COMMUNITY COURT OF JUSTICE,
ECOWAS

COUR DE JUSTICE DE LA COMMUNATE,
CEDEAO

TRIBUNAL DE JUSTICA DA COMMUNIDADE,
CEDEAO



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THE COMMUNITY COURT OF JUSTICE OF THE

ECONOMIC COMMUNITY OF WEST AFRICAN STATES

(ECOWAS)

In the Matter of

FEDERAL REPUBLIC OF NIGERIA

(APPLICANT)

v

GREGORY J. TODD

(RESPONDENT)

App No. **ECW/CCJ/APP/56/21/REV**; *Judg't No*.**ECW/CCJ/JUD/41/25**

JUDGMENT

ABUJA

8 JULY 2025

THE COMMUNITY COURT OF JUSTICE OF THE

ECONOMIC COMMUNITY OF WEST AFRICAN STATES
(ECOWAS)

HOLDEN AT ABUJA, NIGERIA

App No. **ECW/CCJ/APP/56/21/REV**; *Judgt No*. **ECW/CCJ/JUD/41/25**

FEDERAL REPUBLIC OF NIGERIA **-APPLICANT**

AND

GREGORY J. TODD **-RESPONDENT**

COMPOSITION OF THE COURT:

Hon. Justice Ricardo C.M. **GONÇALVES** - Presiding

Hon. Justice Gberi-Be **OUATTARA** - Member

Hon. Justice Edward Amoako **ASANTE** - Judge Rapporteur

ASSISTED BY:

Dr. Yaouza **OURO-SAMA** - Chief Registrar

REPRESENTATION OF PARTIES:

Maimuna Lami Shiru, Esq
Aliyu Abdulkadir, Esq - Counsel for APPLICANT

Taiwo Julius, Esq -Counsel for RESPONDENT

I. JUDGMENT

1. This is a judgment of the Court read virtually in open court pursuant to Article 8(1) of the Practice Directions on Electronic Case Management and Virtual Court Sessions, 2020.

II. DESCRIPTION OF THE PARTIES

2. Applicant, the Federal Republic of Nigeria, is the judgment debtor in the case of *Gregory J. Todd v Federal Republic of Nigeria* [ECW/CCJ/JUD/41/23] in which judgment was delivered by the Court on 6 November 2023.

3. Respondent, Gregory J. Todd, is the judgment creditor in the said Judgment No. ECW/CCJ/JUD/41/23 delivered by the Court on 6 November 2023.

III. INTRODUCTION

Subject Matter of the Proceedings

4. Pursuant to Articles 92 and 93 of the Rules of the Court, the Applicant seeks a revision of Judgment No. ECW/CCJ/JUD/41/23 on the grounds of a purported new fact that came to its knowledge on 5 April 2024, after the Court had delivered the judgment on 6 November 2023.

IV. PROCEDURE BEFORE THE COURT

5. Applicant commenced this proceeding for revision of judgment by an application for extension of time dated 5 June 2024 which was

filed at the Registry of the Court on 7 June 2024 together with its prepared Application for Revision. Both documents were served electronically on the Respondent, the judgment-creditor, on the same day, 7 June 2024.

6. On 16 July 2024, the Respondent (judgment creditor) filed a Reply to the Application for Revision dated 15 July 2024. It was electronically served on the Applicant the same day.

7. At an external session of the Court held in Lagos on 9 May 2023 during which both parties were represented by Counsel, Applicant was heard on its application for extension of time which, without objection from the Respondent, was granted by the Court. The Court then heard the parties on the Application for Revision and adjourned for deliberation and judgment.

V. OBSERVATIONS OF THE APPLICANT

a) Summary of Facts

8. The Applicant says that the application for revision is based on a new fact which came to its knowledge on 5 April 2025 after the original judgment of the Court was delivered.

9. The Applicant states that the Respondent (judgment creditor) was under investigation for serious financial fraud by Nigeria's Economic and Financial Crimes Commission (EFCC). The EFCC seized his passport. In its judgment in Suit No. FHC/ABJ/CS/436/2020, *Gregory J. Todd v Economic and*

Financial Crimes Commission, the Federal High Court of Abuja ordered the release of the passport of the Respondent (judgment creditor) subject to conditions. Instead of appealing the judgment of the Federal High Court when he could not meet the conditions, he rather approached the Community Court of Justice, ECOWAS, with falsehood and deceit that his passport was not immediately released to him leading to the judgment of this Court in *Gregory J. Todd v Federal Republic of Nigeria* [ECW/CCJ/JUD/41/23] delivered on 6 November 2023.

b) Grounds of the Application for Revision

10. The Applicant grounds its Application for Revision on three main points of law.

11. First, the Applicant contends that the Court lacked jurisdiction to entertain the judgment creditor's suit against the Federal Republic of Nigeria, an ECOWAS Member State, because the judgment creditor is an Australian national and not a Community citizen. The Applicant argues that Article 10(d) of the Court's Protocol, on which the Court relied to grant the judgment creditor standing, does not expressly permit individuals who are not Community citizens to access the Court directly in human rights cases without first exhausting local remedies. Accordingly, the Court acted beyond its jurisdiction and should revise its judgment on this ground.

12. Secondly, the Applicant argues that the Court's assumption of jurisdiction in the original suit amounted to a usurpation of the powers of the Nigerian appellate courts. According to the Applicant, the judgment creditor, having been aggrieved by a decision of a national court, should have filed an appeal within the Nigerian judicial system, rather than bringing the case before the ECOWAS Court, which lacks appellate jurisdiction over Nigerian courts. Consequently, the Court's assumption of jurisdiction and its delivery of Judgment No. ECW/CCJ/JUD/41/23 violated Nigeria's sovereignty and should be revised on that ground.

13. Finally, the Applicant contends that the judgment creditor's suit, which led to Judgment No. ECW/CCJ/JUD/41/23, concerned the same subject matter which the Federal High Court of Abuja decided in Suit No. FHC/ABJ/CS/436/2020, *Gregory J. Todd v. Economic and Financial Crimes Commission*. Since the judgment creditor did not appeal the Federal High Court's decision, he was barred by the doctrine of *res judicata* from bringing the same matter before the ECOWAS Court. Therefore, the Court should revise its judgment on this ground.

VI. OBSERVATIONS OF THE RESPONDENT

a). Summary of Facts

14. The Respondent (judgment creditor) says that the Court delivered Judgment No. ECW/CCJ/JUD/41/23 in his favour on 6 November 2023 based on his Application No. ECW/CCJ/APP/56/21. Three months after the judgment, he applied through his lawyer to the

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Registry of the Court for a copy of the Writ of Execution of the judgment.

15. The Writ of Execution was served on the Applicant (judgment debtor) in early February 2024, but it disobeyed the Court's order by refusing to comply with the judgment. Another letter dated 9 February 2024 was sent urging the Applicant (judgment debtor) to comply with the Court's order, but it continued to disobey the Court's order by refusing to comply. All further efforts made to persuade the Applicant (judgment debtor) to comply failed.

16. In a continued effort to get the judgment of the Court enforced, the Respondent (judgment creditor) sent a letter dated 2 April 2024 to multiple high-level offices, including the office of the President of Nigeria, the office of the President of the Senate of Nigeria, the office of the Speaker of the House of Assembly of Nigeria, and the office of the President of the ECOWAS Commission.

17. After repeated persuasion, the Applicant (judgment debtor) sent a letter dated 28 May 2024 to acknowledge receipt of previous correspondences and stated that it was still deciding whether to comply with the judgment of the Court. But in what seems to be its continued effort to disobey the Judgment, the Applicant (judgment debtor) filed an application on 7 June 2024, seeking a revision, nine months after judgment was delivered, to frustrate the enforcement of the judgment.

b) Grounds of Opposition to the Application for Revision

18. Regarding the ground that the judgment creditor is not a Community citizen and therefore did not have standing to file the original application that resulted in Judgment No. ECW/CCJ/JUD/41/23, the Respondent (judgment creditor) states that the Court addressed that issue in the original judgment at page 19, particularly in paragraph 47 of the said judgment.

19. Concerning the ground that the Court acted as an appellate court over the domestic courts of Nigeria, the Respondent (judgment creditor) states that this issue was raised and addressed in the original judgment of the Court, particularly, at paragraph 46 of the said judgment.

20. With respect to the ground relating to *res judicata*, namely, the relitigation before the ECOWAS Court of matters already addressed in the judgment of the Federal High Court of Abuja, the Respondent (judgment creditor) states that this issue was also considered and addressed by the Court in its original judgment.

21. Accordingly, the Respondent (judgment creditor) contends that the three grounds raised in the application for revision are issues that were already raised by the Applicant (judgment debtor) during the original proceedings and were evaluated and decided upon by the Court. Under Article 27 of the Court's Protocol (as amended), the Court may revise its judgment only if a new and decisive fact is discovered. The fact must have been unknown to both the Court

and the party requesting the revision and the party's ignorance of the fact must not be due to their own negligence. The Respondent (judgment creditor) asserts that the grounds relied on by the Applicant (judgment debtor) do not meet this standard, as they are neither new nor decisive, and should therefore be rejected.

VII. JURISDICTION OF THE COURT

22. Under Article 27 of the Protocol of the Court (as amended) and Articles 92 to 94 of the Rules of the Court, the Court is vested with the power to consider an application for revision of its judgment. The Applicant (judgment debtor) filed this post-judgment application, requesting that the Court revise Judgment No. ECW/CCJ/JUD/41/23 delivered on 6 November 2023 in the case of *Gregory J. Todd v Federal Republic of Nigeria* [ECW/CCJ/APP/56/21]. Since the Applicant was a party in the original case and has brought this post-judgment application for revision alleging the discovery of a new fact that should warrant revision of the Judgment, the Court holds that it has jurisdiction to consider the application.

VIII. ADMISSIBILITY OF THE APPLICATION

23. Under Article 94(1) of the Rules of the Court, the Court must decide on the admissibility of an application for revision after hearing the parties and having regard to their written observations. It is only after the Court finds the application admissible that it must consider the merits or substance of the application and give

a decision in the form of a judgment. (See Article 94(2) of the Rules of the Court).

24. Regarding admissibility, the Court notes that Article 27 of the Protocol of the Court (as amended) provides four cumulative criteria:

(a) that there is a discovery of some new fact;

(b) that the fact is decisive in nature;

(c) that the fact was unknown to both the Court and the party seeking revision at the time of the original judgment; and

(d) that the party's ignorance of the fact was not due to their own negligence.

25. In its application for revision, the Applicant (judgment debtor) stated that its request for revision was based on a new fact which came to its knowledge on 5 April 2025 after the Court delivered its Judgment No. ECW/CCJ/JUD/41/23 on 6 November 2023. However, instead of providing this new fact and its supporting evidence, the Applicant stated and elaborated the following three points of law as grounds for its request for revision:

i. That the Court acted in excess of its jurisdiction when it upheld the standing of the judgment creditor, an Australian national, to bring a human rights application pursuant to Article 10(d) of the Protocol of the Court.

ii. That the Court usurped the appellate jurisdiction of Nigeria's domestic courts and by extension Nigeria's

sovereignty by hearing the human rights application of the judgment creditor.

iii. That the judgment creditor was precluded by the doctrine of *res judicata* from relitigating in the ECOWAS Court a matter that had been determined by the Federal High Court of Abuja.

26. The Court notes, first of all, that the above grounds do not constitute matters of fact within the meaning of Article 27 of the Court's Protocol (as amended). Even if they did, they are not newly discovered. All three grounds were issues that the Applicant (judgment debtor), in its capacity as Respondent in the original suit, raised as preliminary legal objections. The Court duly considered each of them and gave its reasoned decision. See pages 13 to 21 of the original judgment in *Gregory J. Todd v. Federal Republic of Nigeria* [ECW/CCJ/JUD/41/23], delivered on 6 November 2023. Accordingly, nothing in the application for revision is a new fact, let alone a decisive one. This includes the attached judgment of the Federal High Court of Abuja in Suit No. FHC/ABJ/CS/436/2020, *Gregory J. Todd v. Economic and Financial Crimes Commission*, a document that was already in evidence before the Court in the original proceeding and was duly considered in Judgment No. ECW/CCJ/JUD/41/23.

27. For these reasons, the Court finds that this application for revision is wholly without merit, manifestly inadmissible under Article 27 of the Court's Protocol (as amended), and constitutes an abuse of the Court's post-judgment procedures. The application for revision is hereby dismissed.

IX. COSTS

28. Having regard to Article 66(5) of the Rules of the Court, the Court considers it appropriate in the circumstances of this case for the Applicant (judgment debtor) to pay the costs of the Respondent (judgment creditor) in this proceeding. Accordingly, the Court decides that the Applicant (judgment debtor) shall pay the costs of the Respondent (judgment creditor) as assessed by the Chief Registrar of the Court.

X. OPERATIVE CLAUSE

29. For the foregoing reasons, the Court sitting in public and after hearing the parties:

On jurisdiction

i. *Declares* that the Court has jurisdiction to consider the Application for revision of judgment.

On Admissibility

ii. *Finds* that Applicant's request for revision is inadmissible under Article 27 of the Protocol of the Court (as amended) and Article 94 of the Rules of the Court and accordingly dismisses it in its entirety.

On Costs

iii. *Decides* that the Applicant (judgment creditor) shall pay the costs incurred by the Respondent (judgment

creditor) in relation to this application for revision as assessed by the Chief Registrar of the Court.

Done at Abuja this 8 day of July 2025 in English and translated into French and Portuguese.

Hon. Justice Ricardo C.M. **GONÇALVES**

Presiding .....

Hon. Justice Gberi-Be **OUATTARA**

Member .....

Hon. Justice Edward Amoako **ASANTE**

Judge Rapporteur .....

ASSISTED BY:

Dr. Yaouza **OURO-SAMA** (Chief Registrar) .....