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

HOLDEN AT ABUJA, NIGERIA

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4. KADRE DESIRE OUEDRAOGO
5. DIRECTOR OF ADMINISTRATION ECOWAS COMMISSION
6. MRS. HALIMA AHMED
} *DEFENDANTS*

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6. YAKUBU YUNUSA

} *APPLICANTS*

(FOR THEMSELVES AND ALL MUSLIM MEMBERS OF SOUTHERN KADUNA, IN KADUNA STATE OF NIGERIA WHOSE LIVES AND PROPERTIES WERE AFFECTED BY THE ETHNO-RELIGIOUS CLEANSING OF 18TH AND 19TH APRIL 2011)

V.

1. THE FEDERAL REPUBLIC OF NIGERIA
2. ATTORNEY GENERAL OF THE FEDERATION AND MINISTER OF JUSTICE

} *DEFENDANTS*

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

HOLDEN AT ABUJA, NIGERIA

SUIT NO: ECW/CCJ/APP/16/13

BETWEEN
MR. ELI HAGGAR, BOUBACAR KANFIDENI
AND 165 OTHER FORMER EMPLOYEE OF SONIDEP.....**APPLICANTS**

V.

1. SOCIETE NIGERIENNE DES PRODUITS PETROLIERS (SONIDEP)
2. REPUBLIC OF NIGER .....**DEFENDANTS**

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, Pursuant to Article 13 (6) of the Rules of the Community Court of Justice, ECOWAS that an Application **BETWEEN MR. ELI HAGGAR, BOUBACAR KANFIDENI AND 165 OTHER FORMER EMPLOYEE OF SONIDEP (APPLICANTS) v. 1. SOCIETE NIGERIENNE DES PRODUITS PETROLIERS (SONIDEP) 2. REPUBLIC OF NIGER (DEFENDANT)** was filed by the Applicants and registered by the Court on 9thday of September, 2013.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. MR. ELI HAGGAR, BOUBACAR KANFIDENI
AND 165 OTHER FORMER EMPLOYEE OF SONIDEP
Represented by Mazet PATRICK (Esq.),
Lawyer Registered with the Bar of Niger,
B.P. 20 Niamey – Niger
Tel: 96975561, 92703181
Rue du Kalley – Amirou

APPLICANTS

b. SOCIETE NIGERIENNE DES PRODUITS PETROLIERS (SONIDEP)
Represented by Marc LEBIHAN (Esq.)
Lawyer Registered with the Bar in Niger

c. REPUBLIC OF NIGER
Represented by the Secretary General to the Government of the Republic of Niger

DEFENDANTS

2. SUBJECT MATTER OF PROCEEDINGS

The Court is requested:

- To declare that SONIDEP used dirty tricks to 'lay off' its 167 former employees;
- To declare that the lay off is a violation of the right to employment;
- To order SONIDEP and the Republic of Niger to pay each of the Applicants, damages for the violation of Applicants' right to employment, which can only be computed to the tune of 5,000,000,000 CFA Francs.

3. APPLICANT'S CLAIM

The Applicants claim that, SONIDEP, their employer, under the pretext that it was facing some difficulties, put forward the need for restructuring, through the streamlining of its workforce. Thus, Applicants claim that SONIDEP proposed to them, a **'Negotiated Lay off Plan',** without which, there was a possibility of the Company folding up. So, gripped with the fear of the unknown, most of the employees accepted to relinquish their jobs.

Applicants claim that the sum of thirty billion (30,000,000,000) CFA Francs was secured from World Bank, to finance the **'Negotiated Lay off Plan'** but that the money was put to other uses. They declare that, in the prevailing situation, the Republic of Niger, which was supposed to ensure the supervision of the said Plan, remained indifferent.

Applicants also claim that the promised restructuring never took place, and, worse still, some of the laid off employees were rehired, together with massive recruitment of inexperienced new staff, whereas the old ones were supposed to be given priority in the recruitment exercises.

Applicants took their case before the National Courts in the Republic of Niger. At the Tribunal of First instance, the Tribunal, through Judgment No. 85/2005 of 29th September 2005 declared it lack of jurisdiction over the case, claiming that it was a civil case. Thereafter, they logged an appeal, but the Court of Appeal upheld the contested Judgment, of the lower court. Then they proceeded to the Supreme Court, where Judgment No. 130 of 5th January 2006 delivered by the Appeal Court was set aside, and the case was referred back to the Appeal Court, to be tried afresh, by another panel of judges. But, again the Appeal Court upheld their lay off, while it struck out all their claims.

In support of their claims, Applicants cite Judgment No 85/2005 of the '*Tribunal de Grand Insurance, Hors Classe'* in Niamey; Judgment No. 130 of 5/06/06 of the Civil Chamber at the Niamey Court of Appeal; Judgment 11-126/S of 27th October 2011 of the Judicial Chamber of the *Cour d'Etat;* Article 6 of the International Covenant on Economic, Social and Cultural Rights of 1996, which came into force in 1976; Articles 4 and 7 of the African Charter on Human and Peoples' Rights; Article 10 of the Universal Declaration of Human Rights; Article 7 Paragraph 2 of the International Covenant on Civil and Political Rights; the Revised Treaty of ECOWAS, Conventions, Rules and Protocols on the ECOWAS Court of Justice and other documents attached as annexure, to the Application.

Consequently, from the foregoing, Applicants seek from the Community Court of Justice, ECOWAS the following reliefs:

- A declaration that their Application is admissible;
- To declare its jurisdiction in the instant case, and adjudicate accordingly, pursuant to the aforementioned legal texts;
- A declaration that SONIDEP used dirty tricks to 'lay off' its 167 former employees;
- A declaration that the 'lay off' is a violation of the right to employment;
- An order that SONIDEP and the Republic of Niger pay each of the Applicants, damages for the violation of Applicants' right to employment, which can only be computed to the tune of 5,000,000,000 CFA Francs.

DONE THIS 23TH DAY OF SEPTEMBER 2013

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

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

HOLDEN AT ABUJA, NIGERIA

SUIT NO: ECW/CCJ/APP/17/13

BETWEEN
THE HEIRS OF DOUTI SINALENGUE - **APPLICANT**
V.
REPUBLIC OF TOGO - **DEFENDANT**

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, Pursuant to Article 13 (6) of the Rules of the Community Court of Justice, ECOWAS that an Application **BETWEEN THE HEIRS OF DOUTI SINALENGUE (APPLICANT) v. REPUBLIC OF TOGO (DEFENDANT)** was filed by the Applicant and registered by the Court on 25th day of September, 2013

1. NAMES AND ADDRESSES OF THE PARTIES
The names and addresses of the parties are as follows:

a. THE HEIRS OF DOUTI SINALENGUE,
represented by Mr Lare NANKORDIA,
assisted by Jil-Benoît AFANGBEDJI (Esq.),
Lawyer registered with the Court,
99, Rue de l'Entente, non loin du Festival de Glaces
(ancient Restaurant la Pirogue), B.P. 12250, Tel: 22206440, Lomé – Togo,
E-mail: cabinetafangbedji@yahoo.com,
AJAVON Ata Messan Zeus (Esq.), Lawyer registered with the
Court of Appeal in Lomé, Rue Logossame, Hanoukope, Lome – TOGO
Tel: 00 228 933 07 63 / 00 228 320 57 79. E-mail: atamzajavon@yahoo.fr
Chambers: atamzajavon@gmail.com; Célestin KOKOUVI AGBOGAN (Esq.),
Lawyer registered with the Court, Angle Rue Konfesse et 400
Rue des Gémeaux, Tokoin – Forever, en face du Centre de Santé ATES,
derrière l'Hotel Saint Fabrice, BP. 2785, Tél/Fax: 22261747, Lomé – Togo;
Claude KOKOU AMEGAN (Esq.), Lawyer registered with the court,
36 Rue 74 d'Assoli vers Rue Night Club ORO, Lomé – Togo,
E-mail:claude.amegan@yahoo.fr and Raphaël Nyama Kpande – ADJARE,
Lawyer registered with the Court , Route de Kpalimë,
en face de l'Agence UTB, Qtié Avé Maria, 04 BP: 877,
Tél: 22 25 18 77 / 90 33 42 77 Fax: 22 25 18 77,
Lomé - Togo, E-mail: Raphaël77@gmail.com

APPLICANT

b. THE REPUBLIC OF TOGO
whose address is the Seat of Government,
in Lomé, Palais de la Présidence, 2,
Avenue du Général de GAULLE,
taken in the person of its Legal Representatiive,
Minister of Justice, and in charge of liaising with State Institutions,
residing in Lomé, Rue de l'Etente

DEFENDANT

2. SUBJECT MATTER OF PROCEEDINGS

The Court is requested:

a. To note human rights violations and sanction the Defendant;

b. Order Defendant to carry out investigations into the circumstances that led to the death of late Douti SINALENGUE, find out the culprits and bring them to book, making public the outcome of the investigations, within the shortest period possible, pursuant to the provisions of Articles 44 and 45 of the Togo Penal Code;

c. Order Defendant to pay the Applicant, the sum of forty five million (45,000,000) CFA Francs for damages and interests, for the prejudices suffered, owing to torture, cruel, inhuman and other degrading treatments;

d. Order the Republic of Togo to pay the Applicant the sum of four hundred and fifty million (450,000,000) CFA Francs, as danages, for the loss of the life of Douti SINALENGUE.

3. APPLICANT'S CLAIM

a. Applicant claim that late Douti SINALENGUE, who was a High School student in Dapaon, North of Togo, took part in popular demonstrations on 15th April 2013. It was during those demonstrations that the security personnel got hold of him, and gave him the beating of his life. He died two days later, as a result of the internal injuries that he sustained, following the beatings, at the *Centre Hospitaler Regional de Dapaon (a Government hospital in town). They aver that the death Certificate that asserts to his death reveals that 'the death was as a result of a bruise in the abdomen that led to an acute and a generalized peritonitis, by the perforation of the small intestine.'*

b. In support of their claims, as made to the Court, Applicant cite the following legal instruments: Article 9 (4) of the Supplementary Protocol on the Court; the provisions of Articles 10, 13 (1) (2) and 21 of the Togolese Constitution of 14th October 1992; Articles 3 and 5 of the Universal Declaration of Human Rights of 10th December 1948; Articles 6 and 7 of the International Covenant on Civil and Political Rights of 16th December 1966; Articles 1 , and 14 of the UN Convention against torture, cruel and degrading treatments of 10th December 1984 and Articles 4 and 5 of the African Charter on Human and Peoples' Rights of 27th June 1981.

c. From the facts and the instruments that are cited cited in their support, Applicants have sought the reliefs stated above.

DONE THIS 4th DAY OF OCTOBER 2013



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

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

HOLDEN AT ABUJA, NIGERIA

SUIT NO: ECW/CCJ/APP/18/13

BETWEEN
1. **Djelou Kodjovi AGBELENGO (Esq.),**
2. **Mr. Akumani Koffi AMETOWOYONA**
3. **Mrs. Alipui Ablavi SENYIEDJO** ……..... **APPLICANTS**

V.

REPUBLIC OF TOGO……..... **DEFENDANT**

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, Pursuant to Article 13 (6) of the Rules of the Community Court of Justice, ECOWAS that an Application **BETWEEN (1). DJELOU KODJOVI AGBELENGO** (ESQ.), **(2). MR. AKUMANI KOFFI AMETOWOYONA** AND **(3). MRS. ALIPUI ABLAVI SENYIEDJO (APPLICANTS) v. THE REPUBLIC OF TOGO (DEFENDANT)**was filed by the Applicant and registered by the Court on 25th day of September, 2013

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. Djelou Kodjovi AGBELENGO (Esq.),
b. Mr. Akumani Koffi AMETOWOYONA
c. Mrs. Alipui Ablavi SENYIEDJO
Represented by Jil – Benoît AFANGBEDJI (Esq.),
Lawyer registered with the Court, 99, Rue de l'Entente,
non loin du Festival de Glaces (ancien Restaurant la Pirogue),
BP: 12250,
Tel: 22206440, Lomé – Togo,
Email: cabinetafangbedji@yahoo.com;

} ***APPLICANTS***

d. THE REPUBLIC OF TOGO
whose address is the Seat of Government, in Lomé, Palais de la Présidence, 2, Avenue du Général de GAULLE,
taken in the person of its Legal Representative,
Minister of Justice, and in charge of liaising with
State Institutions, residing in Lomé, Rue de l'Entente.

} ***DEFENDANT***

2. SUBJECT MATTER OF PROCEEDINGS

It is requested from the Court

- To declare and adjudge that the Applicants were arbitrarily arrested and detained; that their honour and reputation have been damaged; that they were subjected to psychological torture;

- To order the Republic of Togo, to pay Djelou Kodjovi AGBELENGO (Esq.) the sum of 500,000,000 CFA Francs, to Mr. **Akumani Koffi AMETOWOYONA**, the sum of 500,000,000 CFA Francs, and to **Mrs. Alipui Ablavi SENYIEDJO**, the sum of 200,000,000 CFA Francs as damages for all the prejudices suffered, owing to their arbitrary arrest and detention; furthermore, sanction the Republic of Togo, to pay Djelou Kodjovi AGBELENGO (Esq.) the sum of 1,000,000,000 CFA Francs, to Mr. **Akumani Koffi AMETOWOYONA**, the sum of 500,000,000 CFA Francs, and to **Mrs. Alipui Ablavi SENYIEDJO**, the sum of 500,000,000 CFA Francs, for infringement upon their honour and reputation; and lastly, order the Republic of Togo to pay to each of the Applicants, the sum of 500,000,000. CFA Francs for the reparation of the torture that they were subjected to.

3. APPLICANTS' CLAIMS

Applicants claim that they were arbitrarily arrested and detained, for allegedly using fake documents, and complicity in obtaining the Certificate of Occupancy No. 29079 RT. Applicants aver that Mrs. Alipui Ablavi Senyiedjo, wife to lawyer Djelou Kodjovi AGBELENGO acquired a building in Lomé, from Mr. Amevor Koffi GANYEKOU. They add that it was after this acquisition that the Police came to arrest Lawyer Djelou Kodjovi AGBELENGO, thereafter, his clerk, Mr. Akumani Koffi, and lastly, Mrs. Alipui Ablavi. Lady Alipui Ablavi states that she was detained at the Police Station for three days, before she was released, but her husband, Lawyer Djelou Kodjovi AGBELENGO and his clerk Mr. Akumani Koffi were detained for seven and six months respectively, before they were granted provisional release on bail.

Applicants declare that, finally, **Judgment No. 0902 dated 29 May 2013**, by the ***Tribunal de Première Instance de Première Classe de Lomé***, was delivered, wherein they were found not guilty of the charges brought against them. It was equally stated in the said Judgment that the proceedings that was initiated against them, upon a case filed by Mr. Amevor Koffi GANYEKOU was abusive and vexatious. Thus, Applicants claim that, the abusive case soiled their honour and reputation, to its heights and has equally put them in an embarrassing and precarious financial situation.

From the accounts, as stated in the subject – matter above, Applicants plead with the Community Court of Justice, ECOWAS, while relying on the provisions of the Togolese Constitution, Articles 5, 9, and 12 of the Universal Declaration on Human Rights of 10 December 1948, Article 7, 9 (1 and 5), and 17 of the International Covenant on Civil and Political Rights of 16 December 1966, Articles 5 and 6 of the African Charter on Human and Peoples' Rights of 27 June 1981, as well as on the provisions of Articles 1 and 14 of the UN Convention against Torture, cruel Punishments and other inhuman and degrading Treatments of 10 December 1984.

DONE THIS 4th DAY OF OCTOBER 2013

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

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

HOLDEN AT ABUJA, NIGERIA

SUIT NO: ECW/CCJ/APP/19/13

BETWEEN
MR. ELI HAGGARMI.....**APPLICANT**

V.
REPUBLIC OF NIGER.....**DEFENDANT**

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, Pursuant to Article 13 (6) of the Rules of the Community Court of Justice, ECOWAS that an Application **BETWEEN MR. ELI HAGGARMI (APPLICANT) v. REPUBLIC OF NIGER (DEFENDANT)** was filed by the Applicant and registered by the Court on 7th day of October, 2013

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. Mr. Eli Haggarmi
Represented by Mazet PATRICK (Esq.)
Lawyer registered with the Bar of Niger
B. P. 20 Niamey – Niger
Tel: 96975561/ 92703181
Rue du Kalley-Amirou
} ***APPLICANT***

b. Republic of Niger
Represented by the Republic of Niger, assisted by Mahaman Hamissou (Esq.), Lawyer registered with the Bar of Niger. Tel: 0022796991499/20344480
} ***DEFENDANT***

2. SUBJECT MATTER OF PROCEEDINGS

The Court is requested:

a. To note the violation of his right to employment;

b. To Order SONIDEP and the Republic of Niger to pay him, as damages, his salaries and other emoluments, which shall be calculated, from the date of his suspension, till his retirement at age 60, together with accrued interest, for the moral prejudice suffered. All this shall not be less than 400,000,000 CFA Francs.

3. APPLICANT'S CLAIMS

a. The Applicant, Mr. Eli Haggarmi claims that he was placed on suspension, from his duty as a Customs Officer, via Decision No. 1892/MFP/T dated 27th August 1984, adding that he was accused of driving, without a Driver's Licence, under the effect of alcohol, and exhibiting scandalous behavior on the highway. He also claims that he was referred to the Disciplinary Committee, via a Ministerial Decision No. 1842/MFP/T dated 19th November 1984. This

Disciplinary Committee, sitting after the stipulated time-limit on such matters on 5th February 1985, absolved him of the alleged misdemeanors, and recommended his re-installments. He avers that instead of respecting this decision, he was relieved of his duties, the notice of which was served on him via Ministerial Decision No. 0814/MFP/T dated 19th May 1985, on the instructions of the then Head of State of Niger Republic.

b. Applicant avers that he pursued all necessary avenues to see that this case was settled amicably, but in vain, all due to administrative bottlenecks..

He avers that the alleged misdemeanors for which he was accused are inexistent. Notably, he claims that he holds a valid Driver's Licence No. 514 ZR issued on 24th January 1980; also, he claims that the violation of Law 59 (6) of 3rd December 1959 does not constituent , in anyway whatsoever, a professional misdemeanor, the Ministerial Decision, by which he was finally relieved of his duties does not mention the grounds for such an action; he also alludes to the violation of his right to employment, pursuant to the provisions of Article 6 of the International Covenant on Economic, Social and Cultural Rights of 1966.

In support of his claim, Applicant, apart from the aforementioned legal instrument, further cites Article 4 of the African Charter on Human and Peoples' Rights and Article 5 of the Universal Declaration of Human Rights.

From the foregoing, Applicant requests the Court should favourably admit his Application, as to form, and on merit, and give him satisfaction, according to the above stated subject matter.

DONE THIS 23rd DAY OF OCTOBER 2013

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

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

HOLDEN AT ABUJA, NIGERIA

SUIT NO: ECW/CCJ/APP/20/13

BETWEEN
MOHAMMED EL TAYYIB BAH.....***APPLICANT***

V.

REPUBLIC OF SIERRA LEONE.....***DEFENDANT***

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, Pursuant to Article 13 (6) of the Rules of the Community Court of Justice, ECOWAS that an Application **BETWEEN MOHAMMED EL TAYYIB BAH (APPLICANT) v. REPUBLIC OF SIERRA LEONE (DEFENDANT)** was filed by the Applicant and registered by the Court on 14th day of October, 2013

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. Mohammed El Tayyib Bah
C/o his counsel
Falana & Falana's Chambers
22, Mediterranean Street
Imani Estate, Maitama District
Abuja - Nigeria
} ***APPLICANTS***

B. REPUBLIC OF SIERRA LEONE
C/o Attorney-General & Minister of Justice
3rd Floor Guma Building
Lamina Sankoh Street
Freetown- Sierra Leone
} ***DEFENDANT***

2. SUBJECT MATTER OF PROCEEDINGS

The Applicant alleges that he was unlawfully and illegally dismissed from the Sierra Leonean Police Force without fair hearing.

3. ORDERS SOUGHT BY THE APPLICANT

a. A declaration that the dismissal of the Applicant from the police service of the Defendant since 1994 as confirmed via a letter dated 3rd June 2013 is illegal and void as it violates the Applicant's human right to fair hearing.

b. An order mandating the Defendant to reinstate the Applicant and pay him all his outstanding salaries, benefits and entitlements.

c. An order awarding general damages of $25,000,000.00 (Twenty Five Million Dollars) being general damages for the embarrassment and psychological trauma that he suffers and also for the death of his mother from a preventable disease which the Applicant's mother suffered as a result of his illegal dismissal from the Police service of Sierra Leone.

4. SUMMARY OF PLEAS IN LAW

a. The failure of the Defendant to give the Applicant the opportunity to defend himself either personally or by legal representation against the allegations that caused his dismissal is a violation of the Applicant's right to fair hearing as guaranteed by Article 7 of the African Charter on Human and Peoples' Rights.

5. SUMMARY OF MAIN SUPPORTING ARGUMENTS

a. The Applicant alleges that following a frank discussion with the Inspector General of Police, he was accused of insubordination and linked to the Revolutionary United Front (RUF) Rebels in Sierra Leone.

b. He also alleges that he had served the Sierra Leone Police service diligently for ten (10) years but was dismissed from the Police Service without being given an opportunity to defend himself.

c. He further alleges that upon appeal, the case was reviewed by the Police Authorities which found that his dismissal was a blatant violation of his human right to defend himself but, that the Defendant refused to reinstate him or pay his entitlements.

d. He avers that the Defendant's Ministry of Internal Affairs decided that there was no justifiable ground to reverse the decision of his dismissal.

e. He also alleges that he has suffered as a result of the illegal dismissal namely: the loss of his accommodation; inability to provide for his family; the death of his mother from a preventable disease due to lack of funds for medical treatment; inability to secure another job due to the report from the Police service that he was dismissed from the service; and the consequential loss of the parliamentary election contested by him in November 2012 because of the dismissal.

DATED THIS 29th DAY OF OCTOBER 2013



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

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

HOLDEN AT ABUJA, NIGERIA

SUIT N° ECW/CCJ/APP/21/13

BETWEEN
MR. MAMADOU MOUSTAPHA ALIAS KAKALI.....**APPLICANT**
V.
REPUBLIC OF NIGER.....**DEFENDANT**

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, Pursuant to Article 13 (6) of the Rules of the Community Court of Justice, ECOWAS that an Application **BETWEEN MR. MAMADOU MOUSTAPHA ALIAS KAKALI (APPLICANT) v. REPUBLIC OF NIGER (DEFENDANT)** was filed by the Applicant and registered by the Court on 17th day of November, 2013

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. **MR. MAMADOU MOUSTAPHA**
ALIAS KAKALI, SULTAN OF ZINDER
c/o Counsel Mahamadou Nanzir (Esq.)
Lawyer registered with the Court, BP 10417
Tel: 227 20 75 28 90; cel 227 96 96 88 35;
E-mail: nanzirm@yahoo.fr
} ***APPLICANT***

b. **REPUBLIC OF NIGER**
Represented by the Judicial Officer,
Office of the Secretary to the Government
Government House of Niger Republic
} ***DEFENDANT***

2. SUBJECT MATTER OF PROCEEDINGS

a. The violation of the fundamental civil and human rights of Applicant, and the right to fair hearing;

b. The sum of 50 million CFA Francs, as damages;

c. Order the Defendant to bear the costs.

3. APPLICANTS CLAIMS

a. The Applicant, Mr. Mamadou Moustapha alias Kakali claims that he was enthroned as the Sultan of Zinder, pursuant to the Government Order No.:0286/MI/AT/DGAPJ dated 23rd July 2001. But, he avers that prior to his enthronement, the former Sultan, Aboubacar Sanda was deposed, following Judgment No. 240 dated 10/09/02, in which he was found guilty of associating himself with criminals, complicity in swindling, use of fake currency, drug trafficking, and was thus sentenced to two years imprisonment, together with a fine of 10,000 CFA Francs.

b. Applicant also claims that on 29th July 2011, by an ordinary letter, the Honourable Minister of Internal Affairs brought to his notice, **Supreme Court Order No.: 008** dated 23rd October

2002, without attaching to that correspondence, copy of the said **Supreme Court Order No.: 018**. He further avers that some days later, **Government Order No.: 437** dated 29th June 2011 was already in circulation in Niamey, the capital of Niger Republic; this **Government Order No.: 437** modified certain provisions of the 1978 Order. He declares that he challenged **Government Order No.: 437** in court, for abuse of power.

c. According to the Applicant as a reply to his court case for abuse of power, the Republic of Niger released a post mortem **Government Order No.: 440.** He further alleges that, without any legal mandate, the Governor of Zinder Region vowed to expel him from the Palace, through acts that infringed upon the freedom and liberties, as well as those of his family members. He further adds that, in order to back his threat with action, the Governor instructed the relevant Government Utility Services providers to deprive the Palace of electricity and water, despite the fact that the Palace has always settled its bills for those services. Also, Applicant claims that, after he was prevented from entering or leaving the Palace, the Governor gave instructions to security personnel of Government, to force the Palace Gate open and expel, *manu military,* the Royal Family and other occupants. And, some days later, Sultan Aboubacar Sanda was re-enthroned.

d. Thereafter, Applicant claims he attacked the **Order** that ordered the re-enthronisation of Aboubacar Sanda, before the **Cour d'Etat** (the Supreme Court in Niger Republic, during militia regimes), which struck out his case. He claims that, concomitantly to this case before the Cour d'Etat, he filed another case seeking the annulment of **Order No.: 437/MI/SP/D/ARDGAP/DAC dated 29th June 2011, and Order No.: 440/MI/SP/D/DGAP/DAC dated 29th June 2011**, a case against which the Cour d'Etat gave a Judgment dated 29th May 2013, which he is now attacking before the Community Court of Justice, ECOWAS.

e. Applicant believes that the grounds upon which the attacked Order is premised, violates Sultan Mamadou Moustapha's right to have his case heard; indeed, the grounds for **Order 440 dated 29th June 2011** reads thus: '*This Order is given, pursuant to the execution of Order No.: 0018 dated 23rd October 2002 of the Supreme Court, annulling Government Order No.: 258/MI/AT/DAPJ/DAC dated 9th July 2001, by which Sultan Aboubacar Sanda was deposed, during the procedure in a case filed for abuse of power'.*

f. In support of his claims, Applicant cites the Constitution of the Republic of Niger, and invokes the African Charter on Human and Peoples' Rights in its Articles 7 and 26, the International Covenant on Civil and Political Rights in its Article 14.

g. Thereafter, Applicant labored hard to prove that 1) he was elected, contrary to Aboubacar Sanda, who has never been elected. 2) he is still the legitimate Sultan of Zinder, and leans on the integrity that pushed the Electoral College of Zinder to so elect him to the throne. 3) from the legal angle, Aboubacar Sanda cannot be re-enthroned, as Sultan, even pursuant to the enforcement of **Order No.: 0018;** the Cour d'Etat thus took side in the case, and violated his right to fair hearing, and 5) **Government Order no.:440,** by which Aboubacar Sanda was re-enthroned was taken following the re-actualisation of an Order (No: 111), which is not known in law. Apart from the above cited legal instruments invoked, Applicant also relies on the jurisprudences in the Dame Cachet case of the EU Courtdated 30/11/1922, Gaja no. 43 and the COUITEAS case of the EU Court dated 30/11/1923, GAZA No. 45.

h. Consequent upon the foregoing, Applicant made the orders sought, as stated above, under the subject matter of the case.

DONE THIS 22nd DAY OF NOVEMBER 2013

TONY ANENE-MAIDOH
Chief Registrar
Community Court of Justice, ECOWAS
Abuja - Nigeria

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

HOLDEN IN ABUJA, NIGERIA

SUIT NO: ECW/CCJ/APP/22/13

BETWEEN
1. MR. IBRAHIMA SORY TOURE
2. MR. ISSIAGA BANGOURA ..... **APPLICANTS**

V.
REPUBLIC OF GUINEE ..... **DEFENDANT**

NOTICE OF REGISTRATION OF NEW 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) MR. IBRAHIMA SORY TOURE 2) MR. ISSAGA BANGOURA** *(APPLICANTS)* **v. REPUBLIC OF GUINEE** *(DEFENDANT)* was filed by the Applicant and registered by the Court on 13thday of November, 2013

1. NAMES AND ADDRESSES OF THE PARTIES
The names and addresses of the parties are as follows:

a. Mr. Ibrahima Sory TOURE,
born in 1972 in Conakry
(GUINEE) Guinean national, Juriste,
domiciled and living in Conakry,
at Camayenne quarters,
Commune of Dixinn (Conakry).

b. Mr. Issiaga BANGOURA,
born in 1975 at Forécariah (GUINEE) Guinean national,
soldier, domiciled and living in Conakry at Wanindara,
Commume of Ratona (Conakry)
having as Counsel:
Dinah SAMPIL (Esq.), President of the Bar in Guinee
Momo SAKHO (Esq.)
Mohamed TRAORE (Esq.)
Rachel LINDON (Esq.)
Whose address, for the instant procedure is
Me Mohamed TRAORE,
Immeuble CCFA/Kaloum-Conakry (Guinee),
Tel: (00224) 664 28 40 11/ (00224) 655 26 32 33,
E-mail: Mohamed_reotra66@yahoo.fr
Telex: Me LINDON: 00 33 1 53 24 61 71.
All Lawyers registered with the Bar in GUINEE.

} ***APPLICANTS***

c. REPUBLIC OF GUINEE represented by the Judicial Officer,
Living and domiciled in his office Conakry – Republic of Guinee } ***DEFENDANT***

4. SUBJECT MATTER OF PROCEEDINGS

a. It is requested from the Court

- To declare that the Application filed by Messrs. Ibrahima Sory TOURE and Issiaga BANGOURA is admissible, as to form, and for being filed within the legal time – limit, and that it is well-founded;
- To order Applicants' immediate release;
- To order the Republic of Guinee to pay a global sum of 114,000,000 Francs CFA (One Hundred and Fourteen Million CFA Francs), to Mr. Issiaga Bangoura, as damages, in reparation for the considerable prejudices that he suffered, sequel to the refusal by the authorities of Defendant, a court order on their provisional release, and that this payment should be ordered to start counting as from the date of that court order, and at the official rates;
- To order the Republic of Guinee to pay a global sum of 124,000,000 Francs CFA (One Hundred and Twenty Four Millions CFA Francs), to Mr. Ibrahima Sory TOURE, as damages, in reparation for the authorities of the Defendant, a court order on their provisional release, and that this payment should be ordered to start counting as from the date of that order, and at the official rates;
- To order the Republic of Guinee, to bear all the costs, which is in the tune of 66,000,000 CFA Francs (Sixty Six Million CFA) as damages.

3. APPLICANTS CLAIMS

a. The Applicants claim that they have been victims of various human rights violations. From the beginning of their application, they claim that there was an attempt on their lives, which are in danger, and plead with the Court to make an order to prevent that nothing happens to their lives. Furthermore, they claim that their right to effective appeal were also violated; also, their arrest and detention are arbitrary, because they were not heard; apart from this, the 2nd Applicant, BANGOURA was subjected to inhuman and degrading treatments, all this in the absence of medical treatment while he was in detention.

b. 1st Applicant Ibrahima Sory TOURE claims he was arrested on 19th April 2013 on the charges of corruption and was placed in provisional detention, whereas three days before that date, on 16th April 2013, the other Applicant Issiaga BANGOURA was arrested and placed in provisional detention. Bangoura claims he was tried and was sentenced to one month imprisonment on the ground that he deserted his duty (a military misdemeanour). Bangoura avers that during the said trial, he was not placed in the conducive position to defend himself; he avers that thereafter, he was found guilty and sentenced on 9th May 2013, on charges of corruption. They claim that their arrest was in connection with a court case initiated by an American court against one Fredrick ILINS. But, the victim in that court case is the Republic of Guinee, while the offenders are the BSGR (Applicants' employer) or its representatives.

c. They also claim that their Counsel were denied access to all exhibits and contents of the case file, and that that all their requests for provisional release were rejected. They declare that it was only on 11th July 2013 that the Prosecuting Judge, granted them bail to the tune of $350,000 dollars, with disdain, according to them; this sum was later changed to two billion Guinean Francs. But, after appealing against the order of the Prosecuting Judge, the prosecuting chamber, under some conditions (obligations of judicial control) re-ordered their release without bail. Yet, according to the submission of Applicants, the Prosecuting Counsel having appeal against their release without bail, the order setting them free has never been enforced. Thus, they have remained behind bars, despite various steps taken by the defence team in this regard. Applicants declare that the non-execution of order setting them free violates Article 45 of the Constitution of the Republic of Guinea, which provides that court judgments shall be respected and enforced.

d. According to the declarations of the 2nd Applicant, the military punishment meted out on him is dished out in criminal cases.

e. To justify their claims, Applicants invoke Articles 3, 7, 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), Articles 5, 8, 9 and 10 of the African Charter on Human and Peoples' Rights, Articles 5, 9, 107 and 111 of the Constitution of the Republic of Guinee, Article 116 of the code of penal procedure of Guinee, as well as other pertinent provisions of Guinean legal texts.

f. Applicants solicit from the court adjudication on the above stated grievances in the subject matter of the case.

DONE THIS 27TH DAY OF NOVEMBER, 2013

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

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

HOLDEN AT ABUJA, NIGERIA

SUIT NO: ECW/CCJ/APP/23/13

BETWEEN
MR. JUDE ELUEMUNO AZEKWOH .....**APPLICANT**

V.
1. FEDERAL REPUBLIC OF NIGERIA
2. NATIONAL JUDICIAL COUNCIL.....**DEFENDANTS**

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, Pursuant to Article 13 (6) of the Rules of the Community Court of Justice, ECOWAS that an Application **BETWEEN MR. JUDE ELUEMUNO AZEKWOH (APPLICANT) v. 1. FEDERAL REPUBLIC OF NIGERIA 2. NATIONAL JUDICIAL COUNCIL (DEFENDANTS)** was filed by the Applicant and registered by the Court on 9thday of December, 2013

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. **MR. JUDE ELUEMUNO AZEKWOH**
No 17, James Robertson Street
Surulere
Lagos – Nigeria
} ***APPLICANT***

b. **FEDERAL REPUBLIC OF NIGERIA**
C/o The Attorney General of the Federation
Federal Ministry of Justice
Abuja – Nigeria

c. **NATIONAL JUDICIAL COUNCIL**
Supreme Court Complex
Three Arms Zone
Abuja – Nigeria
} ***DEFENDANTS***

2. SUBJECT MATTER OF PROCEEDINGS

Violation of Fundamental Human Rights, pursuant to Article 3, 7, and 13 of the African Charter on Human and Peoples' Rights.

3. ORDERS SOUGHT BY THE APPLICANT

a. A declaration that the Applicant 's right to equality before the law was violated when the Court of Appeal sitting in Benin City, Edo State of Nigeria, as agent of the 1st Defendant refused and/or neglected to hear the Appeal of the Applicant's election petition without any justifiable legal or factual ground.

b. A declaration that the Applicant's right as a Nigerian and ECOWAS citizen to have his cause heard at the appellate level of courts was violated and his fundamental right to fair hearing truncated by the refusal of the Court of Appeal in Suit No. CA/B/EPT/230/2011.

c. A declaration that the refusal and or failure of the 2nd Defendant to make directives or otherwise take steps to mitigate the breach of the Applicant's right at the Court of Appeal, Benin City Nigeria in Suit No. CA/B/EPT/230/2011 resulted in the continuing breach of the Applicant's right to fair hearing and freedom to participate in the Government of Nigeria.

d. A declaration that the 2nd Defendant's failure and or refusal to bring forth remedy upon the receipt of the Applicant's petitions dated 31st January 2012, 27th August 2012 and 20th September 2013 claiming that his appeal was struck out unjustly and is a continuing violation of his rights.

e. Ten Million US Dollars (US $10,000,000.00) against the 1st Defendant for the violation of the Applicant's fundamental rights.

4. SUMMARY OF PLEAS IN LAW

a. The Applicant submitted that pursuant to Articles 3, 7 and 13 of the African Charter on Human and Peoples' Rights, no citizen shall be excluded from participating in the Government of his country and also that fairness should be ensured in the administration of justice.

5. SUMMARY OF MAIN SUPPORTING ARGUMENTS

a. The Applicant alleges that in 2011, he contested for the Senate seat of the Delta North Senatorial Zone of Delta State of Nigeria and that his opponent, Dr. Arthur Ifeanyi Okowa at the election was wrongly returned. He alleges that he carried his complaint to Delta State Senatorial Election Tribunal sitting in Asaba, Delta State which struck out his petition because the pre-trial session of the Application was not brought by way of motion.

b. The Applicant avers that he appealed against the decision of the Election Tribunal on 18th August 2011 at the Court of Appeal, Benin City. He also avers that he was served his counterparts' documents on 26th of September 2011 and that the appeal was scheduled for 27th September, 2011. He further avers that the Court of Appeal Benin City refused to grant him the necessary three (3) days to file necessary documents in response to his counterparts' documents and struck out the case on the strength of his counterparts' documents. He claims that his counsel filed a motion to relist the Appeal within the time limit of 60 days, but the hearing date which was given to him for the Appeal was later than the 60 days which made the panel members unable to assume jurisdiction. Consequently, he avers that he reported the matter in a petition to the Chairman of the National Judicial Council on 31st January 2012 and another petition on 27th August 2012. He also avers that on 24th September 2013, he sent another petition dated 20th September, 2013, but claims that no action has been taken on his petitions and therefore claims that his stated rights under the African Charter have been violated.

DONE THIS 13ST DAY OF DECEMBER, 2013



TONY ANENE-MAIDOH
Chief Registrar
Community Court of Justice, ECOWAS
Abuja - Nigeria

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

HOLDEN AT ABUJA, NIGERIA

SUIT NO: ECW/CCJ/APP/24/13

BETWEEN
ALHAJI OBA AMASA .....**APPLICANTS**

V.
1. **ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)**
2. **ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) COMMISSION**
3. **THE PRESIDENT, ECOWAS COMMISSION, KADRE DESIRE OUEDRAOGO**
4. **DIRECTOR OF ADMINISTRATION ECOWAS COMMISSION MRS. HALIMA AHMED** .....**DEFENDANTS**

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, Pursuant to Article 13 (6) of the Rules of the Community Court of Justice, ECOWAS that an Application. **BETWEEN ALHAJI OBA AMASA (APPLICANT) v. (1). ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) (2). ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) COMMISSION (3). THE PRESIDENT, ECOWAS COMMISSION, KADRE DESIRE OUEDRAOGO (4). DIRECTOR OF ADMINISTRATION ECOWAS COMMISSION, MRS. HALIMA AHMED (DEFENDANTS)** was filed by the Applicant and registered by the Court on 9thday of December, 2013

1. NAMES AND ADDRESSES OF THE PARTIES
The names and addresses of the parties are as follows:

a. **Alhaji Oba Amasa**
c/o His counsel
Ola Olanipekun & Co (Prime Chambers)
5th Floor, Theodak House
Opp. National Hospital, Central Business Area
Abuja – Nigeria
} ***APPLICANT***

1. **Economic Community of West African States (ECOWAS)**
2. **Economic Community of West African States (ECOWAS) Commission**
3. **The President, ECOWAS Commission**
Kadre Desire Ouedraogo
4. **Director of Administration ECOWAS Commission**
Mrs. Halima Ahmed
c/o Economic Community of West African States,
ECOWAS Commission
101 Yakubu Gowon Crescent
Asokoro District
Abuja - Nigeria

} ***DEFENDANTS***

2. SUBJECT MATTER OF PROCEEDINGS

The Applicant claims the sum of N14,700,000 (Fourteen Million Seven Hundred Thousand Naira) only and 15% (fifteen percent) of the said sum being arrears of rent and breach of tenancy covenant(s) by the 1st & 2nd Defendants.

Also the 3rd to the 6th Defendants' failure/neglect and/or omission to approve and/or facilitate payment of the said sum.

3. ORDERS SOUGHT BY THE APPLICANT

a. A declaration that failure of the Defendants to pay the Applicant the sum of N14,700,000.00 (Fourteen Million Seven Hundred Thousand Naira) only being due for the tenancy years 2004/ 2005, 2005/2006, 2006/2007, 2007/2008 half year in respect of six number of 4-bedroom flats known and situate at Plot 307, Gabes Street, Wuse District, Abuja constitutes a gross breach of the covenant to pay rent imposed by the tenancy agreement entered into between the Applicant and the 1st Defendant.

b. The sum of N14,700,000.00 (Fourteen Million Seven Hundred Thousand Naira) only being arrears of rent owed the Applicant by the 1st Defendant for the tenancy years 2004/2005, 2005/2006, 2006/2007, 2007/2008 half year in respect of six number of 4-bedroom flats known and situate at Plot 307, Gabes Street, Wuse District, Abuja.

c. 15% interest on the sum of 14,700,00.00 (Fourteen Million Seven Hundred Thousand Naira) only.

d. The sum of N100,000.00 (One Hundred Million Naira) being damages for the violation of covenant to pay rent and for causing the Applicant great psychological trauma.

e. The sum of N5,000,000.00 (Five Million Naira) only being cost of prosecuting this suit.

4. SUMMARY OF PLEAS IN LAW

a. The Applicant relies on the maxim *pacta sun savenda,* to submit that agreements are meant to be kept and so the Defendants are under an obligation to keep or ensure that covenants in the tenancy agreement between the Applicant and 1st Defendant especially the covenant to pay rent is complied with.

b. The Applicant avers that the 2nd, 3rd, 4th 5th and 6th Defendants as Community Institutions and Officials of Community Institutions are liable for neglecting and/or omitting to approve, direct and ensure that the Applicant be paid the sum of N14,700,000.00 (Fourteen Million Seven Hundred Thousand Naira) and 15% interest on the said amount to him.

5. SUMMARY OF MAIN SUPPORTING ARGUMENTS

a. The Applicant contends that on the 23rd of March 1998, the Applicant and 1st Defendant entered into a tenancy agreement with him for a period of two years which expired on 24th March 2000 at a yearly rent of N450,000.00 per flat and N5,400,000.00 for six (6) flats over a period of two (2) years. He avers that upon expiration of the first 2 year term, the Applicant and the 1st Defendant renewed the tenancy agreement for a further term of two years from 23rd March 2000 to 23rd March 2002 at a revised rent of N6,000,000.00 (six flats) payable in advance.

b. The Applicant contends that again the 1st Defendant renewed the tenancy agreement upon the expiration of the second tenure another of two years which commenced on 24th March 2002 and expired on 24th March 2004 at the sum of N7,200,000.00 for the period and payable in advance.

c. The Applicant contends that upon the expiration of the third term of two (2) years the parties entered into an agreement to pay another term of two (2) years for N8,400,000.00 after review for the term and payable in advance. However, the 1st Defendant refused to pay the agreed rent based on a letter by the solicitors of Dr. Okwudili, who claimed that the property was the subject of litigation to which neither the Applicant nor any of the Defendants were parties. The 1st Defendant however, remained in the property as tenant and held full possession for the tenancy years of 2004/2005, 2005/2006, 2006/2007, 2007/2008 half year.

d. The Applicant claims that by a letter dated 13th March 2007, the 5th Defendant informed the Applicant about the 1st Defendant's intention to vacate the property and requested that the Applicant opens an escrow account to enable the 2nd Defendant pay the accrued rents for the tenancy years of 2004/2005, 2005/2006, 2006/2007, 2007/2008 half year the Applicant declined to open the escrow account and demanded for the arrears of rent accrued and due to him for the tenancy years of 2004/2005, 2005/2006, 2006/2007, 2007/2008 half year. Thereafter the Defendants paid N1,449,750.00 for terminal repairs falling under the responsibility of the Defendants.

e. The Applicant claims that his counsel by a letter dated 2nd August 2012 immediately communicated to the Defendants the following: that the High Court of Federal Capital Territory entered judgment in his favour; and that the sum of N14,700,000.00 being arrears of rent owed to the Applicant by the 1st Defendant for the tenancy of 2004/2005, 2005/2006, 2006/2007, 2007/2008 half year be paid or give an explanation for the failure to do so. He contends that five (5) months later the Applicant reminded the Defendants of his demand and that the 3rd Defendant is aware of his demand.

f. He further contends that the 4th Defendant is the Chief Executive Officer of the 2nd Defendant who coordinates the activities of all the institutions of the 1st Defendant and as the legal representative of ECOWAS Institutions he has refused to approve or direct the payment of the Applicant's money.

g. He added that in pursuance of the money owed him he has spent N5,000,000.00 on legal advice, follow up with Defendants, mileage, incidental expenses, professional fees, general cognate advocacy and processing documents. He therefore brought his claim to this Court.

DONE THIS 13th DAY OF DECEMBER, 2013



TONY ANENE-MAIDOH
Chief Registrar
Community Court of Justice, ECOWAS
Abuja - Nigeria

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

HOLDEN AT ABUJA, NIGERIA

SUIT NO: ECW/CCJ/APP/25/13

BETWEEN
THE HEIRS OF IBRAHIM MAINASSARA BARE.....**APPLICANT**

V.
REPUBLIC OF NIGER.....**DEFENDANT**

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, Pursuant to Article 13 (6) of the Rules of the Community Court of Justice, ECOWAS that an Application **BETWEEN THE HEIRS OF IBRAHIM MAINASSARA BARE** *(APPLICANT)* **v. REPUBLIC OF NIGER** *(DEFENDANT)* was filed by the Applicant and registered by the Court on 12th day of December, 2013

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. THE HEIRS OF IBRAHIM MAÏNASSARA BARE
Represented by Abdourahaman (Esq.), Lawyer registered with the Court, 170, Rue YN 154, Yantala Haut, B.P. 10417, Niamey, Republic of Niger.
Tel: (227) 20 35 07 85; Fax: (227) 20 35 07 86; Cel: (227(90 43 38 37;
E-mail: abderchaibou@yahoo.fr; chaibouabder@gmail.com
APPLICANT

c. THE REPUBLIC OF TOGO
Represented by the Judicial Officer,
office of the Secretary to the Government,
Government House of Niger Republic.
DEFENDANT

2. SUBJECT MATTER OF PROCEEDINGS

It is requested from the Court:

- To sanction the Republic of Niger for violating the provisions the African Charter on Human and Peoples' Rights, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR).
- To order the Republic of Niger to take all necessary measures to identify and punish the authors, co-authors and accomplices in the assassination of President Ibrahim Maïnassara BARE on 9th April 1999;
- To order the Republic of Niger to take all necessary measures that could enable the Applicant and the families of other victims to enjoy their right to a just and equitable reparation for the different prejudices that they suffered.

3. APPLICANT'S CLAIM

Applicant claims that the late Ibrahim Maïnassara BARE was assassinated by the Presidential Guard Army Commandant Daouda MALAM WANKE and other Officers under him on 9th April 1999. On that fateful day, the President was billed to make an official visit to some refugees at Inates (the border with Mali). They aver that according to the plan mapped out by the assasins, the Presidential plane was to be hit either at take-off in Niamey, or landing at Inates. They further claim that, those who were behind the assassination, killed the President when he was inspecting the presidential honours, mounted by the Presidential guards, before take-off, at the airport. Applicants claim that Army Commandant Daouda MALAM WANKE and his troops abandoned the corpse on the place of the assassination with three of his body gurads.

Applicant avers that they lodged a complaint against the assasination, before the State Prosecutor, on 27th May 1999. But, according to their submission, the Gendarmerie did not carry out thorough investigations, as could be read from the minutes of proceedings No. 590 and others, dated 6th August 1999. Applicants claim that the investigations did not last more than two days.

In their submissions, the leader of the coup-d'etat, Daouda Mala Wanké, who rose to the rank of Squadron Leader, having become Head of State, promulgated Decree No. 99-320 of 9th August 1999, which ushered in the Constitution of the 5th Republic which, in its Article 141, provides thus 'A general amnesty is hereby granted to the authors of the 27th January 1996 and 9th April 1999 coup d'etat'.

Furthermore, Applicant claims that all exhibits and persons that could provide proof for the assassination were neglected by the investigators; the film of the assassination, directed by the national Television was not taken into consideration and all the persons, who were witnesses to the assassination, were not interviewed.

According to them, the tribunal in Niamey struck out their complaint, on the strength of the Amnesty that was granted the perpetrators of the assassination, and provided for in the Constitution. The other complaints lodged by them were equally not successful, for the same reasons.

In support of their grievances against the Republic of Niger, Applicant invoke the violation of the provisions of the following instruments: paragraphs g of Article 4 of the ECOWAS Revised Treaty, Articles 1, 3 4, 5 and 7 paragraph 1 (a) of the African Charter on Human and Peoples' Rights, Articles 3, 5 and 8 of the Universal Declaration of Human Rights, paragraph 1, 3 (a) and (c) of Article 2, paragraph 1 of Article 6 of the International Covenant on Civil and Political Rights (ICCPR).

Ainsi de tout ce qui precede, les requerantsont formule aupres de la Cour, les reclamations specifies dans l'objet de la requite ci-dessus indique.

DONE THIS 16st DAY OF JANUARY 2014

TONY ANENE-MAIDOH
Chief Registrar
Community Court of Justice, ECOWAS
Abuja - Nigeria

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

HOLDEN AT ABUJA, NIGERIA

SUIT NO: ECW/CCJ/APP/26/13

BETWEEN

1. THE REGISTERED TRUSTEES OF JAMA'A FOUNDATION
2. ALHAJI SULEIMAN AHMED
3. ALHAJI MUHAMMED ZANLANI **APPLICANTS**
4. MALLAM SALE WAZIRI
5. WADA BALARABE
6. YAKUBU YUNUSA

(FOR THEMSELVES AND ALL MUSLIM MEMBERS OF SOUTHERN KADUNA, IN KADUNA STATE OF NIGERIA WHOSE LIVES AND PROPERTIES WERE AFFECTED BY THE ETHNO-RELIGIOUS CLEANSING OF 18TH AND 19TH APRIL 2011)

V.

1. THE FEDERAL REPUBLIC OF NIGERIA
2. ATTORNEY GENERAL OF THE FEDERATION AND MINISTER OF JUSTICE **DEFENDANTS**

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, Pursuant to Article 13 (6) of the Rules of the Community Court of Justice, ECOWAS that an Application **BETWEEN 1. THE REGISTERED TRUSTEES OF JAMA'A FOUNDATION 2. ALHAJI SULEIMAN AHMED 3. ALHAJI MUHAMMED ZAILANI 4. MALLAM SALE WAZIRI 5. WADA BALARABE 6. YAKUBU YUNUSA (APPLICANTS) v. 1. FEDERAL REPUBLIC OF NIGERIA 2. ATTORNEY GENERAL OF THE FEDERATION AND MINISTER OF JUSTICE (DEFENDANTS)** was filed by the Applicant and registered by the Court on 6th day of November, 2013

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

1. THE REGISTERED TRUSTEES OF JAMA'A FOUNDATION
2. ALHAJI SULEIMAN AHMED
3. ALHAJI MUHAMMED ZANLANI
4. MALLAM SALE WAZIRI
5. WADA BALARABE
6. YAKUBU YUNUSA

APPLICANTS

(FOR THEMSELVES AND ALL MUSLIM MEMBERS OF SOUTHERN KADUNA, IN KADUNA STATE OF NIGERIA WHOSE LIVES AND PROPERTIES WERE AFFECTED BY THE ETHNO-RELIGIOUS CLEANSING OF 18TH AND 19TH APRIL 2011)

1. THE FEDERAL REPUBLIC OF NIGERIA

2. ATTORNEY GENERAL OF THE FEDERATION AND MINISTER OF JUSTICE
C/O Their Counsel
Abdulfatah A. Bello Esquire
Shaka, Bello & Co, Suite 109 Plot 855 Tafawa Balewa Way
Danyadado House, Area 11, Garki Abuja

DEFENDANTS

2. SUBJECT MATTER OF PROCEEDINGS

The sustained violations of the Applicants and all members of their community's human rights to life; to sanity and integrity of human person; to equal protection of the law, and violation of the applicants and all members of their community's right to basic enjoyment of economic and social rights.

3. ORDERS SOUGHT BY THE APPLICANT

a. A Declaration that the failure of the Defendants, their servants, agents and privies to provide adequate and timely security for the Applicants lives and properties before, during and after the April 2011 Presidential Election is unlawful as it constitutes a violation of Nigeria's International Human Rights obligations and commitments to respect, promote and ensure the right to life.

b. A Declaration that the failure by the Defendants, their servants, agents and privies to promptly and effectively investigate and bring to justice those suspected to have been responsible for the mayhem that led to the pogrom which led to the brutal killing of over 800 (Eight Hundred) members of their community and displacement of over 60,000 (Sixty Thousand) others is unlawful as it violates the rights to life, right to security , right to dignity of human persons and equal protection of the law.

c. A Declaration that the Applicants have rights to National and International right to effective and adequate remedy for the pogrom perpetuated against them while the Respondents, their servant, agents and privies abdicate their duty to promptly and effectively investigate and bring to justice those suspected to have been responsible as recommended by the investigative panel of the respondents and as accepted by them in their white paper, as recognized by the African Charter of Human and Peoples' Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

d. A Declaration that the continuous refusal and failure of the Defendants to implement the recommendations of the Sheikh Lemu's Panel, as they affect the Applicants, the panel which the Respondents set up and upon which it has released a white paper accepting the panel recommendations, is continuous violation of the Applicants' human rights as recognized by the African Charter of Human and Peoples' Rights, the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights.

e. An Order directing the Defendants, their servants, agents and privies to respect, protect, promote, fulfill and ensure the right of the Applicants and all members of their community to life and sanctity of human person; to dignity and security of the human person; and other internationally recognized human rights.

f. An Order directing the Defendants to establish forthwith, within the Kafanchan Area, a military base to complement a well and fully equipped police base with sufficient service personnel to forestall further occurrence of similar wanton destruction of lives and properties in the community and its environ.

g. An Order directing the Defendants and/or their servants, agent or privies to implement the recommendations of the Sheikh Lemu Panel, as it affects the Applicants, the panel which the Respondent set up and upon whose recommendations the Respondents has released a white paper.

h. An Order directing the Defendants and/or their servants, agents or privies to pay adequate monetary compensation of N105,006,204,016.00 (One Hundred and Five Billion, Sixty-Six Million, Two Hundred and Four Thousand, Sixteen Naira) only as outlined in the application.

4. SUMMARY OF PLEAS IN LAW

a. The Applicants rely on Article 4 of the Revised Treaty of ECOWAS 1993; Articles 1, 2, 3, 4 and 5 of the African Charter of Human and Peoples' Rights; Articles 2, 3, 8, 12 and 25 of the Universal Declaration of Human Rights (1948); Articles2, 3, 6 and 26 of the International Covenant on Civil and Political Rights; Articles 2, 3, 8, 12 and 25 of the Universal Declaration of Human Rights; Article 2, 3, 6 and 26 of the International Covenant on Civil and Political Rights; Articles 2, 3, 5, 10, 11 and 12 of International Economic, Social and Cultural Rights to invoke the jurisdiction of the Court.

5. SUMMARY OF MAIN SUPPORTING ARGUMENTS

a. The Applicant who are predominantly Muslim by religion and mostly Hausa/Fulani by tribe have been living in southern parts of Kaduna State of Nigeria since about 1810AD.

b. The Applicant alleges that the aftermath of the election of the present Government, on the 18th and 19th April 2011, the youth in southern Kaduna mounted simultaneous illegal road blocks all over the towns, namely Mararaba Rido, Zonkwa, Madakiya, Matsirga, Kagoro, Angwan Rimi, Gigan Maga, Sabon Sarki, Zako, Kafanchan, etc and around almost all the Fulani settlements around Jama'a Kaura, Jaba and Zangon-Kataf government areas.

c. The Applicants allege that while efforts were made to persuade the youth to put down their arms in Zonkwa, a lorry carrying farm yields drove into town and after passing an illegal check point mounted by the indigenous youth. The driver noticed the tension in Zonkwa and drove to the Mosque where he parked the lorry. In response, the indigenous youth set the lorry ablaze and burnt down the Mosque. They proceeded to burn shops owned by Muslims in the community. Thereafter, they looted and burnt down houses, vehicles, household equipment, as well as livestock; they killed the Muslim men and raped the women and girls.

d. The Applicants allege that the Nigerian Police Force did not assist them when they were under siege instead corroborated with the perpetrators of these crimes against them. They also allege that on the 19th of April 2011. When the soldiers arrived, they discovered that there were illegal road blocks mounted by the indigenous youth at about every 200 meters leading to Kafanchan town. They soldier found so much resistance that they had to call for reinforcement.

e. The Applicants claim that despite the warnings of the impeding pogrom there was no arrangement to forestall the attacks and thereafter the perpetrators of these heinous crimes were never prosecuted. However, the Applicants allege that on 11th June 2011, the Soldiers returned to the houses of the survivors to search for weapons.

f. The Applicants allege that the 1st Defendant set up a Presidential Judicial Panel of Investigation into the post Presidential Election of 16th April 2011 and the Kaduna State government also set up a Judicial Commission of Inquiry both of which have the mandate among others, to look into the riot that engulfed some part of Nigeria after the presidential Election of 16th April 2011.

g. The Applicants also allege that the White Paper on recommendations from the panels never saw the light of day. Consequently, they had previously approached the court through an application for the enforcement of their human rights in Suit No: ECW/CCJ/APP/27/11, where the Court stated that investigations were still on-going within a reasonable time frame and was premature, and so declared the case inadmissible at the time.

h. The Applicants further allege that the Defendants upon accepting the recommendations of their panels have compensated others by releasing N5.7 billion (Five Billion, Seven Hundred Million Naira) to nine of the affected States in Nigeria but have refused to do so for the Applicants.

i. The Applicants therefore reiterate that these human right abuses and their continuous sustenance by the Defendants is a gross violation of their human rights.

DONE THIS 16th DAY OF JANUARY, 2014



TONY ANENE-MAIDOH
Chief Registrar
Community Court of Justice, ECOWAS
Abuja - Nigeria

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

HOLDEN AT ABUJA, NIGERIA

NOTICE OF REGISTRATION OF APPLICATIONS

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SUIT NO: ECW/CCJ/APP/16/13 **5**

BETWEEN
MR. ELI HAGGAR, BOUBACAR KANFIDENI
AND 165 OTHER FORMER EMPLOYEE OF SONIDEP *(APPLICANTS)*
V.
1. SOCIETE NIGERIENNE DES PRODUITS PETROLIERS (SONIDEP)
2. REPUBLIC OF NIGER } *DEFENDANTS*

SUIT NO: ECW/CCJ/APP/17/13 **7**

BETWEEN
THE HEIRS OF DOUTI SINALENGUE *(APPLICANTS)*
V.
REPUBLIC OF TOGO *(DEFENDANT)*

SUIT NO: ECW/CCJ/APP/18/13 **9**

BETWEEN
1. Djelou Kodjovi AGBELENGO (Esq.),
2. Mr. Akumani Koffi AMETOWOYONA
3. Mrs. Alipui Ablavi SENYIEDJO } *APPLICANTS*
V.
REPUBLIC OF TOGO *(DEFENDANT)*

SUIT NO: ECW/CCJ/APP/19/13 **11**

BETWEEN
MR. ELI HAGGARMI *(APPLICANT)*
V.
REPUBLIC OF NIGER *(DEFENDANT)*

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