare itself competent.
- b. As the Applicants have alleged that their rights have been violated by the Republic of Togo, the Court of Justice of the ECOWAS Community is requested to declare their application admissible.
- c. It should be recalled that by Law No 2005-007 of 18 May 2005, Togo ratified the United Nations Convention against Corruption, which was adopted in New York on 31 October 2003 and entered into force on 14 December 2005 and which, in Articles 15 to 30, 31, 32 et seq., criminalises and punishes acts of corruption and corruption-related offences.
- d. ECOWAS Member States have undertaken the obligation to fight poverty effectively, ensure the essential needs and services of their populations, by ensuring, among other things, an equitable distribution of resources and income aimed at strengthening national cohesion and solidarity, by working to ensure the effectiveness of good governance, a guarantee of the preservation of social justice, prevention of conflicts, safeguarding of political stability and peace and strengthening of democracy, through good public administration and sound management of the State apparatus and consolidation of the rule of law; combat corruption, manage national resources transparently and ensure their equitable distribution.
- e. The above-mentioned acts of misappropriation were in violation of the financial and economic orthodoxy desired by ECOWAS.
- f. Article 9 of the Protocol on the fight against corruption adopted in Dakar in 2001 requires each signatory State to take appropriate measures within its means to assist and protect victims of offences covered by this Protocol and to enable them to obtain compensation.

- g. The conduct of the Togolese authorities is characteristic of a real unwillingness to prosecute the alleged perpetrators, as shown by the various reactions of the Ministers and Government spokespersons.

**DATED THIS 1<sup>ST</sup> DAY OF AUGUST 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<sup>o</sup>: ECW/CCJ/APP/21/23**

*BETWEEN*

**Mr. ALIMANE ALKAMADASSE & 22 ORS.** \_\_\_\_\_ *APPLICANTS*

*AND*

**REPUBLIC OF MALI** \_\_\_\_\_ *RESPONDENT*

**NOTICE OF REGISTRATION OF AN APPLICATION**

**NOTICE IS HEREBY GIVEN** pursuant to Article 13 (6) of its Rules of the Community Court of Justice of the Economic Community of West African States, ECOWAS that an application between **Mr. ALIMANE ALKAMADASSE & 22 ORS (APPLICANTS) AND REPUBLIC OF MALI (RESPONDENT)** was filed by the Applicants and registered by the Court on the 2<sup>nd</sup> day of June 2023.

**1. NAMES AND ADDRESSES OF THE PARTIES:**

*The names and domicile of the parties are as follows:*

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

**Mr. ALIMANE ALKAMADASSE & 22 ORS,**  
Represented by Maître Moussa Idrissa MAIGA,  
Lawyer registered at the Court, Faladié Rue du  
Gouverneur, Tel. +223 76 41 85 97,  
Email: memaiga@yahoo.fr Bamako Mali

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

**REPUBLIC OF MALI**  
Represented by the  
Directorate General of Public Prosecution.

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

Alleged violation of the right to life and physical and moral integrity, the right not to be arbitrarily detained, and the right to property of the Applicants.

**3. ORDERS SOUGHT BY THE APPLICANTS**

- a. FIND that the Respondent State violated the human rights of the Applicants because of its failure to act, which led to the loss of life and damage to the Applicants' physical, moral and material integrity.
- b. FIND that the Republic of Mali violated the rights of the Applicants by failing to comply with the fundamental legal principles set out in the international instruments cited.
- c. ORDER the Respondent State to make full reparation for the damage suffered by each of the twenty-three (23) Applicants by awarding forty million francs CFA 40,000,000 in damages.
- d. ORDER the Respondent State to pay the entire costs.

#### 4. SUMMARY OF THE PLEAS-IN-LAW

- a. Articles 4, 6 and 14 of the African Charter on Human and Peoples' Rights.
- b. Articles 2, 3, 6, 9 and 26 of the International Covenant on Civil and Political Rights.
- c. Articles 3 and 17 of the Universal Declaration of Human Rights.

#### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. In order to ensure the continuity of the public service throughout its territory, as well as the normal functioning of the administration, the Republic of Mali proceeded with a massive deployment of its employees throughout its territory, including the north at Kidal;
- b. In March 2012 and May 2014, while they were on duty and performing their duties in extremely difficult conditions, painful events occurred, the first of which was linked to an armed insurrection, and the second to a visit by the Prime Minister that did not meet with the approval of the population of the town of Kidal;
- c. This was immediately followed by unprecedented acts of violence, including murders, hostage-taking, ransacking of homes and looting of property, vandalism and attacks on their physical integrity, all committed by people known and considered to be rebels and terrorists, with the utmost indifference on the part of the State, despite the senior positions they held within the public administration;
- d. The Applicants, civil servants of the Republic of Mali, maintained that they did not benefit from State protection in the context of their official duties while they were on official duty in the north of the country in Kidal, a region that has suffered all kinds of violence at the hands of rebels and organised terrorist gangs who have been committing atrocities there since the armed insurrection of March 2012;
- e. They blamed the Republic of Mali for leaving them in a precarious situation, despite the senior positions they held in the regional administration, and despite all the approaches made to all the institutions of the State with a view to obtaining compensation;
- f. That all actions conducted within the framework of two organisations, the Association des Cadres Déplacés du Nord-Mali (ASCADDEP-Nord-Mali) Antenne de Kidal and the Association des Victimes des Evénements Tragiques of 17 May 2014 in Kidal (AVET 17M.2014.K), and by the care of their counsel remained vain and without effect;
- g. The Applicants are seeking a declaration that their human rights and property rights were violated and are claiming compensation in the sum of forty million (40,000,000 CFA francs) in damages for each of the Applicants.

**DATED THIS 3<sup>RD</sup> DAY OF AUGUST 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<sup>o</sup>: ECW/CCJ/APP/22/23**

*BETWEEN*

**MR NNAMDI F.C. CHUKWU** \_\_\_\_\_ *APPLICANT*

*AND*

- |    |   |   |                    |
|----|---|---|--------------------|
| 1. | <b>PRESIDENT OF THE ECOWAS COMMISSION</b> | } | <i>RESPONDENTS</i> |
| 2. | <b>ECOWAS COMMISSION</b>                  |   |                    |

**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. NNAMDI F.C. CHUKWU (APPLICANT) AND (1) PRESIDENT OF THE ECOWAS COMMISSION, (2) ECOWAS COMMISSION (RESPONDENTS)** was filed by the Applicant and registered by the Court on the 22<sup>nd</sup> day of June 2023.

**1. NAMES AND ADDRESSES OF PARTIES**

*The names and addresses of the parties are as follows:*

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

**MR. NNAMDI F. C. CHUKWU**

Represented by IKECHUKWU EUGENE IKOGWE ESQ,  
Suite 202, His Glory Plaza, Sefadu Close, Off Ademola  
Adetokunbo Crescent, Wuse 2, Abuja, Nigeria,  
Tel: 08035962751, 07056773377,  
Email:ikechukwukogwe@gmail.com

b. ***Name and address of Respondent (s):***

**PRESIDENT OF THE ECOWAS COMMISSION &  
ECOWAS COMMISSION**

C/o ECOWAS Commission's Headquarters,  
Asokoro, Abuja, Nigeria

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

- a. The Respondents' alleged pronouncement of the Applicant as guilty of fraud and demotion without evidence; failure to protect the Applicant from defamation and outrage; alleged breach of the Applicant's right to the due process of the Commission as guaranteed in the ECOWAS Staff Regulations.
- b. Respondents' alleged violation of the Applicant's Right of Appeal guaranteed in Article 73 (b) of The ECOWAS Staff Regulations and Article 7 (1)(a) of the African Charter on Human and Peoples Rights.

**3. ORDERS SOUGHT BY THE APPLICANT**

- a. A DECLARATION that the Respondents' Disciplinary Board set up to try the Applicant for alleged Fraud provided for in Article 70 (c) (ii) of the ECOWAS Staff Regulations is contrary to the provisions of Article 67 (b) thereof which prescribes a Joint Disciplinary Advisory

Board and is therefore incompetent and lacked the jurisdiction to entertain the matter let alone impose any sanction.

- b. A DECLARATION that the so-called Disciplinary Board not being a Court of Law lacked the competence and jurisdiction to adjudicate on and convict the Applicant for Fraud, having regard to the provisions of Articles 68 (c), 69 (e), and 70 (c) (ii) of the ECOWAS Staff Regulations as well as Article 7 (1) (b) and (d) of the African Charter on Human and Peoples Rights.
- c. A DECLARATION that by awarding contract to Alu Vitre Doumbia with the lowest contract bid, out of the four contract bids submitted at the ECOWAS Special Representation office in Mali, the Applicant complied with the provisions of Articles 27 (2) and 30 (1) of the ECOWAS Tenders Code.
- d. A DECLARATION that in the entire circumstances there is no proof of any personal gratification of the Applicant, monetarily or otherwise, in the transactions in issue.
- e. A DECLARATION that the verdict by the Disciplinary Board that the Applicant was guilty of fraud, as conveyed in the Respondents' Letter of Demotion dated 27/4/2017 and his demotion to Grade Level P4/1 stated therein ditto his demotion to Grade Level P5/1 conveyed in the Respondents' Memorandum dated 6<sup>th</sup> June, 2019, are therefore unlawful, invalid, null, whimsical, void and of no effect whatsoever.
- f. AN ORDER setting aside the verdict by the Respondents' Disciplinary Board that the Applicant was guilty of fraud as well as the demotion sanction, being unlawful, invalid, null and void.
- g. AN ORDER compelling the Respondents to reinstate the Applicant to his deserved status of Grade Level P5/2 prior to his unlawful conviction and demotion by the Respondents' Disciplinary Board and to pay him all the accrued entitlements and yearly increments steps, withheld from him owing to the controversy, up to Grade Level P5/10 prior to his retirement.
- h. A DECLARATION that the verdict by the Respondents' Disciplinary Board that the Applicant was guilty of fraud, his demotions and the publication of same to various staffs of the Respondents amount to DEFAMATION.
- i. AN ORDER compelling the Respondents to pay to the Applicant the sum of Five Million United States Dollars (US\$5 Million) as punitive and exemplary damages for DEFAMATION.
- j. A DECLARATION that the Kangaroo trial and conviction of Applicant for fraud without evidence of gratification on his part and his unwarranted demotion by the Respondents occasioned outrage on the Applicant.
- k. AN ORDER compelling the Respondents to pay to the Applicant the sum of Five Million U.S. Dollars (US\$5 Million) as punitive exemplary damages for the outrage foisted on him by the Respondents.
- l. AN ORDER compelling the Respondents to pay to the Applicant the sum of Five Million United States Dollars (US\$ 5 Million) as punitive damage for the infringement of his fundamental Right of Appeal.
- m. AN ORDER compelling the Respondents to pay to the Applicant all the arrears of wages, allowances and entitlements accruable to him as Grade Level P5/2 officer during the period of his demotion to Grade Level P4/1 and subsequently Grade Level P5/1 until the date of his retirement, 30<sup>th</sup> April, 2022.
- n. A DECLARATION that on 30<sup>th</sup> April, 2022 the Applicant retired from the service of the ECOWAS Commission on Grade Level P5/10.

- o. AN ORDER compelling the Respondents to reflect in their records that the Applicant retired from the service of the ECOWAS Commission on Grade Level P5/10 and to pay him all the retirement benefits accruable to him as Grade Level P5/10 officer upon retirement.
- p. AN ORDER compelling the Respondents to tender to the Applicant a written apology for his unwarranted and unlawful conviction and demotion for fraud and retract same in clear and unequivocal terms and publish the retraction at conspicuous places within the Respondents' Secretariat including their Notice Boards.
- q. AN ORDER compelling the Respondents to remove and expunge from the Applicant's Personnel and Personal Files all the documents and records relating to his undue indictment, purported conviction for fraud and demotion and to ensure that the Applicant's impeccable records of service at the Commission remain unblemished.
- r. COSTS of suit as assessed by this Honourable Court.

#### 4. SUMMARY OF THE PLEAS-IN-LAW

- a. Article 11 (A/P1/7/91) on the Community Court of Justice.
- b. Articles 32 & 33 of the Rules of the Community Court of Justice.
- c. Article 2 (a) of Principles of Staff Employment, ECOWAS Staff Regulations.
- d. Article 67 (b)(c)(d) and (e) of the ECOWAS Staff Regulations.
- e. Article 68 (c) of the ECOWAS Staff Regulations.
- f. Article 69 (a), (b) and (e) of the ECOWAS Staff Regulations.
- g. Article 70 (b) and (c) (ii) of the ECOWAS Staff Regulations.
- h. Article 71 (b) (i) & (ii) and (c) of the ECOWAS Staff Regulations.
- i. Article 73 of the ECOWAS Staff Regulations.
- j. ECOWAS Financial Regulations.
- k. Articles 27 (2) and 30 (1) of the ECOWAS Tenders Code.
- l. Article 7 (1) (a) and (b) of the African Charter on Human and Peoples Rights.
- m. **MR. YESUFU AMUDA GARBA VS. UNIVERSITY OF MAIDUGURI**; SUIT N<sup>o</sup>: SC. 24/1985, the Nigerian Supreme Court.
- n. **Osborne's Concise Law Dictionary, 9<sup>th</sup> Edition at Page 176**, on the definition of "Fraud".

#### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Respondents' unwarranted verdict of fraud and demotion besmirched the Applicant's records of meritorious service to the Commission.
- b. The tarnishing of the Applicant's priceless reputation in the estimation of the staff of ECOWAS who were aware of the verdict of fraud and his demotion.
- c. The Applicant has been thereby published as a fraudulent and untrustworthy person and has been thoroughly defamed by the Respondents.

- d. The unjust verdict and demotion also stymied the upward trajectory of the Applicant's career progression which would appropriately have taken him up to Grade Level P5/10 at the time of his retirement on 30<sup>th</sup> April, 2022. This stagnation and the denial of the Applicant's deserved entitlements outraged him.
- e. Failure of the Respondents to resolve the matter internally and the non-inclusion of his appeal in the Agenda of the meeting of the Council of Ministers that was held in 2022, regarding his unlawful conviction for fraud and demotion, also violated the rights of the Applicant to an Appeal.

**DATED THIS 30<sup>th</sup> DAY OF JUNE 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/23/23**

*BETWEEN*

**MR. AL-HASSAN DIBASSI FADIA** \_\_\_\_\_ *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 **MR. MONSIEUR AL-HASSAN DIBASSI FADIA** (*APPLICANT*) AND **THE REPUBLIC OF TOGO** (*RESPONDENT*), was filed by the Applicant and registered by the Court on the 19th day of July 2023.

**1. NAMES AND ADDRESSES OF THE PARTIES**

*The names and addresses of the parties are as follows:*

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

**MR. AL-HASSAN DIBASSI FADIA**

Represented by Maître Paulino Mendes – Lawyer registered with the Bar in Guinea-Bissau with Professional Certificate n°103, located at: Avenida Muhammadu Buhari n°3 – 1° Andar – Bissau - Guinée-Bissau. Cel. phone portables : +245 955938797 et +245 966607644, E-mail: [paulinomendes73@gmail.com](mailto:paulinomendes73@gmail.com) et [sanafadia@gmail.com](mailto:sanafadia@gmail.com)

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

**THE REPUBLIC OF TOGO**

Whose address is at Palais de la Présidence de la République, 851, Avenue de la Présidence, Lomé-Togo, sued through its Legal Representative, "The Keeper of Official Seal", Minister of Justice and Legislation.

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

Alleged violations committed by the Republic of Togo, which prejudices Mr. Al-Hassan Dibassi Fadia, in particular his right to work, equality before the law and the right to equal protection of the law, the non-retroactivity of the law, the principle of the legality of offences and penalties and more generally his right to have his cause heard in accordance with the principles and guarantees of procedure.

**3. ORDERS SOUGHT BY THE APPLICANT**

The Court is requested:

- a. To HOLD jurisdiction over the present litigation;

- b. To DECLARE the initiating Application as admissible;
- c. To DECLARE that the State of Togo has violated the Applicant's right to work;
- d. To DECLARE that the State of Togo has violated the Applicant's right to equality and to equal protection of the law;
- e. To DECLARE that the State of Togo has violated the Applicant's right to have his cause heard, pursuant to the principles and guarantees for procedure;
- f. To ORDER the State of Togo to remove all illegal sanctions imposed on the Applicant;
- g. To ORDER the State of Togo to re-establish the Togolese validation of his professional license as a line pilot;
- h. To MAKE ANY OTHER INJUNCTION that the Court may deem fit in the instant case as appropriate in the instant case;
- i. To ORDER the State of Togo to pay to the Applicant the sum of five hundred million (500.000.000) CFA francs for serious material prejudices the Applicant suffered, owing to the various violations of his rights, the interruption of his career for about 21 months, as well as the loss of his employment;
- j. To ORDER the State of Togo to pay to the Applicant the sum of two hundred million (200.000.000) CFA francs as damages, and,
- k. To ORDER the State of Togo to bear all costs.

#### **4. SUMMARY OF THE PLEAS-IN-LAW**

The Applicant relies on the following instruments:-

- a. Article 9 (4) of the Protocol on the Court;
- b. Article 10(d) of the Protocol on the Court;
- c. Articles 3, 7 and 15 of the African Charter on Human and Peoples' Rights;
- d. Articles 6(1) and 7 of the International Covenant on Economic, Social and Cultural Rights;
- e. Article 31 of the Draft Articles on State Responsibility.

#### **5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS**

- a. In particular, the Respondent State is alleged to have arbitrarily hindered the Applicant's career as a civil aviation pilot with ASKY Airlines and to have used manoeuvres to force his former employer to dismiss him unfairly, in disregard of his right to work, a right recognised and enshrined in Article 15 of the African Charter on Human and Peoples' Rights;
- b. The Applicant also contended that the Respondent State had failed in its obligation to ensure his right to the enjoyment and exercise of his human rights in strict compliance with the principle of equality before the law and the right to equal protection of the law, as provided for in Article 3 of the Charter;
- c. Lastly, the Applicant complains that, prior to his unfair dismissal, the Respondent State initiated and conducted disciplinary proceedings to his detriment in flagrant breach of elementary principles of justice, such as the non-retroactivity of the law, the principle of

the legality of offences and penalties and, more generally, his right to have his cause heard in accordance with the principles and guarantees enshrined in Article 7 of the Charter;

- d. The Applicant therefore asks the Court to find these serious violations, to hold the State of Togo, the Respondent in the case, fully responsible for them, and to order it to restore the Applicant's rights in full and to compensate him in full for the various losses suffered by him as a result of the Respondent State's actions.

**DATED THIS 26<sup>th</sup> DAY OF JULY 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<sup>o</sup>: ECW/CCJ/APP/25/23**

*BETWEEN*

- |  |   |                   |
|--|---|-------------------|
| <ol style="list-style-type: none"> <li>1. <b>THE INCORPORATED TRUSTEES OF<br/>PRINCE OFFOKAJA FOUNDATION</b></li> <li>2. <b>PRINCE &amp; PRINCESS CHARLES OFFOKAJA<br/>FOUNDATION SWITZERLAND</b></li> </ol> | } | <b>APPLICANTS</b> |
|--|---|-------------------|

*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* 1). **THE INCORPORATED TRUSTEES OF PRINCE & PRINCESS CHARLES OFFOKAJA FOUNDATION** 2). **PRINCE & PRINCESS CHARLES OFFOKAJA FOUNDATION SWITZERLAND** (*APPLICANTS*) *AND* **THE FEDERAL REPUBLIC OF NIGERIA** (*RESPONDENT*) was filed by the Applicants and registered by the Court on the 19th day of July, 2023.

**1. NAMES AND ADDRESSES OF PARTIES**

*The names and addresses of the parties are as follows:*

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

**THE INCORPORATED TRUSTEES OF PRINCE &  
PRINCESS CHARLES OFFOKAJA FOUNDATION.**

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

Igwe Offokaja Palace, Akwaukwu,  
Anambra State, Nigeria.  
08180409392, [offokajafoundation@gmail.com](mailto:offokajafoundation@gmail.com)

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

**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 alleged continuous failure of the Respondent to fulfill its human rights obligations to Nigerians by its failure to complete the Dasin Hausa Dam within a reasonable time which has led to the violation of the rights of Nigerians as a result of uncontrolled flooding it caused most notably in 2012 and 2022; and possibility of more dangerous flooding in Nigeria whenever Cameroon releases excess water from its Lagdo Dam.

### 3. ORDERS SOUGHT BY THE APPLICANTS

- (a) A DECLARATION that the Respondent has violated multiple rights of the Nigerian People under the African Charter on Human and Peoples' Rights by not prioritizing the completion of the Dasin Hausa Dam for decades despite the likelihood of loss of life and property and environmental degradation due to flooding each time Cameroon opens the Lagdo Dam to release excess water, as happened notably in 2012 and in 2022; and despite the Respondent's significant financial capabilities being a major exporter of crude oil since the 1970s.
- (b) An ORDER Compelling the Respondent to complete the building of an updated version of the Dasin Hausa Dam and have it operational within a period of 18 months after delivery of judgment by this honourable Court on the instant case.
- (c) An ORDER Compelling the Respondent to set up an emergency committee overseen by the appropriate ministry(ies) to: ensure the speedy review of the feasibility study and engineering design of the proposed dam and ensure speedy revisions if required; explore ways of streamlining any inhibiting bureaucracy and report to the President/appropriate ministry(ies); ensure adequate quality assurance monitoring through regular reports/recommendations to the President/appropriate ministry(ies); explore if international assistance or private sector investment or loans are necessary for a speedier completion of the Dasin Hausa Dam construction project and advise the President of the Respondent State/it's Federal Executive Council on that; report regularly to the President of the Respondent State on progress of the project as well as have direct access to the President if required for the speedy completion of the dam; and also present a report to the honorable Court 2 years after judgement is given, to brief the Court on implementation of the judgement; and take on any other responsibilities delegated to it by the Respondent that would help to ensure that the Dasin Hausa Dam is completed within 18 months of judgement by the honourable Court.
- (d) An ORDER compelling the Respondent to take proactive measures to ensure that the Dasin Hausa Dam when completed is as effective as possible in shielding Nigerians against flooding from the Lagdo Dam in the face of Global Warming.
- (e) Any other RELIEFS the honourable Court may deem fit to grant.

### 4. SUMMARY OF THE PLEAS-IN-LAW

- a. Article 9(4) of the Community Court's Protocol;
- b. Articles 1, 4, 14, 15, 16(1), 17(1), (2), 22 & 24 of the African Charter on Human and Peoples Rights (Enforcement and Ratification) Law, Cap A9, Laws of the Federation of Nigeria 2004;
- c. Articles 4 & 5, ECOWAS Treaty (1995);
- d. Articles 6, 7(b) of the International Covenant on Civil and Political Rights.

### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

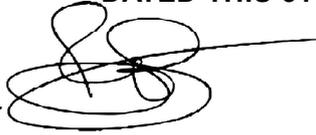
- a. That By failing to build the Dasin Hausa Dam within a reasonable time, the Respondent State has failed in its obligation to fulfil the right to life of many Nigerians, as the absence of the long-proposed buffer dam has led to deadly flooding, a violation of the right to life under Article 4 of the Charter when interpreted broadly.
- b. That the Respondent State has violated several rights of Nigerians under the African Charter for Human and Peoples' Rights and this has damaged business places and caused loss of

income for many Nigerians amounting to a violation of their rights to development under Articles 22 of the African Charter.

- c. That it also led to the avoidable damage of the environment and communities of Nigerians, a violation of the right to a generally satisfactory environment favorable to their development provided for under Article 24 of the African Charter.

**DATED THIS 31<sup>ST</sup> DAY OF JULY 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<sup>o</sup>: ECW/CCJ/APP/26/23**

*BETWEEN*

**ISMAILA HAIDARA** \_\_\_\_\_ *APPLICANT*

*AND*

**REPUBLIC OF MALI** \_\_\_\_\_ *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 of the Economic Community of West African States, that an application **BETWEEN ISMAILA HAIDARA (APPLICANT) AND REPUBLIC OF MALI (RESPONDENT)** was filed by the Applicant and registered by the Court on the 21st day of July, 2023.

**1. NAMES AND ADDRESSES OF THE PARTIES**

*The names and addresses of the parties are as follows:*

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

**ISMAILA HAIDARA**

Represented by **Mr. Philippe Zadi** residing at 8 Rue Etienne DOLET 95340 Persan (France) [philippe.zadi@yahoo.com](mailto:philippe.zadi@yahoo.com)/ Tel.00337 51 29 19 07, **Maitre Baba Dionkolon CISSOKO**, lawyer registered at the Mali Bar in Bamako, located at Kalabancoura ACI, near the public school Saint Joseph Tel. 00223 92155385, e-mail [babadiokolon@gmail.com](mailto:babadiokolon@gmail.com), and **Brown Okeke and Kalejiaye** LP Plot 999 B, Attorneys at Law at Nigerian Bar Association, Danmole street, Victoria Island, Lagos, Tel: (+234) 08164247362; e-mail: [iyobobrown@yahoo.com](mailto:iyobobrown@yahoo.com)/[brownaboklegal.com](http://brownaboklegal.com).

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

**REPUBLIC OF MALI**

Represented by the **Director General of State Litigation**, BP: 234 - Tel: (223) 20 29 67 11- Fax: (223) 20 29 67 10 in Hamdallaye ACI 2000-Rue 385 Porte 315-Bamako, Mali

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

Alleged violation of the right to a fair trial, guaranteed by Article 7. 1c of the African Charter on Human and Peoples' Rights (ACHPR) and Article 14.1 of the International Covenant on Civil and Political Rights (ICCPR).

**3. ORDERS SOUGHT BY THE APPLICANT(S)**

- a. DECLARE that the rights to Counsel, service of process, adversarial proceedings, equality of arms and an impartial tribunal were grossly violated by the Respondent State.

- b. DECLARE that the violations committed have caused them enormous damage that deserves pecuniary reparation;
- c. ORDER the Republic of Mali to put an end to the violation of these rights to a fair trial, in particular by ordering the Respondent State to set aside or retract Judgment N° 14 handed down on 20 March 2023 by the Judicial Division of the Supreme Court of Mali;
- d. ORDER the Respondent State to pay the Applicant the sum of one hundred million francs (100,000,000 F CFA) for all damages;
- e. GRANT a period of thirty (30) days to the Respondent State to report to the Court on the implementation of the judgment;
- f. ORDER the Republic of Mali to bear the costs.

#### 4. SUMMARY OF THE PLEAS-IN-LAW

- a. The Applicant observes that 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 explicitly confers jurisdiction on the Court to hear cases of human rights violations in any Member State;
- b. The Court will recall that it has set out its jurisprudence on jurisdiction in a number of decisions, including ECW/CCJ/JUG/01/12 of 26 January 2012 (Case of **El Hadj Mame Abdou GAYE against the Republic of Senegal** - Paragr. 29) and N°: ECW/CCJ/JUD/09/11 of 07 October 2011 (Case of **Madam AMEGANVI Manavi Isabelle and others against the Republic of Togo** - Paragr. 53);
- c. Article 9(4) of the Protocol as regards the subject-matter and 10 d) as regards referral to the Court;
- d. It noted that the Applicant alleged that they were victims of human rights violations committed by the Republic of Mali, a Member State of the Economic Community of West African States (ECOWAS);
- e. The jurisprudence of the ECOWAS Court (Suit: **Center for Democracy and Development & Center for Defence of Human Rights and Democracy v. Mamadou Tandja and Republic of Niger** and subject of the judgment delivered on 09 May 2011);
- f. The Applicant, whose rights to a fair trial were violated, did not previously bring an action before any international court with concurrent jurisdiction;
- g. The Applicant alleged that the Respondent State violated several of his rights guaranteed and protected by Article 7(1) of the ACHPR, Article 14(1) of the ICCPR and Article 5 of Regulation N° 5/CM/UEMOA on the harmonisation of the rules governing the legal profession in the WAEMU region, namely the right to be served with procedural documents, the right to legal counsel, the adversarial nature of the proceedings, equality of arms and the right to an impartial tribunal.

#### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The right to defend oneself, set out in Article 7(1)(c) of the Charter, is an essential component of the right to a fair trial and reflects the opportunities that judicial proceedings must offer the parties to set out their claims and submit their evidence. The scope of Article 7(1)(c) of the Charter applies to all stages of the proceedings in a case, from the preliminary investigations to the delivery of judgment, and is not limited solely to the conduct of hearings.

- b. The Applicant alleged that his right to a defence guaranteed by Article 7(1)(c) of the Charter was infringed by the Respondent State in several respects, namely the right to be served with procedural documents, to have access to the case file and to be represented by counsel.
- c. Article 14 (1) of the ICCPR states that **“Everyone is entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law”**.
- d. The President of the Supreme Court, Mr. FATOMA Terra, not only changed the composition of the correctional panel that was due to hear the case on 23 March 2023, but also presided unusually over the panel, assisted by the President of the Criminal Division, who was legally entitled to preside over the hearing. He only came to court to preside over this one case; all the other sessions of the day were presided over by the President of the Criminal Division. Moreover, he refused to prepare the case for trial and to refer the case back for further preparation, and hastened to try and decide it, and naturally dismissed the appeals of the Public Prosecutor at the Bamako Court of Appeal and that of Mr Ismaël HAIDARA.
- e. It should be pointed out that this is the only case on the docket whose composition was changed and presided over by the President of the Supreme Court, whereas the other cases were heard by the usual members of the Judicial Division.

**DATED THIS 3<sup>RD</sup> DAY OF AUGUST 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<sup>o</sup>: ECW/CCJ/APP/27/23**

*BETWEEN*

**HANOU WOETRO AKOLLY ALIAS ADOKO** \_\_\_\_\_ *APPLICANT*

*AND*

**TOGOLESE REPUBLIC** \_\_\_\_\_ *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 **HANOU WOETRO AKOLLY, (ALIAS ADOKO)** (*APPLICANT*) AND **THE TOGOLESE REPUBLIC** (*RESPONDENT*) was filed by the Applicant and registered by the Court on the 26<sup>th</sup> day of July, 2023.

**1. NAMES AND ADDRESSES OF THE PARTIES**

*The names and addresses of the parties are as follows:*

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

**HANOU WOETRO AKOLLY, (ALIAS ADOKO)**

Madam Hanou Woetro Akolly, alias Adoko, born on 5 May 1956, at Vogan (Vo district), of Togolese nationality, is resident and domiciled in Lomé, 01 BP 1516. Plaintiff Counsel is **Maitre Darius Totékpo-Mawu Kokou Atsoo**, Lawyer registered with the Bar Association of Lomé in Togo, with Law Firm located at Lomé, Amadahomé, Immeuble ELIZA HOME, 2nd Floor, 07 BP : 7722 Lomé-Togo, Tel. : +228 22 55 85 86 / 98 81 66 66, Skype ID: *darius.atsoo*, E-mail: *darius.atsoo@atsoolawyerfirm.com*, Principal Partner

The Applicant has consented that all pleadings and processes relating to the instant proceedings must be communicated to the address indicated above, and also below, by e-mail or by any other technical means of communication, in accordance with the Rules of Procedure of the Court: **Maitre Elom Koffi Kpade**, Lawyer registered with the Bar Association of Lomé, Togo; E-mail: *belomkpade@gmail.com*;

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

**TOGOLESE REPUBLIC**

Headquarters at Lomé. Presidential Palace of the Presidency of the Republic of Togo. Address: 851, Avenue de la Présidence, Lomé, Togo. Sued through his legal representative, the Minister of Justice, National Legislation, and *Garde des Sceaux* (Keeper of the Seals).

## **2. SUBJECT-MATTER OF THE PROCEEDINGS**

Alleged violation of Applicant's human rights, by being prevented from participating in the public affairs of her country

## **3. ORDERS SOUGHT BY THE APPLICANT**

- a. The Applicant asks the Court to find that the Togolese Republic, violated her human rights, by being prevented from participating in the public affairs of her country, either directly or through representatives freely chosen, as enshrined in the relevant legal provisions of : Article 21 of the Universal Declaration of Human Rights (UDHR), Article 13 (1) of the African Charter on Human and Peoples' Rights (ACHPR), and Article 25 of the International Covenant on Civil and Political Rights (ICCPR).
- b. The Applicant seeks an order from the Court for the Respondent State to take all appropriate measures to terminate the violations in question, and to enable the Applicant to register her name on the voters' register for future elections, and equally register all the other citizens in view of the elections scheduled ahead.
- c. Finally, the Applicant requests the Court to order the Togolese Republic to pay costs.

## **4. SUMMARY OF THE PLEAS-IN-LAW**

- a. Article 21 of the Universal Declaration of Human Rights;
- b. Article 23 of the African Charter on Human and Peoples' Rights;
- c. Article 25 (a) of the International Covenant on Civil and Political Rights;
- d. Article 13(1) of the African Charter on Human and Peoples' Rights;
- e. The right to democracy and good governance, which are essential elements for the sustainable development and protection of human rights, of the peoples in Africa.

## **5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS**

- a. The voters' registration exercise, which was embarked upon on 29 April 2023, came to a close on Monday, 8 May 2023 in Zone 1, where the Applicant was required to be registered, but she was not. Several obstacles she encountered, prevented her from being registered, together with other citizens who had attained the legally required age for doing so, to enable them vote subsequently. This fact was acknowledged by the Government of the Togolese Republic itself, and by political actors and members of the civil society.
- b. Such was the situation which prevailed, as the registration exercise came to a close, prompting vehement reactions from the political parties and other organisations of the civil society. Despite the setting up of a permanent structure for dialogue and consensus building between the different stakeholders and the Government, the registration process was closed and a lot of citizens could not register their names on the voters' register, thus becoming disenfranchised.
- c. From the foregoing, the Applicant maintains that, with the decision thus made by the Independent National Electoral Commission (CENI) to close the registration exercise there and then, she lost every possibility and hope of putting her name on the voters' register, which amounts to a flagrant violation of her human rights, as enshrined in the international instruments for the protection of human rights.

- d. The Applicant fundamentally invokes abundant international case law which corroborates the fact that, in deciding to close, once-and-for-all, the registration of names on the voters' register whereas it was unquestionable that a lot of Togolese citizens, including the Applicant, went participate in the exercise in vain, the Respondent State, through the agency of national electoral commission, CENI, violated the provisions of the national electoral code. The Applicant further argues that the Togolese Republic disregarded its obligations as provided for under the relevant provisions of: Article 13(1) of ACHPR, Article 21 of UDHR, and Article 25 of ICCPR.
- e. The Applicant therefore asks the Court to order an immediate cessation of the violation stated, sanction the human rights pleaded in the Application, order the registration of her name on the registered voters' list, and ask the Respondent State to pay costs

**DATED THIS 10<sup>TH</sup> DAY OF AUGUST 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<sup>o</sup>: ECW/CCJ/APP/28/23**

*BETWEEN*

**LA SOCIETE TIGER INDUSTRIE MALI (TIM SARL)** \_\_\_\_\_ *APPLICANT*

*AND*

**REPUBLIC OF MALI** \_\_\_\_\_ *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 **LA SOCIETE TIGER INDUSTRIE MALI (TIM SARL)** (*APPLICANT*) AND **REPUBLIC OF MALI** (*RESPONDENT*) was filed by the Applicant and registered by the Court on the 3<sup>rd</sup> day of August 2023.

**1. NAMES AND ADDRESSES OF THE PARTIES**

The names and addresses of the parties are as follows:

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

**LA SOCIÉTÉ TIGER INDUSTRIE MALI (TIM SARL)**

Represented by **Mr. Philippe ZADI** residing at 8 Rue Etienne DOLET 95340 Persan (France) philippe\_zadi@yahoo.com / Tel.00337 51 29 19 07, assisted by:

**Baba Dionkolon CISSOKO Esq.**, member of the Mali Bar Association in Bamako, SCPA LA FICELLE-SCPA, members of the Mali Bar Association in Bamako, located at Kalabancoura ACI, near École Privée Saint Joseph Tel. 00223 92155385, e-mail babadiokolon@gmail.com

**Brown Iyobosa Osarenkhoe Esq.**, Barrister & Solicitor of the Supreme Court of Nigeria, Brown Okeke and Kalejiaye LP Plot 999 B, Attorneys at Law and members of the Nigerian Bar Association, Danmole Street, Victoria Island, Lagos, Tel.(+234)08164247362,e-mail : iyobobrown@yahoo.com

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

**REPUBLIC OF MALI**

Represented by the Director General of State Litigation, BP: 234 - Tel: (223) 20 29 67 11- Fax: (223) 20 29 67 10 at Hamdallaye ACI 2000-Rue 385-Porte 315-Bamako, Mali.

## 2. SUBJECT-MATTER OF THE PROCEEDINGS

Alleged violation of his right to a fair trial, guaranteed and protected by Article 7(1)(d) of the African Charter on Human and Peoples' Rights and Article 14(1) of the International Covenant on Civil and Political Rights.

## 3. ORDERS SOUGHT BY THE APPLICANT(S)

- a. DECLARE that it has jurisdiction.
- b. ADMIT the application for a declaration of a violation of human rights and for compensation.
- c. FIND that the Republic of Mali has violated its rights to a fair trial, guaranteed by Article 7 (1) (d) of the African Charter on Human and Peoples' Rights, known as the ACHPR, and Article 14 (1) of the International Covenant on Civil and Political Rights, known as the ICCPR.
- d. ORDER the Republic of Mali to put an end to the violation of its rights to a fair trial, especially the right not to challenge a final and binding decision and the right to be judged within a reasonable time, annul all judicial decisions that affect the final and irrevocable nature of judgement no. 13 of 28 September 2022 of the Commercial Court of Bamako pronouncing the closure of the liquidation of the assets of the company TIM SARL.
- e. ORDER the Respondent State to pay the Applicant the sum of 10 billion CFA francs, for all causes of damages.
- f. IMPOSE a time limit of thirty (30) days on the Respondent State to report to the Court on the execution of the judgment.
- g. ORDER the Republic of Mali to bear all the costs.
- h. ORDER the Respondent State to pay to the Applicant the sum of one hundred million francs (100,000,000 F CFA) for all causes of damage.

## 4. SUMMARY OF THE PLEAS-IN-LAW

- a. Article 7(1) (d) of the African Charter on Human and Peoples' Rights and Article 14(1) of the International Covenant on Civil and Political Rights.
- b. Article 21 (2) and Article 33 (1) (b) of the Revised Uniform Act of OHADA relating to the Uniform Act on Bankruptcy Proceedings (RUABP).
- c. Supplementary Protocol A/SP.1/01/05 of 19 January 2005 amending Protocol A/P.1/7/91 on the Court of Justice of the Community.
- d. Judgments n° ECW/CCJ/JUG/01/12 of 26 January 2012 (Case of **El Hadj Mame Abdou GAYE v. The Republic of Senegal** - Paragr. 29) and N° ECW/CCJ/JUD/09/11 of 07 October 2011 (Case of **Mrs. AMEGANVI Manavi Isabelle & Ors v. The State of Togo** - Paragr. 53).
- e. Paragraph d) of Article 10, new, of the Supplementary Protocol of 19/01/2005 on the Court.
- f. SUIT : **Center for democracy and development & Center for Defence of Human Rights and Democracy v. Mamadou Tandja and Republic of Niger** and subject of the judgment delivered on 09 May 2011.

- g. **Wilfred Anyang Nganyi and others v. United Republic of Tanzania**, Judgment (merits) (18 March 2016), 1 RJCA 526, § 136 / **Alex Thomas v. United Republic of Tanzania**, Judgment (merits) (20 November 2015) 1 RJCA 482, § 104. **Norbert Zongo v. Burkina Faso**, Judgment (merits) (05 December 2014), 1 RJCA 324, § 92 to 97).

## 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant points out that Supplementary Protocol A/SP.1/01/05 of 19 January 2005 amending Protocol A/P.1/7/91 on the Community Court of Justice explicitly confers on it jurisdiction to hear cases of violation of human rights in any Member State.
- b. The Applicant alleged, on the one hand, that she was a victim of human rights violations committed by the Republic of Mali, a Member State of the Economic Community of West African States (ECOWAS), namely its rights relating to a fair trial, especially the right not to challenge a final and binding decision and the right to be judged within a reasonable time, international legal instruments relating to human rights, namely the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights, to which the Applicant is a party.
- c. The Applicant complained that the Respondent State had infringed its right to have its case heard and determined within a reasonable time, on account of the excessive duration of the judicial liquidation, which was 7 years, in excess of the 24 months required by (RUABP), and the failure to comply with the deadline of 30 days, as from the declaration of appeal, for determining the action brought.
- d. The right not to challenge a final and binding decision is a component of the right to a fair trial provided for in Article 14 (1) of the ICCPR.

**DATED THIS 10<sup>th</sup> DAY OF AUGUST 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<sup>o</sup>: ECW/CCJ/APP/29/23**

*BETWEEN*

**MR. JEAN PIERRE FABRE** \_\_\_\_\_ *APPLICANT*

*AND*

**STATE 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. JEAN PIERRE FABRE (APPLICANT)** AND THE **STATE OF TOGO (RESPONDENT)** was filed by the Applicant and registered by the Court on the 28 July 2023.

**1. NAMES AND ADDRESSES OF PARTIES**

The names and addresses of the parties are as follows:

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

**MR. JEAN PIERRE FABRE**

MR JEAN PIERRE FABRE, is Chairman of a political party in Togo known and called *Parti de l'Alliance Nationale pour le Changement (ANC)*. He is domiciled and lives in Lomé; he is assisted by Counsel called SCPA FEMIZA ASSOCIES, a Law Firm of Associated Lawyers, with address at Lomé, 390, Rue M'Bomé, Tokoin - Tamé, 14 BP : 64 Lomé 14, Tél. (228) 93 01 83 56, Email: [femiza@femizaassociés.net/ferdinandzohoun@gmail.com](mailto:femiza@femizaassociés.net); for the purposes of the present procedure and following, Applicant uses the Counsel's address as address for service;

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

**STATE OF TOGO**

The State of Togo with its Headquarters in Lomé, at palais de la Présidence sur le boulevard du Mono 2 Avenue du Général de Gaulle, is sued in the present procedure through its Legal Representative, *Le Garde des Sceaux, ministre de la Justice* (the Keeper of Official SEAL, and Minister of Justice) domiciled and living in his offices in Lomé, Tél: (228) 22 21 26 53/22 21 09 75, Email: [minjusticetogo@yahoo.fr](mailto:minjusticetogo@yahoo.fr),

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

Alleged violation by the Togolese State of the Applicant's right to fair trial within a reasonable time by an impartial court, to freedom of expression and opinion, to freedom of assembly and the right to be protected against torture and other cruel, inhuman or degrading treatment or punishment.

### 3. ORDERS SOUGHT BY THE APPLICANT

- a. TO NOTE the violation of Applicant's fundamental human rights;
- b. TO ORDER the Respondent State to take all necessary measures to examine the complaint filed by the Applicant concerning the incriminated actions;
- c. TO ORDER the Respondent State to pay to Applicant the sum of one hundred and fifty million (150 000 000) CFA francs in damages in reparation of the prejudices suffered; and
- d. TO ORDER the Respondent State to bear all costs.

### 4. SUMMARY OF THE PLEAS-IN-LAW

- a. The provisions of Articles 5, 7 (1 d.), 9 ( 2 and 11) of the African Charter on Human and Peoples' Rights of 27 June 1981; Articles 5, 19, 20 (1) of the Universal Declaration of Human Rights of 10 December 1948; Articles 7, 19, 21 of the International Covenant on Civil and Political Rights of 16 December 1966, and finally article 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984, taken both in spirit and in letter, which relate to various fundamental human rights that have been violated;
- b. The provisions of the African Charter on Human and Peoples' Rights of 27 June 1981, the Universal Declaration of Human Rights of 10 December 1948, the International Covenant on Civil and Political Rights of 16 December 1966 and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984;
- c. These include serious violations of his dignity and physical and mental health, torture and other cruel, inhuman or degrading treatment or punishment, restrictions on freedom of expression, opinion and assembly, and the right to be tried within a reasonable time by an impartial Court.

### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicant alleges a violation of various fundamental human rights, principally the right not to be subjected to cruel and inhuman treatment, protected by Article 5 of the 1948 Universal Declaration of Human Rights, Article 7 of the 1966 International Covenant on Civil and Political Rights and Article 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- b. He invokes the restriction of his right to freedom of expression and opinion, a right protected by Article 9 paragraph 2 of the African Charter on Human and Peoples' Rights, as well as article 19 of the Universal Declaration of Human Rights, and also by Article 19 paragraphs 1 & 2 of the International Covenant on Civil and Political Rights;
- c. Finally, he invoked the right to freedom of assembly as protected by Article 11 of the African Charter on Human and Peoples' Rights.
- d. The Applicant therefore requests that the Respondent State be ordered to pay him the sum of one hundred and fifty (150.000.000) million CFA francs by way of damages, as well as ordering it to bear all costs.

**DONE ON THIS 3<sup>RD</sup> DAY OF AUGUST 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<sup>o</sup>: ECW/CCJ/APP/30/23**

*BETWEEN*

1. **THE INCORPORATED TRUSTEES OF THE  
SOCIO-ECONOMIC RIGHTS AND ACCOUNTABILITY  
PROJECT (SERAP)**
2. **SOCIAL DEVELOPMENT INTEGRATED CENTRE  
(SOCIAL ACTION)**

} *APPLICANTS*

*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 **(1) THE INCORPORATED TRUSTEES OF THE SOCIO-ECONOMIC RIGHTS AND ACCOUNTABILITY PROJECT (SERAP) (2) SOCIAL DEVELOPMENT INTEGRATED CENTRE (SOCIAL ACTION) (APPLICANTS)** AND **THE FEDERAL REPUBLIC OF NIGERIA (RESPONDENT)** was filed by the Applicants and registered by the Court on the 31<sup>st</sup> day of July, 2023.

**1. NAMES AND ADDRESSES OF THE 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

*AND*

**SOCIAL DEVELOPMENT INTEGRATED CENTRE  
(SOCIAL ACTION)** of 33, Orominike Lane, D-Line,  
Port Harcourt, Rivers State.

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

**THE FEDERAL REPUBLIC OF NIGERIA**

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

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

- a. The legality and compatibility of the allegations of mismanagement, diversion and stealing of public funds contained in the Niger-Delta Development Commission (NDDC) Forensic Audit without bringing those suspected to be responsible to justice with the rights to economic and social development.

- b. Alleged violation of the Applicants' 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 2, 17, 21, 22 & 24 of the African Charter on Human and Peoples' Rights; Articles 1, 2, 6, 9, 11, 12 & 13 of the International Covenant on Economic Social and Cultural Right 1966.

### 3. ORDERS SOUGHT BY THE APPLICANT(S)

- a. A DECLARATION that the failure of the Respondent to prosecute those indicted for mismanagement, diversion and stealing of public funds contained in the Niger-Delta Development Commission (NDDC) Forensic Audit, publishing the names of those indicted and recovering the missing funds amounts to breach of the rights of the people of the Niger Delta to the 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 Respondent to prosecute those indicted for mismanagement, diversion and stealing of public funds contained in the Niger-Delta Development Commission (NDDC) Forensic Audit, publishing the names of those indicted and recovering the missing funds amounts to breach of the Respondent'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. A DECLARATION that the failure of the Respondent to exercise due diligence and to take steps to prevent the corruption documented in in the Niger-Delta Development Commission (NDDC) Forensic Audit amounts 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 to which Nigeria is a state party.
- d. A DECLARATION that the failure of the Respondent to provide for an effective remedy and 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 to which Nigeria is a state party.
- e. A DECLARATION that the failure of the Respondent to provide an environment necessary for securing and promoting the transparency and accountability in the use of public funds 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 to which Nigeria is a state party.
- f. AN ORDER directing the Respondent and/or its agents individually and/or collectively to respect, protect, promote, and fulfil the human rights of Nigerians in the Niger Delta and elsewhere in Nigeria.
- g. AN ORDER directing and compelling the Respondent to prosecute those indicted for mismanagement, diversion and stealing of public funds contained in the Niger-Delta Development Commission (NDDC) Forensic Audit and take steps to recover missing funds as documented, and also ensure abandoned and poorly completed projects are revived.

- h. AN ORDER directing and compelling the Respondent to publish details of those indicted in the alleged misappropriation of over N6 trillion in the running of the Niger Delta Development Commission (NDDC) between 2000 and 2019, as documented in the recent Forensic Audit Report on NDDC.
- i. AN ORDER directing and compelling the Respondent to adopt, ensure effective measures to address transparency and accountability gaps in spending of funds appropriated to the Niger Delta Development Commission and the systemic and widespread corruption in Commission, as documented by the NDDC Forensic Audit Report.
- j. 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, 5, 15, 16, 17, 21, 22 & 24 of the African Charter on Human and Peoples' Rights.
- b. Articles 1 (2), 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13 & 14 of the International Covenant on Economic, Social and Cultural Rights.
- c. Articles 1, 3, 22, 23 (3), 25 (1) & 26 of the Universal Declaration of Human Rights 1948.
- d. Articles 1, 2, 3, 4, 5, 6, 7, 8, 9 & 10 of the Declaration on the right to Development 1986.
- e. Articles 6, 15, 31, 63 & 64 of the Revised Treaty of the Economic Community of West African States.
- f. Article 33 of the Rules of the Community Court of Justice.
- g. Article 10 of the Supplementary Protocol of 2005, relating to the Community Court of Justice.

#### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. That the Niger Delta Development Commission (NDDC) was created by Niger Delta Development Commission (NDDC) Act to manage and administer funds to solve ecological problems which arise from the exploration of oil minerals in the Niger-Delta area.
- b. That due to reports of widespread corruption in the Niger Delta Development Commission, [NDDC], the President, through the Federal Executive Council, authorized the constitution of a forensic audit team comprising of 16 Field Audit Firms and a Lead Forensic Auditor with a mandate to carry out forensic audit covering a total of 13,777 contracts awarded from 2001 to 2019 at a final contract value of over N6trillion, to ensure probity and accountability in the use of public funds. The call for audit by the people of the Niger Delta Region arose from the huge gaps between resources invested in the region *vis-a-vis* the huge gap in infrastructural, human and economic development.
- c. That the missing N6 trillion and over 13,000 abandoned projects in the Niger Delta have continued to have a negative impact on the human rights of Nigerians, undermining their access to basic public goods and services, such as education, healthcare, and regular and uninterrupted electricity supply.
- d. Applicants further submit that the mismanagement, diversion and stealing of public funds contained in the Niger-Delta Development Commission (NDDC) Forensic Audit without bringing those suspected to be responsible to justice is at the expense of Nigerians, particularly the people of the Niger Delta region, who are burdened by economic woes, stringent economic measures, poverty and economic meltdown, and these consequently

amount to mutilation of rights of the people to economic, social and cultural rights and is in 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 2, 17, 21, 22 & 24 of the African Charter on Human and Peoples' Rights; Articles 1, 2, 6, 9, 11, 12 & 13 of the International Covenant on Economic Social and Cultural Right 1966.

**DATED THIS 10<sup>th</sup> DAY OF AUGUST 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<sup>o</sup>: ECW/CCJ/APP/31/23**

*BETWEEN*

- |  |   |            |
|--|---|------------|
| <ol style="list-style-type: none"> <li>1. THE INCORPORATED TRUSTEES OF EGALITARIAN MISSION FOR AFRICA (EMA)</li> <li>2. PROFESSOR BOLA AKINTERINWA</li> <li>3. HAMZA NUHU DANTANI, ESQ.</li> </ol> | } | APPLICANTS |
|--|---|------------|

*AND*

- |  |   |             |
|--|---|-------------|
| <ol style="list-style-type: none"> <li>1. THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)</li> <li>2. AUTHORITY OF HEADS OF STATE AND GOVERNMENT</li> <li>3. PRESIDENT ECOWAS COMMISSION</li> <li>4. THE FEDERAL REPUBLIC OF NIGERIA</li> <li>5. THE REPUBLIC OF NIGER</li> </ol> | } | RESPONDENTS |
|--|---|-------------|

**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) **THE INCORPORATED TRUSTEES OF EGALITARIAN MISSION FOR AFRICA (EMA)**, (2) **PROFESSOR BOLA AKINTERINWA** (3) **HAMZA NUHU DANTANI, ESQ.** (*APPLICANTS*) AND (1) **THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES, (ECOWAS)** (2) **THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT**, (3) **PRESIDENT, ECOWAS COMMISSION** (4) **THE FEDERAL REPUBLIC OF NIGERIA**, (5) **THE REPUBLIC OF NIGER** (*RESPONDENTS*) was filed by the Applicants and registered by the Court on the 8<sup>th</sup> day of August 2023.

**1. NAMES AND ADDRESSES OF THE PARTIES**

*The names and addresses of the parties are as follows:*

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

**INCORPORATED TRUSTEES OF EGALITARIAN MISSION FOR AFRICA (EMA)**

Registration number IT/CAC/48017, No. 21 Amazon Street, Ministers Hill, Maitama District, Abuja, Nigeria.

**PROFESSOR BOLA AKINTERINWA**

No 4 Daloa Street, Wuse Zone 1, Abuja Nigeria.

**HAMZA NUHU DANTANI, ESQ.**

No 23 Sabon Pegi, Damaturu, Yobe State, Nigeria.

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

**THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS);**

**AUTHORITY OF HEADS OF STATE AND GOVERNMENT;**

**PRESIDENT, ECOWAS COMMISSION;  
THE FEDERAL REPUBLIC OF NIGERIA;  
THE REPUBLIC OF NIGER.**

C/o The Economic Community of West African States  
ECOWAS Commission,  
101 Yakubu Gowon Crescent, Asokoro 900103  
Federal Capital Territory, Abuja, Nigeria.

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

- a. ECOWAS proposed military action to invade the Republic of Niger following the *coup d'état* that took place in Niger on July 26, 2023, resulting in the detention of the democratically elected President Mohammed Bazoum and the subsequent installation of General Abdourahamane Tchiani as the head of a new military junta. The proposal was decided upon at the meeting of Members States held at the ECOWAS Headquarters Abuja.
- b. The proposed Military intervention in the Republic of Niger is tantamount to aggression between ECOWAS Member States specifically violating the provisions of Articles 1, 5, 15, 16, 17, 21, 22 & 24 of the African Charter on Human and Peoples' Rights; Articles 1 (2), 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13 & 14 of the International Covenant on Economic, Social and Cultural Rights; Articles 1, 3, 22, 23 (3), 25 (1) & 26 of the Universal Declaration of Human Rights 1948; Articles 1, 2, 3, 4, 5, 6, 7, 8, 9 & 10 of the Declaration on the Right to Development 1986; Articles 6, 15, 31, 63 & 64 of the Revised Treaty of the Economic Community of West African States; 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 and Articles 10 (c), 22, 26, 27, 28, 56 of the ECOWAS Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace– Keeping and Security 1999.

**3. ORDERS SOUGHT BY THE APPLICANT(S)**

- a. A DECLARATION that the Respondents' failure to prioritise the fundamental human rights of its citizens in their proposed military intervention into the Republic of Niger amounts to the breach of fundamental human rights as encapsulated in the African Charter on Human and Peoples' Rights, the International Covenant on Economic, Social and Cultural Rights, the Universal Declaration of Human Rights 1948 and the Declaration on the Right to Development 1986.
- b. A DECLARATION that the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Respondents' resolution to use military intervention with the aim to resolve the coup by the 5<sup>th</sup> Respondent, will amount to the breach of the fundament human rights to life, right to dignity of human person, right to personal liberty, freedom of movement, freedom to peaceful assembly and association, right to acquire and own properties, right to private life and family, right to fair hearing, right to freedom of expression at the press, and right to freedom from discrimination as encapsulated in African Charter on Human and Peoples' Rights, the International Covenant on Economic, Social and Cultural Rights, the Universal Declaration of Human Rights 1948 and the Declaration on the Right to Development 1986.
- c. A DECLARATION that the ECOWAS REVISED TREATY prohibits aggression between Member States.
- d. A DECLARATION that any form of military intervention by the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Respondents in the Republic of Niger runs afoul of the obligations in the ECOWAS REVISED TREATY and is therefore illegal.

- e. AN ORDER RESTRAINING the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Respondents and/ their agents, privies, representatives either alone or in collaboration with other ECOWAS Member States or their agents and privies, from any military invasion or any military action in the Republic of Niger that might undermine the Republic of Niger 's sovereignty and territorial integrity.

#### 4. SUMMARY OF THE PLEAS-IN-LAW

- a. Articles 1, 5, 15, 16, 17, 21, 22 & 24 of the African Charter on Human and Peoples' Rights.
- b. Articles 1 (2), 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13 & 14 of the International Covenant on Economic, Social and Cultural Rights.
- c. Articles 1, 3, 22, 23(3), 25(1) & 26 of the Universal Declaration of Human Rights 1948.
- d. Articles 1, 2, 3, 4, 5, 6, 7, 8, 9 & 10 of the Declaration on the Right to Development 1986.
- e. Articles 6, 15, 31, 63 & 64 of the Revised Treaty of the Economic Community of West African States.
- f. Article 33 of the Rules of the Community Court of Justice.
- g. 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.
- h. Articles 10(c), 22, 26, 27, 28, 56 of the ECOWAS Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security 1999.

#### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. That on the 26<sup>th</sup> of July, 2023, a Military *Coup d'etat* took place in the Republic of Niger, an ECOWAS Member State, resulting in the overthrow and detention of the democratically elected President Mohamed Bazoum and that subsequently, General Abdourahamane Tchiani was installed as the head of the new military junta.
- b. That following this, the President of the Federal Republic of Nigeria, President Bola Ahmed Tinubu, wrote a letter to the Senate of the National Assembly of Nigeria, condemning the coup in its entirety that sanctions will be imposed on the Military Government of Niger, warning that Military personnel will be deployed to intervene in Niger to enforce compliance in the Republic of Niger.
- c. That the implication of such letter would be a full-blown war between Nigeria and Niger, which would have devastating consequences for both nations, the ECOWAS community, the rest of Africa and the world at large.
- d. That ECOWAS and Nigeria should work towards reinstating democracy in the Republic of Niger without military intervention which may further exacerbate the status quo.
- e. That diplomacy remains the best approach not only in maintaining peace and order but also in the continuous protection of fundamental human rights of citizens which is paramount.
- f. That forceful intervention and sanctions imposed on the Republic of Niger will affect the economic rights as well as other fundamental human rights that aid the quality of life of Nigeriens and other ECOWAS citizens living in Niger.
- g. That ECOWAS can explore other alternatives like suspending Niger from the sub-regional body, until its return to constitutional order and democracy without imposing untold hardships on the citizens of Niger and the neighbouring States that share borders with Niger.

- h. The Applicants further contended that the current standoff in Niger is an internal affair of an independent Country; therefore, Nigeria and ECOWAS should rather mediate.
- i. That war would only be counter-productive and would ultimately lead to the disintegration of ECOWAS and plunge the sub-region into more violent conflicts to the benefit of foreign powers to sell their arms and further plunder Africa's vast natural resources.

**DATED THIS 18<sup>th</sup> DAY OF AUGUST 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<sup>o</sup>: ECW/CCJ/APP/32/23**

*BETWEEN*

- |   |   |                   |
|---|---|-------------------|
| <ol style="list-style-type: none"> <li>1. <b>THE INCORPORATED TRUSTEES OF PRINCE &amp;<br/>PRINCESS CHARLES OFFOKAJA FOUNDATION, NIGERIA</b></li> <li>2. <b>PRINCE &amp; PRINCESS CHARLES OFFOKAJA<br/>FOUNDATION, SWITZERLAND</b></li> </ol> | } | <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 (1) **THE INCORPORATED TRUSTEES OF PRINCE & PRINCESS CHARLES OFFOKAJA FOUNDATION, NIGERIA** (2) **PRINCE & PRINCESS CHARLES OFFOKAJA FOUNDATION, SWITZERLAND** (*APPLICANTS*) AND **THE FEDERAL REPUBLIC OF NIGERIA** (*RESPONDENT*) was filed by the Applicants and registered by the Court on the 9<sup>th</sup> day of August, 2023.

**1. NAMES AND ADDRESSES OF THE PARTIES**

*The names and addresses of the parties are as follows:*

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

**THE INCORPORATED TRUSTEES OF PRINCE &  
PRINCESS CHARLES OFFOKAJA FOUNDATION, NIGERIA**

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

Igwe Offokaja Palace, Akwaukwu, Anambra State,  
Nigeria, Tel: 08180409392,  
[email: offokajafoundation@gmail.com](mailto:offokajafoundation@gmail.com)

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

**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**

- a. Alleged failure of the Respondent to create a sixth state in its South Eastern geopolitical zone, (hereinafter known as the South East) to bring it up to par with the other geopolitical zones of Nigeria; contrary to the Principle of Equality and Non Discrimination, and contrary to its obligation to ensure the right to Development. This has led to marginalization of the People of the South East in terms of access to resources for Development: in the allocation of funds for Development from the Federation Account.

- b. This distinction is arbitrary, discriminatory and amounts to a violation of the principle of Equality and Non Discrimination, and also a violation of the right to Equality under Article 19 of the African Charter on Human and Peoples' Rights (hereinafter referred to as the African Charter).

### 3. ORDERS SOUGHT BY THE APPLICANT(S)

- (a) A DECLARATION that by not creating a sixth State in the South East to bring it up to par with the other geopolitical zones the Respondent has violated the right of the People of South East to Equality and Non-Discrimination under Article 19 of the African Charter, and Article 26 of the ICCPR.
- (b) A DECLARATION that by not creating a sixth state in the South East to bring it up to par with the other geopolitical zones the Respondent has violated the right of the People of the South East to Development under Article 22 of the African Charter.
- (c) AN ORDER Compelling the Respondent to create a sixth state in the South East within 1 year.
- (d) AN ORDER Compelling the Respondent to present a report to the honourable Court on its implementation of the judgement 15 months after judgement is given in the instant case.
- (e) ANY OTHER RELIEFS the honourable Court may deem fit to grant.

### 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) and 4(h) of the Revised Treaty of the Economic Community of West African States ("The Revised Treaty").
- d. Articles 1, 19, 22(1) and 22(2) of the African Charter On Human And Peoples' Rights ("The Charter" or "the African Charter")
- e. Articles 2(1), 2(2), 2(3) and 26 of the International Covenant on Civil and Political Rights ("the ICCPR").

### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. Applicants allege that failure of the Respondent to create a sixth state in the South East has violated the right of the People of the South East to Equality and Non-Discrimination; and has also violated their right to Development.
- b. That while every other zone has at least 6 states, only the South East has 5.
- c. That as long as the number of states remains a determining factor for development mechanisms as statutory financial allocation from the Federation Account, number of Senators who vote on the budget, and number of statutory seats in the Federal Executive Council who deliberate on the funding and execution of development projects, the Respondent's denial of a sixth state to the South East is an internationally wrongful act that needs to be urgently corrected and that 'justice delayed is justice denied'.

**DATED THIS 18<sup>TH</sup> DAY OF AUGUST 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<sup>o</sup>: ECW/CCJ/APP/33/23**

*BETWEEN*

**CHIEF FESTUS A. OGWUCHE & 25 ORS.** \_\_\_\_\_ *APPLICANTS*

*AND*

**THE FEDERAL REPUBLIC OF NIGERIA & 15 ORS** \_\_\_\_\_ *RESPONDENTS*

**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 CHIEF FESTUS A. OGWUCHE & 25 ORS. (APPLICANTS) AND THE FEDERAL REPUBLIC OF NIGERIA & 15 ORS. (RESPONDENTS)** was filed by the Applicants and registered by the Court on the 21<sup>st</sup> day of August, 2023.

**1. NAMES AND ADDRESSES OF THE PARTIES**

*The names and addresses of the parties are as follows:*

***Name and address of Applicants:***

a. **FOR THE FEDERAL REPUBLIC OF NIGERIA**

**CHIEF FESTUS A. OGWUCHE**, Plot 30 East-West Road  
Rumuodara, Port Harcourt, Rivers State.

**OBINNA UMEH**, of No. 31 Igboekwu Street, D/Line Port  
Harcourt, Nigeria.

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

**TRAORE KASSOUM** whose address is 109 Adjame Dallas,  
Cote D'Ivoire.

**GNOHORE FORTUNE KIPRE** whose address is 1551A  
Quayer - Misquer lot 921.

c. **FOR THE REPUBLIC OF GUINEA**

**CAMARA MALLICK** - Conakry Vile, Sud n245

**CAMARA ASSIETOU** - Conakry Quatier, Ranblaire lot 15.

d. **FOR BURKINA FASO**

**KOBRE HULLAIRE** - Kobre Hillaire, Ougadougou Ville  
Frontier Lot 25.

**SEYDOU GUINDO** - Ville Quatier Senoufo N<sup>o</sup>. 45 Ouga.

e. **FOR THE REPUBLIC OF LIBERIA**

**SAKPA JEAN FRANCOIS** - N<sup>o</sup>. 12 Benson Street, Liberia.

**GUIKPA LUKEMAN** - N<sup>o</sup>. 25 Camp Johnson Road, of  
Capital Hill, Liberia.

f. **FOR THE REPUBLIC OF GHANA**

**EKWUHA JULIETTE** - N<sup>o</sup>. 54 There's Junior School, Off City  
Car Park Building Place, Accra.

**AKISSI AFFOUE** - N°. 411 Cape Tech Street, Off Barima  
Second Avenue Cape Coast.

- g. **FOR REPUBLIC OF BENIN**  
**ASSAMOI ZAKARI** - N°. 27 Pharmacie Cristal Dodji  
**SIANTHE EMMANUEL** - N°. 18 Pres Marche Gregory, Port  
Novo.
- h. **FOR REPUBLIC OF NIGER**  
**MAHMODOU KAREEM** - N°. 14 Restaurant Le Pilier  
Pizzeria, Agadez  
**SALYI SILIFDU** - N°. 185 Avenue de l'Afrique, Gamkale.
- i. **FOR REPUBLIC OF THE GAMBIA**
- j. **FOR REPUBLIC OF TOGO**  
**LAURENT HUBERT**  
**IYANSIBE DANIEL LOKOU.**
- k. **FOR REPUBLIC OF SENEGAL**  
**DIOUF ISMAEL** - N°. 111 Rue Houphet Boigny, Adjacent  
Rue de la Mairie Thies.  
**NAGADEFF SALIFOU** - N°. 145 Pharmacy Sokhna Diarra,  
Off Kaolack - Diourbel Road, Kaolack.
- l. **FOR REPUBLIC OF MALI**  
**AHMAD BABA** - N°. 17 Rue de Chemnitz, off Centre de  
Recherche, Historique.  
**DAHOU OUMOU AFFOUE** - Lot 2018 Bamako Ville  
**KARAMOKO MAMIADOU** -
- m. **FOR REPUBLIC OF SIERRA LEONE**
- n. **FOR REPUBLIC OF CAPE VERDE**  
**CASAV MARIE FRANCOISE** - N°. 245 Pres De Radio  
Ribeira,  
**LIBERADOR JOSELP** - N°. 24 Estr. Mindelo Calhaun.
- o. **FOR REPUBLIC OF GUINEA-BISSAU**

***Names and addresses of Respondents:***

- a. **1<sup>st</sup> Respondent**  
**GOVERNMENT OF NIGERIA**  
Ministry of Justice, Maitama,  
Abuja, Nigeria.
- b. **2<sup>ND</sup> Respondent**  
**GOVERNMENT OF COTE D'IVOIRE**  
Ministry of Justice,  
Bloc Ministeriel, Boulevard Angoulvant,  
Abidjan, Plateau Abidjan  
Cote d'Ivoire.

- c. **3<sup>rd</sup> Respondent**  
**GOVERNMENT OF GUINEA**  
Guinea Ministry of Justice  
Rue K A 003 - Almamy,  
Commune de Kaloum  
BP: 564, Conakry - Guinea.
- d. **4<sup>th</sup> Respondent**  
**GOVERNMENT OF BURKINA FASO**  
Ministere de la Justice pres  
De l'avenue de l'indépendance  
Carre de l'avenue de la grander  
Chancellerie (Appaloosa)  
Koulouba Ville,  
Ouagadougou, Burkina Faso.
- e. **5<sup>th</sup> Respondent**  
**GOVERNMENT OF LIBERIA**  
Ministry of Justice,  
Lunch Street,  
Monrovia, Liberia.
- f. **6<sup>th</sup> Respondent**  
**GOVERNMENT OF GHANA**  
Ministry of Justice and Attorney - General's Department,  
P.O. Box MB60, Accra, Ghana.
- g. **7<sup>th</sup> Respondent**  
**GOVERNMENT OF BENIN**  
Ministère de la Justice,  
De la Législation et des Droits de L'homme,  
Cotonou, Benin.
- h. **8<sup>th</sup> Respondent**  
**GOVERNMENT OF NIGER**  
Ministère de la Justice,  
Boulevard du Zarmagandia,  
Pres du Stade General,  
Seyin, Kountche,  
Niamey, Niger.
- i. **9<sup>th</sup> Respondent**  
**GOVERNMENT OF THE GAMBIA**  
Office of the Registrar General  
Attorney-General's Chambers,  
Ministry of Justice,  
Marina Parade, Banjul, Gambia.
- j. **10<sup>th</sup> Respondent**  
**GOVERNMENT OF TOGO**  
Ministère de la Justice,  
Et Des Recations Avec,  
Les Institutions de la République,  
03, Rue de l'ocam  
BP 121, Lomé-Togo.

- k. **11<sup>th</sup> Respondent**  
**GOVERNMENT OF SENEGAL**  
 Rue Saint Jean XXIII  
 P.O. Box 4333,  
 Code Postal 12900  
 Dakar, Senegal.
- l. **12<sup>th</sup> Respondent**  
**GOVERNMENT OF MALI**  
 Ministry of Justice,  
 Bamako, Mali.
- m. **13<sup>th</sup> Respondent**  
**GOVERNMENT OF CAPE VERDE**  
 Ministerio Da Justica,  
 Praia, Cape Verde.
- n. **14<sup>th</sup> Respondent**  
**GOVERNMENT OF SIERRA LEONE**  
 Attorney-General's Chambers,  
 Ministry of Justice,  
 Guma Building,  
 Lamina Sankoh Street,  
 Freetown, Sierra Leone.
- o. **15<sup>th</sup> Respondent**  
**GOVERNMENT OF GUINEA BISSAU**  
 Ministry of Justice,  
 Bissau, Guinea Bissau.
- p. **16<sup>th</sup> Respondent**  
**THE ECOWAS COMMISSION**  
 496 Abogo Largema St,  
 Central Business District,  
 Abuja.

## 2. SUBJECT-MATTER OF THE PROCEEDINGS

- a. Alleged failure of the Respondents to promote and protect human and people's rights and freedoms by exercising restraint in their actions as a veritable function of protecting and preserving human rights and fundamental freedoms, peaceful and secure environment, regional peace, stability and security and good neighbourliness among Member States of ECOWAS.
- b. Alleged plan of the Respondents to invade Niger republic on the purported action to restore democracy in the country will amount to denial of rights to freedom, equality, justice and dignity and ultimately stall the promotion and protection of human rights.

## 3. ORDERS SOUGHT BY THE APPLICANT(S)

- a. A DECLARATION that the Applicants are imbued and entitled to the rights and freedoms recognized and guaranteed in the African Charter on Human and Peoples Rights, and the Respondents have a duty to recognize the rights, duties and freedoms enshrined in the said Charter having undertaken to adopt measures to give effect to them.

- b. A DECLARATION that the action of invading and/or use of force in the quest of the Respondents to reinstate the ousted president of Niger Republic and restore democratic governance in the country will result to the loss of human lives, torture and other cruel, inhuman and degrading treatment or punishment on the parts of the plaintiffs, peace loving citizens of Niger Republic and the citizens of the entire membership of the ECOWAS Community.
- c. A DECLARATION that the Applicants and indeed the entire citizenry of the membership of the ECOWAS Community represented by the Respondents are entitled to the respect for and preservation of their lives, and the Respondents have a duty to protect the lives of every citizen of its members and refrain from taking action initiative on memberships that threaten their rights guaranteed under the African Charter on Human and Peoples Rights.
- d. A DECLARATION that the Respondents have no mandate or authority in any manner whatsoever to embark on the initiative of deploying their individual troops in the purported game of a standby force, to intervene in the affairs of another member country, in the guise of restoration of democracy in a manner that threatens the lives and fundamental rights of community citizens, without the collaboration or approval of the people constituting the community directly through a plebiscite or referendum as a symbol of their popular participation under Article 13 of the African Charter.
- e. A DECLARATION that the proposed initiative by the Respondents to invade or make a forced military incursion into the Republic of Niger under the guise of restoration of democracy is a violation of Article 20 of the African Charter pertaining to the unquestionable and inalienable rights of the people of the Republic of Niger to self-determination, and to free themselves from the vestiges of colonialism, oppression and the bonds.
- f. A DECLARATION that the Respondents have the duty and international responsibility to provide assistance to the people of Niger Republic in their current struggle against foreign domination, and not resort to their arsenals of war to aid and give bulwark to such domination of domination in the name of pursuit for the restoration of democracy.
- g. PERPETUAL INJUNCTION restraining the Respondents either by themselves, their agents, servants and their privies from the action contemplated upon their deliberations for military action by the deployment of a standby force to reinstate the ousted president of Niger and for the restoration of democracy to the country, same having the likelihood of causing loss of lives destruction of properties, displacement of populations creation of serious humanitarian conditions of pain, deprivation and sufferings and pogroms and genocides and all manner of degradations on the lives of the plaintiffs and their families and the entire citizens of the member states of the Ecowas community.
- h. AN ORDER compelling the Respondents to engage in civil and diplomatic measures including dialogues, arbitration and persuasions to resolve the political impasse in Niger Republic, in the course of which the rights of the people to self-determination must be recognized as the guiding light and principle of the measures to be taken.
- i. PERPERTUAL INJUNCTION restraining the Respondents from engaging their military forces and troops unlawfully to intervene in sister states, putting lives and properties in danger amidst the possibility of heavy collateral damage and casualties in the name of protection and propagation of constitutional and democratic values, and traditions.
- j. The cost of this litigation.
- k. AND FOR SUCH OTHER ORDER(S) as the Honourable Court may deem fit to make in the circumstance.

#### 4. SUMMARY OF THE PLEAS-IN-LAW

- a. Articles III and IV of the Supplementary Protocol amending the Protocol relating to the Community Court of Justice;
- b. Articles II of the Protocol of the Community Court of Justice;
- c. Article 33 of the Rules of the Community Court of Justice;
- d. The United Nation Treaty 1945;
- e. The Universal Declaration of Human rights;
- f. Covenant on Civil and Political Rights.

#### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicants allege that following a coup in the Republic of Nigeria, which is a Member State of ECOWAS, the Respondents met at the level of the Heads of States and agreed to impose extensive sanctions on Niger Republic including non-recognition of the new government, non-accession to its legitimacy, declaration of no flying zones over and around Niger Republic amid other political and economic sanctions.
- b. That the Respondents proceeded to deliberate on extra measures to restore President Mohammed Bazoum and democracy to the Country, and in addition to the loss of privileges within the regional body cessation of economic trade relations and all the opportunities and guarantees under the body's treaty and protocol they decided to apply and engage force and gave a 7 days ultimatum to the Republic of Niger. The Chiefs of Staff of the West African Countries were to meet to set up and activate a standby Force for the invasion of the Republic of Niger.
- c. That an attack or invasion by the Respondents Force will spill into a whole lot of crisis, and violence that will result to loss of lives, thereby creating a general state of insecurity around the region and serious humanitarian crises which will make life unbearable for the people of the Sahel and Lake Chad Basin and Citizens of the Community.
- d. That the planned invasion of Niger Republic by the Respondents offends the provisions of Articles 19, 20, 22, 23 and 24 of the African Charter on Human and Peoples Rights and the Ecowas Protocol on Democracy and Good Governance which forbids in its entirety the use of force and which can only be deployed in circumstances of peace keeping and security and no further.

**DATED THIS 31<sup>ST</sup> DAY OF AUGUST 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<sup>o</sup>: ECW/CCJ/APP/34/23**

*BETWEEN*

- |   |   |                   |
|---|---|-------------------|
| <ol style="list-style-type: none"> <li>1. <b>REPUBLIC OF NIGER</b></li> <li>2. <b>DR MOUSSA FATIMATA</b></li> <li>3. <b>LA SOCIETE NIGERIENNE D'ELECTRICITE (NIGELEC)</b></li> <li>4. <b>LA CHAMBRE DE COMMERCE ET D'INDUSTRIE DU NIGER</b></li> <li>5. <b>LE CONSEIL NIGERIEN DES UTILISATEURS DES TRANSPORTS PUBLICS (CNUT)</b></li> <li>6. <b>LE CONSEIL NATIONAL DE L'ORDRE DES PHARMACIENS DU NIGER</b></li> <li>7. <b>LA CHAMBRE D'AGRICULTURE DU NIGER</b></li> <li>8. <b>LE SYNDICAT DES COMMERÇANTS IMPORTATEURS DU NIGER</b></li> </ol> | } | <i>APPLICANTS</i> |
|---|---|-------------------|

*AND*

- |  |   |                    |
|--|---|--------------------|
| <ol style="list-style-type: none"> <li>1. <b>THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT OF ECOWAS</b></li> <li>2. <b>ECOWAS MEDIATION AND SECURITY COUNCIL</b></li> <li>3. <b>ECOWAS COMMISSION</b></li> </ol> | } | <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 **REPUBLIC OF NIGER & 7 ORS (APPLICANTS)** AND **THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT OF ECOWAS AND 2 OTHERS (RESPONDENTS)** was filed by the Applicants and registered by the Court on the 4<sup>th</sup> day of September 2023.

**1. NAMES AND ADDRESSES OF THE PARTIES**

*The names and addresses of the parties are as follows:*

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

**REPUBLIC OF NIGER & 7 ORS.**

Represented by the *Agence Judiciaire de l'Etat* (State Judicial Agency), a public administrative establishment and a legal person governed by public law, with registered office at Niamey, quartier Kouara Kano, BP 11.404, Tel: 00227 20.73.22.19, represented by its Director General, Mr. OUMAROU Ibrahim, residing in that capacity at the said registered office.

**DOCTOR MOUSSA FATIMATA**

born on 20/09/1956 in Filingué, Independent Consultant, a national of Niger, with an address at Niamey, BP 12 905, Quartier Plateau, Rue 28, Villa U39, Cité ONAREN, Tel: +227 96 97 24 35, Email: moussafatimata3@gmail.com.

**SOCIETE NIGERIENNE D'ELECTRICITE (NIGELEC)**

A semi-public limited company with capital of 76,448,810,000 CFA francs, with registered office at Niamey, BP 11 202, registered in the RCCM NI-NIA-2017M-6589; Tel: +227 20 72 26 93, represented by its Director General.

**NIGER CHAMBER OF COMMERCE AND INDUSTRY**

A Public Professional Establishment, with headquarters at Place de la Concertation-Niamey, BP: 209 Niamey-NIGER, Tel: +227 20 73 22 10 / 20 73 51 55; E-mail: info@ccinger.orgn, represented by its President.

**LE CONSEIL NIGERIEN DES USERS DES TRANSPORTS PUBLICS (CNUT)**

Industrial and Commercial Public Establishment, with head office at Rue de la Libye, BP 11 048 Niamey NIGER; Tel: +227 20 73 51 85; Email: cnut.dg@gmail.com, represented by its Director General.

**LE CONSEIL NATIONAL DE L'ORDER DES PHARMACISENS DU NIGER**

With head office in Niamey, Tel: +227 82 00 13 13, Email: info@cnop-niger.org; represented by its President.

**LA CHAMBRE D'AGRICULTURE DU NIGER**

With head office in Niamey / Niger, represented by its President, BP: 686 Niamey; Tel: 96 74 99 79.

**LE SYNDICAT DES COMMERÇANTS IMPORTATEURS DU NIGER**

Whose head office is in Niamey, represented by its President, BP: 10.367 Niamey / Niger.

Represented by: SCP YANKORI & ASSOCIES, a Civil Professional law firm, with its office at Niamey, 754, rue du Plateau, BP 13 938 Niamey-NIGER, Tel: +227 20 72 20 12, Fax: +227 20 72 58 06, E-mail: yankori.soul@gmail.com; Me MOUNKAILA Yayé, Attorney at Law, Former Niger Bar Association President, BP: 11 972 Niamey, 72, Rue 114 Niamey Bas Terminus, Commune III, Tel. Tel: +227 20 73 82 43, Fax: 20 73 82 44, E-mail: mykla@intnet.ne, mykla.cab@gmail.com; SCPA LBTI & PARTNERS, a Civil Professional law firm, with its office at 86 Avenue du Diamangou Rue PL 34 BP 343 Niamey-NIGER, Tel: +227 20 73 32 70 / Fax: +227 20 73 38 02, Email: moussa\_tambo@yahoo.fr; Me MAMANE AMADOU Ahamed, Attorney at Law, office located in Niamey, Quartier Francophonie, Niamey-NIGER, Tel: +227 92 28 29 22; Email: cabahmed1105@gmail.com; Address for service of processes is Brow Iyobosa Osarenkhoe Esq. Barrister & Solicitor of the Supreme Court of Nigeria, Tel: +238164247362, Email: iyobobrown@yahoo.com

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

**THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT  
OF ECOWAS;**

**THE ECOWAS MEDIATION AND SECURITY COUNCIL;**

**THE ECOWAS COMMISSION;**

Represented by the President of the ECOWAS Commission,  
Mr. Omar TOURAY, at his office in Abuja in the Federal Republic  
of Nigeria.

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

Seeking a declaration by the Court that the provisions of the ECOWAS Revised Treaty, the relevant protocols and Community normative acts have been violated by the decisions taken by the Mediation and Security Council and the Authority of Heads of State and Government, respectively on 30 July and 10 August 2023 in Abuja, following the military coup d'état that took place on 26 July 2023 in the Republic of Niger.

**3. ORDERS SOUGHT BY THE APPLICANT(S)**

- a. DECLARE that it has jurisdiction.
- b. DECLARE the application admissible.
- c. ADJUDGE AND DECLARE that, the decisions taken on 30 July 2023 at Abuja by the Authority of Heads of State and Government are in violation of Articles 7 (3) and 59 of the ECOWAS Revised Treaty, 45 and 46 of the 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, Article 25 of the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security signed in Lomé 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°), the Protocol A/P.3/5/82 of 29 May 1982, signed in Cotonou and on the Community citizenship code, the Protocol A/SP.1/7/86 of Abuja of 1 July 1986 on the right of residence and the Protocol A/SP.2/5/90 of Banjul of 29 May 1990 on the right of establishment.
- d. ADJUDGE AND DECLARE that the contested decisions violate Article 4(d) (f) (g) of the ECOWAS Revised Treaty, Articles 19(3) and 45 of Protocol A/SP.1/12/01 on Democracy and Good Governance supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, Article 52(3) of the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, of 10 December 1999 and Article 53 of Chapter VIII of the UN Charter.
- e. ANNUL all these constraining decisions, prejudicial to the applicants, taken by the ECOWAS Authority of Heads of State and Government on 30 July 2023.
- f. ANNUL the decision to resort to armed intervention against the Republic of Niger taken on 10 August 2023 in Abuja.
- g. ORDER the ECOWAS Authority of Heads of State and Government and the Commission to pay all the costs of the proceedings.

#### 4. SUMMARY OF THE PLEAS-IN-LAW

- a. Decision MSC.A/DEC.5/07/23 imposing sanctions on the Republic of Niger and adopting measures to restore constitutional order in the Member State, dated 30 July 2023;
- b. Decision MSC.A/DEC.6/08/23 adopting measures to restore constitutional order in the Republic of Niger, dated 10 August 2023;
- c. Articles 7(3) and 59 of the ECOWAS Revised Treaty;
- d. Articles 15 and 16 of Protocol A/SP.1/12/01 of 21 December 2001 on Democracy and Good Governance, additional 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 signed in Lomé on 10 December 1999;
- f. 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°);
- g. Protocol A/SP 3/5/82 of 29 May 1982 signed in Cotonou on the Community citizenship code;
- h. Protocol A/SP.1/7/86 of Abuja of 1 July 1986 on the right of residence;
- i. Protocol A/SP.2/5/90 of Banjul of 29 May 1990 on the right of establishment;
- j. Article 4 (d) (f) (g) of the ECOWAS Revised Treaty;
- k. Articles 19(3) and 45 of Protocol A/SP.1/12/01 on Democracy and Good Governance to the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security;
- l. Article 52 (3) of the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security of 10 December 1999; and
- m. Article 53 of Chapter VIII of the UN Charter.

#### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The jurisdiction of the Court to hear the application lodged by the Applicants is based on the relevant provisions of Article 9(c) and (2) of Supplementary Protocol A/SP.1/01/05 amending the Preamble, Articles 1, 2, 9, 22 and 30 of Protocol A/SP.1/7/91 on the Community Court of Justice and the new Article 10 of the same Protocol.
- b. The Republic of Niger, as a member of the Community, has *prima facie* legal standing to bring an action before the Court. The same applies to the Applicants, both natural and legal persons, in accordance with the above-mentioned Article 10(c) and the settled case-law of the Court of Justice. Consequently, the application, together with that of a Member State, fulfils the admissibility criterion laid down in subparagraph (c) of the new Article 10 of the aforementioned Protocol.
- c. The sanctions referred to are political, diplomatic, commercial, economic, financial and social in nature. They target not only the military officers who seized power, but also the people of Niger, who are suffering the inhuman social consequences, namely the interruption of electricity supplies and the ban on supplies of basic necessities and pharmaceutical products. The contested decisions violate both Community legal instruments and mandatory rules of international law.

- d. Articles 7(3) and 59 of the ECOWAS Revised Treaty, the Community's legal arsenal, establishes for the benefit of Community citizens the right of residence, the freedom to come and go and the free movement of goods within the Community. These rights and freedoms are binding on all Member States, as well as on all Community institutions in their operations or normative activities, even in the event of a political crisis or breakdown of democracy.
- e. Measures for the closure of land and air borders, which also affect the free movement of persons and goods and the freedom of trade, are not included in the list of sanctions provided for in Article 45 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 and Resolution, nor in the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security signed in Lomé on 10 December 1999 (Article 25). Finally, the financial sanctions imposed on the Republic of Niger are those provided for in Article 77 of the Revised Treaty, which are inapplicable in the instant case.
- f. However, these sanctions such as the suspension of all forms of financial assistance and transactions with all financial institutions, especially EBID and BOAD are only applicable in the event of a Member State failing to fulfil its obligations towards the Community and do not apply in the event of a breakdown of the democratic order.
- g. The decision taken by the Authority of Heads of State and Government on 10 August 2023 to resort to military intervention to restore deposed President BAZOUM Mohamed by force and the activation of the ECOWAS standby force to carry out this measure is illegal and illegitimate. It violates not only the provisions of Article 46 of Protocol A/SP.1/12/01 of 21 December 2001 and subsequent texts but also those of Article 1 of the Amended Protocol on Non-Aggression of 22 April 1978; Article 52 (3) of the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security of 10 December 1999 and Article 53 of Chapter VIII of the UN Charter.

**DATE THIS 14<sup>th</sup> DAY OF SEPTEMBER 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 AT ABUJA, NIGERIA.**

**SUIT N°: ECW/CCJ/APP/36/23**

*BETWEEN*

1. **Mr. MOHAMED BAZOUM**
2. **MADAM HADIZA BEN MABROUK BAZOUM**
3. **MR. SALEM BAZOUM**

} **APPLICANTS**

*AND*

**THE REPUBLIC OF NIGER** \_\_\_\_\_ **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. MOHAMED BAZOUM & 2 ORS (APPLICANTS) AND THE REPUBLIC OF NIGER (RESPONDENT)**, was filed by the Applicants and registered by the Court on the 18<sup>th</sup> day of September 2023.

**1. NAMES AND ADDRESSES OF THE PARTIES**

*The names and addresses of the parties are as follows:*

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

**MR. MOHAMED BAZOUM**

Born on 1<sup>st</sup> January 1960 a citizen of Niger  
Head of State of Niger, with address at  
Boulevard de la République,  
Niamey, Niger

**MADAM HADIZA BEN MABROUK BAZOUM**

Born on 1962 a citizen of Niger, with address at  
Boulevard de la République  
Niamey, Niger

**MR. SALEM BAZOUM**

A citizen of Niger, with address at  
Boulevard de la République  
Niamey, Niger.  
Represented by Maître Mohamed Seydou DIAGNE,  
Lawyer registered with the Bar in Senegal, with  
address at 5, place de l'Indépendance, à Dakar  
(Sénégal), téléphone: +221 77 369 5855, e-mail:  
[seydodiagne@gmail.com](mailto:seydodiagne@gmail.com)

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

**THE REPUBLIC OF NIGER**

Represented in this procedure by the State Judicial  
Agent « AJE », with address at Niamey, BP 11404,  
NIF 44638 rue KK-138 (Koirakano) CN1,  
(Niger), email: [oumarouibrahim388@gmail.com](mailto:oumarouibrahim388@gmail.com)

## 2. SUBJECT-MATTER OF THE PROCEEDINGS

The present Application filed seeks from the Court to note the failure, by the Republic of Niger, of its international obligations in relation to the Applicants' fundamental human rights, especially the freedom of movement, as they were arbitrarily arrested and detained, the violation of their political rights, and the violation of the principles of constitutional convergence.

## 3. ORDERS SOUGHT BY APPLICANTS

The Applicants seek from the Honourable Court

- a. To DECLARE its jurisdiction over the instant Application;
- b. To DECLARE the initiating Application as admissible;
- c. To NOTE the violation of the right to freedom of movement of Mr. Mohamed BAZOUM, Madam Hadiza BAZOUM and Mr. Salem BAZOUM;
- d. To NOTE the arbitrary arrest and detention of Mr. Mohamed BAZOUM, Madam Hadiza BAZOUM and Mr. Salem BAZOUM;
- e. To ORDER the immediate release of the Applicants;
- f. To NOTE the violation of the political rights of Mr. Mohamed BAZOUM;
- g. To NOTE the violation of the principles of constitutional convergence, in regard to Mr. Mohamed BAZOUM;
- h. To ENJOIN the pseudo-authorities in Niger either "Head of State of Niger" or "Government of the Republic of Niger" to immediately conform to the respect for the principles of constitutional convergence of the State of Niger, especially the return to constitutional order, and the continuation to its logical conclusion, of the democratic mandate given to Mr. Mohamed Bazoum, by the sovereign people of Niger, before the *coup d'État*, for which Mr. Bazoum is victim;
- i. For all the above, to ORDER the State of Niger to respect, scrupulously too, the international instruments it adhered to, as well as its national laws, within the limits of the rights of its citizens;
- j. To ORDER the State of Niger to bear all costs.

## 4. SUMMARY OF THE PLEAS-IN-LAW

- a. Article 9.4 of the Supplementary Protocol A/SP.1/01/05 amending Protocol A/P.1/7/91 on the ECOWAS Community Court of Justice;
- b. Article 10(d) of the Supplementary Protocol A/SP.1/01/05 du 19 January 2005;
- c. Article 10.d of the Supplementary Protocol and 33 of the Rules of Court;
- d. Article 13 of the Universal Declaration of Human Rights of 1948; Article 12 (1) of the International Covenant on Civil and Political Rights of 1966 and Article 12 (1) of the African Charter on Human and Peoples' Rights of 1981;
- e. Article 9(1) of the International Covenant on Civil and Political Rights, and Article 6 of the African Charter on Human and Peoples' Rights;
- f. Article 25 of the International Covenant on Civil and Political Rights;
- g. Article 13 of the African Charter on Human and Peoples' Rights;
- h. Article 1 and Article 20 (1) of Protocol A/SP.1/12/01 on Democracy and Good Governance, Supplementary to the Protocol on the Mechanism, for Prevention, Management, Conflict Resolution Security and Peace Keeping;

- i. Articles 2, 14, 15 and 23 of the African Charter on Democracy, Elections and Governance; and,
- j. Article 9.5 of the International Covenant on Civil and Political Rights.

## 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The Applicants aver that the Court has jurisdiction to examine cases of human rights violations that occur in any Member State, pursuant to the provisions of Article 9.4 of the Supplementary Protocol A/SP.1/01/05 amending Protocol A/P.1/7/91 on the Community Court of Justice. Under these provisions, the Honourable Court has affirmed severally that the mere evocation of human rights violations in an initiating Application suffices for the Court to hold jurisdiction over such an Application, without prejudice to the veracity of the alleged facts;
- b. Under Article 10.d of the Supplementary Protocol A/SP/1/01/05 of 19th January 2005, amending Protocol A/P.1/7/91 on the Community Court of Justice "...Access to the Court is open to... every person victim of human rights violation, and such Application must fulfill the conditions set out in the same Article as well as under Article 33 of the Rules of Court;
- c. The alleged violations relate to the violation of freedom of movement, arbitrary arrest and detention, the violation of political rights, and the violation of the principles of constitutional convergence;
- d. By curtailing the Applicants' freedom of movement, throughout the national territory, and to choose residence there, the State of Niger, through its Military Junta has violated the Applicants' rights, through the disregard the provisions of Article 12 (1) of ICCPR and Article 12 (1) of the African Charter on Human and Peoples' Rights;
- e. Since 26<sup>th</sup> July 2023, the Applicants have been victims of arbitrary arrest and detention, and this detention was carried out in a precarious and undignified, which is impacting negatively their health;
- f. It was sequel to the right that Mr. Mohamed BAZOUM holds under the aforementioned international instruments and the national laws of Niger Republic that he freely took part in the electoral contest and won the Presidential elections in undisputable manner, as is contained in Judgment n° 23 of the Constitutional Council of Niger Republic of 21 March 2021, which proclaimed the final results of the said election. Thus Mr. Mohamed Bazoum took oath of office, and was on a presidential term of office, which is expected to run through 02 April 2026 at midnight;
- g. The unconstitutional change brought about by the military junta against Mr. Mohamed BAZOUM, the sitting Head of State is an unacceptable and clear violation one of the principles of constitutional convergence, which equally constitutes an infringement upon his fundamental human rights;
- h. It is requested from the Court a pronouncement as to the reparation of the prejudices suffered by the Applicants in the form of restitution, on the one hand, and, on the other hand, the immediate release of the Applicants as well as the return to constitutionality in the State of Niger.

**DATED THIS 25<sup>TH</sup> DAY OF SEPTEMBER 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, IN NIGERIA**

**SUIT N°: ECW/CCJ/APP/37/23**

*BETWEEN*

- |   |   |                   |
|---|---|-------------------|
| <p><b>1. ASSOCIATION DES UTILISATEURS DES TECHNOLOGIES DE L'INFORMATION ET DE LA COMMUNICATION (ICT USERS ASSOCIATION OF SENEGAL) (ASUTIC)</b><br/><i>(By their legal representatives Ndiaga Gueye, Mamadou Lamine Diao and Ndeye Aida Gueye)</i></p> <p><b>2. NDIAGA GUEYE</b></p> | } | <b>APPLICANTS</b> |
|---|---|-------------------|

*AND*

**REPUBLIC OF SENEGAL** \_\_\_\_\_ **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 ASSOCIATION DES UTILISATEURS DES TECHNOLOGIES DE L'INFORMATION ET DE LA COMMUNICATION (ICT USERS ASSOCIATION OF SENEGAL), (ASUTIC) & ANOR (APPLICANTS) AND THE REPUBLIC OF SENEGAL (RESPONDENT)** was filed by the Applicants and registered by the Court on the 21st day of September 2023.

**1. NAMES AND ADDRESSES OF PARTIES**

*The names and addresses of the parties are as follows:*

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

**ASSOCIATION DES UTILISATEURS DES TECHNOLOGIES DE L'INFORMATION ET DE LA COMMUNICATION (ICT USERS ASSOCIATION OF SENEGAL), (ASUTIC)**

*(By their legal representatives Ndiaga Gueye, Mamadou Lamine Diao and Ndeye Aida Gueye) residing at 07 Boulevard Dial DIOP opposite place de la nation, Immeuble Médoune MBENGUE 2nd Floor, left in Dakar, Senegal; **Certificate of Registration of the Association : N°17461/MINT/SP/DGAT/DLP/DLA-PA dated 21 May 2015 ;***

**NDIAGA GUEYE**

*residing at Espace résidence n°1841. Hann Maristes 2 in Dakar, Senegal. all represented by Maitre ASSANE DIOMA NDIAYE, Advocate, 10 rue Saba, Immeuble Sam Seck, 1st Floor, behind the Fann Hock Clinic, Dakar. Téléphone: +221 33 842 21 57 E-mail: [djigaconsulting@yahoo.fr](mailto:djigaconsulting@yahoo.fr)*

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

**REPUBLIC OF SENEGAL**

*Represented by the State Judicial Officer, 10 Avenue Carde 10th Floor, Rond - Point Washington BP 14451.*

## 2. SUBJECT-MATTER OF THE PROCEEDINGS

The Applicants allege human rights violations as guaranteed by the African Charter on Human and Peoples' Rights, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR).

## 3. ORDERS SOUGHT BY THE APPLICANTS

- a. A DECLARATION that the Application is admissible;
- b. A DECLARATION that the Court has jurisdiction to determine the case;
- c. ADJUDGE AND DECLARE that the repeated decisions of the Republic of Senegal to suspend the operation of the Internet and to censure social media without any violation of the law is illegal, inconsequential and incompatible with the obligations of Senegal regarding human rights, and freedom of expression, access to information, and freedom of the media, the right of assembly, and the right to work, by virtue of Articles 19, 21 of ICCPR, 6 of ICESCR, 9, 11 and 15 ACHPR, amounting to violation of Article 10 (2) of Additional Act A/SA.1/01/07 of 19 January 2007 on the harmonisation of policies and the regulatory framework of the Information and Communication Technologies sector and Article 3 of Directive n° 01-2006 CM-UEMOA on the harmonisation of Control and Regulatory Policies in the Telecommunications sector;
- d. AN ORDER suspending, prohibiting, sanctioning, and punishing in any other way, restrictions imposed on social media platforms and any other service providers of social media in Senegal or by their agents ;
- e. ORDER the Republic of Senegal and its agents to revoke, withdraw, and annul immediately the censure on social media and shutting down of the mobile internet services in Senegal, obligations upon Senegal by virtue of Article 1 of ACHPR, ICCPR, 1993 ECOWAS Treaty;
- f. PLACE A PERMANENT ORDER on Senegal to abstain from illegally imposing restrictions and punishments on social media service providers and radio stations;
- g. ORDER the Republic of Senegal to pay damages for all the harms done: to ASUTIC, 1 Billion CFA Francs (1,000,000,000 F CFA); to Ndiaga Gueye, Five Hundred Million CFA Francs (500,000,000 F CFA);
- h. ORDER ANY OTHER DECISION the Honourable Court may judge necessary;
- i. ORDER the Republic of Senegal to bear all costs.

## 4. SUMMARY OF THE PLEAS-IN-LAW

- a. Article 9(4) and 10 (d) of the 19 January 2005 Protocol on the Community Court of Justice, ECOWAS;
- b. Articles 19, 21 of ICCPR;
- c. Article 6 of ICESCR;
- d. Articles 9, 11 and 15 of ACHPR;
- e. Article 10(2) of Additional Act A/SA.1/01/07 of 19 January 2007 on the harmonisation of policies and the regulatory framework of the Information and Communication Technologies sector;

- f. Article 3 of Directive n° 01-2006 CM-UEMOA on the harmonisation of Control and Regulatory Policies in the Telecommunications sector;
- g. Case law on **Baldini Salfo v. Burkina Faso** (ECW/CCJ/JUD/13).

## 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. In the terms of the combined provisions of Articles of 9(4) and 10 (d) of the 19 January 2005 Protocol on the Community Court of Justice, ECOWAS, the Court is competent to adjudicate on cases of human rights violations in Member States of ECOWAS; persons bringing such claims before the Court shall not file the same matter before any other International Court.
- b. The complaints brought have not been filed before any other International Court.
- c. The Republic of Senegal violated the provisions in ACHPR and ICCPR by restricting the access of Senegalese to *Facebook, Twitter, WhatsApp, Instagram, YouTube, TikTok, Telegram* and other social media platforms from 1 to 6 June 2023 (the internet shut down lasted for 3 days). Access to the Internet was again censored on 31 July 2023 without information on when it would be reconnected, without any court order or legal reference.
- d. Internet expansion is necessary for economic growth and commercial activities. They are inseparable for daily work output.
- e. Shutting down the Internet jeopardised the interests of ASUTIC, just as it hampered the professional and social activities of ICT users at large, violating their rights to express their opinions.
- f. The shutting down prevented Second Applicant from carrying out his duties as a Web developer, to express his opinions, and to access information, exercise his right of assembly, and it adversely affected his businesses.
- g. The censure from 1 to 6 June 2023 is illegal and disproportionate, just like that of 31 July 2023, and violates the rights to freedom of expression, rightful assembly and access to information, by virtue of Articles 19, 21 of ICCPR, Article 6 ICESCR, Articles 9, 11, 15 of ACHPR.
- h. The jurisdiction of the Court empowers it to make declarations on these violations and to sanction them.

**DATED THIS 29<sup>TH</sup> DAY OF SEPTEMBER 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 AIN ABUJA, NIGERIA**

**SUIT N°: ECW/CCJ/APP/38/23**

*BETWEEN*

**LACERDA YOANN** \_\_\_\_\_ *APPLICANT*

*AND*

**REPUBLIC OF CAP VERDE** \_\_\_\_\_ *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 **LACERDA YOANN** (*APPLICANT*) AND **REPUBLIC OF CAPE VERDE** (*RESPONDENT*), was filed by the Applicant and registered by the Court on the 22nd day of September 2023.

**1. NAMES ADDRESSES OF THE PARTIES**

The names and addresses of the parties are as follows:

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

**LACERDA YOANN**

residing and domiciled at Rua de UCCLA no. 24,  
Achada Santo Antonio, CP 368-A, ilha de Santiago,  
Praia, Cabo Verde

Assisted by **Maître Koffi Sylvain MENSAH ATTOH**,  
Lawyer at the National Bar of Togo, Angle Rue  
Konfess et 400 Rue des Gémeaux,  
Tokoin-Forever, en face du centre de santé ATES,  
01 BP: 2785 Lomé 01, Tel 22 26 12 47,  
E-mail: [cabinetsam@yahoo.com](mailto:cabinetsam@yahoo.com)

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

**REPUBLIC OF CAPE VERDE**

Sued through its Legal Representative.

**2. SUBJECT MATTER OF THE PROCEEDINGS**

The Applicant alleged that the Respondent had violated her fundamental human right, in particular the right to health.

**3. ORDERS SOUGHT BY THE APPLICANT**

The present Application seeks from the Court:

- a. TO DECLARE that it has jurisdiction to hear the application;
- b. TO DECLARE the Application as admissible;
- c. TO DECLARE AND ADJUDGE that the Republic of Cape Verde, by its actions, has violated Article 16 of the ratified African Charter on Human and Peoples' Rights, Article 25 of the

Universal Declaration of Human Rights and Article 12 of the International Covenant on Economic, Social and Cultural Rights;

- d. ORDER the Republic of Cape Verde to pay the Applicant the total sum of ten million (10.000.000) US dollars as compensation for the prejudices suffered.

#### 4. SUMMARY OF THE PLEAS-IN-LAW

- a. Articles 9.4 and 10 of Supplementary Protocol amending the Protocol Relating to the Community Court of Justice, ECOWAS;
- b. Article 16 of the African Charter on Human and Peoples' Rights, adopted on 27 June 1981, entered into force on 21 October 1986, and ratified by the Respondent on 2 June 1987;
- c. Article 12 of the International Covenant on Economic, Social and Cultural Rights adopted on 16 December 1966, entered into force on 3 January 1976 and ratified by Cape Verde on 6 August 1993;
- d. Article 25 of the Universal Declaration on Human Rights, adopted on 10 December 1948 by the United Nations General Assembly.

#### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. The present Application satisfies all the conditions of admissibility set out in the Protocol. Consequently, the Application must be declared admissible;
- b. The State party to the Charter must take the necessary measures to ensure access to healthcare for the entire population under its jurisdiction; the State of Cape Verde has violated its obligations under Article 16 of the African Charter on Human and Peoples' Rights.
- c. The State of Cape Verde did not take the appropriate measures to make the products necessary for the Applicant's healthcare available for two years. These actions by the various departments of the Respondent State constitute a violation of the provisions of Article 25 of the Universal Declaration of Human Rights and Article 12 of the International Covenant on Economic, Social and Cultural Rights.
- d. The Applicant has amply demonstrated that the actions of the various services responsible for ensuring respect for the right to health violated the relevant provisions of Article 16 of the African Charter on Human and Peoples' Rights ratified by Cape Verde, Article 25 of the Universal Declaration of Human Rights and Article 12 of the International Covenant on Economic, Social and Cultural Rights ratified by the Respondent State. That these violations of the right to health by the State of Cape Verde have caused enormous damage to the Applicant.

**DATED THIS 29<sup>TH</sup> DAY OF SEPTEMBER 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<sup>o</sup>: ECW/CCJ/APP/39/23**

*BETWEEN*

- |   |   |                   |
|---|---|-------------------|
| <ol style="list-style-type: none"> <li>1. <b>THE INCORPORATED TRUSTEES OF PRINCE &amp; PRINCESS CHARLES OFFOKAJA FOUNDATION, NIGERIA</b></li> <li>2. <b>PRINCE &amp; PRINCESS CHARLES OFFOKAJA FOUNDATION, SWITZERLAND</b></li> </ol> | } | <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 (1) THE INCORPORATED TRUSTEES OF PRINCE & PRINCESS CHARLES OFFOKAJA FOUNDATION, NIGERIA 2) PRINCE & PRINCESS CHARLES OFFOKAJA FOUNDATION, SWITZERLAND (APPLICANTS) AND THE FEDERAL REPUBLIC OF NIGERIA (RESPONDENT)** was filed by the Applicants and registered by the Court on the 6th day of October, 2023.

**1. NAMES AND ADDRESSES OF PARTIES**

The names and addresses of the parties are as follows:

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

**THE INCORPORATED TRUSTEES OF PRINCE & PRINCESS CHARLES OFFOKAJA FOUNDATION, NIGERIA**

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

Charles Offokaja (Name of Applicants' Agent)  
Igwe Offokaja Palace, Akwaukwu, Anambra State,  
Nigeria. 08180409392, [charlesoffokaja@gmail.com](mailto:charlesoffokaja@gmail.com)

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

**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**

- a. Alleged failure of the Respondent to ensure the right of the late Boniface Offokaja and members of his family to a fair hearing within a reasonable time in APPEAL N<sup>o</sup>: CA/LAG/CV/350/2019 which is currently on in the Respondent State. That this alleged failure by

the Respondent's court to conduct a fair hearing within a reasonable time in APPEAL N<sup>o</sup>: CA/LAG/CV/350/2019, is a violation of the right of members of the Boniface Offokaja Family with their company Ekulo Farms Limited to a fair hearing under Article 7 (1) of the African Charter and Article 6 of the ECHR.

- b. The alleged delayed proceedings caused the late Boniface Offokaja and members of his family a lot of damage in terms of: denial of closure to Boniface Offokaja, delay of closure to Boniface Offokaja's Aging Widow, Ndidi Offokaja; anxiety, uncertainty, demoralization, loss of income, loss of reputation, secondary victimization, and deleterious impact on livelihood and lifestyle.

### 3. ORDERS SOUGHT BY THE APPLICANT(S)

- a. A DECLARATION that the Respondent has violated the right of the members of the Boniface Offokaja Family to trial within a reasonable time under the African Charter in the adjudication of APPEAL N<sup>o</sup>: CA/LAG/CV/350/2019 contrary to Article 7(1)(d) of the African Charter. (Legal proceedings in APPEAL N<sup>o</sup>: CA/LAG/CV/350/2019 have been excessively delayed or prolonged, infringing upon the right to fair hearing of the Boniface Offokaja Family, and having a deleterious impact on the fairness and effectiveness of the legal process.)
- b. A DECLARATION that the Respondent has violated the right of the members of the Boniface Offokaja Family to fair hearing under Article 7(1) of the African Charter in SUIT N<sup>o</sup>: LD/573/2008, the related cases preceding it, and its appellate case APPEAL N<sup>o</sup>: CA/LAG/CV/350/2019, taken together as a composite act within the meaning of Article 15 of the Articles on the Responsibility of States for Internationally Wrongful Acts, ARSIWA by failing to ensure fair trials within a reasonable time. (Leading to many harms on members of the family over time.)
- c. AN ORDER Compelling the Respondent to strike out APPEAL N<sup>o</sup>: CA/LAG/CV/350/2019 for the violation of the right of the late Boniface Offokaja and members of his family to a fair hearing. Or, alternatively, an Order Compelling the Respondent to ensure an expedited trial in APPEAL NO: CA/LAG/CV/350/2019 and any other related case coming after it.
- d. AN ORDER compelling the Respondent to pay compensatory damages of \$100,000 (One Hundred thousand US Dollars) to each of the 8 surviving members of the Boniface Offokaja Family, (Boniface Offokaja's widow Ndidi Offokaja, and their 7 children, Maureen, Chinedu, Jennifer, Pamela, Vivian, Fred, and Grace) for denial of closure to Boniface Offokaja, extreme delay of closure to Boniface Offokaja's Aging Widow Ndidi Offokaja as she ages, prolonged delay of closure for other members of the Boniface Offokaja Family, anxiety, uncertainty, demoralization, loss of income, loss of reputation, secondary victimization, and deleterious impact on livelihood and lifestyle due to the Respondent's violation of their right to a fair hearing . In addition, an Order compelling the Respondent to pay an additional compensation of \$100,000 (One Hundred thousand US Dollars) for the purpose of reversing the loss of reputation of the late Boniface Offokaja. This additional compensation shall be paid to his widow, Ndidi Offokaja who shall manage and allocate the funds appropriately in an effort to restore her late husband's tarnished image to what it most likely would have been had the violations of Boniface Offokaja's right to fair hearing by the Respondent not occurred. If the honourable Court deems it fit, the damages can be paid by the Respondent into the first Applicant's Polaris Bank account for onward distribution to the members of the Boniface Offokaja Family in the manner outlined above (Polaris Bank account name: Prince Charles And Princess Charles Offokaja Foundation (account number 1771770409)), with the Applicant mandated to report to the Court within a week of the receipt of the funds-for-distribution from the Respondent; and also to report back to the honourable Court within a month of the receipt on its transparent distribution of the funds to the victims.

- e. AN ORDER Compelling the Respondent to submit a report on its steps to implement this judgement within six months of judgement.
- f. ANY OTHER RELIEF that the honorable Court may deem fit to grant the victims in the instant case.

#### 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) and 4 (h) of the Revised Treaty of the Economic Community of West African States ("The Revised Treaty").
- d. Articles 1, 2, 3, 7(1)(d), 16(1), 26 of the African Charter On Human And Peoples' Rights ("The African Charter" or "The Charter").
- e. Article 15 of the Articles on the Responsibility of States for Internationally Wrongful Acts ("ARSIWA).
- f. Article 31(3)(c) of the Vienna Convention on the Law of Treaties ("the Vienna Convention").
- g. Article 6(1) of the European Convention on Human Rights ("ECHR").
- h. Article 8(1) of the American Convention on Human Rights ("ACHR").

#### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. That failure of the Respondent to ensure the right of the late Boniface Offokaja and members of his family to fair hearing within a reasonable time in APPEAL N<sup>o</sup>: CA/LAG/CV/350/2019 which is currently on in the Respondent State has harmed the late Boniface Offokaja and members of his family in the most degrading, inhuman and grievous ways, violating the family's right to fair hearing within a reasonable time under Articles 7(1)(d), and 26 of the African Charter; Article 6 of the ECHR; Article 14(1) of the ICCPR and Article 7 of the UDHR.
- b. That the previous proceedings lasted for about 31 years at the time of filing this case, almost a third of a century. The Respondent failed to conduct timeous trials and the trials spiraled endlessly into years. That the excessive delayed proceedings have caused the late Boniface Offokaja and members of his family a lot of damage in terms of: denial of closure to Boniface Offokaja, delay of closure to Boniface Offokaja's Aging Widow, Ndidi Offokaja; anxiety, uncertainty, demoralization, loss of income, loss of reputation, secondary victimization, and deleterious impact on livelihood and lifestyle.

**DATED THIS 12<sup>TH</sup> DAY OF OCTOBER 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/40/23**

*BETWEEN*

**REV. JOHN JOSEPH HAYAB** \_\_\_\_\_ *APPLICANT*

*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 REV. JOHN JOSEPH HAYAB (APPLICANT) AND THE FEDERAL REPUBLIC OF NIGERIA (RESPONDENT)** was filed by the Applicant and registered by the Court on the 6th day of October, 2023.

**1. NAMES AND ADDRESSES OF PARTIES**

The names and addresses of the parties are as follows:

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

**REV. JOHN JOSEPH HAYAB**  
No 14, Ibrahim Taiwo Road,  
Opposite St. Michael's Cathedral,  
Kaduna – Nigeria.

**b. Name and address of Respondent(s):**

**FEDERAL REPUBLIC OF NIGERIA**  
C/O The Attorney General of the Federation,  
Federal Ministry of Justice,  
Abuja- Nigeria.

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

- a. Alleged unlawful deprivation of the Applicant of a right to build and own a Christian church by the Kaduna State Government and the Governing Council of Kaduna State University, agents of the Federal Republic of Nigeria, at the Main Campus of the Kaduna State University despite the fact that there are five Mosques.
- b. Alleged failure to acknowledge that the Applicant is equal before the Law and entitled to equal protection of law, the enjoyment of the rights and freedoms guaranteed under the African Charter, right to have his cause heard, freedom of conscience, the profession and free practice of religion and dignity inherent in the human person.

**3. ORDERS SOUGHT BY THE APPLICANT(S)**

- a. A DECLARATION that the Respondent is bound to respect its own Constitution and the Applicant being a citizen of the Federal Republic of Nigeria is entitled to the protection of his fundamental rights as provided in Sections 34, 36, 38, 39, 40, 42, 43 and 46 of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

- b. A DECLARATION that the Applicant being a citizen of Nigeria, a member state that ratified the African Charter on Human and Peoples' Rights and International Human Rights Convention, being international and regional expressions of the rights to which all humans are inherently deserving, is entitled to the recognition, protection and promotion of his rights to dignity inherent in human beings, religion, association, own property and equality before the Law as enshrined in Articles 1, 2, 3, 5, 7, 8, 10, 14, 19 and 26 of the African Charter on Human and Peoples Rights. Articles 1 Protocol 1, 9, 10, 11, 14, 17 human rights act 1998.
- c. A DECLARATION that it is wrong in Law and a gross violation of the Constitution for Mr. Nasir Ahmad El-Rufai, the immediate past Governor of Kaduna state who gave final approval on state actions as the Chief Executive of Kaduna state and who swore to uphold the Constitution and swore/affirmed the oath of Allegiance in the fifth and seventh schedule of the 1999 Constitution of the Federal Republic of Nigeria to enable, approve and violate the rights, duties and freedoms guaranteed to the Applicant in the 1999 Constitution of the Federal Republic of Nigeria, the African Charter on Human and Peoples Rights and International Laws and Conventions on Human Rights as enshrined in Sections 34, 36, 38, 39, 40, 42, 43, 46 of the 1999 Constitution of the Federal Republic of Nigeria and Articles 1, 2, 3, 5, 7, 8, 10, 14, 19 and 26 of the African Charter on Human and Peoples Rights and Articles 12, 17, 19 of the Universal Declaration on Human Rights 1948 and Articles 1 (Protocol 1) 9, 10, 11, 14 & 17 of the Human Rights Act 1998.
- d. A DECLARATION that it is discriminatory and a gross violation of the Applicant's right to freedom of thought, conscience and religion for the Respondent to embark on processes and actions that ensured the demolition of the only Christian chapel meant for all Christians in Kaduna State University Main Campus while there are five mosques on the said campus, same being in violation of Section 38, 34,39 & 42 of the 1999 Constitution of the Federal Republic of Nigeria, Article 8 of African Charter of Human and Peoples Rights, Articles 2,18 & 19 of Universal Declaration of Human Rights, Articles 9, 10 of the Human Rights Act and Articles and Article 19 of the International Covenant on Civil & Political Rights.
- e. A DECLARATION that it is wrong in law and a gross violation of fundamental rights for the Respondent to discriminate against the Applicant on the basis of religion and to violate his rights to dignity, freedom of thought, conscience and religion, freedom of expression, right to acquire immovable property and right to have equal standing before the law as provided in sections 34, 38, 39, 40, 42, 43 of the 1999 Constitution and Articles 1, 2, 3, 5, 7, 8, 10, 14, 19 and 26 of the African Charter on Human and Peoples Rights, Articles 12,17,19 of the Universal Declaration on Human Rights 1948, Articles 1 (Protocol1), 9, 10, 11, 14, & 17 of the Human Rights Act 1998 & Articles 19 of the International Covenant on Civil and Political Rights 1966.
- f. A DECLARATION that the Respondent's illegal demolition of the place of worship wherein the Applicant is a Patron and, in the Country, and State of origin of the Applicant violated the provisions of Sections 38, 42 and 43 of the 1999 Constitution of the Federal Republic of Nigeria (as amended), Articles 2, 3, 4, 5, 8, 10, 14, 19 and 26 of the African Charter on Human and Peoples Rights and Article 1 protocol 1 of the Human Right Act and all the provisions aforesated.
- g. A DECLARATION that Fundamental Rights are inalienable, the Constitution is Supreme and its provisions shall have binding force on the Respondent and all authorities and persons throughout the Federal Republic of Nigeria as enunciated in Section 1(1) of the 1999 Constitution of the Federal Republic of Nigeria.
- h. AN ORDER OF INTERLOCTORY INJUCTION restraining the Respondent, his agents, servants, privies, whomsoever or howsoever, from further trespassing on the land given to the Applicant and the expression of the right to freedom of thought conscience and religion by the Christian Community in Kaduna State and from interfering with the Applicant's rights to freedom of thought conscience and religion in any manner howsoever which is contrary to the law.

- i. AN ORDER FOR the recognition of the Rights to freedom of religion of the Applicant and his Christian Community by all the Respondents and all persons.
- j. AN AWARD OF DAMAGES in the sum of N100, 000, 000, 000.00 (One Hundred Billion Naira Only) against the Respondent jointly and severally as compensation for destruction of building, loss of time and for breaching the Fundamental Rights of the Applicant.
- k. AN ORDER FOR AWARD OF GENERAL DAMAGES in the sum of N50, 000,000,000 (Fifty billion naira only) for injury to dignity, esteem and proper feeling of self of the Applicant.
- l. 10% interest per annum on the sum awarded in damages until total and final liquidation of same.
- m. The cost of filing this suit.
- n. ANY other relief(s) which the Honourable Court may deem fit to make in the interest of justice.

#### 4. SUMMARY OF THE PLEAS-IN-LAW

- a. Articles 11 & 33 of the Protocol of the Community Court of Justice of Economic Community of West African States.
- b. Article 9 of the Supplementary Protocol of the Community Court of Justice of Economic Community of West African States.
- c. Articles 1, 2, 3, 4, 5, 7, 8, 9, 10, 14, 19, 24 & 26 of the African Charter on Human and Peoples Rights.
- d. Articles 12, 17 & 19 Universal Declaration of Human Rights 1948.

#### 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. That the unlawful and arbitrary destruction of the only Christian Chapel in Kaduna State University is a violation of the Applicant's rights to dignity inherent in human person, conscience, the profession and free practice of religion, equality before the Law and equal protection of the Law.
- b. That a State University, which is an institution of learning is violating the rights of thousands of Christian students to practice their faith. That it also violates their right to own property as provided for in Article 14 of the African Charter.
- c. That in the instant case, the encroachment on the Applicant's land for building a Church is not in the interest of public peace or general interest of the community; neither is it in accordance with the Law. That it is a show of force by State Agents who have violated with impunity the rights of the Christian students.

**DATED THIS 12<sup>TH</sup> DAY OF OCTOBER 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<sup>o</sup>: ECW/CCJ/APP/41/23**

*BETWEEN*

**THE INCORPORATED TRUSTEES OF EXPRESSION**

**NOW HUMAN RIGHTS INITIATIVE \_\_\_\_\_ APPLICANTS**

*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 EXPRESSION NOW HUMAN RIGHTS INITIATIVE (APPLICANTS) AND THE FEDERAL REPUBLIC OF NIGERIA (RESPONDENT)** was filed by the Applicants and registered by the Court on the 6<sup>th</sup> day of October 2023.

**1. NAMES AND ADDRESSES OF PARTIES**

*The names and addresses of the parties are as follows:*

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

**THE INCORPORATED TRUSTEES OF EXPRESSION NOW  
HUMAN RIGHTS INITIATIVE**

12, Blantyre Street,  
Wuse II, Abuja.

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

**THE FEDERAL REPUBLIC OF NIGERIA**

The Attorney General of the Federation,  
Federal Ministry of Justice,  
Plot 71B, Shehu Shagari Way,  
Maitama – Abuja.

**2. SUBJECT-MATTER OF THE PROCEEDINGS**

- a. The Respondent's alleged consistent use and/or failure to prevent the use of criminal provisions bothering on the offence of blasphemy to arrest, arbitrarily detain, unlawfully prosecute, imprison and impose death sentence on citizens on one hand, and failure to prevent extra-judicial killing of citizens on the allegation of blasphemy are clear violations of Respondent's obligations under the African Charter on Human and Peoples' Rights, International Convention on Civil and Political Rights (ICCPR), United Nations Convention Against Torture and other International Human Rights Instruments.
- b. Alleged failure of the Respondent to protect citizens and rights of citizens to freedom of religion, freedom of expression and right to life among other rights, on the other hand. In particular, alleged violation of rights to freedom of religion and expression of persons who were arrested, arbitrarily detained and unlawfully prosecuted and are still currently being detained, and those who were extra-judicially killed on allegations of blasphemy.

### 3. ORDERS SOUGHT BY THE APPLICANT(S)

- a. A DECLARATION that the Respondent has a duty to ensure protection of rights of citizens and residents within its territory particularly, right to freedom of religion, right to freedom of expression, right to life, and freedom from torture as guaranteed under the African Charter on Human and Peoples Rights, the International Covenant on Civil and Political Rights and other international human rights instruments.
- b. DECLARATION that extra-judicial killing of persons on the ground of blasphemy within the territory of the Respondent is in clear violation of right to freedom of religion, right to freedom of expression, right to fair hearing, right to life, and right to freedom from torture as guaranteed in African Charter on Human and Peoples Rights, Article 14 of the International Covenant on Civil and Political Rights and United Nations Convention Against Torture.
- c. A DECLARATION that the Respondent's failure to prevent the torturous and extra-judicial killing of all persons so torturously and extra-judicially killed within its territory including Deborah Yakubu (Samuel), Bridget Agbahime, Eunice Olawale and Usman Buda on the ground of blasphemy constitutes violation of their respective rights to freedom of religion, freedom of expression, right to dignity of human person and right to life, while failure to prosecute their killers is a contravention of the Respondent's obligations under the United Nations Convention Against Torture and other international human rights instruments.
- d. A DECLARATION that the provisions, application and imposition of penalties of death sentence and imprisonment for blasphemy-related offences are excessive or disproportionate restrictions on rights to freedoms of religion and expression and are not reasonably justifiable in a democratic society.
- e. AN ORDER directing the Respondent to facilitate or ensure immediate repeal or amendment of Section 382 (b) Kano State Sharia Penal Code Law 2000 prescribing death sentence for blasphemy and provision of Section 210 of the Penal Code Law of Kano State, Section 210 of the Penal Code Act and similar provisions in any jurisdiction under the Respondent's territory criminalizing public insult or contempt of religion in line with its obligations under the African Charter on Human and Peoples Rights and International Covenant on Civil and Political Rights, and other international human rights instrument.
- f. AN ORDER directing the Respondent to ensure prevention of torturous and extra-judicial killing of persons within its territory on the ground of blasphemy or any other ground whatsoever.
- g. AN ORDER directing the Respondent to take serious and sustainable steps to facilitate religious tolerance among persons of different faiths within its territory and to take legislative, administrative, judicial and other measures in line with its obligations under international instruments to protect rights to freedom of religion and expression.
- h. OTHER CONSEQUENTIAL ORDER(S) as this honourable court may deem fit to grant in the circumstance of this case.

### 4. SUMMARY OF THE PLEAS-IN-LAW

- a. Article 33 of the Rules of the Community Court of Justice, ECOWAS;
- b. Article 9 (4) of the Supplementary Protocol (A/SP.1/01/05) relating to the Community Court of Justice;
- c. Articles 1, 4 7, 8, 9, 10, 11, 12 and 58 of African Charter on Human and Peoples' Rights (ACHPR);

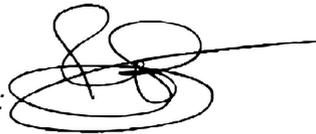
- d. Articles 6, 7, 12, 18, 19, 21, 22, 27 of International Covenant on Civil and Political Rights (ICCPR);
- e. Articles 1, 2, 12, 14, 16 of the United Nations Convention Against Torture (UNCAT).

## 5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

- a. That at different times within the territory of the Respondent, citizens have been subjected to arbitrary arrest and detention, summary prosecution and imposition of jail term and tortuous death sentence for the offence of blasphemy violating people's rights to freedom of religion, freedom of expression, right to life, right to freedom from torture, right to association and assembly amongst others.
- b. The Respondent's use and/or failure to prevent the use of criminal provisions bothering on the offence of blasphemy to arrest, arbitrarily detain, unlawfully prosecute and imprison citizens, and failure to protect rights of citizens to freedom of religion and freedom of expression amongst others amounts to a violation of Applicant's rights under the African Charter on Human and Peoples Rights (ACHPR), International Covenant on Civil and Political Rights (ICCPR) and the United Nations Convention Against Torture (UNCAT).

**DATED THIS 12<sup>TH</sup> DAY OF OCTOBER 2023.**

SIGNED:



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

