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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/01/14 — 5

BETWEEN

1. **MR. KAGBARA BASSABI**
2. **MRS. BABALÉ PHILOMÈNE KAGBARA**

} *APPLICANTS*

v.

1. **THE REPUBLIC OF TOGO**
2. **MINISTRY OF LABOUR AND PRODUCTIVITY**
3. **CAISSE NATIONALE DE SÉCURITÉ SOCIALE (CNSS)**

} *DEFENDANTS*

SUIT NO: ECW/CCJ/APP/02/14 — 7

BETWEEN

1. **INCORPORATED TRUSTEES OF FISCAL AND CIVIC RIGHT ENLIGHTENMENT FOUNDATION**
for and on behalf of families of the persons shot dead by the officers and men of the 2nd and 3rd DEFENDANTS who are enumerated on the face of the application as follows: — 9

a. **NURA ABDULLAHI**
b. **ASHIRU MUSA**
c. **ABDULLAHI MANMAN**
d. **BUHARI IBRAHIM**
e. **SULEIMAN IBRAHIM**
f. **MUSA YOBE**
g. **AHMADU MUSA**
h. **NASIRU ADAMU**

2. **MUTTAKA ABUBAKAR**
3. **SANI ABDULRAHMAN**
4. **NUHU IBRAHIM**
5. **IBRAHIM MOHAMMED**
6. **IBRAHIM ALIYU**
7. **YAHAYA BELLO**
8. **ABUBAKAR AUWAL**
9. **YUSUF ABUBAKAR**
10. **IBRAHIM BALA**
11. **MURTALA SALIHU**
12. **SANI USMAN**

} *APPLICANTS*

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1. **GOVERNMENT OF THE FEDERAL REPUBLIC OF NIGERIA**
2. **NIGERIAN ARMY**
3. **THE DEPARTMENT OF STATE SECURITY SERVICES**

} *DEFENDANTS*

(Published: November 10, 2014)

SUIT NO: ECW/CCJ/APP/03/14

BETWEEN
OBIOMA C. O. OGUKWE *(APPLICANT)*

V.
REPUBLIC OF GHANA *(DEFENDANT)*

SUIT NO: ECW/CCJ/APP/04/14

BETWEEN
1. MISS. AZALI ABLA
2. MRS. EGOU CAROLE } *APPLICANTS*

V.
THE REPUBLIC OF BENIN *(DEFENDANT)*

SUIT NO: ECW/CCJ/APP/05/14

BETWEEN
MR. SILUE TIAGNIGUE *(APPLICANT)*

V.
THE REPUBLIC OF COTE D'IVOIRE *(DEFENDANT)*

SUIT NO: ECW/CCJ/APP/06/14

BETWEEN:
1. HANS CAPEHART WILLIAMS SR
2. MARDIA PAYKUE WILLIAMS } *APPLICANTS*

V.
1. REPUBLIC OF LIBERIA
2. REPUBLIC OF GHANA
3. ATTORNEY GENERAL OF THE REPUBLIC OF LIBERIA
4. ATTORNEY GENERAL OF THE REPUBLIC OF GHANA
5. PROFESSOR DR. JOSEFA JAMENEZ HERNANDEZ
(On her own behalf, and the Management of Police Hospital Accra-Ghana)
} *DEFENDANTS*

SUIT NO: ECW/CCJ/APP/07/14

BETWEEN
MR. JUSTICE ALLAN BAAMI HALLOWAY *(APPLICANT)*

V.
1. THE REPUBLIC OF SIERRA LEONE
2. THE ATTORNEY-GENERAL & JUSTICE OF THE REPUBLIC OF SIERRA LEONE } *DEFENDANTS*

SUIT: ECW/CCJ/APP/08/14

BETWEEN
ALHAJI (DR) MAN M.B. JOOF *(APPLICANT)*

V.
1. THE PRESIDENT OF THE ECOWAS COMMISSION
2. ECOWAS COMMISSION } *DEFENDANTS*

SUIT No: ECW/CCJ/APP/09/14 **27**

BETWEEN:
KHADIJATU BANGURA, PATRICK D.T. FREEMAN, SIDIQUE SILLAH, SAMUEL TURAY, MRS. GLADYS SAWYER and 175 other former Employees of Sierra National Airlines } *APPLICANTS*

V.
REPUBLIC OF SIERRA LEONE
SIERRA NATIONAL AIRLINES
(A government owned company currently in liquidation) } *DEFENDANTS*

SUIT NO: ECW/CCJ/APP/10/14

BETWEEN
1. DR. SAM EMEKA UKAEGBU & 7 ORS *(APPLICANTS)*

V.
1. **PRESIDENT, FEDERAL REPUBLIC OF NIGERIA**
2. **FEDERAL GOVERNMENT OF NIGERIA**
3. **MINISTRY OF DEFENCE**
4. **R. S. B. HOLDINGS NIGERIA LIMITED**
5. **DEMINERS CONCEPT NIG. LTD.**
6. **ATTORNEY-GENERAL OF THE FEDERATION**
7. **STATE SECURITY SERVICE (SSS)**

} *DEFENDANTS*

SUIT NO: ECW/CCJ/APP/11/14

BETWEEN
1. PLACID IHEKWOABA & 19 ORS *(APPLICANTS)*

V.
1. **PRESIDENT, FEDERAL REPUBLIC OF NIGERIA**
2. **FEDERAL GOVERNMENT OF NIGERIA**
3. **MINISTRY OF DEFENCE**
4. **R. S. B. HOLDINGS NIGERIA LIMITED**
5. **ATTORNEY-GENERAL OF THE FEDERATION**
6. **DEMINERS CONCEPT NIG. LTD.**
7. **STATE SECURITY SERVICE (SSS)**

} *DEFENDANTS*

SUIT NO: ECW/CCJ/APP/12/14

BETWEEN
DR. MALACHI Z. YORK *(APPLICANT)*

V.
THE REPUBLIC OF LIBERIA *(DEFENDANT)*

SUIT NO: ECW/CCJ/APP/13/14

BETWEEN
1. CHIEF DAMIAN ONWUHAM (ALABEKEE) & 22 ORS } *APPLICANTS*

V.
1. **FEDERAL GOVERNMENT OF NIGERIA**
2. **IMO STATE GOVERNMENT**

} *DEFENDANTS*

SUIT NO: ECW/CCJ/APP/14/14

BETWEEN
SOCIÉTÉ AGRILAND *(APPLICANT)*

V.
THE REPUBLIC OF COTE D'IVOIRE *(DEFENDANT)*

SUIT NO: ECW/CCJ/APP/15/14

BETWEEN
1. GNASSINGBE KPATCHA
2. SEIDOU OUGBAKITI
3. GNASSINGBÉ ESSOZIMNA
4. ATTA ABI
5. TCHINGUILOU SOUDOU
6. DONTEMA KOKOU TCHAA
7. SASSOU EFOÉ SASSOUVI
} *APPLICANTS*

V.
THE REPUBLIC OF TOGO *(DEFENDANT)*

SUIT NO: ECW/CCJ/APP/16/14

BETWEEN
BODJONA AKOUSSOULÈLOU PASCAL *(APPLICANT)*

V.
THE REPUBLIC OF TOGO *(DEFENDANT)*

SUIT NO: ECW/CCJ/APP/17/14

BETWEEN:
1. DOROTHY CHIOMA NJEMANZE
2. EDU ENE OROKO
3. JUSTINA ETIM
4. AMARACHI JESSYFORD
} *APPLICANTS*

V.
THE FEDERAL REPUBLIC OF NIGERIA *(DEFENDANT)*

SUIT NO: ECW/CCJ/APP/18/14

BETWEEN
1. MAINU HAMDALLAHI ISLAMIC CENTER LIMITED
2. ALHAJI MOHAMMED ABUBAKAR
3. MALLAM MUSA HAMZA
} *APPLICANTS*

V.
1. ATTORNEY GENERAL OF NIGER STATE
2. ATTORNEY GENERAL OF THE FEDERAL REPUBLIC OF NIGERIA
3. HRH ENGR. UMAR TAFIDA BAGO III (CON), ETSU OF LAPAI
} *DEFENDANTS*

SUIT NO: ECW/CCJ/APP/19/14

BETWEEN

1. TIDJANI ABDOULKARIM
2. AMADOU ALI DJIBO
3. SAIDOU BAKARI
4. BOUBACAR MOSSI } *APPLICANTS*

V.

THE REPUBLIC OF NIGER *(DEFENDANT)*

SUIT NO: ECW/CCJ/APP/20/14

BETWEEN

AMOUSSOU GEORGES CONSTANT *(APPLICANT)*

V.

THE REPUBLIC OF BENIN *(DEFENDANT)*

SUIT NO: ECW/CCJ/APP/21/14

BETWEEN

VICTIMES DES VIOLATIONS DES DROITS DE L'HOMME DE SAORO *(APPLICANTS)*

V.

1. THE REPUBLIC OF GUINEA
2. LA SOCIETE GUINEENNE DE PALMIER A HUILE ET D'HEVEA (SOGUIPAH) } *DEFENDANTS*

SUIT NO: ECW/CCJ/APP/22/14

BETWEEN

1. LES ETABLISSEMENTS VAMO
2. MR KUEKIA PASCAL } *APPLICANTS*

V.

THE REPUBLIC OF BENIN *(DEFENDANT)*

SUIT NO: ECW/CCJ/APP/23/14

BETWEEN

ALTERNATIVE CITOYENNE & ROCH GNAHOUI DAVID *(APPLICANTS)*

V.

THE REPUBLIC OF BENIN *(DEFENDANT)*

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

HOLDEN AT ABUJA, NIGERIA.

SUIT NO: ECW/CCJ/APP/01/14

BETWEEN

1. MR. KAGBARA BASSABI
2. MRS. BABALÉ PHILOMÈNE KAGBARA } ***APPLICANTS***

v.

1. THE REPUBLIC OF TOGO
2. MINISTRY OF LABOUR AND PRODUCTIVITY
3. CAISSE NATIONALE DE SÉCURITÉ SOCIALE (CNSS) } ***DEFENDANTS***

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, Pursuant to Article 13 (6) of the Rules of Community Court of Justice, ECOWAS that an Application **BETWEEN 1.MR. KAGBARA BASSABI 2. MRS. BABALE PHILIMONE KAGBARA (APPLICANTS)** v. **1. THE REPUBLIC OF TOGO 2. MINISTRY OF LABOUR AND PRODUCTIVITY 3. CAISSE NATIONALE DE SÉCURITÉ SOCIALE (CNSS) (DEFENDANTS)** was filed by the Applicants and registered by the Court on 17th February, 2014.

I NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

1. MR. KAGBARA BASSABI

2. MRS. BABALÉ PHILOMÈNE KAGBARA
Whose Counsel is Jil-Benoît Kossi AFANGBEDJI (Esq.), Lawyer registered with the Court, whose address is 99, Rue de l'entente non loin du Festival des glaces (ancien restaurant la pirogue), P.B. : 12250, Tél. 22 20 64 40, Lomé-TOGO, Email: cabinetafangbedji@yahoo.com;

} **APPLICANTS**

3. THE REPUBLIC OF TOGO — **1ST DEFENDANT**
whose address is at Lomé, au Palais de la Présidence, 2, Avenue du Général de GAULLE, Lomé-Togo, taken in the person of its Legal Representative, Hon. Minister of Justice, and Minister in charge of Inter-Governmental Affairs, living and residing in Lomé, Rue de l'Entente ;

4. MINISTRY OF LABOUR AND PRODUCTIVITY — **2ND DEFENDANT**
in Lomé, taken in the person of the Hon. Minister of Labour and Productivity, living and residing in Lomé, at the said Ministry

5. CAISSE NATIONALE DE SÉCURITÉ SOCIALE (CNSS) — **3RD DEFENDANT**
whose address is at Lomé, taken in the Person of its Director General, living and residing in Lomé, at the said address.

II. SUBJECT MATTER OF THE PROCEEDINGS

Applicants urge the Court :

- To note the different violations of their human rights;
- To order the Defendants to refund Mr. Kagbara BASSABI the sum of 400,000 cfa Francs, with interest, representing the deposit that Mr. Kagbara BASSABI paid in respect of the purchase of a house on hire purchase, and which has been in the Caisse Nationale de Sécurité Sociale (CNSS)'s possession since 1978;
- To order the Republic of Togo:

    1) To pay each of the Applicants (Mr. Kagbara BASSABI and Mrs. Babalé Philomène Kagbara) the sum of 600, 000 CFA Francs for infringing on their right to own property;

    2) To pay Mr. Kagbara BASSABI the sum of 500,000,000 CFA Francs for the arbitrary arrest and detention effected on his person;

    3) To pay Mr. Kagbara BASSABI the sum of 300,000,000 CFA Francs, for infringing upon his honour and reputation, owing to the arbitrary arrest and detention effected on his person;

    4) To pay Mr. Kagbara BASSABI the sum of 300,000,000 CFA Francs for violating his right to have gainful employment, owing to his forceful retirement;

    5) To pay Mr. Kagbara BASSABI such an amount (2 months' salary) covering the period of his arbitrary detention, and such an amount (12 months' salary) a period over which he continued teaching at the then Université du Bénin.

III. ORDERS SOUGHT BY APPLICANTS

The orders sought by Applicants are to do justice to those as contained in the subject – matter of the Application, as enumerated above.

IV. SUMMARY OF THE PLEAS-IN-LAW

a. Applicants hold grievances against Defendants on the grounds that Defendants have violated their right to own property, this right as enshrined under Article 27(1) of the TOGO Constitution of 14th October 1992, Article 17 of the Universal Declaration of Human Rights of 10 December 1948, and Article 14 of the African Charter on Human and Peoples' Rights of 27th June, 1981.

b. Applicant Kagbara BASSABI alleges that he was arbitrarily arrested and detained, in flagrant violation of Article 15 (1) of the Togo Constitution of 14th October 1992, Article 9 of the Universal Declaration of Human Rights of 10th December, 1948, Article 9(4) of the International Covenant on Civil and Political Rights of 16th December, 1966 and Article 6 of the African Charter on Human and Peoples' Rights of 27th June, 1981.

c. Defendants infringed upon the honour and reputation of Mr. Kagbara BASSABI, in violation of Article 28 (3) of the Togo Constitution of 14 October 1992, Article 12 of the Universal Declaration of Human Rights of 10th December, 1948 and Article 17 of the International Covenant on Civil and Political Rights of 16th December, 1966

d. Applicant claims that his right to have a gainful employment was violated, by the disregard that Defendant had for the provisions of Article 37 (1) of the Togo Constitution of 14th October, 1992, Article 23(1) of the Universal Declaration of Human Rights of 10th December, 1948 and Article 15 of the Africa Charter on Human and Peoples' Rights of 27th June, 1981.

III. ARGUMENTS BY APPLICANTS

a. Applicants claim that they were denied their right of ownership over the two modern houses that they had bought on hire purchase terms from the Caisse Nationale de Sécurité Sociale (C.N.S.S.), just like other Togolese citizens. The two houses were seized from them, whereas they have been making the installmental payments on their purchase; they did everything to have their right of ownership over the two houses, but to no avail, while the Caisse Nationale de Sécurité Sociale (C.N.S.S.) continues to exploit them.

b. Having been arbitrarily arrested and detained on 4 November 1978, without committing any offence, and having regained his freedom on 4th March 1979, for lack of any serious incriminating evidence against him, he claims that his honour and reputation were violated, in all illegality; Applicant was forcefully retired with effect from 1st July, 1989 via Order N° 0411/MTFP of 25 May 1989 from the Ministry of Labour and Productivity of Togo. This situation prevented Applicant from earning salaries for many months.

DONE IN ABUJA, THIS 21ST DAY OF FEBRUARY, 2014

SIGNED:

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

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

HOLDEN AT ABUJA, NIGERIA.

SUIT NO: ECW/CCJ/APP/02/14

BETWEEN

1. INCORPORATED TRUSTEES OF FISCAL AND CIVIC RIGHTS ENLIGHTENMENT FOUNDATION
for and on behalf of families of the persons shot dead by the officers and men of the 2nd and 3rd DEFENDANTS who are enumerated on the face of the application as follows:
a. **NURA ABDULLAHI**
b. ASHIRU MUSA
c. ABDULLAHI MANMAN
d. BUHARI IBRAHIM
e. SULEIMAN IBRAHIM
f. MUSA YOBE
g. AHMADU MUSA
h. NASIRU ADAMU

2. MUTTAKA ABUBAKAR
3. SANI ABDULRAHMAN
4. NUHU IBRAHIM
5. IBRAHIM MOHAMMED
6. IBRAHIM ALIYU
7. YAHAYA BELLO
8. ABUBAKAR AUWAL
9. YUSUF ABUBAKAR
10. IBRAHIM BALA
11. MURTALA SALIHU
12. SANI USMAN

APPLICANTS

AND

1. GOVERNMENT OF THE FEDERAL REPUBLIC OF NIGERIA
2. NIGERIAN ARMY
3. THE DEPARTMENT OF STATE SECURITY SERVICES

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) INCORPORATED TRUSTEES OF FISCAL AND CIVIC RIGHTS ENLIGHTENMENT FOUNDATION & 11 ORS (**Applicants) and **(1) GOVERNMENT OF THE FEDERAL REPUBLIC OF NIGERIA (2) NIGERIAN ARMY (3) THE DEPARTMENT OF STATE SECURITY SERVICES (**Defendants) was filed by the Applicants and registered by the Court on 19TH day of February, 2014.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of parties are as follows:

a. INCORPORATED TRUSTEES OF FISCAL AND CIVIC RIGHTS ENLIGHTENMENT FOUNDATION
No 17 Aba Close Off Lokoja Street,
off Ogbomosho Street Area 8 Abuja

b. MUTTAKA ABUBAKAR
C/o Madyan Legal Consult Abuja

c. SANI ABDULRAHAM
C/o Madyan Legal Consult Abuja

d. NUHU IBRAHIM
C/o Madyan Legal Consult Abuja

e. IBRAHIM MOHAMMED
C/o Madyan Legal Consult Abuja

f. IBRAHIM ALIYU
C/o Madyan Legal Consult Abuja

g. YAHAYA BELLO
C/o Madyan Legal Consult Abuja

h. ABUBAKAR AUWAL
C/o Madyan Legal Consult Abuja

i. YUSUF ABUBAKAR
C/o Madyan Legal Consult Abuja

j. IBRAHIM BALA
C/o Madyan Legal Consult Abuja

k. MURTALA SALIHU
C/o Madyan Legal Consult Abuja

l. SANI USMAN
C/o Madyan Legal Consult Abuja

APPLICANTS

m. GOVERNMENT OF THE FEDERAL REPUBLIC OF NIGERIA
c/o Honourable Attorney General of the Federation
Ministry of Justice
Abuja

n. THE NIGERIA ARMY
c/o Office of The Chief of Army Staff;
Army Head Quarters
Area 8,
Garki Abuja

o. DEPARTMENT OF STATE SECURITY SERVICES
c/o Office of the Director General
Department of State Security Service
Yellow House
Three Arm Zone
Abuja

DEFENDANTS

2. SUBJECT MATTER OF THE PROCEEDINGS

a) The violation of the fundamental human rights of the Applicants by the 2nd and 3rd Defendants during a raid of the uncompleted building situate at Aderemi Adesoji Crescent Apo Zone E in the Federal Capital Territory of the Federal Republic of Nigeria.

b) The failure of the Legislative arm of the 1st Defendant to direct the 1st Defendant to pay compensation to the Applicants after having conducted investigation into the alleged violation.

3. ORDERS SOUGHT BY THE APPLICANTS

a) A DECLARATION that the Applicants as law abiding citizens of the 1st Defendant are entitled to right to life , freedom of movement , freedom of association, right to human dignity, right to integrity of theirs and the right to the security of their persons.

b) A DECLARATION that the shooting of the Applicants by the officers and Men of the 2nd and 3rd Defendants on September 20th 2013 while the 2nd and 3rd Defendants were raiding a supposed Boko Haram Camp thereby causing death and /or permanent bodily injuries to the Applicants constitute a flagrant abuse of the Applicants' Fundamental Human Rights to life; dignity of human person, integrity and security of their person, as guaranteed under International laws under which this application is brought and are entitled to reparation and compensation for the infringement of those rights.

c) AN ORDER of this Honourable Court directing the Defendants to pay compensation to the families of the deceased and the surviving victims of the September 20th 2013 Apo killing.

d) AN ORDER that The sum of USD$100,000,000 (One Hundred Million United States Dollars Only) be paid to the families of each of the eight deceased victims

e) AN ORDER that the sum of USD$10,000,000 (Ten Million United States Dollars Only) be paid to each of the surviving Applicants who suffered injuries caused by bullet wounds permanently mutilating their body and robbing them of their ability to secure a dignified livelihood.

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f) AN ORDER of this Honourable Court directing the Defendants to settle the cost of this action as incurred by the Applicants.

4. SUMMARY OF PLEAS IN LAW

a) The violation of the Applicants human rights by the actions of the 2nd and 3rd Defendants is a contravention of Articles 4, 5 and 7 of the African Charter of Human and Peoples Right, resolutions 2, 3, 4, and 5 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and Articles 2 & 5 of the Code of Conduct for Law Enforcement Officials.

b) The 2nd and 3rd Defendants ought to use reasonable force in the execution of their operation and they are under obligation to use non-lethal force in incapacitating members of *Boko Haram* in the circumstances leading to this Application, with a view to increasingly restraining the application of means capable of causing death or injury to persons.

c) The 1st Defendant is a signatory to the United Nation's General Assembly Resolution 40/34 of November 29th 1985 on the Declaration of Basic Principles of Justice for the Victims of Crime and Abuse of Power.

5. SUMMARY OF MAIN SUPPORTING ARGUMENT

a) That the Constitution of the 1st Defendant prohibits the taking of life except in circumstances permitted by law through the use of reasonable force.

b) That under International law the use of firearms is considered an extreme measure. Therefore, effort should be made to exclude the use of firearms, especially against children. Firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender.

c) By the provisions of Article 3 of the Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, the 2nd and 3rd Defendants are under obligation to separate persons taking part in the hostilities from civilians and cater for them humanly in the event they are injured.

d) The 1st Defendant is under obligation to provide a remedy to the victims by virtue of its international obligations in respect of enforcement of Fundamental Right as contained in all the International Declarations, Treaties, Conventions and Resolutions under which this application is brought.

DATED THIS 26TH DAY OF FEBRUARY, 2014

SIGNED: 

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

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

HOLDEN AT ABUJA, NIGERIA.

SUIT NO: ECW/CCJ/APP/03/14

BETWEEN
OBIOMA C. O. OGUKWE _____ **APPLICANT**

V.
REPUBLIC OF GHANA _____ **DEFENDANT**

NOTICE OF APPLICATION 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 OBIOMA C. O. OGUKWE (APPLICANT) v. REPUBLIC OF GHANA (DEFENDANT)** was filed by the Applicant and registered by the Court on 20th day of February, 2014.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. OBIOMA C. O. OGUKWE
c/o Femi Falana's Chambers
Applicant's Solicitors
No 22 Mediterranean Street
Imani Estate
Maitama District
} *APPLICANT*

b. REPUBLIC OF GHANA
c/o Attorney General of the Federation
Ministry of Justice
Accra, Ghana.
} *DEFENDANT*

2. SUBJECT MATTER OF PROCEEDINGS

The violation of the human right to life.

3. ORDERS SOUGHT BY THE APPLICANT

a. A Declaration that the failure or refusal of the Defendant to investigate the killing of Master Austine Chukwuebuka Ogukwe is illegal as it violates Section 13 (1) of the 1992 Constitution of the Republic of Ghana and Articles 2, 3, 4, 5, 18 and 23 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act (CAP A9) Laws of the Federation of Nigeria 2004.

b. An Order directing the Defendant to investigate the killing of Late Master Austine Chukwuebuka Ogukwe, a student of Ideal College, Tema, aged 15 years and a Community citizen by some individuals in the Republic of Ghana through the Commission on Human Rights and Administrative Justice of Ghana.

c. An Order directing the Defendant to arrest and prosecute the individuals involved in the killing of Late Master Austine Chukwuebuka Ogukwe in the Republic of Ghana forthwith.

d. An Order directing the Defendant to pay the sum of $10 Million to the family of the deceased as compensation for the unlawful killing of their son Master Austine Chukwuebuka Ogukwe.

4. SUMMARY OF PLEAS IN LAW

a. The Applicant relies on Article 4 of the African Charter of Human and Peoples' Rights (Ratification and Enforcement) Act (CAP A9) LFN 2004; Section 13 (1) of the 1992 of the Constitution of Republic of Ghana; Article 6 of the International Covenant on Civil and Political Rights (ICCPR); Article 4 of the Revised Treaty of the Economic Community of West African States (ECOWAS) 1993; Articles 2, 3, 4, 5, 18 and 23 of the African Charter and Sections 12 and 13 (1) of the 1992 of the Constitution of Republic of Ghana.

b. The Applicant submits that a state party has an obligation to ensure that the victim has an effective remedy available for all victims of violations in the state and cited Mulezi v. Democratic Republic of Congo (2004) AHRLR 3; Sankara v. Burkina Faso (2006) AHRLR 23 (HRC 2006).

c. The Applicant further submits that victims of arbitrary killing are entitled to adequate compensation from the state where the violation was committed and cited Karaou v. Republic of Niger (2010) CCLR (PT 3).

5. SUMMARY OF MAIN SUPPORTING ARGUMENTS

a. The Applicant alleges that on 15th October 2013, his son, Late Master Austine Chukwuebuka Ogukwe was asked by his school housemaster to join other students out for road jogging; that the housemaster diverted the students to visit the Tema Sea Shore and told them to swim but the Applicant's son rejected the idea because he could not swim instead preferred the *phone game play.*

b. The Applicant also alleges that although his late son's autopsy report produced by the Ghana Police Hospital stated that he drowned, he noticed that the corpse of his late son showed a tortured body and gruesome murder.

c. The Applicant further alleges that the Ghanaian police have not deemed it fit to question either the school authorities or housemaster for proper investigation; that the Defendant has not taken steps to set up a coroner's inquest in a bid to unravel cause of death of his late son and prosecute any person(s) found culpable.

DATED THIS 27th DAY OF FEBRUARY, 2014

SIGNED:

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

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

HOLDEN AT ABUJA, NIGERIA.

SUIT NO: ECW/CCJ/APP/04/14

BETWEEN
1. MISS. AZALI ABLA
2. MRS. EGOU CAROLE ——— **APPLICANTS**

v.

THE REPUBLIC OF BENIN ——— **DFENDANT**

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. MISS. AZALI ABLA 2. MRS. EGOU CAROLE (APPLICANTS) v. THE REPUBLIC OF BENIN (DEFENDANT)** was filed by the Applicants and registered by the Court on the 6th day of March, 2014.

I – THE NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows :

1. MISS. AZALI ABLA
2. MRS. EGOU CAROLE } ***APPLICANTS***

a. Olga A. ANASSIDE (Esq.), Lawyer registered with the Court, whose address is at lot 957 SIKECODJI, Enagnon ; l'immeuble Fifamin, Cotonou 01 BP 4452 , tél. : 21323861, Email : olga1er@yahoo.fr; and whose Law Firm is chsen, for the purposes of the present procedure, as address for service, and who, pursuant to Article 33 (3) of the Rules of procedure of the Court, consents that service should be made on her by fax or any other means of communication.

b. REPUBLIC OF BENIN } ***DEFENDANT***

I. SUBJECT - MATTER OF THE CASE

Applicants urge the Court:

- To note the various violations of their human rights;

- To order the Republic of Benin, to pay each of them the sum of fifty millions (50.000.000) CFA Francs, as damages.

II. ORDER SOUGHT BY APPLICANTS.

The order sought by Applicants is for the Court to do justice to the subject-matter of the case, as stated above.

III. SUMMARY OF THE PLEAS-IN-LAW

The cases between ***Azali ABLA and Ida CODJIA*** on the one hand, and ***Egou CAROLE versus PAMENTELO***, on the other hand, have been adjudicated upon, at the Tribunal of First Instance. Each of the two victims appealed, individually, against the decision of the said national court. Applicants in the instant case aver that the case file in the two earlier procedures before the national court have disappeared. They claim that the Chief Registrar at the Tribunal of First Instance in Cotonou has been keeping mute on this development; it is rather a guilty and inexplicable silence, on all entreaties regarding the two cases.

Applicants now believe that their interests have been infringed upon, because after six (6) years, their cases are yet to be put on the cause list. In support of the above stated claims, Applicants invoke: Article 3 of the African Charter on Human and Peoples' Rights, which provides for equality of all persons before the law, and the right to equal protection under the law; Article 7 of the same Charter on the right to access the court, in case a person's human rights have been violated; and Article 8 of the Universal Declaration of Human Rights, together with the violation of the Rules of procedure before the national court.

IV. SUMMARY OF APPLICANTS' ARGUMENTS

Applicants aver that regarding the appeal that they lodged against the Judgments of the national court, the Chief Registrar at the Tribunal of First Instance in Cotonou has not respected the provisions of Article 470 of the Code of Criminal Procedure, which makes it binding on the Office of the Chief Registrar to expeditiously forward both copy of the Judgment, and the Appeal to the Chambers of the President of the Appeal Court.

They claim that they have not had their case heard, neither have their rights to equality before the law, and of equal protection under the law been respected; and that after six (6) years, their cases are yet to be put on the cause list.

DONE IN ABUJA, THIS 13TH DAY OF MARCH, 2014

SIGNED:



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

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

HOLDEN AT ABUJA, NIGERIA.

SUIT NO: ECW/CCJ/APP/05/14

BETWEEN
MR. SILUE TIAGNIGUE - APPLICANT

v.
THE REPUBLIC OF COTE D'IVOIRE - DEFENDANT

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, Pursuant to Article 13 (6) of the Rules of the Community Court of Justice, ECOWAS that an Application **BETWEEN MR. SILUE TIAGNIGUE (APPLICANT)** v. **THE REPUBLIC OF COTE D'IVOIRE (DEFENDANT)** was filed by the Applicant and registered by the Court on 6th March 2014.

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

1 MR. SILUE TIAGNIGUE — APPLICANT
Whose Counsels are:

1. Mariam DIAWARA (Esq.),
Lawyer registered with the Bar in Bamako (Republic of Mali),
rue 603 porte 116 Darsalam, email: mediawaramariam@yahoo.fr,
B.P. 696, Bamako, tél.: +223 66 74 81 23/Fax + 223 22 81 33, and :

2. Mangle FRANCIS (Esq.),
Lawyer registered with the Bar in Abidjan,
SCPA Mangle-Jidan et associés, located in Abidjan-Anhgré la Djibi II,
Tél. : +225 07 73 25 25/+225 44 83 83 93,
email: belle_rive@yahoo.fr

2. THE REPUBLIC OF COTE D'IVOIRE — DEFENDANT
represented by Mrs. Kaba NIALE, Hon. Minister in the Office
of the Prime Minister, in Charge of Economy and Finance,
taken in the person of the State Judicial Agent,
and in charge of Public Accounts Mr. Kouassi BERNARD,
Magistrate, in his Official address located at 6ème étage
de l'immeuble anciennement de la BCEAO,
Avenue TERRASSON FOUGERE au Plateau à Abidjan
B.P.V 98 Abidjan,
Tél.: (+ 225) 20 25 38 48, fax: 20 21 60 32.

II. SUBJECT MATTER OF THE PROCEEDINGS

Applicant urges the Court :

- To note the violation, by the Republic of Côte d'Ivoire, of his rights to effective appeal, fair hearing, of equality before the law and equal protection under the law, and the right to be tried within reasonable period of time;

- To award costs against Defendant, to the tune of 281.761.082 CFA Francs for all the prejudices suffered;

- To order that the Republic of Côte d'Ivoire bear all the costs.

III. ORDERS SOUGHT BY APPLICANT.

The orders sought by the Applicant are to do justice as contained in the subject – matter of the Application, as enumerated above.

IV. SUMMARY OF THE PLEAS-IN-LAW

In support of the following grievances: violation of the right to effective appeal, the right of equality before the law and equal protection under the law, the right to be tried within reasonable period and the right to fair hearing, all against the Republic of Côte d'Ivoire, Applicant invokes the following instruments: Article 9.4 and 10 (new paragraph 4) of the Supplementary Protocol A/SP.1/01/ 2005 of 19 January 2005 on the jurisdiction of the Court, Articles 3 and 7 of the African Charter on Human and Peoples' Rights which respectively provide that all persons are equal before, and shall enjoy equal protection under the law and that all persons shall have the right to have their cases heard.

Applicant equally cites the following pertinent instruments: Articles 14 and 26 of the International Covenant on Civil and Political Rights, Article 7 of the Universal Declaration of Human Rights.

V. SUMMARY OF ARGUMENTS BY APPLICANT.

Applicant raises the issue of manifest dysfunctioning of the Court Registry, which led to the loss or disappearance of the case file. The negative effect of this embarrassing situation was the interregnum in the court process, and the ensuing serious infringement upon his fundamental human rights.

DONE IN ABUJA, THIS 13TH DAY OF MARCH, 2014

SIGNED:



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

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

HOLDEN AT ABUJA, NIGERIA.

SUIT NO: ECW/CCJ/APP/06/14

BETWEEN:

1. HANS CAPEHART WILLIAMS SR
2. MARDIA PAYKUE WILLIAMS } *APPLICANTS*

V

1. REPUBLIC OF LIBERIA
2. REPUBLIC OF GHANA
3. ATTORNEY GENERAL OF THE REPUBLIC OF LIBERIA
4. ATTORNEY GENERAL OF THE REPUBLIC OF GHANA
5. PROFESSOR DR. JOSEFA JAMENEZ HERNANDEZ
(On her own behalf, and the Management of Police Hospital Accra-Ghana)
} ***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.HANS CAPEHART WILLIAMS SR 2.MARDIA PAYKUE WILLIAMS**. (Applicants) v. **1. REPUBLIC OF LIBERIA 2. REPUBLIC OF GHANA 3. ATTORNEY GENERAL OF THE REPUBLIC OF LIBERIA 4. ATTORNEY GENERAL OF THE REPUBLIC OF GHANA 5. PROFESSOR DR. JOSEFA JAMENEZ HERNANDEZ (On her own behalf, and the Management of Police Hospital Accra-Ghana)** (Defendants) was filed by the Applicants and registered by the Court on 20th March, 2014.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. HANS CAPEHART WILLIAM SR
8 Meekness Street,
Zone 4, Wuse, Abuja, Nigeria.

b. MARDIA PAYKUE WILLIAMS
8 Meekness Street,
Zone 4, Wuse, Abuja, Nigeria.
} *APPLICANTS*

c. REPUBLIC OF LIBERIA
c/o Attorney General of the Republic of Liberia
Ministry of Justice
9th Street, Sinkor
Monrovia, Liberia.

d. REPUBLIC OF GHANA
c/o Attorney General of Ghana
Ministry of Justice,
High Street, Accra, Ghana
} *DEFENDANTS*

e. ATTORNEY GENERAL OF THE REPUBLIC OF LIBERIA
Ministry of Justice
9th Street, Sinkor
Monrovia, Liberia

f. ATTORNEY GENERAL OF GHANA
Ministry of Justice
High Street, Accra, Ghana

g. PROFESSOR DR. JOSEFA JAMINEZ HERNANDEZ
Police Hospital,
Cantonments Road,
Greater Accra,
Ghana.

DEFENDANTS

2. SUBJECT MATTER OF THE PROCEEDINGS

a) The conviction and sentencing of the Applicants' to death by hanging by the Liberian government.

b) Violation of the Applicants' right to life as enshrined in Article 4 of the African Charter on Human and Peoples' Rights.

c) Violation of the Applicants' right to fair hearing before an unbiased Court.

d) Violation of the right to life of the Applicants.

e) Violation of Applicants' rights based on reviewed autopsy report as was declared by the High Court of Ghana.

3. ORDERS SOUGHT BY THE APPLICANTS

a. That the conviction of the Applicants to death by hanging is as a result of the reckless, baseless and negligent reviewed autopsy report of the 5th Defendants.

b. A Declaration that the conviction and sentence of the Applicants to death by hanging as a result of the autopsy report of the 5th Defendants amount to the violation of their right to life, freedom of movement and fair hearing.

c. A Declaration that the Applicants continue incarceration/detention in prison amount to the violation of their fundamental human rights.

d. A Declaration that the Applicants be released and their fundamental rights be restored.

e. A Declaration that the first Defendants should pay the sum of USD$250,000,000.00 (Two Hundred and Fifty Million United States Dollars) as compensation for damages to the Applicants for subjecting them to inhumane treatment, and depravation, humiliation, denial of their Human rights and Freedom.

f. A Declaration that the 2nd, 4th and 5th Defendants should pay the sum of USD$250, 000, 000, 00. (Two Hundred and Fifty Million United States Dollars) jointly and severally as compensation for damages to the Applicants for subjecting them to inhumane treatment, and depravation, humiliation, that led to their unlawful and unjust conviction to death by hanging.

4. SUMMARY OF PLEAS IN LAW

a) Article 9(4) which provide that the Court has jurisdiction to determine cases of violation of human rights that occur in any Member State.

b) Article 10(d): Access to the Court is open to individuals on application for violation of their rights, the application must not be anonymous, must not be before another international Court for adjudication.

c) Articles 4, 6 and 7 of the African Charter on Human and Peoples' Rights: that the conviction and sentencing of the Applicants to death by hanging is contrary to the rules enshrined therein.

5. SUMMARY OF MAIN SUPPORTING ARGUMENT

a) The Applicants avers that on 30th November, 2007,a young girl of 2 days short of her 14th birthday was found hanging in one of the Applicant's bathroom and was pronounced dead on arrival at the hospital.

b) Members of the household were arrested and subjected to interrogation and investigation. The initial investigations conducted revealed in the autopsy that the cause of death was Asphyxia, secondary to suicide and hanging respectively and this was publicly announced.

c) There was a public demonstration against this initial autopsy report. The Liberian government further requested the Ghanaian government, through its embassy in Liberia to assist her with a team of investigators and pathologist to establish the circumstances surrounding the death of the victim. Accordingly a 2nd team of investigators including the 5th Defendant was set up to conduct another investigation.

d) The report submitted thereafter by the team which included the 5th Defendant, revealed that amongst others that several parts of the deceased, including the vestibular and minor labial tissue, the vaginal wall components of the external genital, parts of the respiratory system were missing. The autopsy recorded the cause of death as Asphyxia secondary to strangulation.

e) The Applicants state that the 5th Defendants failed to conduct a thorough investigation to ascertain the cause of death of the deceased. That her conclusions were based on speculations, conspiracy by all the defendants fabricated to violate the Applicant's rights. That as a result of the influenced report, the Applicants were charged with the murder of the deceased.

f) The Applicants who disagreed with the 2nd autopsy report, requested for another independent pathologist from the Nebraska Institute of Forensic Science in America, who performed another autopsy in the presence of several accredited witnesses. The third autopsy also found no evidence of any ante mortem injuries to the deceased.

g) That during the trial, the 5th Defendant failed to appear before the court to be cross-examined. The Court convicted the Applicants based on the autopsy of the 5th Defendant.

h) Furthermore, Applicants state that their conviction and sentence to death by hanging is a miscarriage of justice that was induced and procured by the 5th Defendant on behalf of the 1st defendant to protect her political interest.

i) The Applicants rely on various documents which includes the ruling of the High Court of Justice, Human Right Court of Ghana on July 27th, 2010, where the Court declared the reviewed autopsy repost of the 5th Defendants, reckless, negligence and baseless.

DONE AT ABUJA, THIS 28TH DAY OF MARCH, 2014

SIGNED:



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

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

HOLDEN AT ABUJA, NIGERIA.

SUIT NO: ECW/CCJ/APP/07/14

BETWEEN
MR. JUSTICE ALLAN BAAMI HALLOWAY — **APPLICANT**

V.
1. THE REPUBLIC OF SIERRA LEONE
2. THE ATTORNEY-GENERAL & MINISTER OF JUSTICE OF THE REPUBLIC OF SIERRA LEONE } ***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. JUSTICE ALLAN BAAMI HALLOWAY (APPLICANT) v. 1.THE REPUBLIC OF SIERRA LEONE 2. THE ATTORNEY-GENERAL & MINISTER OF JUSTICE OF THE REPUBLIC OF SIERRA LEONE (DEFENDANTS)** was filed by the Applicant and registered by the Court on 26thday of March, 2014.

1. NAMES AND ADDRESSES OF THE PARTIES
The name and address of the Applicant is as follows:

a. MR. JUSTICE ALLAN BAAMI HALLOWAY — *APPLICANT*
21 Berry Street,
Freetown, Republic of Sierra Leone

The names and addresses of the Defendants are as follows:

b. THE REPUBLIC OF SIERRA LEONE

c. THE ATTORNEY-GENERAL & MINISTER OF JUSTICE OF THE REPUBLIC OF SIERRA LEONE } *DEFENDANTS*
c/o Attorney General & Minister of Justice
of the Republic of Sierra Leone
Guma Building, Lamina Sankoh Street,
Freetown, Republic of Sierra Leone

2. SUBJECT MATTER OF PROCEEDINGS

a. The 1st Defendant's failure and refusal to recognize, promote and protect the Applicant's right to equality before the law and his entitlement to equal protection of it; his right and entitlement to respect for his life and integrity of his person; his right to his dignity and recognition of his legal status; his right to protection from cruel, inhuman and degrading treatment; his right to liberty and to the security of his person; his right to protection from arbitrary detention and arrest, his right to a fair trial and to have his cause heard and his right to property.

3. ORDERS SOUGHT BY THE APPLICANT

a. A DECLARATION that the purported suspension of the Applicant from office as a Judge of the Superior Courts of Judicature contained in a letter addressed to the Applicant by the President of the 1st Defendant dated 3rd September 2010 is in the circumstances of this case illegal, invalid, null, void and of no effect whatsoever or unlawful and unconstitutional by reason of

gross irregularity, lack of reasonable cause, denial of natural justice and breach of Article 4 (g, h, i and j) of the Revised Treaty of ECOWAS and violation of the Applicant's rights as a human being as guaranteed under Articles 2, 3, 4, 5, 6, 7(1) and 14 of the African Charter on Human and Peoples' Rights.

b. **AN ORDER** setting aside the said letter dated 3rd September 2010.

c. **A DECLARATION** that, without prejudice to Section 137(4) of the Constitution of Sierra Leone 1991, the Applicant is entitled to remain and continue in office as a Judge of the Superior Courts of Judicature of the 1st Defendant until he attains the retirement age or until his early retirement on account of ill-health or other lawful cause.

d. **AN ORDER** restraining the Defendants whether by themselves, their agents, servants and or all officers, servants, functionaries or any public officer whatsoever or otherwise howsoever of the 1st Defendant from giving or continuing to give any effect or further effect to the purported suspension of the Applicant from office as a Judge of the Superior Courts of Judicature of the 1st Defendant.

e. **AN ORDER** restraining the Defendants whether by themselves, their agents, servants, privies or otherwise howsoever from obstructing, interfering, stopping or preventing the Applicant in any manner whatsoever from performing the functions of his office as a Judge of the Superior Courts of Judicature of the 1st Defendant.

f. **AN ORDER** compelling the 1st Defendant to immediately pay and or cause to be paid to the Applicant, **Special Damages** estimated as at the 31st December 2013 and amounting to Four Hundred and Twenty Nine Million, Nine Hundred and Fifty Nine Thousand, Six Hundred and Fifty Six Sierra Leone Leones (**SLL 429,959,656**).

g. **AN ORDER** compelling the 1st Defendant to pay and or cause to be paid to the Applicant, the amounts deducted and withheld from the Applicant's salary, allowances, privileges etc. by the Ministry of Finance of the 1st Defendant and a refund of the amounts expended by the Applicant for maintenance of the official vehicle assigned to him, medical treatment for himself, wife and children, consumption of electricity in respect of his residence, bills and other charges for water supplied to and consumed in respect of his residence, together with the amounts expended by the Applicant, by way of the loss incurred by him as a result of such deductions and withholdings, from the 1st January 2014 until date of Judgment.

h. **AN ORDER OF MANDATORY INJUNCTION** compelling the 1st Defendant to immediately cause the ACC to release to the Applicant, the sum of Sixty Nine Thousand Sierra Leone Leones (SLL 69,000), together with a pile of confidential financial documents or their monetary value, if found to be lost, being his properties unlawfully seized from him by the ACC.

i. **AN ORDER OF MANDATORY INJUCTION** compelling the 1st Defendant to immediately cause the Chief Justice of the 1st Defendant to release to the Applicant, a computer, its printer and accessories, stationery, substantial volumes of legal texts, legislative texts, law reports, precedents and court forms, piles of legal and personal files and documents, several pieces of electrical appliances, cutlery, furniture and fittings, clothing, legal and judicial robes, wigs and fittings or their monetary value, if found to be lost, being his properties which he has been denied access to and its use, when the Chief Justice of the 1st Defendant caused its unlawful seizure from him.

j. **AN ORDER** compelling the 1st Defendant herein, to immediately pay to the Applicant, the sum of Ten Million United States Dollars (US$ 10,000,000) as **General Damages** for the violations of the Applicant's rights under Article 4 (g, h, i and j) of the Revised Treaty of ECOWAS and Articles 2, 3, 4, 5, 6, 7(1) and 14 of the African Charter on Human and Peoples' Rights

k. The Cost of the prosecution of the suit including solicitors' fees.

4. SUMMARY OF PLEAS IN LAW

a. The Applicant relies on Article 4 and 15 of the Revised Treaty of ECOWAS.

b. The Applicant also relies on Articles 1, 2, 3, 4, 5, 6, 7 (1) and 14, 26, 27 (2) of the African Charter on Human and Peoples' Rights.

c. The Applicant also relies on Articles 32 and 33 of the Rules of the Community of Justice, ECOWAS and Articles 9 (4) and 10 (d) of the Supplementary Protocol A/SP.1/01/05 amending Protocol A/P1/7/91 relating to the Community Court of Justice, ECOWAS.

5. SUMMARY OF MAIN SUPPORTING ARGUMENTS

a. The Applicant alleges that his rights were violated by Principal Institutions and Officials, including the President of the 1st Defendant, the Anti-Corruption Commission (ACC) of the 1st Defendant, the Judicial and Legal Service Commission (JLSC) of the 1st Defendant, several Officials and Members of the Judiciary of the 1st Defendant, the Chief Justice of the 1st Defendant, the Tribunal appointed by the 1st Defendant, the Ministry of Finance of the 1st Defendant, the 2nd Defendant and Gomoi-Vandy Kobba Esq., a Law Officer in the office of the 2nd Defendant.

b. The Applicant also alleges that when the ACC launched an investigation into some allegation of corruption against him, he was not prosecuted in court, instead the ACC referred its findings to the JLSC and influenced the Chief Justice of the 1st Defendant through JLSC to recommend to the President of the 1st Defendant to setup a Tribunal to enquire into the question of his removal from office as a Judge based on misconduct.

c. He further alleges that the Commissioner of the ACC suspended him and ordered that substantial portions of his monthly salary, allowances, and privileges be deducted and withheld. That the President of the 1st Defendant appointed a Tribunal to enquire into the question of his removal from office as Judge and then he was indefinitely suspended even before the Tribunal commenced its proceedings. That his application for an order of mandamus was dismissed by the court.

d. The Applicant contends that the conduct of the proceedings before the Tribunal was unfair, biased, and prejudicial to him, that he was never given an opportunity be heard and that despite the conclusion of proceedings the matter is not closed which has caused him suffering as a result of the various conduct of the Principal Institutions and Officials.

e. That the conduct of the Principal Institutions and Officials is in breach of the Constitution of Sierra Leone 1991, the Constitution of Sierra Leone (Amendment) Act 2008, the Constitutional and Statutory Instruments Acts 1999, the Anti-Corruption Act 2008, the High Court Civil Procedure Rules 2007, the Judges Conditions of Service Act 1983, the Judges Condition of Service Regulation 1986, the Bangalore Principles of Judicial Conduct 2002, the Code of Conduct 2002, the Code of Conduct for Judicial Officers of Sierra Leone and the Legal Practitioners (Code of Conduct) Rules 2010.

DATED THIS 4TH DAY OF APRIL, 2014

SIGNED:

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

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

HOLDEN AT ABUJA, NIGERIA.

SUIT: ECW/CCJ/APP/08/14

BETWEEN:
ALHAJI (DR) MAN M.B. JOOF ——— **APPLICANT**

Vs.

1. **THE PRESIDENT OF THE ECOWAS COMMISSION** ——— **1st Defendant**
2. **ECOWAS COMMISSION** ——— **2nd 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 **ALHAJI (DR) MAN M.B. JOOF (APPLICANT)** AND **(1). THE PRESIDENT OF THE ECOWAS COMMISSION, (2). ECOWAS COMMISSION (DEFENDANTS)** was filed by the Applicant and Registered by the Court on 8th day of April, 2014.

1. NAME AND ADDRESSES OF THE PARTIES

The names and addresses of the Applicant are as follows:

ALHAJI (DR) MAN M.B. JOOF
C/O MUSA NGARY BITAYE
134 KAIRABA AVENUE,
FAJARA, KANIFING MUNICIPALITY,
THE GAMBIA.
Email: ***mnbnet@gamnet.gm***

} *APPLICANT*

The names and addresses of the Defendants are as follows:

a. **THE PRESIDENT OF THE ECOWAS COMMISSION**
ECOWAS COMMISSION HEADQUATERS,
101, YAKUBU GOWON CRESCENT,
ASOKORO DISTRICT,
PMB 401 GARKI, ABUJA,
FEDERAL REPUBLIC OF NIGERIA.

b. **ECOWAS COMMISSION**
ECOWAS COMMISSION HEADQUATERS,
101, YAKUBU GOWON CRESCENT,
ASOKORO DISTRICT,
PMB 401 GARKI, ABUJA,
FEDERAL REPUBLIC OF NIGERIA.

} *DEFENDANTS*

2. SUBJECT MATTER OF THE PROCEEDINGS

The subject matter of this suit pertains to the violation of the Rights of the Applicant as provided by International and Regional conventions and the ECOWAS Staff Regulations

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3. ORDERS SOUGHT BY THE APPLICANT

a. A declaration that the withdrawal or waiver of the Applicant's diplomatic privileges and immunities by the Chairman of ERERA was wrongful and unlawful.

b. A declaration that such wrongful withdrawal and unlawful waiver of the Applicant's diplomatic privileges and immunities resulted in the breach of the Applicant's rights under international and regional conventions and ECOWAS Staff Regulations.

c. A declaration that the Defendants take full civil liability for the breaches of the Applicant's said rights and also make reparations to the Applicant.

d. An order that the said reparations be made to the Applicant in the sum of $200,000.00 (Two Hundred Thousand US Dollars).

e. An order that all entitlements due and payable to the Applicant on separation of service be paid, namely:

f. Cost of air tickets Accra/ Banjul for the Applicant and his spouse – US$1208.49.

g. Cost of air freight shipment of 126 kg of the Applicant's personal effects – US$429.00.

h. Cost of storage of personal effects and household goods of the Applicant from July, 2011 to date - US$500.00 per day.

i. Rent from November 2010 to May, 2011 due to failure of ECOWAS to repatriate the Applicant and the unlawful prosecution of the Applicant – US$ 11,200.00.

j. Leave entitlement from 1st March, 2009 to 31st August, 2010 – US$ 5913.52.

k. Entitlements of 10% basic salary as contract addition; 12.5% of annual basic salary for each year of service as gratuity; resettlement allowance and education grant for one child under Decision C/Dec 8/7/92 on Conditions of Service For Contract Officers of Community Institutions.

l. An order that the cost of this application, including travel and subsistence expenses and remuneration of the Applicant and his lawyer and agent fees be paid by the Defendants to the Applicant.

m. Any or further relief this Honourable Court deems fit.

4. SUMMARY OF THE PLEAS-IN-LAW

a. The Vienna Convention on Diplomatic Relations, 1961, the ECOWAS Staff Regulations and the General Convention on Privileges and Immunities of ECOWAS dated 22nd April, 1978 all together provided the Applicant at all relevant times with diplomatic privileges and immunities as a professional staff of ECOWAS.

b. Articles 29, 30 and 31 of the Vienna Convention Supra, gives immunity from arrest, criminal proceedings and invoibility of private residence of a diplomatic agent which is reinforced by Articles 3.3(a) of the ECOWAS Staff Regulations and by its Article 8(a) ECOWAS Professional Staff enjoy privileges and immunities as diplomatic envoys. Article 7.2 and 7.4 of the General Convention on Privileges and immunities of ECOWAS confers the same immunities privileges to the officials of the community.

c. By virtue of Article 2(a) of the ECOWAS Staff Regulations (General Obligations of ECOWAS), the Applicant as a staff member was entitled to protection by ECOWAS from every form of threat, outrage duress and insult on account of or during the performance of his duties and the Applicant necessarily is entitled to reparation from ECOWAS for the prejudice he suffered.

d. Under Article 2(d) of the ECOWAS Staff Regulations (General Obligations of ECOWAS), ECOWAS is obliged to accept full civil liability for any professional misconduct on the part of its staff such as the Chairman of ERERA during the performance of their official duties.

e. Under Articles 15(c), 51(f), 56(d) 57 and 62 of the ECOWAS Staff Regulations, the Applicant is entitled to travel expenses for himself and his wife to their country of origin on separation of service from ECOWAS as well as shipment of his personal and household effects and also entitled to payment in lieu of earned leave.

f. The Applicant is entitled to reimbursement for payment of rent forced on him by his extended stay at his duty station in Ghana as a result of the failure by ECOWAS to repatriate him and his unlawful prosecution after separation of service from ECOWAS.

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

a. The Applicant after having been appointed by ECOWAS as Adviser to the chairman of ERERA effective the 1st March, 2009, under the category of Professional Staff, had his contract of six months renewed twice, ending the 30th of August, 2010 after which he declined to renew his contract.

b. From the 31st August, 2010 to the 1st of April, 2011, the Applicant wrote severally to Chairman of ERERA and the relevant officials of ECOWAS, including the President of ECOWAS COMMISSION for his repatriation to his country of origin but no action was taken by them as required under the relevant articles of the ECOWAS STAFF REGULATIONS.

c. During this time of his extended stay at his duty station in Ghana, the Applicant wrote a report dated 26th October, 2010 on his assessment of ERERA to the President of ECOWAS COMMISSION with particular reference to the unprofessional relationship between the chairman of ERERA and the bilingual typist of ERERA. The report was copied to the chairman of ERERA amongst others.

d. The bilingual typist to whom the report was not copied, got a copy and took it to the police who arrested the Applicant who then pleaded his diplomatic status but the Chairman of ERERA unlawfully and maliciously purported to remove or waive the diplomatic status of the Applicant in flagrant breach of Article 3.3.(b) of The ECOWAS STAFF REGULATIONS.

e. Inspite of the Applicant's letter dated the 9th of December, 2010 to the President of ECOWAS COMMISSION informing him of the situation and urging him to intervene, he did nothing resulting in the Applicant being unlawfully prosecuted in flagrant violation of his diplomatic privileges and immunities.

f. The Applicant was unnecessarily detained in Ghana after his Separation of Service from ECOWAS due to unlawful and vindictive behavior of the Chairman of ERERAand dereliction of duty by the officials of ECOWAS resulting in his suffering and being subjected to threat, outrage, duress, insult and additional expenses for his over-stay in Ghana.

g. The Applicant having exhausted his appeals for redress to the President of the ECOWAS COMMISSION is now left with no avenue for redress except the Community Court of Justice of ECOWAS, pursuant to Article 3.1.(f) and 3.2. of the ECOWAS SUPPLEMENTARY PROTOCAL A/SP.1/01/05.

DONE AT ABUJA THIS 14TH DAY OF APRIL, 2014.

SIGNED:

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

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

HOLDEN AT ABUJA, NIGERIA.

SUIT No: ECW/CCJ/APP/09/14

BETWEEN:
KHADIJATU BANGURA, PATRICK D.T. FREEMAN, SIDIQUE SILLAH, SAMUEL TURAY, MRS. GLADYS SAWYER and 175 other former Employees of Sierra National Airlines } ***APPLICANTS***

Vs.
REPUBLIC OF SIERRA LEONE _____ **1st Defendant**
SIERRA NATIONAL AIRLINES _____ **2nd Defendant**
(A government owned company currently in liquidation)

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 **Khadijatu Bangura, Patrick D.T. Freeman, Sidique Sillah, Samuel Turay, Mrs. Gladys Sawyer and 175 other former Employees of Sierra National Airlines (APPLICANTS)** AND **(1). Republic of Sierra Leone, (2). Sierra National Airlines (A government owned company currently in liquidation (DEFENDANTS)** was filed by the Applicant and Registered by the Court on 2nd day of June, 2014.

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

1. Khadijatu Bangura
C/o Garber & Co., 49 Waterloo Street, Freetown, Sierra Leone.
2. Patrick D. T. Freeman
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3. Sidique Sillah
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4. Samuel Turay
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5. Alfred Sawyer (late)
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6. Richard Bockarie (late)
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7. Daniel Sesay
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8. Richard Sesay (late)
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9. Mohamed S. Kamara
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10. Moiwo Bockarie
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11. Hassan Turay
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12. Melvina Caulker
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} *APPLICANTS*

13. Brima Kamara (late)
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14. Samuel K. Mammy
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15. Felixon B. Kabba
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16. Dauda Dumbuya
C/o Garber & Co., 49 Waterloo Street, Freetown, Sierra Leone.
17. Momoh Sheriff
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18. Abibatu Y Conteh
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19. Momoh Jah (late)
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20. Victor Sherry
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21. Sia E. W. Jabba
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22. Margaret Conteh
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23. Mustapha Saccoh (late)
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24. James Kamara
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25. Mohamed Dumbuya (late)
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26. Thaimu Kanu
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27. Momoh Kamara
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28. Mohamed Bangura
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29. Umaru Turay
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30. Ibrahim Kamara
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31. Mohamed Sesay
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32. Andrew Tryre
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33. Alpha Bangura
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34. Kailie Kamara
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36. Miowo Kpaka
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37. Mohamed Kamara
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38. Lamin Bangura
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39. Brima Kamara
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40. Alhajie Alieu Jalloh
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43. Samuel Carew
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44. Sheku Sesay
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45. Donald Martin
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46. Amadu Bah
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47. Ismail Tucker
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48. Mark Mansaray
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49. Jenner Wright
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50. Lansana Turay
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51. Sheku Koroma
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52. Thomas Tucker
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53. John Ensah
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54. Joseph Serry
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62. Mary L. Kamara
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63. Mohamed Bengeh
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64. Alusine Bangura
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65. Osman Bangura
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66. Edward Griffiths (late)
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67. Abu Mansaray
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68. Salifu Kamara (late)
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71. Mohamed Conteh
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72. Marcus Parkinson
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73. Michealla Forde
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88. Foday Kamara
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89. Aruna Kamara
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90. Alfred Conteh (late)
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91. Abu Koroma
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92. Francis Balmore (late)
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93. Muctarr Fofanah
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102. Sorie Kamara (late)
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128. Alfred Gamanga
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129. Brima Koroma
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131. Francis Koroma
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132. Jane Marrah
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133. Saidu Bassie
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134. Alhaji Bayoh
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135. James G Vandi
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136. Mohamed L. Kanu (late)
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137. Kabineh Kabba
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138. Ahmed Kamara (late)
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139. Alpha B. M. Jalloh
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140. Adikalie Sawaneh
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141. Ahmed S. B. Wurie
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142. Patrick J. Kaikai
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143. Elizabeth Sembie
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144. Doris Fisher
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145. Henritta Browne (late)
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146. Olayinka Spaine
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147. Miatta Sillia
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148. Abdulai Jalloh
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149. Omar Turay
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150. Sidikie T. Brima
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151. Alberta Mammah
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152. Melinda Jalloh (late)
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APPLICANTS

153. Rokiatu Sandy
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154. ALex Kuyateh
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155. Samuel Browne-Morgan
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156. Victor E.O. Spaine
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157. Noarell Palmer
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158. J. Ojo Williams
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159. Joseph B. Sam
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160. Joseph T. Bangura
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161. Arouna Abdulai (late)
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162. Sahid H. Jah
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163. Sonny Adams
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164. J.E. Mammie
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165. Abu B. Kamara
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166. A. Rahman-Carew
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167. A.S.A. Sesay
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168. Josephine M. Kamara
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169. Esther Jones
C/o Garber & Co., 49 Waterloo Street, Freetown, Sierra Leone.
170. Doris Sonda
C/o Garber & Co., 49 Waterloo Street, Freetown, Sierra Leone.
171. Mohamed S. Kamara
C/o Garber & Co., 49 Waterloo Street, Freetown, Sierra Leone.
172. Thomas Rogers
C/o Garber & Co., 49 Waterloo Street, Freetown, Sierra Leone.
173. Isaac Vandi
C/o Garber & Co., 49 Waterloo Street, Freetown, Sierra Leone.
174. Yusuf Deen
C/o Garber & Co., 49 Waterloo Street, Freetown, Sierra Leone.
175. Ishmail Jabbie
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176. Al-Hassan Kamara
C/o Garber & Co., 49 Waterloo Street, Freetown, Sierra Leone.
177. Brima A. Momoh
C/o Garber & Co., 49 Waterloo Street, Freetown, Sierra Leone.
178. Alie F. Koroma
C/o Garber & Co., 49 Waterloo Street, Freetown, Sierra Leone.
179. James Rogers
C/o Garber & Co., 49 Waterloo Street, Freetown, Sierra Leone.
180. Saidu Kamara
C/o Garber & Co., 49 Waterloo Street, Freetown, Sierra Leone.

APPLICANTS

The names and addresses of the Defendants are as follows:

1. Republic of Sierra Leone
Represented by Attorney General of Sierra Leone
Guma Building
Laminah Sankoh Street
Freetown
Sierra Leone

2. Sierra National Airlines Ltd.
Represented by the Liquidator
Dr. Claudius Williams-Tucker
c/o KPMG Peat Marwick
Siaka Stevens Street
Freetown
Sierra Leone.

} *DEFENDANTS*

3. SUBJECT MATTER OF THE PROCEEDINGS

The subject matter of this suit pertains to the violation of the Fundamental Human Rights of the Applicants as guaranteed by the African Charter on Human & Peoples Rights and being inconsistent with the provisions of the Sierra Leone constitution.

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4. ORDERS SOUGHT BY THE APPLICANT

a) A Declaration that the Defendants are in violation of Article 5 of the African Charter on Human & Peoples Rights with regards the right to the respect of the dignity inherent in a human being and recognition of their legal status.

b) A Declaration that the Defendants are in violation of Article 7 of the African Charter on Human & Peoples Rights in that the right to be heard is significantly compromised by the delay and inherent conflict of interest of the 2nd Defendant which is compounded by the Applicants inability to enforce judgments granted against the 1st Defendant's due to the immunity from enforcement proceedings granted by sections 18 and 21 of the State Proceedings Act 2000.

c) A Declaration that the Defendants have violated Article 14 of the African Charter on Human Rights & Peoples Rights as regards the Applicants' property rights which have been encroached upon by the Defendants' refusal to pay the back wages, pension payments, redundancy and severance benefits due the Applicants.

d) A Declaration that the Defendants are in direct violation of Article 15 of the African Charter on Human and Peoples Rights with regards their inalienable right to work under equitable and satisfactory conditions and to receive equal pay for equal work.

e) A Declaration that the Defendants are also in violation of Article 23 (3) of the Universal Declaration of Human Rights to which the 1st Defendant is a party.

f) A Declaration that the actions of the Defendants is also in violation of sections 20 (Protection from Inhuman Treatment), section 21 (Protection from deprivation of Property) and section 23 (2) (Protection of Law) of the 1991 Sierra Leone Constitution.

g) A Declaration that the claw back provisions found in sections 18 and 21 of the State Proceedings Act 2000 violate of Article 7 of the African Charter and are inconsistent with the provisions of the Sierra Leone constitution.

h) An Order awarding to the Applicants the sum of Le 17,177,644,816.00 (Seventeen Billion One Hundred and Seventy Seven million, six hundred and forty four thousand, eight hundred and sixteen Leones) which is approximately US$3,948,883.86 plus interest.

i) An Order awarding to the Applicants the sum of Le 722,755,265.74 (Seven Hundred and Twenty Two Million, Seven Hundred and Fifty Five Thousand, Two Hundred and Sixty Five thousand Leones, and Seventy Four cents) which is approximately US$166,150 dollars plus interest representing benefits due from the Sierra Leone Airport Authority, an instrumentality of the 1st Defendant.

j) An Order awarding the sum of Le 230,428,235.00 (Two Hundred and thirty Million, four hundred and twenty eight thousand, two hundred and thirty five Leones) plus interest from October 2009 to date as compensation for the pension contributions to NASSIT due to some of the Applicants.

k) An Order awarding such sum as this Court may find justly due and owing as terminal employment benefits, pension & redundancy benefits and other emoluments due the said Applicants from the Defendants in compliance with Article 27 (iii) (a) and (b) of the Sierra Leone Gazette No. 68 and the Sierra Leone common law.

l) An Order compelling the Defendants to comply with the call-up demand issued against them by the 2nd Defendant and immediately pay the sum of $24,900,000 which represents unpaid share capital from which the amounts due the Applicants and other creditors can be paid.

m) An Order awarding general damages in the sum of $1,000,000 in favour of the Applicants for their pain and suffering, loss, mental anguish, distress and for the blatant violation of the Applicants' civil and human rights by the Defendants.

n) An Order awarding legal fees, costs and expenses in favour of the Applicants.

o) An Order granting such other orders, directions and relief as this Court may deem just, proper and equitable in the circumstances.

4. SUMMARY OF THE PLEAS –IN-LAW

a) Pursuant to the new Article 10 (d) of the Protocol of the Community Court of Justice, ECOWAS Citizens are entitled to direct access to the Community Court and bring this Application before this Court for the recognition, protection and enforcement of their human rights.

b) Articles 5, 7, 14 and 15 of the African Charter on Human & Peoples Rights arising directly from the Defendants failure and neglect to pay terminal employment benefits, pension benefits, redundancy payments and other emoluments due the said plaintiffs from their contract of employment with the defendants.

c) Article 23 (3) of the Universal Declaration of Human Rights to which the 1st Defendant is a signatory.

d) Sections 20 (Protection from Inhuman Treatment), section 21 (Protection from Deprivation of Property) and section 23 (2) (Protection of Law) of the 1991 Sierra Leone Constitution and that the claw back provisions in the State Proceedings Act 2000 are a violation of the African Charter and are inconsistent with the provisions of the Sierra Leone constitution.

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

a. The Applicants contend that there are several articles of the African Charter on Human and Peoples Rights that have been violated by the Defendants. Firstly, there is a violation of **Article 14 of the African Charter on Human & Peoples Rights** as regards the refusal by the Defendants to pay the Applicants' their back wages, gratuity and severance benefits which accrued from their employment with the 2nd Defendant and which in the circumstances amounts to a forfeiture of their property rights.

b. It is universally and judicially recognized that constitutions and international conventions containing entrenched fundamental rights provisions are to be given a generous and purposive construction. The **"*right to property*"** is guaranteed in Article 14 of the African Charter on

Human Rights and **"*may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws."***

c. It is undisputed that the Defendants' obligation to pay the Applicants their end of term benefits is a debt owed by the Defendants to the Applicants. End of term benefits, redundancy payments and pension benefits are vested property rights accruing to the Applicants as employees and are not contingent or future rights.

d. They refered to Article 27 (iii) (a) of the Sierra Leone Gazette No. 68 which statute governs all aviation industry employees and those Applicants who fall within the category of non supervisory staff directs that redundancy payments and end of terms benefits be paid immediately the employee ceases to be employed by the employer. It states that **"payments shall not be withheld unreasonably for any period of time."**

e. Indeed Article 27 (iii) (b) entitled "Delayed Payment" explains that the period of waiting for the employees benefits to be paid will attract full basic salaries including all allowances. This means that the wages and salaries for the Applicants which were calculated and capped up to March 31, 2010 must be calculated through to date until such time when the benefits of the Applicants are actually paid. Article 27 (iii) (b) (2) states clearly:

> ***"Where the period of waiting runs over a long time thus affecting the years of service which may have been computed long before, the Employer will have to recompute the Benefits to include the period of waiting."***

f. They also alleged a violation of the corresponding provision found in other international treaties and conventions on human rights including Article 23 (3) of the Universal Declaration of Human Rights to which the 1st Defendant is a party.

DONE AT ABUJA THIS 10TH DAY OF JUNE, 2014.

SIGNED:

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

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

HOLDEN AT ABUJA, NIGERIA.

SUIT NO: ECW/CCJ/APP/10/14

BETWEEN
1. DR. SAM EMEKA UKAEGBU & 7 ORS ——— **APPLICANTS**

AND
1. **PRESIDENT, FEDERAL REPUBLIC OF NIGERIA**
2. **FEDERAL GOVERNMENT OF NIGERIA**
3. **MINISTRY OF DEFENCE**
4. **R. S. B. HOLDINGS NIGERIA LIMITED**
5. **DEMINERS CONCEPT NIG. LTD.**
6. **ATTORNEY-GENERAL OF THE FEDERATION**
7. **STATE SECURITY SERVICE (SSS)**

} **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). DR. SAM EMEKA UKAEGBU & 7 ORS** (APPLICANTS) v. **(1) PRESIDENT, FEDERAL REPUBLIC OF NIGERIA, (2). FEDERAL GOVERNMENT OF NIGERIA, (3) MINISTRY OF DEFENCE, (4) R. S. B. HOLDINGS NIGERIA LIMITED, (5) DEMINERS CONCEPT NIG. LTD., (6) ATTORNEY-GENERAL OF THE FEDERATION, (7) STATE SECURITY SERVICE (SSS)** (DEFENDANTS) was filed by the Applicants and Registered by the Court on the 11th day of July, 2014.

1. NAMES AND ADDRESSES OF THE PARTIES
Names and addresses of the Applicants are as follows:

a. DR. SAM EMEKA UKAEGBU
Chairman, Ohaneze Ndigbo Imo State Chapter
No. 6 Achike Undenwa Avenue New Owerri, Imo State

b. EMEKA UGOCHUKWU
Plot 109 Ndubuisi Kanu Street, New Owerri

c. MUNACHI UGBOAJA
Unuonyeche Village, Owerri Municipal Council, Imo State

d. NNANNA UGO
Unuejechi Nekede Owerri-West LGA, Imo State

e. UKACHUKWU NWAOGU
Unuduru Nekede, Owerri-West LGA, Imo State

f. CHIEF JOSIAH UGOCHUKWU
Umuduru Area H Extension, New Owerri, Imo State

g. OBINNA NWACHUKWU
Unuduru Nekede, Imo State

} ***APPLICANTS***

h. HON. BEN OBINALI
Area H Extension, New Owerri, Imo State.

Names and Addresses of the Defendants are as follows:

a. PRESIDENT, FEDERAL REPUBLIC OF NIGERIA
Commander-in-Chief of the Armed Forces
The Presidency, Aso Rock Villa, Abuja-Nigeria

b. FEDERAL GOVERNMENT OF NIGERIA
A signatory to both ECOWAS Treaty and the
Ottawa Convention otherwise called the Mine Ban Treaty.
c/o of Attorney General of the Federation,
Attorney General's Chambers
Federal Ministry of Justice, Three Arms Zone, Abuja-Nigeria

c. MINISTRY OF DEFENCE, FEDERAL REPUBLIC OF NIGERIA
The Ministry charged with the responsibility of handling
of munitions and arms and hired 4th and 5th Defendants.
Defence Headquarters, Ship House, Olusegun Obasanjo Way,
Area 10, Garki, Abuja-Nigeria.

d. R. S. B. HOLDINGS NIG. LTD.
Company incorporated in Nigeria and contracted by the
Ministry of Defence to clear the War Affected States of Nigeria
of Landmines and Explosive Remnants of the Nigerian Civil War.
Plot 107, Ndubuisi Kano Street, New Owerri, Imo State, Nigeria

DEFENDANTS

e. DEMINERS CONCEPT NIG. LTD.
A Sister company with the 4th Defendant used interchangeably
for the same purpose of Bombs and Landmines clearance.
Plot 107, Ndubuisi Kano Street, New Owerri, Imo State, Nigeria

f. ATTORNEY-GENERAL, FEDERAL REPUBLIC OF NIGERIA
The Chief Law Officer of the Federal Republic of Nigeria.
Attorney General's Office, Federal Ministry of Justice,
Abuja-Nigeria

g. STATE SECURITY SERVICE (SSS).
In charge of State Security Nigeria.
The Presidency, Aso Drive,
Three Arms Zone, Abuja-Nigeria

2. SUBJECT MATTER OF PROCEEDINGS

a. Continuing violations of the fundamental human rights of the Applicants by the Defendants. The Refusal to remove stokepile of live bombs from the residential neighbourhood, environments and Communities of the Applicants by the Defendants, even after Presidential Directives.

b. Refusal of the 1st, 2nd, 3rd, 6th and 7th Defendants to grant permits to 4th and 5th Defendants, contractors to use Army shooting range Obinze near Owerri and to obtain necessary permits from the Ministry of solid minerals to destroy stockpile of Bombs in the residential neighbourhood of the Applicants since the visit of officials of 1st, 2nd, 3rd, 6th and 7th Defendants, thereby prolonging the violations.

c. The decision by Defendants to stockpile live Bombs within Applicants residential Neighbourhood was done without first of all conducting Environmental Impact Assessment and/or consulting the Applicants and other members of the neighbourhood either then or up till now. Etc.

3. ORDERS SOUGHT BY THE APPLICANT

a. A Declaration that the Applicants' constitutionally guaranteed Fundamental Rights provided in the Constitution of the Federal Republic of Nigeria (1999) and reinforced by the African Charter on Human and People's Rights, inevitably include the right to life, best attainment of physical and mental torture, satisfactory environment and freedom of movement.

b. A Declaration that Applicants' Fundamental Human Rights provided in the Constitution of Nigeria (1999) as amended and reinforced by the "African Charter" are threatened, breached and violated by the Defendants, by stockpile of assorted Bombs and explosives in Applicants New Owerri Residential Neighbourhood and its immediate environs.

c. A Declaration that the actions of RSB Nig. Ltd., Deminers Concept Ltd., Ministry of Defence, and the 1st and 2nd Defendants in continuing to stockpile Bombs and other Explosive Remnants of War at Plot 107 Ndubuisi Kalu Street, New Owerri and refusing to remove them for purposes of destroying them, is a violation of the Applicants Fundamental Human Rights to life (including healthy and satisfactory environment) and dignity of human person and the right to freedom of movement, guaranteed by the Constitution of Nigeria and reinforced by the African Charter on Human and Peoples Rights.

d. A Declaration that the failure of the 1st, 2nd, 3rd, 4th and 5th Defendants to carry out Environmental Impact Assessment in the Applicants' neighbourhood and community concerning the effects of their stockpile of Bombs, Unexploded Ordinance and other Explosive Remnants of War, at the Nigerian Mine Action Centre located at Plot 107 Ndubuisi Kalu Street, New Owerri, is a violation and breach of Section 2(2) of the Environmental Impact Assessment Act. Cap E12, Vol. 6, Laws of the Federation of Nigeria, 2004 and contributed to the violation of Applicants' said fundamental rights to life and dignity of human person.

e. A Declaration that the stockpile of Bombs, Unexploded Ordnance and other Explosive Remnants of War at the Plot 107 Ndubuisi Kalu Street within the residential neighbourhood of New Owerri, constitutes a violation of Applicants Fundamental Human Rights and is therefore unlawful and unconstitutional.

f. A Declaration that the stockpile of live Bombs in the residential neighbourhood where the Mine Action Centre is located at Plot 107 Ndubuisi Kanu Street, New Owerri, Imo State is a continuous threat to the Fundamental Human Rights of the Applicants to freedom of movement.

g. A Declaration that the continued presence of over 5,000 Live Bombs in the Applicants' Environments and Communities, is a continuing violation of the Applicants to life.

h. An Order directing the Defendants to appoint Ohaneze Ndigbo – the Apex Igbo Socio-cultural Organization, DG Nigerian Civil Defence Corp and Nigeria Police Force Anti-Bomb Units in Rivers State, Imo, Abia, Anambra, Ebonyi, Delta and Bayelsa States, to supervise, report and authenticate the clearance activities of 4th and 5th Defendants in the communities affected by these Bombs to ensure compliance with the mandate/terms given to the 4th and 5th Defendants, or to be given to the 4th and 5th Defendants by the Ministry of Defence.

i. In the alternative, An Order constituting a Supervisory Committee made up of one representative from each of the above groups, to monitor and report the activities of the Bomb clearing Experts of the 4th and 5th Defendants before payments are paid to them.

j. Enforcing as well as securing the enforcement of the Fundamental Human Rights of the Applicants as variously guaranteed by the various Sections of the Constitution of the Federal Republic of Nigeria and strengthened by the African Charter on Human & Peoples Rights.

k. An Order directing the president of the Federal Republic and the Government of Nigeria to treat the land in the Applicants' neighbourhood up to 10 square kilometres radius, from the Mine Action Centre.

l. An Order directing the Defendants to pay compensation to the Applicants in the following terms jointly and severally.

m. Compensation to the Applicants in the sum of ₦20 Billion.

n. Exemplary damages in the sum of ₦30 Billion

o. General damages in the sum of ₦50 Billion;

p. Payment of judgement debt/compensation within one month from the date of judgement.

4. SUMMARY OF PLEAS IN LAW

i. Article 9 of Supplementary Protocol (A/SP.1/07/05 of the ECOWAS Court); AFRICAN CHARTER ON HUMAN AND PEOPLE'S RIGHTS:

ii. Articles 4, 5, 16(1) (2), 18 (1) (4), 19, 22(1), 24; Sections 33(1), 34(1) a, 35(1), 41(1) and 46 of 1999 Constitution of the Federal Republic of Nigeria 1999 (as amended).

iii. Article 4 "Human beings are inviolable. Every human being shall be entitled to respect for his life and the dignity of his person. No one may be arbitrarily deprived of this right";

iv. Articles 5 "Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All form of exploitation and degradation of man, particularly slavery, slave trade, torture, cruelty, inhuman or degrading punishment and treatment shall be prohibited;

v. Article 16(1) "Every individual shall have the right to enjoy the best attainable state of physical and mental health;

vi. Article 16(3) "State Parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick;

vii. Article 24 "All peoples shall have the right to a general satisfactory environment favourable to their development;

viii. SECTIONS 33(1), 34(1), 35(1), 41(1) and 46 of the CONSTITUTION OF NIGERIA 1999 (As Amended).

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENT

a. Applicants aver that they have not been walking about freely in their neighbourhood because of fear that the mines and Bombs are still literally all over the place and Bombs are stockpiled at the Nigerian Mina Action Centre, located at Plot 107 Ndubuisi Kalu Street New Owerri, within Applicants Neighbourhood.

b. Applicants aver that 2nd to 7th Defendants have refused to clear and destroy the stockpile of Bombs at 107 Ndubuisi Kanu Street, New Owerri, in spite of Presidential directive as were informed by 4th and 5th Defendants.

c. That both stockpile of Bombs and Explosive Remnants of War pose a serious, ongoing and continuing threat to their life and other members of the civilian population in their contaminated environments. Digital photographs of some of the Bombs are annexed. Also annexed are photographs of the Mine Action Centre. Marked Annexures SAM I and SAM II.

d. That the continuing threats deny them access to some basic needs and freedom of movement, as well as limited their abilities to attain adequate, effective and effectual, physical, mental and right to general satisfactory environment favourable to their development as they are almost perpetually traumatized and tortured.

e. That the presence of these weapons or the thought of the possibility of these weapons being around has constituted psychological Health Hazards, hypertension and stress to some of them and many of the Residents are suffering from a lot of sicknesses and are dying. Nigeria Newspoint Newspaper June 4 – 5, 2012 is annexed as ANN SAM III. Also annexed is an Analysis of oxidative-stress syndrome by 1st Applicant annexed as ANN. SAM IV.

f. That when the officials of the 1st, 2nd, 3rd and 6th Defendants visited Owerri, they saw continuous threat to Applicants lives, families, communities and Applicants environmental rights. They promised immediate remedial action but so soon after jettisoned it because Applicants are Igbos. Officials of the State Security Service (SSS) were present in the TOWN HALL meeting organized by the 4th, 5th Defendants.

g. That one of the Applicants Dr. Sam Emeka Ukaegbu swore to an Affidavit of Facts to the effect of the presence of the Bombs and the intention of Residents to go to Court following the Agreement of Stakeholders at Owerri. The CTC is pleaded and annexed as ANN. SAM (V). Also annexed is a Communiqué of Stakeholders in the Neighbourhood as ANN. SAM (VI).

h. Applicants state that their Environmental right are threatened.

i. That Defendants did not, have not and are unwilling to conduct Environmental Impact Assessment of the project in the Neighbourhood before stockpiling the Bombs and other Explosive Remnants of War in the Environment.

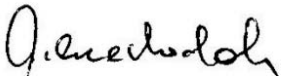
j. Applicants cannot freely walk within and around their residential neighbourhood as a result of stockpile of Bombs by Defendants at Plot 107 Ndubuisi Kanu Street, Owerri at its environs.

k. Applicants have begged Defendants to relocate or destroy the stockpiles but to no avail; and Applicants have complained to State Security Service (SSS); and made passionate calls to the Nigeria Police, at Owerri to use their Anti-Bomb Unit to remove and destroy the stockpile of Bombs but Police refused adding that the 1st, 2nd and 3rd Defendants have awarded contract to the 4th and 5th Defendants which is not true.

l. Applicants aver that Air, underground water and their environment are being contaminated by the Defendants in breach of Applicants guaranteed Fundamental Human Rights particularly the right to a general satisfactory environment favourable to their development.

m. Applicants state that many residents within the Environment have been in and out of the Hospitals as a result; the President as well as ECOWAS Court orders removal but Defendants have refused to remove bombs and other ERW's. Besides BOKO HARAM on 15th June, 2014 entered Imo State to bomb Churches. Daily Sun Newspapers, Dec. 16, 2013 is annexed.

DONE AT ABUJA THIS 16TH DAY OF JULY, 2014

SIGNED: 

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

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

HOLDEN AT ABUJA, NIGERIA.

SUIT NO: ECW/CCJ/APP/11/14

BETWEEN
1. PLACID IHEKWOABA & 19 ORS — **APPLICANTS**

AND
1. PRESIDENT, FEDERAL REPUBLIC OF NIGERIA
2. FEDERAL GOVERNMENT OF NIGERIA
3. MINISTRY OF DEFENCE
4. R. S. B. HOLDINGS NIGERIA LIMITED
5. ATTORNEY-GENERAL OF THE FEDERATION
6. DEMINERS CONCEPT NIG. LTD.
7. STATE SECURITY SERVICE (SSS)

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 **PLACID IHEKWOABA & 19 ORS** (APPLICANTS) AND **(1) PRESIDENT, FEDERAL REPUBLIC OF NIGERIA, (2). FEDERAL GOVERNMENT OF NIGERIA, (3) MINISTRY OF DEFENCE, (4) R. S. B. HOLDINGS NIGERIA LIMITED, (5) ATTORNEY-GENERAL OF THE FEDERATION, (6) DEMINERS CONCEPT NIG. LTD., (7) STATE SECURITY SERVICE (SSS)** (DEFENDANTS) was filed by the Applicants and Registered by the Court on the 11th day of July, 2014.

1. NAMES AND ADDRESSES OF THE PARTIES
Names and addresses of the Applicants are as follows:

a. PLACID IHEKWOABA
Umunachi Village, Osuama, Isiala Mbano, LGA, Imo State

b. EMEKAUZOWURU
Umunachi Village, Osuama, Isiala Mbano, LGA, Imo State

c. IHEMENOGU PATRICIA
Eziama Osu, Mbano

d. VICTORIA ONYEGBULE
Umunachi, Osu Isiala Mbano LGA, Imo State

e. BENEDICT OKORO
Oboh Village, Osuama, Isiala Mbano LGA, Imo State

f. MR. VICTOR IBE
Oboh Village, Osuama, Isiala Mbano LGA, Imo State

g. CHARLES ALANEME
Eziama Village, Isiala Mbano LGA, Imo State

h. UGOCHI OSUOHA
Eziama Village, Isiala Mbano LGA, Imo State.

i. IHEAWACHOR JOHN
Umunachi, Isiala Mbano LGA, Imo State.

j. NWALA MICHAEL
Eziama Village, Isiala Mbano LGA, Imo State.

APPLICANTS

k. **IBEAWUCHI EHIRIM**
Ezike Village, Isiala Mbano LGA, Imo State.

l. **JOSEPH MMAJU**
Umunachi, Osuama, Isiala Mbano LGA, Imo State.

m. **AMARAEGBU CHRISTIAN**
Umunachi, Osuama, Isiala Mbano LGA, Imo State.

n. **HILARY GBAJIA**
Eziama, Isiala Mbano LGA, Imo State.

o. **PAULINE ONYI**
Oboh, Isiala Mbano LGA, Imo State.

p. **OHANELE VINCENT**
Umunachi, Isiala Mbano LGA, Imo State

q. **FINE BOY IWUANYANWU**
Umunachi, Isiala Mbano LGA, Imo State

r. **JULIUS ANYADIEGWU**
Umunachi, Isiala Mbano LGA, Imo State

s. **PAULINUS DURUJI**
Umunachi, Isiala Mbano LGA, Imo State

t. **RAYMOND OKORONKWO**
Umunachi, Isiala Mbano LGA, Imo State

APPLICANTS

2. *Names and Addresses of the Defendants are as follows:*

aa. **PRESIDENT, FEDERAL REPUBLIC OF NIGERIA**
Commander-in-Chief of the Armed Forces
The Presidency, Aso Rock Villa, Abuja-Nigeria

b. **FEDERAL GOVERNMENT OF NIGERIA**
A signatory to both ECOWAS Treaty and the
Ottawa Convention otherwise called the Mine Ban Treaty.
c/o of Attorney General of the Federation,
Attorney General's Chambers
Federal Ministry of Justice, Three Arms Zone, Abuja-Nigeria

c. **MINISTRY OF DEFENCE, FEDERAL REPUBLIC OF NIGERIA**
The Ministry charged with the responsibility of handling
of munitions and arms and hired 4th and 5th Defendants.
Defence Headquarters, Ship House, Olusegun Obasanjo Way,
Area 10, Garki, Abuja-Nigeria.

d. **R. S. B. HOLDINGS NIG. LTD.**
Company incorporated in Nigeria and contracted by the
Ministry of Defence to clear the War Affected States of Nigeria
of Landmines and Explosive Remnants of the Nigerian Civil War.
Plot 107, Ndubuisi Kano Street, New Owerri, Imo State, Nigeria

e. **DEMINERS CONCEPT NIG. LTD.**
A Sister company with the 4th Defendant used interchangeably
for the same purpose of Bombs and Landmines clearance.
Plot 107, Ndubuisi Kano Street, New Owerri, Imo State, Nigeria

f. **ATTORNEY-GENERAL, FEDERAL REPUBLIC OF NIGERIA**
The Chief Law Officer of the Federal Republic of Nigeria.
Attorney General's Office, Federal Ministry of Justice,
Abuja-Nigeria

DEFENDANTS

g. STATE SECURITY SERVICE (SSS).
In charge of State Security Nigeria.
The Presidency, Aso Drive,
Three Arms Zone, Abuja-Nigeria
} ***DEFENDANT***

3. SUBJECT MATTER OF PROCEEDINGS

a. Continuing threat to life and other violations of the fundamental Human Rights of the Applicants, by the Defendants including restriction/limitations to Applicants' freedom of movement in the environments, communities and farms, guaranteed by the Nigeria Constitution and the African Charter on Human and Peoples' Rights.

4. ORDERS SOUGHT BY THE APPLICANT

a. A DECLARATION that the Applicants' fundamental rights guaranteed by the Constitution of Nigeria (as amended) and the African Charter on Human and Peoples' Rights, are threatened, violated and breached, by the actions and inactions of the Defendants, arising from the contamination by bombs of Applicants' Environments.

b. A Declaration that the Fundamental Human Rights of the Applicants to life, liberty, freedom of movement, right to satisfactory environment, guaranteed by the Constitution of Nigeria and African Charter on Human and Peoples Rights have been grossly violated, infracted, breached/ threatened by the Defendants, in so far as none of these provisions has been implemented to the benefits of the Applicants who have been injured by landmines or Bombs and other ERW's abandoned all over their communities after the Nigerian Civil War between 1970 – 2014.

c. A Declaration that the infractions, violations and breach are continuous and on-going.

d. A Declaration that Applicants environment/communities are contaminated by the presence of Bombs, War Artefacts and other Explosive Remnants of War.

e. A Declaration that the Applicants, their families and communities are victims of abandoned landmines, bombs and other Explosive Remnants of the Nigerian Civil War.

f. An Order of Court directing the Defendants to remove all Bombs, Explosive Remnants of War and other War relics used during the Nigerian Civil War, which were buried in the ground at St. Aquinas Secondary School, Osu, with modern equipment, in Applicants communities at Isiala Mbano for Agricultural purposes and Infrastructural Development in these areas.

g. An Order directing the Defendants to embark on the rehabilitation of 5 buildings, within Aquinas Secondary School, Osu Mbano, Imo State, used by soldiers.

h. An Order directing the Defendants to embark on victims compensation, rehabilitation and re-integration in such a manner as to benefit the Applicants (Victims) in all ramifications in their various locations and stations in life, their families and communities where they come from.

i. An Order of court directing the 2nd, 3rd, and 4th Defendants to appoint the Traditional Ruler of Osuama Autonomous Community Eze Dr. Charles Obinna Onuoha, Mr. Jovinal Pajo Akano and High Chief Chukwuemeka Alams who are from the community alongside the Anti-Bomb Unit of Nigeria Police Force as monitors to authenticate quarterly the activities of the 4th and 6th Defendants (contractors) and report same to the Hon. Minister for Defence before payments are made to them to ensure effective clearance.

j. An Order directing the 1st, 2nd, 3rd Defendants and particularly the President of the Federal Republic of Nigeria to treat contaminated farmlands and environments where Applicants live and farm at Osu, Osu Ama, Osu Achara, in Isiala Mbano LGA, Imo State.

k. An Order enforcing and securing the enforcement of the Fundamental Human Rights of the Applicants to life, right to personal liberty, right to freedom of movement, satisfactory environment as guaranteed by the Constitution of the Federal Republic of Nigeria (as amended) and reinforced by the African Charter on Human and Peoples Rights.

l. Compensation payable to the Applicants and their families and communities who are all victims in the sum of N50 Billion by the 1st, 2nd, 3rd, 5th and 7th Defendants.

m. DAMAGES AGAINST THE 1st, 2nd, 3rd, 5th and 7th Defendants jointly and severally to the sum of N50 Billion.

5. SUMMARY OF PLEAS IN LAW

· Supplementary Protocol (A/SP.1/07/05 of the ECOWAS Court of Justice).

· Article 9(b) African Charter on Human and Peoples Rights (African Charter).

· 1999 Constitution of the Federal Republic of Nigeria (As Amended) – Cap IV. (D) Articles 13(1) (6), Article 32, Article 33 of the Rules of Community Court Of Justice. ETC

6. SUMMARY OF THE MAIN SUPPORTING ARGUMENT

a) Applicants aver that there is a continuous violation of their Fundamental Human Rights guaranteed by the Constitution of the Federal Republic of Nigeria (as amended) and reinforced by the African Charter on Human & Peoples Right, by the Defendants.

b) Applicants state that their Fundamental Human Rights are violated, threatened and breached by the Defendants.

c) RSB Holdings Nig. Ltd. did not carry out the pre-enumeration of Applicants as a people hit and affected by Landmines, Bombs and other Explosive Remnants of War.

d) 45% of the land in the East remains uncleared.

e) Applicants state that they are victims of landmines and Bombs explosions.

f) Applicants state that they did not fight in the Nigerian Civil War.

g) Applicants state that there are in addition marked BOMB DUMPS and BOMB DANGER SITES indicated by the Defendants themselves at the compounds of Public Schools where children are schooling as well as public places.

h) Applicants state that they have not been going to their farms since their accidents.

i) Applicants aver that they live within the neighbourhood with liters of Bombs, have families and come from communities most of which Communities and Farms/Environments have been completely destroyed, degraded and rendered useless by reason of the presence of Unexploded Ordnance and other Explosive Remnants of War.

j) Applicants state that both Landmines, Bombs and Explosive Remnants of War pose a serious, ongoing and continuing threat to Applicants.

k) Applicants state that the continuing threats and presence of Landmines, Bombs and Explosive Remnants of War, violate their right to life, right to satisfactory healthy environment and right to freedom of movement.

l) Applicants aver that as recent as 2013, Nigeria Police, Imo State Command – Anti Bomb Unit removed a live Bomb from Mbano in Isiala Mbano LGA Imo State.

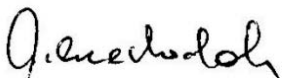
m) Applicants state that the Federal Government represented by the Ministry of Defence – 3rd Defendants, hired the services of the 4th Respondent R.S.B. Holdings Nig. Ltd to clear their communities midway in 2011, the contractors were stopped from clearing and since then they have not returned to work in spite of all pleas by Applicants.

n) The 3rd and 5th Defendants are frustrating the contractors and frustrating President's directive to clear Applicants Communities of Bombs.

o) When officials of Ministry of Defence and Ministry of Justice visited Imo State, South-East and South-South late 2013, the Director of Civil Litigation and Head of the delegation personally discovered a live Bomb at Aquinas Secondary School, Osu, but 4 months after, violations, contaminations have continued.

p) Clearing of Bombs was stopped by the Defendants and Applicants have continued to live with these Bombs.

DONE AT ABUJA THIS 16TH DAY OF JULY, 2014

SIGNED: 

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

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

HOLDEN AT ABUJA, NIGERIA.

SUIT NO: ECW/CCJ/APP/12/14

BETWEEN
DR. MALACHI Z. YORK ——— **APPLICANT**

V.
THE REPUBLIC OF LIBERIA ——— **DEFENDANT**

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, Pursuant to Article 13 (6) of the Rules of the Community Court of Justice, ECOWAS that an Application **BETWEEN DR. MALACHI Z. YORK (APPLICANT) v. THE REPUBLIC OF LIBERIA (DEFENDANT)** was filed by the Applicant and registered by the Court on 18th day of July, 2014.

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

a. **Dr. Malachi Z. York**
USP Florence ADMAX
Penitentiary, Colorado,
United States of America } *APPLICANT*

b. **The Republic of Liberia**
c/o The Minister of Justice
& Attorney General of the Republic of Liberia
Ashmun Street, Monrovia, Liberia } *DEFENDANT*

2. SUBJECT MATTER OF PROCEEDINGS

The violation of the Applicant's human rights by the failure of the Defendant to diplomatically secure his immediate release after his arrest, which led to the trial and imprisonment at USP Florence ADMX in Colorado, United States being a Consul General and Diplomat of the Defendant.

3. ORDERS SOUGHT BY THE APPLICANT

a. A Declaration that Liberia seeks and secures the release of the Applicant.

b. Applicant prays that Liberia be ordered to ensure his release and repatriation back to Liberia.

c. The Cost of **N10,000,000** Nigerian Naira or in the Equivalent of US$60,000 be ruled against the Defendant.

SUMMARY OF PLEAS-IN-LAW

a. The Applicant relies on Article 11 (1) and (2) of the Protocol of ECOWAS Court; Article 31 (1) (a) (b) and (c) of the Vienna Convention on Consular Relations; Article 4 (g) of the Revised Treaty and; Articles 1, 2, 3, 4, 5 and 6 of the African Charter on Human and Peoples' Rights; the United Nations Covenant on Civil and Political Rights; and Economic Community of West African States (ECOWAS) Convention on Privileges and Diplomatic Immunities.

4. SUMMARY OF MAIN SUPPORTING ARGUMENTS

a. The Applicant states that he is a citizen, Consul General and Diplomat of the Republic of Liberia. He also states that he has been a Consul General from 15th December 1999 in Atlanta, Georgia, United States and that on 8th May 2002 he was violently arrested, tried and imprisoned for 135 years at USP Florence, ADMX of the United States.

b. He further states that his diplomatic passport was renewed by the Government of the Republic of Liberia on 7th June 2006; that he filed a petition for a Declaratory Judgment that he was a citizen of Liberia and Consul General and obtained judgment in his favour in June 2004 before the 6th Judicial Circuit, Civil Law Court.

c. The Applicant contends that the failure of the Government of Liberia to secure his immediate release and repatriation back to Liberia for the past 13 years is contrary to the Vienna Convention on Consular Relations, ECOWAS Convention on Privileges and Diplomatic Immunities, African Charter on Human and Peoples' Rights, the United Nations Covenant on Civil and Political Rights, and other related International Human Rights instruments.

d. The Applicant also contends that the Defendant is to protect his rights and immunities from arbitrary arrest and imprisonment by the receiving State, United States.

DATED THIS 25TH DAY OF JULY, 2014

SIGNED: 

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

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

HOLDEN AT ABUJA, NIGERIA.

SUIT NO: ECW/CCJ/APP/13/14

BETWEEN
1. CHIEF DAMIAN ONWUHAM (ALABEKEE) & 22 ORS ——— **APPLICANTS**

AND

1. **FEDERAL GOVERNMENT OF NIGERIA**
2. **IMO STATE GOVERNMENT** } ***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 **CHIEF DAMIAN ONWUHAM (ALABEKEE) & 22 ORS** (APPLICANTS) AND **(1) FEDERAL GOVERNMENT OF NIGERIA, (2). IMO STATE GOVERNMENT** (DEFENDANTS) was filed by the Applicants and Registered by the Court on the 4th day of August, 2014.

1. NAMES AND ADDRESSES OF THE PARTIES
Names and addresses of the Applicants are as follows:

a. CHIEF DAMIAN ONWUHAM (ALABEKEE)
b. MRS. THERESA ONWUHAM
c. MRS. LIVINA ONWUHAM
d. MR. ANTHONY CHUKWUEMEKA ONWUHAM
e. MRS. OZIOMA ONWUHAM
f. KAMJIKA ONWUHAM
g. MRS. JOY ONWUHAM
h. MR. MBADIWE ONWUHAMMRS.
i. ULUNMA ONWUHAM
j. MR. BEN ONWUHAM
k. MRS. IEFOMA ONWUHAM
l. MR. CHINEDU ONWUHAM
m. PRISCA ONWUHAM
n. CHIADI ONWUHAM
o. CHUKWUDI ONWUHAM
p. CLINTON ONWUHAM
q. CHIBUEZE ONWUHAM
r. CHIDIEBERE ONWUHAM
s. CHIDINMA ONWUHAM
t. CHIZITARA ONWUHAM
u. EMMANUEL ONWUHAM
v. OYIBO ONWUHAM
w. ABOY ONWUHAM

} *APPLICANTS*

The address of the Applicants is Umueze Umungwu Obosima in Ohaji Egbema Local Government Area of Imo State of Nigeria.

2. ***Names and Addresses of the Defendants are as follows:***

a. **FEDERAL GOVERNMENT OF NIGERIA**
c/o Attorney General of the Federation,
Federal Ministry of Justice, Abuja-Nigeria
The 1st Defendant "Federal Republic of Nigeria" is a sovereign member of ECOWAS.

b. **IMO STATE GOVERNMENT.**
Attorney General of Imo State,
Ministry of Justice, Owerri, Imo State,Nigeria
The 2nd Defendant is a Component State in the 1st Defendant.

} *DEFENDANTS*

3. SUBJECT MATTER OF PROCEEDINGS

a. The Applicants were vicariously held guilty and punished for the purported offences of an adult member of their family who has not been tried, more than two years after his arrest by the Defendants.

b. The Applicants were rendered homeless by the Defendants, who demolished their 3 bungalow buildings on Saturday 12th April, 2014.

c. The Applicants were subjected and are being subjected to conditions below dignity inherent in human beings

d. The Applicants have been subjected, till this moment and until the court intervenes, to exploitation, cruelty, inhuman and degrading punishment and treatment by the Defendants.

e. The Applicants have been deprived of their right to property by the Defendants.

4. ORDERS SOUGHT BY THE APPLICANT

a. A Declaration that the Applicants' right to dignity inherent in a human being was and is still being breached by the Defendants.

b. A Declaration that the Applicants' right to the freedom from exploitation, cruelty, inhuman and degrading punishment and treatment was and is still being breached by the Defendants.

c. A Declaration that the Applicants' right to presumption of innocence was and is still being breached by the Defendants.

d. A Declaration that the Applicants' right to property was and is still being breached by the Defendants.

e. A Declaration that the Applicants' inalienable rights were arbitrarily breached by the Defendants on an unsubstantiated allegation that one adult member of their family by name Obinna Kasarachi Onwuham is a kidnapper thus holding the Applicants vicariously guilty and hideously punished for the alleged unsubstantiated offences of their relative.

f. A Declaration that the Applicants are victims of spoliation and dispossession of their property and persons entitled to recovery of the 'property and compensation.

g. A Declaration that the demolition of the Applicants' three houses was illegal, unlawful, unconstitutional, flagrant abuse and breach of the Applicants' fundamental human rights.

h. A DECLARATION that the acts of the Defendants in the premises of the Applicants on 12th day of April 2014 after the arrest of their suspect Obinna Kasarachi Onwuham constitutes a trespass.

i. An Order for General damages for trespass, in the sum of N50, 000, 000.00 (Fifty Million Naira).

j. An Order for Special damages, in the sum of (N100, 089, 140.00) One Hundred Million, Eighty Nine Thousand, One Hundred and Forty Naira only, being the total cost of building 3 new houses of the same or similar attributes with the 3 houses destroyed by the Defendants including household items, furniture, electronics, clothing, certificates, landed documents, receipts, farm tools, my traditional Chieftaincy beads and regalia, One Complete Small Scale Palm Oil Press Plant, Cash crops and Orchards, indeed the entire personal property of the Applicants.

k. An Order for Exemplary damages, based on the extreme ill will, recklessness, insensitivity, malice and deprivation of Applicants' fundamental rights exhibited by the Defendants against the Applicants in the sum N500, 000,000.00 (Five Hundred Million Naira) only.

5. SUMMARY OF PLEAS IN LAW

· Order II Rules (1), (2), (3), (4) & (5) Fundamental Right (Enforcement Procedure) Rules 2009

· Article II of The Protocol (A/P1/7/91) and Articles 9 & 10 of the Protocol as amended by The Supplementary Protocol (A/SP.1/01/05) and Articles 32 and 33 of The Rules of ECOWAS Court.

· Articles 2, 3, 4, 5, 7, 14, 21(2) of the African Charter on Human and Peoples Rights.

· Sections 34(1), 36(1), 37 And 43 of the 1999 Constitution of the Federal Republic of Nigeria (As Amended).

· Pursuant To Supplementary Protocol (A/SP.1/01/05) Of ECOWAS Court.

· Pursuant To Article II of the Protocol and Rules of Procedure of ECOWAS Court.

· Under The Inherent Jurisdiction of the Honourable ECOWAS Court.

6. SUMMARY OF THE MAIN SUPPORTING ARGUMENT

i. The 1st Applicant is a titled Cabinet Chief in Obosima Autonomous Community who retired from the civil service of the 2nd Defendant's "IMO HOTELS LTD" in 2005. His residence, a house of 15 bedrooms with 2 sitting rooms was demolished by the Defendants.

ii. Prior to the said demolition, the 1st Applicant rented out two rooms to Prince Nkemdirim; one room each to Uloma Ikechukwu and Levi Munachi.

iii. The 2nd Applicant is the first wife of the 1st Applicant and mother of the 4th, 6th and 13th Applicants herein. Her residence, a house of 6 bedrooms and a sitting room was demolished by the Defendants.

iv. The 3rd Applicant is 2nd wife of the 1st Applicant and mother of the 8th, 10th 12th and the suspect, Obinna Kasarachi Onwuham who has been incarcerated by the Defendants since December 2012 without trial, access to his family, Doctor or lawyer. Her residence, a house of 7 bedrooms and a sitting room was demolished by the Defendants.

v. The 4th Applicant is the first son of the 1st Applicant and husband of the 5th Applicant.

vi. The 5th applicant is the 4th Applicant's wife and resides with her husband in the demolished 6 bedroom house. The 5th Applicant lost her 3 months pregnancy as a result of the trauma following the demolition and living under very extreme harsh conditions.

vii. The 6th applicant is the 1st Applicant's son and husband to the 7th Applicant. The 6th and 7th Applicants are the parents of the 14th, 15th and 16th Applicants. They resided in the 6 bedroom bungalow demolished by the Defendants.

viii. The 8th Applicant is 1st Applicant's son and husband to the 9th Applicant. The 8th and 9th Applicants are parents to the 17th, 18th, 19th and 20th Applicants. They resided in the 7bedroom bungalow demolished by the Defendants.

ix. The 10th Applicant is 1st Applicant's son and the husband of the 11th Applicant. They 10th and 11th Applicants are parents of the 21stApplicant. They resided in the 7bedroom bungalow demolished by the Applicants.

x. The 12th Applicant is 1st Applicant's son and resided with him in the 15bedroom demolished by the Defendants.

xi. The 13th Applicant is 1st Applicant's daughter and resided in one of the rooms in the 15bedroom bungalow demolished by the Defendants.

xii. The 22nd and 23rd Applicants are the 1st Applicant's grandchildren from his daughters.

xiii. On the 19th day of December 2012, the Imo State Security Network (Security Agency of the 2nd Defendant) came into the Applicants' compound with 5 Toyota Hilux trucks filled with men armed with various types of guns.

xiv. The Armed men of Imo State Security Network were led to the Applicants' compound by Mr. Paul Obieze Amaghere of Umuoroma and Mr. Marshal Ifeanyi Akujinwa (aka DAWUDA) of Umuodukwu Obogwu both of Obosima in Ohaji Egbema Local Government Area of Imo state of Nigeria.

xv. The duo of Mr. Paul Obieze Amaghere and Mr. Marshal Ifeanyi Akujinwa pointed out the 1st Applicant's son Obinna Kasarachi Onwuham as a suspect in a kidnap case being handled by the Imo State Security Network.

xvi. The 1st Applicant inquired from Mr. Paul Obieze Amaghere and Mr. Marshal Ifeanyi Akujinwa and the armed men from Imo Security Network who the nominal complainant is or where or when the purported kidnap for which they came for his son took place but they did not give him any answer.

xvii. The duo of Mr. Paul Obieze Amaghere and Mr. Marshal Ifeanyi Akujinwa and their colleagues of the Imo Security Network handcuffed Obinna Kasarachi Onwuham and asked him to lead them to his room and he took them to the room the 1st Applicant assigned to him like his other siblings. The armed men from Imo Security Network took every piece of personal item belonging to Obinna Kasarachi Onwuham and burnt them in front of the 1st Applicant's house.

xviii. The armed men from Imo Security Network bundled Obinna Kasarachi into one of the Toyota Hilux trucks and drove away with him and from that day till this time of filling this suit the Applicants have not been allowed to see him again. He has not been charged to any Court for trial.

xix. Again on the 12th day of April 2014 in the morning, the duo of Mr. Paul Obieze Amaghere and Mr. Marshal Ifeanyi Akujinwa also led armed men from Imo Security Network who came in Toyota Hilux trucks and a Bulldozer.

xx. The armed men from Imo Security Network cordoned off the Applicants' compound while their bulldozer demolished the 1st Applicant's three units of detached bungalows, one 6 bedroom house with a sitting room, one 7 bedroom house with a sitting room and one 15 bedroom house with two sitting rooms. All the household items, furniture, electronics, clothing, certificates,

landed documents, receipts, farm tools, traditional Chieftaincy beads and regalia, One Complete Small Scale Palm Oil Press Plant, Cash crops and Orchards, indeed the entire personal property of the Applicants.

xxi. The Defendants trespassed into the Applicants' compound and demolished their houses on the excuse that the 1st Applicant's adult son is suspected to be a kidnapper.

xxii. The Defendants did not confirm from the Community leadership headed by His Royal Highness EZE P. C. ONYEUKWU, OHANYERE 1 OF OBOSIMA whether the houses belong to the suspect or not before demolishing the houses. The houses belong to 1st Applicant and not the suspect.

xxiii. The Defendants have not charged the suspect or indeed any member of the Applicants' family to Court and none have been convicted of any offence warranting confiscation or demolition of their house or property.

xxiv. The Defendants have turned the Applicants into destitute and internally displaced persons without cause.

xxv. Defendants have destroyed the family life of the Applicants. The female members of the Applicants' family are distributed among the Applicants' relatives while the male members sleep wherever they are allowed. The 1st Applicant sleeps under the tree by the side of his house.

xxvi. The Applicants' right to dignity inherent in human beings has been breached by the Defendants.

xxvii. The Applicants' right to the freedom from exploitation, cruelty, inhuman and degrading punishment and treatment has been breached by the Defendants.

xxviii. Applicants' right to presumption of innocence has been breached by the Defendants.

xxix. Applicants' right to property has been breached by the Defendants.

xxx. The Applicants are victims of spoliation and dispossession of their property and are entitled to recovery of the property and compensation.

DONE AT ABUJA, THIS 13TH DAY OF AUGUST, 2014

SIGNED:

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

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

HOLDEN AT ABUJA, NIGERIA.

SUIT NO: ECW/CCJ/APP/14/14

BETWEEN
SOCIÉTÉ AGRILAND _____ ***APPLICANT***

v.
THE REPUBLIC OF COTE D'IVOIRE _____ ***DEFENDANT***

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, Pursuant to Article 13 (6) of the Rules of the Community Court of Justice of the Economic Community of West African States, ECOWAS that an Application **BETWEEN SOCIÉTÉ AGRILAND (APPLICANT)** v. **THE REPUBLIC OF COTE D'IVOIRE (DEFENDANT)** was filed by the Applicant and registered by the Court on 25th August, 2014.

I. NAMES AND ADDRESSES OF THE PARTIES

Names and addresses of the Applicants are as follows:

SOCIÉTÉ AGRILAND
SOCIÉTÉ AGRILAND is a public liability company,
created pursuant to theIvoirian Laws.
It Headquarters is in Abidjan-Zone4, Rue Thomas EDISON,
04 BP 1078 ABIDJAN 04 on whose behalf its
Managing Director, Mr. JEAN-CLAUDE GOMBERT,
a French citizen,files the present case. } *APPLICANT*

THE REPUBLIC OF COTE D'IVOIRE
represented by Mrs. Kaba NIALE, Hon. Minister in the
Office of the Prime Minister, in Charge of Economy and Finance,
taken in the person of the State Judicial Agent, and in charge
of Public Accounts Mr. Kouassi BERNARD, Magistrate,
in his Official address located at 6ème étage de
l'immeubleanciennement de la BCEAO,
Avenue TERRASSON FOUGERE au Plateau à Abidjan
B.P.V 98 Abidjan,
Tél: (+ 225) 20 25 38 48, fax: 20 21 60 32. } *DEFENDANT*

II- SUBJECT-MATTER OF THE PROCEEDINGS

It is requested from the Court to note human rights violations, and to order Defendant State to pay for the reparation of prejudices suffered.

III- SUMMARY OF THE CLAIMS MADE BY APPLICANT

Applicant claims that there has been a litigation of long years between her a Property Development Company known as ***Compagnie de Gestion et de Participation CGP***, from which it acquired a citrus fruit plantation, but which has always refused to append its signature on the Public Notary Document issued to that effect.

Applicant adds that all the national courts in Cote d'Ivoire, before which the case was taken, by each of the parties to the case, have delivered highly contestable judgments.

Applicant avers that the last, in a series of such judgments, is the one, under No. 405/14 delivered by Panel 1 on Civil Matter B of the Judicial Chamberin the Supreme Courtof Côte d'Ivoire, at its hearing of 05 June 2014, which seriously infringes upon the rights of Société AGRILAND.

Applicant thus brings the present case before the Honourable Court, and seeks that the Court notes the serious human rights violations that the Republic of Côte d'Ivoire has committed against herowing to the disregard for the following fundamental judicial principles.

- The right to fair and equitable hearing, equality before the law, and impartiality of the law, as guaranteed under Articles 7 and 10 of the Universal Declaration of Human Rightsof 10 December 1948, Articles 3 and 7 of the African Charter on human and Peoples' Rightsof 27 June 1981, Articles 14.1 and 26 of the International Covenant on Civil and Political Rightsof 16 December 1966, Article 20 of the Constitution of Côte d'Ivoire;

- Equality before the law, as enshrined under Article 7 of the Universal Declaration of Human Rights, Article 3 of the African Charter on human and Peoples' Rights, Article 2 (2)of the Constitution of Côte d'Ivoire;

- The right to access the court, as enshrined under Article 8 of the Universal Declaration of Human Rights, Article 7.1 of the African Charter on human and Peoples' RightsandArticle 3.4 of the International Covenant on Civil and Political Rights.

Applicant claims that the human rights violations, as referred to above, having caused serious prejudices for Société AGRILAND, it is requested from the Court to order the Republic of Côte d'Ivoire, to pay her the sum of two billion (2.000.000.000 FCFA), for the reparation of such prejudices.

DONE IN ABUJA, THIS 4TH DAY OF SEPTEMBER, 2014

SIGNED:

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

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

HOLDEN AT ABUJA, NIGERIA.

SUIT NO: ECW/CCJ/APP/15/14

BETWEEN
1. GNASSINGBE KPATCHA
2. SEIDOU OUGBAKITI
3. GNASSINGBÉ ESSOZIMNA
4. ATTA ABI - **APPLICANTS**
5. TCHINGUILOU SOUDOU
6. DONTEMA KOKOU TCHAA
7. SASSOU EFOÉ SASSOUVI

v.
THE REPUBLIC OF TOGO - **DEFENDANT**

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, Pursuant to Article 13(6) of the Rules of Community Court of Justice, ECOWAS that an Application **BETWEEN GNASSINGBE KPATCHA 2. SEIDOU OUGBAKITI 3. GNASSINGBÉ ESSOZIMNA 4. ATTA ABI 5. TCHINGUILOU SOUDOU 6. DONTEMA KOKOU TCHAA 7. SASSOU EFOÉ SASSOUVI (APPLICANTS) v. THE REPUBLIC OF TOGO (DEFENDANT)** was filed by the Applicants and registered by the Court on the 4th day of September, 2014.

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

1. Gnassingbé Kpatcha
who is detained at the ***Prison Civile*** in Lomé,TOGO;

2. Seidou Ougbakiti,
who is detained at the ***Prison Civile*** in Lomé,TOGO;

3. Gnassingbé Essozimna,
who is detained at the ***Prison Civile*** in Tsévié,TOGO;

4. Atta Abi,
who is detained at the ***Prison Civile*** in Atakpamé,TOGO;

5. Tchinguilou Soudou,
who is detained at the ***Prison Civile*** in Atakpamé,TOGO;

6. Dontema Kokou Tchaa,
who is detained at the ***Prison Civile*** in Sokodé,TOGO;

7. Sassou Efoé Sassouvi,
who is detained at the ***Prison Civile*** in Sokodé,TOGO;

APPLICANTS

*Whose Counsels are **Jil-BenoîtKossi AFANGBEDJI (Esq.)**, Lawyer at the Court, 99, Rue de l'Entente non loin du Festival des Glaces (ancien Restaurant la Pirogue), BP : 12250, Tél : 22 20 64 40, Email : cabinetafangbedji@yahoo.com ;*

Darius ATSOO (Esq.) *Lawyer at the Court, Kégué,*
rue Notre Dame de la miséricorde, 3è rue à droite à 150 mètres,
BP : 7722 Tél : 22 26 01 01 / Cel : 90 13 64 66
Email : me_darius@yahoo.fr, whose Law Firm is
chosen as address for service, in this procedure.

Ata Messan Zeus AJAVON (Esq.),
*Lawyer at the Court**,** 1169, avenue de Calais,*
BP : 1202 Lomé-TOGO,
Tél : 23 20 57 79/ Cel : 90 33 07 63,
Email : atamzajavon@yahoo.fr ;

THE REPUBLIC OF TOGO
Whose address is in Lomé, Palais de la Présidence,
2, Avenue du Général de GAULLE, Lomé-TOGO,
taken in the person of its Legal Representative,
Minister of Justice, and Liaising Minister with
State Institutions, living in Lomé,
Rue de l'Entente;
} *DEFENDANT*

II. SUBJECT MATTER OF THE PROCEEDINGS

The subject-matter of the present Application is to request the Court to note the violation of the fundamental human rights of Applicants, notably their right to have Court judgments in their favour enforced.

III. APPLICANTS' CLAIMS

Applicants request the Court:

To note the violation of their fundamental human rights, and their continued detention, in a disproportionate manner, all in violation of the content and spirit of Judgment N° ECW/CCJ/APP/06/13 dated 03 July 2013, delivered by the Community Court of Justice, ECOWAS.

To declare and adjudge that the partial enforcement of Judgment N°ECW/CCJ/APP/06/13 dated 03 July 2013, delivered by the Community Court of Justice, ECOWAS, constitutes great grievances to them, in the sense that it prevents the court judgment given in their favour to remain unenforceable;

To give an order enjoining the Defendant State, to immediately start putting in place, through the principle of restitution, and the restauration of their freedom, pursuant to the UN Resolution n° 60/147 of 16 December 2005 together with a daily penalty of two hundred and fifty thousand CFA Francs *(250 000 000) to be paid to Applicants, for lateness in effecting such release;*

And to order the payment, by the Defendant State to Applicants, the sum of eighty million *(80 000 000) CFA francs for the* ***violation of their right to fair hearing, since 03 July 2013*** *the date on which* ***Judgment N°ECW/CCJ/JUD/06/13, which was given by the Community Court of Justice, ECOWAS***, which *became obligatory for enforcement*

IV. SUMMARY OF THE PLEAS-IN-LAW

In support of their claims, Applicants invoke the violation of Article 7 of the African Charter on Human and Peoples' Rights;

They equally invoke the violation of Article 10 of the Universal Declaration of Human Rights;

Applicants invoke the violation of Article 14 (1) of the International Covenant on Civil and Political;

Also, Applicants invoke UN Resolution N°60/147, on the principle of Restitution which was adoptedon 16 December 2005.

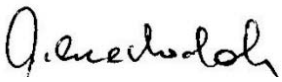
V. SUMMARY OF APPLICANTS' MAIN ARGUMENTS

Applicants are all Togolese citizens. They aver that they are the beneficiaries of a court judgment N°ECW/CCJ/APP/06/13 dated 03 July 2013, which was delivered by the Community Court of Justice, ECOWAS, and through which the Court ordered the cessation of the violation of their fundamental human rights, by the Defendant State, since Judgment N°59 of 15 September 2011, which was delivered by the Judicial Chamber of the Supreme Courtof Togo, wherein heavy jail terms were given to them;

They aver that, in violation of the principle of restitution, which is guaranteed under the UN Resolution N°60/147 that was adopted on 16 December 2005, the Defendant State continue to keep them indetention.

They further aver that, bringing to an end the violation of their right to fair and equitable hearing should be by setting them free, and to put an end to the Defendant State's resistance in enforcing court judgments.

DONE AT ABUJA, THIS 10TH DAY OF SEPTEMBER, 2014.

SIGNED: 

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

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

HOLDEN AT ABUJA, NIGERIA.

SUIT NO: ECW/CCJ/APP/16/14

BETWEEN
BODJONA AKOUSSOULÈLOU PASCAL - ***APPLICANT***

v.
THE REPUBLIC OF TOGO - ***DEFENDANT***

NOTICE OF REGISTRATION OF A 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 MR. BODJONA AKOUSSOULÈLOU PASCAL (APPLICANT)** v. **THE REPUBLIC OF TOGO (DEFENDANT)** was filed by the Applicant and registered by the Court on 4th September, 2014.

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

BODJONA AKOUSSOULÈLOU PASCAL
Mr. **BODJONA Akoussoulèlou Pascal**,
former Minister of State, Minister for Territorial Administration,
Decentralisation and Local Government Affairs of TOGO,
former Ambassador of TOGO to the United States of América,
former Director in the State House of TOGO,
and former Spokesperson for the Togolese Government,
Domiciled at, and residing in Lomé-Agbalépédogan (TOGO); } *APPLICANT*

THE REPUBLIC OF TOGO
Whose address is in Lomé, Palais de la Présidence,
2, Avenue du Général de GAULLE, Lomé-TOGO,
taken in the person of its Legal Representative,
Minister of Justice, and Liaising Minister with State Institutions,
living in Lomé, Rue de l'Entente; } *DEFENDANT*

II. SUBJECT MATTER OF THE PROCEEDINGS

Applicant requests from the Court:

a) To note the violation, by the Republic of Togo, of his fundamental human rights.

b) To order the Republic of Togo to repair the prejudices that he suffered, by awarding costs to the tune of three billion (3,000,000,000) CFA Francs, for illegal and arbitrary arrest and detention.

c) To order the Republic of Togo, to pay Applicant, the sum of one billion (1,000,000,000) CFA Francs, for curtailing Applicant's movements, on no just case, and on no known legal basis.

III. ORDERS SOUGHT BY APPLICANT

a) Applicant seeks from the Court, an order recognising that his arrest, detention, and the curtailment of his movements are a violation of the pertinent provisions, guaranteeing his fundamental human rights.

b) An order enjoining the Defendant State to put an end to the curtailment of Applicant's movements, on no legal basis.

c) Applicant seeks an order to the Defendant State, to pay him the sum of 2 billion (2 000 000 000) CFA Francs, for the prejudices suffered, owing to infringement upon Applicant's image, honour and reputation.

d) An order enjoining the Defendant State to proceed to the enforcement of court judgments that annulled flawed procedures against his person, whereby an end was ordered for those same procedures.

e) Applicant also seeks an order from the Court, to sanction the Defendant State, to pay Applicant, for the reparation for acts of psychological torture, cruel, inhuman or degrading treatments, meted out onto him.

IV - SUMMARY OF THE PLEAS-IN-LAW

a) In support of his claims, Applicant invokes the violation of Articles 13 (2), 15 (1), 19, 20, 21 (2), 22 (2) and 28 (3) of the Togolese Constitution of 14 October 1992 ;

b) He equally invokes, the violation of Articles 5, 9, 10 and 12 of the Universal Declaration of Human Rights of 10 December 1948 ;

c) Applicant also invokes the violation of Article 7, 9-1, 9-5, 14-1, and 17 of the International Covenant on Civil and Political Rights of 16 December 1966.

d) Moreover, Applicant invokes the violation of Articles 1 and 14 of the UN Convention against torture and other cruel punishments, inhuman or degrading Treatments of 10 December 1984 ;

e) Finally, Applicant invokes the violation of Articles 5, 6, and 7 of the African Charter on Human and Peoples' Rights of 27 June 1981.

V. SUMMARY OF THE MAIN ARGUMENTS BY APPLICANT

a) As a former Minister of State, Applicant was arrested, placed in illegal detention, and later, saw his movements curtailed, all in total disrespect for the pertinent indications as contained in Judgment N°48/12 dated 20 June delivered by the Supreme Court of TOGO, in his favour.

b) Moreover, Applicant avers that in violation of Article 422 of the Togolese Code of criminal procedure, and Judgment n°169/13 of the Indictment Chamber of the Court of Appeal of Lomé, which quashed the proceedings initiated against him by the Ministry of Justice, the Defendant State continues to keep him in detention, by meting out on his person serious psychological tortures.

c) Thus, Applicant avers that the refusal to enforce court judgments, and the disregard for international provisions on human rights protection, constitute an infringement upon his fundamental human rights.

DONE AT ABUJA, THIS 10TH DAY OF SEPTEMBER 2014.

SIGNED:

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

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

HOLDEN AT ABUJA, NIGERIA.

SUIT NO: ECW/CCJ/APP/17/14

BETWEEN:

1. DOROTHY CHIOMA NJEMANZE
2. EDU ENE OROKO
3. JUSTINA ETIM
4. AMARACHI JESSYFORD

} ***APPLICANTS***

AND
THE FEDERAL REPUBLIC OF NIGERIA ——————— **DEFENDANT**

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, Pursuant to Article 13 (6) of the Rules of the Community Court of Justice, ECOWAS that an Application between DOROTHY NJEMANZE & 3 ORS **(APPLICANTS)** AND THE FEDERAL REPUBLIC OF NIGERIA **(DEFENDANT)** was filed by the Applicants and registered by the Court on the 17th day of September, 2014.

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

a) DOROTHY CHIOMA NJEMANZE
C1 Kebbi Court,Gaduwa Estate,
Federal Capital Territory,
Abuja – Nigeria.

EDU ENE OROKO
13 Awka Crescent,
War College, Gwarimpa,
Abuja – Nigeria.

JUSTINA ETIM
3 Arita Close,
Off Elekaya Street, Rumuola,
Port Harcourt,
Rivers State – Nigeria.

AMARACHI JESSYFORD
House 108, First Avenue,
Federal Housing Authority,
Gwarimpa,
Abuja – Nigeria.

} *APPLICANTS*

b) THE FEREDAL REPUBLIC OF NIGERIA
C/O THE HONOURABLE ATTORNEY-GENERAL
FEDERAL MINISTRY OF JUSTICE,
ABUJA

} *DEFENDANT*

2. SUBJECT MATTER OF THE PROCEEDINGS

i. Violation of the Applicants fundamental human rights as guaranteed under Articles 1,2,3,5 and 18 (3) of the African Charter on Human and Peoples' Rights;

Articles 2, 3, 4 (1) & (2), 5, 8 and 25 of the Protocol to the African Charter on Human and Peoples' Rights of Women in Africa (Women Protocol);

Articles 2, 3, 5 (a), and 15 (1) of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW);

Articles 2 (1) & (3), 3, 7 and 26 of the International Convention on Civil and Political Rights (ICCPR);

Articles 10, 11, 12, 13 and 16 (1) of the Convention Against Torture and other Cruel, inhuman or Degrading Treatment or Punishment (CAT) and Articles 1, 2, 5, 7 and 8 of the Universal declaration of Human Rights.

3. ORDERS SOUGHT BY THE APPLICANTS

1) **A DECLARATION** that the failure on the part of the Defendant State to recognize, promote and protect the rights of the Applicants and the failure to take measures to give effect to the rights of the Applicants constitute multiple violations of the African Charter on Human and Peoples' Rights and other International instruments.

2) **A DECLARATION** that the failure and/or refusal of the Defendant State to investigate, discipline and prosecute the persons responsible for the violations of the Applicants' Rights (in this case agents of the AEPB, the Nigerian Police and the Nigeria Military) constitutes a violation.

3) **A DECLARATION** that the treatment meted out to the Applicants by agents of the AEPB, the Nigerian Police and the Nigeria Military constitutes gender-based violence contrary to Articles 3, 4(2) and 5 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

4) **A DECLARATION** that the treatment meted out to the Applicants by agents of the AEPB, the Nigerian Police and the Nigeria Military constitutes gender-based discriminatory treatment contrary to Articles 2, 3 and 18 (3) of the African Charter on Human and Peoples' Rights, Articles 2 and 8 of the of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa of Articles 2, 3 and 15 (1) of the Convention on the Elimination of All Forms of Discrimination Against Women, Articles 2 (1), 3 and 26 of the International Covenant on Civil and Political Rights and Articles 2 and 7 of the Universal Declaration of Human Rights.

5) **A DECLARATION** that the treatment meted out to the Applicants by agents of the AEPB, the Nigerian Police and the Nigeria Military constitutes cruel, inhuman and degrading treatment discriminatory treatment contrary to Articles 5 of the African Charter on Human and Peoples' Rights, Articles 3 and 4 (1) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Articles 2, 3 and 15 (1) of the Convention on the Elimination of All Forms of Discrimination Against Women, Article 7 of the International Covenant on Civil and Political Rights and Articles 1 and 5 of the Universal Declaration of Human Rights.

6) **DAMAGES/ MONETARY COMPENSATION** for the Applicants in the sum of N100, 000,000 (One Hundred Million Naira) for the pain, suffering and harm to their dignity including physical, mental and emotional trauma.

7) **AN ORDER** for the enactment of a law eliminating all forms of violence, including sexual violence, against women and the training of the police, prosecutors, judges and other responsible

Government agencies on laws on violence against women and gender sensitivity and the creation of specialized police units and courts dealing with cases of violence against women.

8) **AN ORDER** for the adoption of other legislative, administrative, social and economic resources as may be necessary to ensure the protection, punishment and eradication of all forms of discrimination against women.

9) **AN ORDER** for the provision of support services for victims of violence against women, including information, legal services, health services and counselling.

10) **AN ORDER** for the establishment of mechanisms or procedures for the protection of women, such as shelters, complaints mechanisms, reporting through educational, health or other institutions, etc.

11) **AN ORDER** for the development and wide implementation of awareness rising educational and communication strategies aimed at the eradication of beliefs, practices and stereotypes which legitimize and exacerbate the persistence and tolerance of violence against women.

4. SUMMARY OF PLEAS-IN-LAW

ii. Unequal and gender-based discriminatory treatment of the Applicants by the State agents is a violation of Articles 2, 3 and 18 (3) of the African Charter on Human and Peoples' Rights, Articles 2 and 8 of the Women's Protocol, Articles 2, 3 and 15 (1) of the Convention on the Elimination of all forms of Discrimination Against Women, Articles 2 (1), 3 and 26 of the International Covenant on Civil and Political Rights and Articles 2 and 7 of the Universal Declaration of Human Rights.

iii. The physical, sexual and psychological violence and verbal assaults the applicants suffered in the hands of state agents constitute cruel, inhuman, degrading and ill-treatment and violations of their right to dignity guaranteed in Article 5 of the African Charter on Human and Peoples' Rights, Articles 3 and 4 (1) of the Women's Protocol, Articles 1 and 5 of the Universal Declaration of Human Rights, Article 7 of the International Covenant on Civil and Political Rights and Article 16 (1) of the Convention against Torture

iv. That the failure of the state to investigate the Applicants' complaints of abductions, attempted abductions, physical, verbal and sexual assaults perpetrated by state agents and the failure to provide protection and redress to the Applicants constitute violations of the Applicants' right to remedy and the Defendant state's obligations under article 1 the African Charter on Human and Peoples' Rights, Articles 5, 8 and 25 of the Women's Protocol, article 2 (3) of the International Covenant on Civil and Political Rights, Articles 3 and 5 (a) of Convention on the Elimination of all forms of Discrimination Against Women, Article 8 of the Universal Declaration of Human Rights and articles 10, 11,12, 13 and 16 (1) of the Convention against Torture

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENTS

i. Articles 2, 3, 4(2), 5 and 8 of the Protocol to the African Charter on People and Human Rights on the Rights of Women in Africa, Articles 2, 3 and 18 (3) of the African Charter on Human and Peoples' Rights, Articles 2, 3 and 15 (1) of the Convention On The Elimination Of All Forms Of Discrimination Against Women (CEDAW), Articles 2 (1), 3 and 26 of the International Covenant On Civil And Political Rights (ICCPR) and Articles 2 and 7 of the Universal Declaration Of Human Rights specifically targets discrimination against women and provides for gender based Violence/Violence and discriminatory treatment of women – The treatment the Applicants suffered in the hand of various government authorities constitutes gender-based violence and discrimination amounting to a violation or their rights.

ii. The physical, sexual and psychological violence and verbal assaults the Applicants suffered in the hands of State agents constitute cruel, inhuman, degrading and ill-treatment and violations of their right to dignity guaranteed in Right to an effective remedy – The failure of the State to

investigate the applicants' complaints of abductions, attempted abductions, physical, verbal and sexual assaults perpetrated by State agents and the failure to provide protection and redress to the Applicants constitute violations of the applicants' right to remedy and the Defendant state's obligations under Article 1 of the African Charter On Human and Peoples' Rights, Articles 5, 8 and 25 of the Women's Protocol, Article 2 (3) of the International Covenant On Civil And Political Rights, Articles 3 and 5 (a) of the Convention on the Elimination Of All Forms Of Discrimination Against Women, Article 8 of the Universal Declaration of Human Rights And Articles 10, 11,12, 13 and 16 (1) of the Convention Against Torture, the Protocol on Women, African Charter, CEDAW, CAT and other International human rights instruments binding on Nigeria.

DATED THIS 26TH DAY OF SEPTEMBER, 2014.

SIGNED: 

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

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

HOLDEN AT ABUJA, NIGERIA.

SUIT NO: ECW/CCJ/APP/18/14

BETWEEN

1. MAINU HAMDALLAHI ISLAMIC CENTER LIMITED
2. ALHAJI MOHAMMED ABUBAKAR
3. MALLAM MUSA HAMZA

} ***APPLICANTS***

V.

1. ATTORNEY GENERAL OF NIGER STATE
2. ATTORNEY GENERAL OF THE FEDERAL REPUBLIC OF NIGERIA
3. HRH ENGR. UMAR TAFIDA BAGO III (CON), ETSU OF LAPAI

} ***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) MAINU HAMDALLAHI ISLAMIC CENTER LIMITED (2) ALHAJI MOHAMMED ABUBAKAR (3) MALLAM MUSA HAMZA** (Applicants) v. (1)**THE ATTORNEY GENERAL OF NIGER STATE (2) ATTORNEY GENERAL OF THE FEDERAL REPUBLIC OF NIGERIA (3) HRH ENGR. UMAR TAFIDA BAGO III (CON), ETSU OF LAPAI** (Defendants) was filed by the Applicants and registered by the Court on 22nd day of September, 2014.

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

1. MAINU HAMDALLUHI ISLAMIC CENTER LIMITED
2. ALHAJI MOHAMMED ABUBAKAR
3. MALLAM MUSA HAMZA
No. 42, Ahmadu Bello Way, Lapai.

} *APPLICANTS*

1. ATTORNEY GENERAL OF NIGER STATE
Ministry of Justice, Minna, Niger State.
2. ATTORNEY GENERAL OF THE FEDERAL REPUBLIC OF NIGERIA DEFENDANTS
Federal Ministry of Justice, Maitama Abuja.
3 HRN ENGR. UMAR TAFIDA BAGO III (CON),
ETSU of Lapai, Etsu Palace, Lapai, Niger State.

} *DEFENDANTS*

2. SUBJECT MATTER OF PROCEEDINGS

The unlawful destruction of the Applicants' properties, unlawful eviction and dispossession of the Applicants legitimately acquired land, unlawful arrest and detention of the Applicants by the Defendants.

3. **ORDERS SOUGHT BY THE APPLICANTS**

a. A Declaration that the destruction of the Applicants' properties by the 1st and 3rd Defendants is an unlawful violation of the Applicants' right to own property.

b. A Declaration that the arrest and detention of the members of the 1st and 2nd Applicants is an unlawful and unconstitutional violation of their rights to freedom of movement and dignity of human person.

c. That the Defendants are liable to damages for destroying the houses, fish ponds, classrooms, farm lands, and other properties of the Applicants.

d. An Order of the Honourable Court restoring forthwith the Applicants back into possession and occupation of their land.

4. SUMMARY OF THE PLEAS-IN-LAW

a. The Applicants contends that unlawful destruction of their properties and their unlawful eviction and or dispossession of their acquired land are contrary to Article 14 of the African Charter on Human and Peoples' Rights and Section 43 and 44 of the 1999 Constitution of the Federal Republic of Nigeria as amended.

b. The unlawful arrest, detention and physical violence of the 2nd and 3rd Applicants by the 1st Defendant and Agents of the 1st and 3rd Defendants are contrary to the provisions of the African Charter of Human and Peoples' Rights and the 1999 Constitution of the Federal Republic of Nigeria as amended.

c. The Applicants further contends that the seizure of their land by the 1st Defendant is in violation of their Fundamental Human Rights as guaranteed by Article 21(1) and 2 of the African Charter on Human and Peoples' Rights and the 1999 Constitution of the Federal Republic of Nigeria.

5. SUMMARY OF THE MAIN SUPPORTING ARGUMENT

a. That the Applicants were granted a Certificate of Occupancy on the 29th of May 2013 pursuant to diligent due process .

b. That the Applicants set up a School with all due diligence and after satisfied all the requisite standard required by the 1st Defendant.

c. That the Applicants were destabilized by the 3rd Defendant, due to their refusal to comply with the 3rd Defendant's demand for a third of the Land acquired by the Applicants.

d. That the 3rd Defendant requested for the revocation of the aforesaid Certificate of Occupancy due to the Applicants refusal to comply with the 3rd Defendant's demand.

e. That the 3rd Defendant hired touts and miscreants to invade the Applicants properties, with all manner of offensive weapons to attack them and their students, thereby brutally wounding and maiming their victims.

DATED THIS 30TH DAY OF SEPTEMBER, 2014

SIGNED: 

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

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

HOLDEN AT ABUJA, NIGERIA.

SUIT NO: ECW/CCJ/APP/19/14

BETWEEN

1. TIDJANI ABDOULKARIM
2. AMADOU ALI DJIBO
3. SAIDOU BAKARI
4. BOUBACAR MOSSI

} *APPLICANTS*

v.

THE REPUBLIC OF NIGER } *DEFENDANT*

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, Pursuant to Article 13 (6) of the Rules the Community Court of Justice, ECOWAS that an Application **BETWEEN 1. TIDJANI ABDOULKARIM, 2.AMADOU ALI DJIBO 3. SAIDOU BAKARI 4. BOUBACAR MOSSI AMOUSSOU (APPLICANTS)** v. **THE REPUBLIC OF NIGER (DEFENDANT)** was filed by the Applicant and registered by the Court on the 23rd day of September, 2014

1. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of parties are as follows:

1. TIDJANI ABDOULKARIM
2. AMADOU ALI DJIBO
3. SAIDOU BAKARI
4. BOUBACAR MOSSI AMOUSSOU

Whose Counsel is BOUBACAR AMADOU (Esq.),
Lawyer registered with the Court, quartier Yantala Haut, 367,
Rue YN128, BP 179 Niamey Niger
E-mail: cabamadou12@yahoo.fr

} *APPLICANTS*

REPUBLIC OF NIGER
Represented by the Secretary to the Government,
whose address is located within the Presidency,
Avenue la Présidence, BP 550 Niamey.

} *DEFENDANT*

II. SUBJECT MATTER OF THE PROCEEDINGS

Applicants urge the Court :

To note, and adjudge that the Leadership of the National Assembly, as is currently constituted in Niger Republic, does not respect the provisions of Article 89 (1) of the Constitution of Niger, and that it constitutes a violation of Protocol A/SP1/12/01;

To note, and adjudge that, it is only the MPs from the party in power, who are those responsible for the violation of opposition Members' human rights, by denying them (opposition MPs) the right to participate in the running of the affairs of the House of Assembly.

To declare that all the decisions taken by the leadership of the Assembly, and which are at variance with the Constitution are void, and of no effect whatsoever.

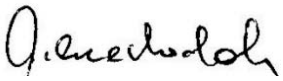
Then, to adjudge that the elections into leadership positions of the Assembly should be carried to a logical conclusion, so that all positions can be filled.

III. ORDERS SOUGHT BY APPLICANTS

Applicants are all opposition MPs, in the National Assembly of the Republic of Niger. They claim that the elections that were conducted, in order to renew the Leadership positions at the Assembly, were so done in violation of Article 89 (1) of the Constitution of Niger, Article 13 of the Rules and Regulations of the National Assembly, and of Protocol A/SP1/12/01 on Democracy and Good Governance. They believe that the Leadership of the Assembly, as is currently constituted, does not reflect the political configuration in the National Assembly, more so when the two Vice-Presidents, who belong to opposition parties are not Members of the Bureau of the Assembly. Applicants aver that this Bureau is too tilted towards one party, and prevents the opposition members to express themselves, a situation that made it possible for the arrest of the President of the Assembly, with his Parliamentary Immunity still intact. Applicants therefore conclude that their human rights are thus infringed upon.

The orders sought by Applicants are that the Court should do justice to their claims, as contained in the subject-matter of the Application, as enumerated above.

DONE IN ABUJA, THIS 3RD DAY OF OCTOBER, 2014

SIGNED: 

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

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

HOLDEN AT ABUJA, NIGERIA.

SUIT NO: ECW/CCJ/APP/20/14

BETWEEN
AMOUSSOU GEORGES CONSTANT - **APPLICANT**

v.
THE REPUBLIC OF BENIN - **DEFENDANT**

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, Pursuant to Article 13 (6) of the Rules of the Community Court of Justice, ECOWAS that an Application **BETWEEN AMOUSSOU GEORGES CONSTANT (APPLICANT)** v. **THE REPUBLIC OF BENIN (DEFENDANT)** was filed by the Applicant and registered by the Court on 23rd September, 2014.

I. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. AMOUSSOU GEORGES CONSTANT
Whose Counsels are Alfred POGNON (Esq.),
Yves KOSSOU (Esq.), and Dieudonné Mamert ASSOGBA (Esq.)
all Lawyers registered with the Appeal Court in Cotonou.
For the purposes of this writ and subsequent ones,
Counsels have agreed that service can be done onto them
via the Law Firm of Barrister Yves KOSSOU located at Ganhi,
immeuble de MEIDEROS, derrière DIAMOND BANK,
06 BP 1416 Cotonou Tel. (229)21-31-24-18
Fax : 21-31-39-88 E-mail : koss_y@yahoo.fr. } *APPLICANT*

b. REPUBLIC OF BENIN
Represented by the State Judicial Officer in the
Public Treasury an Accounts Office, located at route
de l'aéroport international Cardinal Bernardin GANTIN. } *DEFENDANT*

II. SUBJECT-MATTER OF THE PROCEEDINGS

Applicant urges the Court:

- To declare and adjudge that the Constitutional Court of the Republic of Benin, having declared in its judgment of 23 November 2010 that the police detention of Applicant, which lasted from 12 July 2010, at 23 hours to 16 July 2010, without a prior decision from the State Prosecutor General in the Supreme Court, the further detention that was carried out on the person of Mr. Georges Constant AMOUSSOU from 16 to 17 July 2010, by the ***Commission Autonome d'Enquête Judiciaire***, (Autnomous Commission for Judicial Investigation) before a warrant of arrest could be issued against him by the investigating judge, constituted an arbitrary arrest.

- Consequently, to Order his release.

- To note that Mr. Georges Constant AMOUSSOU invokes the provisions of Article 9.5 of the International Covenant on Civil and Political Rights.

- Consequently, to order the Republic of Benin to pay him a sum that the Honourable Court may wish to determine, in its own wisdom, as being fair, for each day of arbitrary detention, from the 12 July 2010, till his effective release and also, order the Defendant to bear all the costs.

III. APPLICANT'S CLAIMS

Applicant claims that he received a correspondence from the Assistant Prosecutor in Cotonou, who, following a telephone call that he received during the month of February, transmitted to him copy of a Minutes of an investigation carried out by the ***Brigade Economique et Financière***, following a complaint filed, on behalf of the Minister of Finance, on 27 February 2010, against four (04) Finance Houses which specialise in management of clients' funds, among which was ICC SERVICES.

That on 17 Mai 2010, sequel to an unofficial investigation that he (Asst. Prosecutor) jointly carried out with the state prosecutor at the Tribunal of First Instance at Abomey Calavi, under whose jurisdiction is located the Fund Manager called ICC SERVICES, he ordered that prosecutor to carry out further judicial investigation on the activities of ICC SERVICES, with a view to unraveling, among other things, the collaborators who aided it, in official quarters, for four (04) years, without hindrance, to carry out a presumed illegal business, and to make that outfit refund its depositors.

Applicant claims that the said investigation drew out both panic and hostility from people in high places, within the Government in power. He adds that after failing in their attempt to take over, and kill the investigation, at first, with the help of a dubious crisis solving committee, presided over, and composed essentially of personalities suspected to be ''guilty sympatisers'' towards the Fund Managers, they ended up in putting in place a purported ***Commission Autonome d'Enquête Judiciaire***, (Autnomous Commission for Judicial Investigation), whose main objective was to make Applicant a scape goat of that political and financial scandal.

Thus, Applicant claims that he was arrested and detained arbitrarily on 12 July 2010, because a warrant of arrest was issued against him on 17 July 2010, without the measure that was taken against him being sanctioned, by a judicial pronouncement, to be elongated, from 16 to 17 July 2010, and that his detention was effected on no legal basis.

In support of his claims, Applicant cites Articles 9-4 and 10-d of the Protocol on the Community Court of Justice, ECOWAS, the Court's Judgment in the Mamadou TANDJA v. REP. OF NIGER Case, dated 08 November 2010, and invokes as well, the violation of the following instruments;

- the Constitution of the Republic of Benin of 11 December 1990, in its Article 18 (4);
- Articles 3, 6 and 7-1 (a) of the African Charter on Human and Peoples' Rights;
- Articles 2-3 (a)(b)(c) and 9-1 of the International Covenant on Civil and Political Rights;
- The Universal Declaration of Human Rights, in its Articles 3, 8 and 9.

And, from the foregoing, Applicant requests that, may it please the Honourable Court, to declare his Application admissible, as to form, and on its merit, and to adjudicate on his claims, as contained in the subject-matter, as enunciated above.

DONE IN ABUJA, THIS 3RD DAY OF OCTOBER, 2014

SIGNED: 

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

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

HOLDEN AT ABUJA, NIGERIA.

SUIT NO: ECW/CCJ/APP/21/14

BETWEEN
VICTIMES DES VIOLATIONS DES DROITS DE L'HOMME DE SAORO } ***APPLICANTS***

v.
1. THE REPUBLIC OF GUINEA
2. LA SOCIETE GUINEENNE DE PALMIER A HUILE ET D'HEVEA (SOGUIPAH) } ***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 VICTIMES DES VIOLATIONS DES DROITSDE L'HOMME DE SAORO (APPLICANTS)** v. 1.**THE REPUBLIC OF GUINEA 2. LA SOCIETE GUINEENNE DE PALMIER A HUILE ET D'HEVEA (SOGUIPAH) (DEFENDANTS)** was filed by the Applicants and registered by the Court on the 30th September, 2014.

I. NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

VICTIMES DES VIOLATIONS DES DROITS DE L'HOMME DE SAORO
Whose Counsel is Foromo Frédéric LOUA (Esq.),
Lawyer registered with the Bar in Guinee, Lead Counsel,
an President of MDT (Les Mêmes Droits pour Tous),
Immeuble sis à l'Archevêché, rue du marché du Niger,
Commune de Kaloum,BP:5728 Conakry-GUINEE,
mail :fredforomo@yahoo.fr/frederiloua@gmail.com } *APPLICANTS*

THE REPUBLIC OF GUINEA
Represented by the State Judicial Agent,
whose address is Petit Palais, quartier Boulbinet,
BP 1005 Commune de Kaloum, Conakry,
Tel : +224 664 29 54 79 } *1ST DEFENDANT*

LA SOCIETE GUINEENNE DE PALMIER A HUILE ET D'HEVEA (SOGUIPAH. SA)
with Headquarters at Diécké (Yomou),
representedby its Managing Director, Conakry Branch:
Coléah Corniche sud, commune de Matam,
BP 123 Conakry,
Email : soguipah@biasy.net } *2ND DEFENDANT*

III. SUBJECT MATTER OF THE PROCEEDINGS

Applicants request from the Court:

a) To note the violation by the Republic of Guinea, Applicants' fundamental human rights.

b) To also note the violation by the Defendant State, Applicants' right to own landed property.

c) To order the Republic of Guinea to pay the victims, the sum of one hundred and fifty billion (150 000 000 000) of Guinean Francs for the reparation of all forms of human rights violations committed.

d) To order SOGUIPAH to pay for the reparation of the prejudices suffered by the victims, awarding in favour of Plaintiffs, the sum of one hundred billion (100 000 000 000) Guinean Francs, for the destruction of their rubber, palm oil, rice and other plantations.

IV. ORDERS SOUGHT BY APPLICANTS

a) Applicants seek from the Court, an order the Defendant State all plots of land that were seized, and given to SOGUIPAH.

b) Applicants also seek an order requesting SOGUIPAH, as well as its officer occupants, to immediately relinquish the seized land.

c) Finally, the Court should jointly order both the Republic of Guinea and SOGUIPAH, to pay Applicants, the sum of one hundred billion Guinean Francs, as damages.

V. SUMMARY OF THE PLEAS-IN-LAW

a) In support of their claims, Applicants invoke the violation of Articles 5 and 13 of the Constitution of Guinea of 07 May 2010;

b) They equally invoke the violation of Articles, 57,59, and 69 of the Land Use Code of Guinea;

c) They also invoke the violation of Articles 533, 534 of the Civil Code of Guinea;

d) Finally, Applicants invoke the violation of international human right Law, notably Article 17 of the Universal Declaration of Human Rights, Article 1 (2)of the International Covenant on Civil and Political Rights, the provisions of Articles 21 and 24 of the African Charter on Human and Peoples' Rights.

VI. SUMMARY OF MAIN SUPPORTING ARGUMENTS

a) Applicants are all farmers, an Guinean citizens. They claim that that their lands, and other plantations were illegally seized from them, through forceful chase out, and intimidation from the Defendant State and its Agents.

b) They claim that, in violation of the principle of the inalienable and imprescriptible right of the right to own landed property, as enshrined under the Guinean Constitution of 07 May 2010, the Defendant State persists in the violation of the said right.

c) Moreover, Applicants claim that the Defendant State violated the principle of the respect for the human person, and his dignity, by effecting arrests, and by committing grave degrading acts on the people of Saoro. Consequently, Applicants solicit the reparation of the physical, material and moral prejudices, which were unjustly caused by the Agents of the Guinean State.

DONE AT ABUJA, THIS 13TH DAY OF OCTOBER, 2014.

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



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

HOLDEN AT ABUJA, NIGERIA.

SUIT NO: ECW/CCJ/APP/22/14

BETWEEN
1. LES ETABLISSEMENTS VAMO
2. MR KUEKIA PASCAL - APPLICANTS

v.
THE REPUBLIC OF BENIN - DEFENDANT

NOTICE OF REGISTRATION OF AN APPLICATION

NOTICE IS HEREBY GIVEN, Pursuant to Article 13 (6) of the Rules of the Community Court of Justice, ECOWAS **BETWEEN 1. ETABLISSEMENTS VAMO 2. MR. KUEKIA PASCAL (APPLICANTS)** v. **THE REPUBLIC OF BENIN (DEFENDANT)** was filed by the Applicant and registered by the Court on the 2nd day of October, 2014.

I – NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

1. Les Etablissements VAMO

2. Mr KUEKIA Pascal

Les Etablissements VAMO *is a Sales outlet, situated at lot n°2113, Menontin, dealing in second hand household goods such as electronics, computers, wears, second hand wears, leather goods, kitchen utensils etc. It was opened on13 January 2010. It is representedin Benin Republic byMr. AGASSOUNON Justin, Tel: +229 93704637; and Mr Pascal KUEKIA, a Briton of Camerunian origin, he is a trader living in TOGO, atAkodessewa, BVD Félix Houphouet-Boigny, non loin de la pharmacie des Oliviers, cel :+228 92052038-99895863. For the purposes of the present procedure, They have chosen the Law Firm of Barrister Tchamo Mafetgo Clémence, Lawyer registered with the Bar in Camerou, with address at 2ème étage, immeuble Groupe Rapide, rue Jamot à 100 mètres de la pharmacietrinité, BP :12008 Douala, Tel : 33 43 78 75/99 95 49 83/ Fax :33 42 93 83, Email : www.cabinet-tchamo.com*

APPLICANTS

THE REPUBLIC OF BENIN
Represented by the State Judicial Officer in the Public Treasury an Accounts Office, ***the Ministry of Leisure, Youth and Sports***, with address in Cotonou, 03 BP: 2103 Cotonou, Tel :+ 229 21 30 36 00/ 21 30 36 14, Fax : +229 21 38 21 36, ***the Management Office of Stade de l'Amitié***, in Cotonou, Kouhounou, 03 BP : 2429, Tel : 21 38 17 47, BENIN

DEFENDANT

II. SUBJECT MATTER OF THE PROCEEDINGS

Applicants urge the Court :

- To note the violation by the Republic of BENIN, of the fundamental human rights of Applicants.
- To note the violation of Applicants' inalienable human right, especially their right to own property, owing to their forceful ejection, and the destruction of their goods and properties.
- To note the unilateral break of contractual agreement, and seizure of Applicants' goods and properties, and taking same to an unknown destination, without releasing them to Applicants.
- To order the Republic of BENIN to pay Applicants, a total sum of ***433 974 450 F CFA*** as reparation for all the prejudices suffered.

III. ORDERS SOUGHT BY APPLICANTS

The orders sought by Applicants are to do justice to those as contained in the subject – matter of the Application, as enumerated above.

IV. ARGUMENTS BY APPLICANTS.

Applicant claims that his fundamental human rights are violated by the Republic of Benin. He avers in substance that **OGESA** (the **M**anagement **O**ffice of **S**taded'**A**mitié) has, unilaterally put an end to the contractual agreement that exists between Ets. VAMO and that Office, when the Office forcefully chased Est. VAMO out from the location where it was carrying its business; while in the same process, the Office seized Applicant's goods, and carried them to an unknown destination.

Applicant avers that, contrary to Defendant'allegations, **OGESA**unilaterally put an end to the rent agreement that it signed with OGESA, and that instead of a meeting, to which he was invited,he was forcefully ordered out of the premises that his sales outfit was occupying, on 15 July 2011.

Thus, under the supervision of police officers, and the Staff of the ***Cotonou Mairie***, defendants perpetrated acts of vandalism, during which they destroyed his properties, and took the goods he was selling to an unknown destination.

Applicant requests that the Court to note that, through their actions, Defendants have caused himenormous prejudices, thereby obliging him to live in fear and anxiety. Moreover, Plaintiff claims that this situation forced him to abandon his domicile, his wife and children, and that he has been finding it extremely difficult to continue with the diabetics treatment, and so, his life has been put on the danger list.

In support of his claims, Applicant cites the provisions of the African Charter on Human and Peoples' Rights of 1981 in itsArticles 11,17, and 23, which guarantee the inalienable right of the human person to own property, of which none shall be deprived, except for the public good, and for which there should be just and prior indemnity.

Consequently, Applicants request that the Court should:

- Order OGESA to pay to Applicants, the sum of 433.974.450 CFA Francs, for the reparation of the prejudice suffered.
- Order Defendants to replace the merchandises, either in their equivalent cash or in kind.
- Order Defendants to bear all the costs.

DONE IN ABUJA, THIS 9TH DAY OF OCTOBER, 2014.

SIGNED:

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

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

HOLDEN AT ABUJA, NIGERIA.

SUIT NO: ECW/CCJ/APP/23/14

BETWEEN
1. ALTERNATIVE CITOYENNE
2. ROCH GNAHOUI DAVID } *APPLICANTS*

V.

THE REPUBLIC OF BENIN _____ *DEFENDANT*

NOTICE OF REGISTRATION OF AN APPLICATION

Pursuant to Article 13 paragraph 6 of its Rules of Procedure, the Court of Justice of the Economic Community of West African States, ECOWAS notifies that it has registered on 13th October 2014, an Application filed by **ALTERNATIVE CITOYENNE & MONSIEUR ROCH GNAHOUI DAVID** *(APPLICANTS)* against **THE REPUBLIC OF BENIN** *(DEFENDANT)*

I – NAMES AND ADDRESSES OF THE PARTIES

The names and addresses of the parties are as follows:

a. ALTERNATIVE CITOYENNE
A Political Party having its Party House in Cotonou, Republic of Benin, it is represented by its Chairman, Mr. Roch Gnahoui David, who lives in, and is domiciled, in that quality at lot 1128 Sainte Rita, 08 BP 548 Cotonou, Tél : 00229 21 00 82 55 ; Courriel partialternative@gmail.com

b. Mr. ROCH GNAHOUI DAVID, ECOWAS Community Citizen, he is teacher, and a Beninese national, he lives in, and is domiciled at lot 1128 Sainte Rita, 08 BP 548 Cotonou, Tél : 00 229 95 06 33 22 ; Courriel : rochdg8@yahoo.fr; République du Bénin.

Having as Counsel **Joseph DJOGBENOU (Esq.)**, Lawyer registered with the Bar Republic of Benin, with address at lot 957, Sikècodji, Enagnon, Immeuble Fifamin, 01 BP 4452 ; Tél : 229 21 32 38 61 Fax : 229 21 32 38 91 ; Courriel : jdjogbenou@hotmail.com; djcabinet@yahoo.fr } *APPLICANTS*

c. THE REPUBLIC OF BENIN:
State Party to the ECOWAS Treaty, represented by its State Judical Agent in the Public Treasury and Accounts Office, with address at the Direction Générale du Trésor et de la Comptabilité Publique sur la route de l'Aéroport International Cardinal Bernard GANTIN à Cotonou, 01 BP 410, Recette Principale Cotonou, République du Bénin. } *DEFENDANT*

1. SUBJECT-MATTER OF THE PROCEEDINGS

It is requested from the Court:

a) To note the violation, by the Republic of BENIN, of the ECOWAS Revised Treaty signed in Cotonou on 24 July 1993.

b) To also note the violation, by the Republic of Benin, and its Institutions, of the Supplementary Protocol A/SP1/12/01 on Democracy and Good Governance, which is Supplementary to the Protocol on Prevention Mechanism, Settlement of Conflict, and Management of Peace and Security.

c) Applicants claim that the Republic of Benin has violated the principles of Constitutional convergence, as described under points (b) and (c) of the same Supplementary Protocol A/SP1/12/01 of ECOWAS.

d) To note the violation, by the Republic of Benin, of the principle of regular organisation of elections, within legal and constitutionally approved periods, for the necessity of a good administration of the State.

2. ORDERS SOUGHT BY APPLICANTS

a) Applicants solicit from the Court, an order enjoining the Republic of Benin, to remove all the barriers to the actualisation and correction ot the ‘‘LEPI.’’

b) An order enjoining the Defendant State, to request the Electoral Body to organise elections, to renew the seats at the Communal Councils and Local.

c) Applicants solicit from the Court, an order enjoining the Republic of Benin, and its competent institutions to publish the Electoral Lists, pursuant to the Electoral Laws.

3. SUMMARY OF THE PLEAS-IN-LAW

a) Applicants invoke the violation of Article 2(2) of the Supplementary Protocol A/SP1/12/01 de la CEDEAO ;

b) They also invoke the violation of Article 1 (c) of the Supplementary Protocol A/SP1/12/01 of ECOWAS;

c) Applicants further invoke the violation of Article 33 of the Supplementary Protocol A/SP1/12/01 of ECOWAS;

d) Finally, Applicants invoke the violation of Article 3 of the Beninese Constitution.

4. SUMMARY OF THE MAIN ARGUMENTS MADE

a) The Applicant, who is Chairman of a political party, claims that, in violation of the ECOWAS Revised Treaty, of 1993, and the Supplementary Protocol A/SP1/12/01 of ECOWAS, that provide the respect for the principes constitutional convergence, and access to power through democratic means, the Republic of Benin, its institutions and State structures have deliberately blocked elections that shall usher in leaders for State Institutions.

b) Furthermore, Applicants claims that in violation of the principles that forbid any non – democratic means of entrenching oneself in power, the one that requires respect for democratic principles, and, finally, the principle of transparent management of the State, as prescribed under the Supplementary Protocol A/SP1/12/01 of ECOWAS, the Defendant State refuses to remove all impediments that have been blocking the electoral process.

c) Applicant finally solicits that the Court should order the Defendant State, to bear all the costs.

DONE IN ABUJA, THIS 16TH DAY OF OCTOBER 2014

SIGNED:



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