COMMUNITY COURT OF JUSTICE,
ECOWAS
COUR DE JUSTICE DE LA COMMUNATE,
CEDEAO
TRIBUNAL DE JUSTICA DA COMMUNIDADE,
CEDEAO

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

In the Case

ABU DENNIS ULUEBEKA, AND OTHERS

V.

FEDERAL REPUBLIC OF NIGERIA

Suits Nos. *ECW/CCJ/APP/42/18/REV and ECW/CCJ/APP/45/18/REV (Consolidated)-Judgment No.ECW/CCJ/JUD/36/21*

JUDGMENT

ABIDJAN (EXTERNAL SESSION)

26TH OCTOBER, 2021

SUITS Nos. ECW/CCJ/APP/42/18/REV and ECW/CCJ/APP/45/18/REV (CONSOLIDATED)

JUDGMENT No. ECW/CCJ/JUD/36/2021

Between,

Abu Dennis Uluebeka

Mary Bahago

The Incorporated Trustees of Center for Peace and Conflict Management in Africa and the Rethink Africa Foundation, Representing Mary Bahago..... **APPLICANTS**

AND

Federal Republic of Nigeria..... **RESPONDENT**

COMPOSITION OF THE COURT PANEL

Hon. Justice Dupe ATOKY -Presiding

Hon. Justice Keikura BANGURA -Member

Hon. Justice Januária Tavares Silva Moreira COSTA – Member/Rapporteur

Assisted by:

Dr. Athannase ATANNON – Deputy Chief Registrar

I. REPRESENTATION OF PARTIES

Noah Ajare Esq. ..... Counsel for the Applicants

A.G. Salihu Esq ..... Counsel for the Respondent State

II. *COURT'S JUDGMENT*

1- This is the Judgment of the Court, read in virtual public hearing, in accordance with Article 8 (1) of the 2020 Practical Instructions on Electronic Case Management and Virtual Sessions of the Court, during the External Session held in Abidjan.

III. *DESCRIPTION OF THE PARTIES*

2 – The Respondent/debtor State is that of the Federal Republic of Nigeria, a member of the Economic Community of West African States (ECOWAS).

3 – The 1st and 2nd Applicants/Creditors are Nigerian citizens, who are in the maximum-security prison in Kiri Kiri and Suleja prison in the State of Niger, respectively, both administered by the Federal Government of the Republic of Nigeria.

4 – The 3rd Applicant is a Nigerian non–governmental organization, registered under numbers 41552 and 114564, respectively, with the sole purpose of assisting the less privileged, providing them with legal services, when possible, among other things.

IV. INTRODUCTION

5 - In the instant case, after being rendered, on November 18th, 2020, the Judgment No. ECW/CCJ/JUD/29/20, which judged the merits of the case, the Respondent State came to request that the Court annuls its decision which ordered reparation in favor of the first and second Applicants, in the amount of 10,000,000 Naira each, alleging that such is not provided for in the laws of the Federal Republic of Nigeria and that the Court did not reach its conclusion on the basis of well-founded evidence.

6 - It further asks for the deletion of paragraphs 184 to 208 and 211 (b) and 212 of the aforementioned Judgment No. ECW/CCJ/JUD/29/20.

IV. PROCEEDINGS BEFORE THE COURT

7 - By application registered at the Registry of this Court on January 19th, 2021 (Doc.1), the Respondent/Debtor State came to request the Review of Judgment No. ECW/CCJ/JUD/29/20, rendered on November 18th, 2020 in the Consolidated Applications aforementioned;

8 - The Respondent State also filed on the same date a "Motion on Notice" pursuant to Articles 83 and 85 of the Rules of the Court (Doc. 2) to which it attached an affidavit in support of the "Motion".

9 - The aforementioned applications were served on the Applicants/Creditors on January 26th, 2020.

10 - As a result, the Applicants/Creditors came to present their responses to the application initiating proceedings (Doc.3), and to the "Motion" (Doc.4), which were registered at the Registry of the Court on February 25th, 2021 and served on the Respondent/Debtor State on February 26th, 2021.

11 - The Respondent/Debtor, in response to the application submitted by the Applicants/Creditors, submitted its reply (Doc.5) which was served on the opposing party on April 23rd, 2021.

12 - On September 20th, 2021, the virtual hearing was held to hear the parties, in which only the representative of the Applicants/Creditors attended, who relegated his oral submissions to the written responses (Docs. 3 and 4) which he submitted.

13 - The judgment of the case was adjourned to October 26th, 2021.

VI. THE CASE OF THE RESPONDENT/DEBTOR'S IN THE JUDGMENT

a) Summary of Facts:

14 - The 1st and 2nd Applicants/Creditors in the case, on September 21st, 2018 and October 2nd, 2018, respectively, individually presented the following matter to this Honorable Court:

(1) Violation of human rights against due process of law, access to justice and judicial independence to a fair trial, the right to appeal and an effective remedy to the threat of secret execution of the Applicants by the Respondent;

(2) The Applicant has been on death row since 2003, for about 15 years, he has been living in extremely inhumane conditions that (did not) permanently affect his health. Therefore, violation of his right to human dignity and right to a good medical condition.

15 - After the initial hearing, the Court ordered the consolidation of the two cases and, on January 14th, 2020, the Applicants presented their consolidated applications with the same issues in question.

16 - The Respondent/Debtor in the judgment, on March 23rd, 2020, presented its consolidated defense and contested that the allegations then presented before the Honorable Court should be discredited because the Applicants had not attached any documentary evidence in support of their allegations.

17 - The Federal Republic of Nigeria also referred this Honorable Court to its *Article 15 (1) of the Revised Treaty of the Economic Community of West African States (ECOWAS)* and reiterated its call for the matter to be rejected.

18 - Then, on June 23rd, 2020, the Applicants/Creditors in the judgment, responded to the written defense presented by the Respondent/Debtor in the judgment, continuing not to gather any evidence for their entire proceeding.

19 - The parties adopted their written submissions on September 2nd, 2020 and on November 18th, 2020, the Court delivered its judgment on the matter, in which it ordered the Federal Republic of Nigeria to pay *N10,000,000.00 (ten million Naira)* to the 1st and 2nd Applicants each, and also to pay the costs of the case, which would be determined by the Court.

20 - The Respondent/Debtor contests the Judgment rendered on November 18th, 2020, in the following points:

- The Court did not pronounce and did not limit itself to the best international practices with regard to fact-finding before a court entertaining jurisdiction;

- This Honorable Court failed to recognize and respect its previous position in similar decided cases regarding proof of allegation of violation of the right not to be subjected to torture, inhuman or degrading treatment before the court.

- It also deviated from this good practice when it relied on foreign decisions and treaties, to which the Respondent/Debtor is not obliged to follow and is not a signatory, and when it relied on foreign cases, it did so with different sets of facts and issues not fundamentally relevant to the issues therein in dispute before it on this premise.

- The Court ordered a remedy which is unknown and not applicable to the Federal Republic of Nigeria as it concerns matters bordering capital offences;

- The Honorable Court did not pronounce and was not bound in any way to what it retained in paragraph 102 which says the following; *"this argument, by itself, being *abstract and subjective*, is insufficient to allow the court to conclude that the 1st and 2nd Applicants were not guaranteed adequate legal representation in their respective cases"*, and at the ***paragraph 184***, the Honorable Court had a different understanding on the same issues;

- The Court declared*: "however, although no facts have been alleged proving that the Defendant kept them on death row during that long period, with the purpose of causing them*

greater suffering or humiliation, demonstrating lack of respect or diminishing their human dignity, or for arousing in them feelings of fear, anguish or inferiority, the fact is that the lack of demonstration of this objective did not prevent the ***objective*** *conclusion that in the long years (15 and 20) in which the 1st and 2nd Applicants were on death row, awaiting execution under severe conditions of detention, they had experiences such as constant anguish, anxiety, fear, physical and mental suffering that reaches the level of seriousness which constitutes cruel, inhuman and degrading treatment prohibited by Article 5 of the African Charter;*

- Based on *paragraphs 25 and 26*, the Court should have respected its previous submission on the *paragraphs 102*, instead of changing its legal position when the facts and issues that led to its conclusion in paragraph *102* were similar to those in the *paragraphs 184*;

- The Judges also erred in law and facts when, they refused to apply national laws applicable to the parties therein, and based themselves on unrecognized, inapplicable, and unenforceable foreign laws and decisions in Nigeria.

b. Pleas in Law

21 - To support its claim, the Respondent/Debtor State relies on the Articles 85 and 92, 33 (5) and (7), 15 (1) of the Rules of Procedure of the Court of Justice; Articles 6(2) and (4) of the 1967 International Covenant on Civil and Political Rights; Articles 4 (j) 41 of the Revised Treaty of the Economic

Community of West African States (ECOWAS); Articles 4, 13, 17, 20, 21 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

22 - It further relies on Section 12 (2) (C) of the Constitution of the Federal Republic of Nigeria (as amended) 1999; Section 319 (1) 409 (1) Cap C.38 of the Nigerian Federation Penal Code Act 2004; Section 26, Part 38, 40 (B) of the Administration of Criminal Justice Act, 2015; Section 12 (2) (C) of the Nigerian Correctional Service Act, 2019;

c. Reliefs sought:

23 - The Respondent/Debtor in the judgment prays that paragraphs 184 to 208 and paragraphs 211 (b) and 212 in relation to Abu Dennis Uluebeka and others against the Federal Republic of Nigeria, in Judgment No.: ECW/CCJ/JUD/29/20 delivered on the 18th of November, be struck out and removed from the records of the Judgment.

VII. CASE OF APPLICANTS/CREDITORS IN THE JUDGMENT

a) Summary of Facts:

24 - The 1st and 2nd Applicants are Nigerian citizens who were convicted of murder and sentenced to death by hanging.

25 - The 1st Applicant was convicted by a High Court in the State of Edo in the case No. HEK/10C/2003, the 2nd Applicant was convicted by a High Court in Suleja, State of Niger, by mere confessional statement.

26 - The 1st and 2nd Applicants, now 88 and 48 years old respectively, were on death row for 15 and 20 years respectively, while the 1st Applicant was in kirikiri prison No. C313, the 2nd Applicant is in Suleja Prison.

27 - The 1st and 2nd Applicants had been subjected to torture and extremely inhumane conditions.

28 - The 1st and 2nd Applicants were recommended for Amnesty by the Council and Federal Committee that recently visited Kirikiri and Suleja prisons, due to their chronic health status and illness. The Report of the Prison Reform and Decongestion Commission was gathered to the proceedings.

29 - The 1st and 2nd Applicants are traumatized and have a daily life of fear, particularly with the recent statement by the Federation Attorney General and Minister of Justice, Mr. Abubakar Malami (SAN) in April 2018, urging State Governors to sign the execution of the death penalty to decongest Nigerian prisons. In the report, the Honorable Attorney General of the Federation also admitted the lack of medical facilities in Nigerian prisons. This statement was reinstated, and State Governors were accused by Vice President Yemi Osinbajo SAN during the National Economic Council meeting in February 2018 of signing the inmates' death sentence.

30 - The Applicants allege that the Respondent's action violates Section 36 (6) of the Constitution of the Federal Republic of Nigeria and the resolutions adopted by both the African Commission on Human and Peoples' Rights and the UN General Assembly requiring countries to grant adequate time and facilities for the defense of the accused persons, which they were not allowed during the trial which led to a rushed conviction.

31 - The Applicants stated during the judgment that there are more than 1,832 inmates on death row across the country who are contributing to the prison's

overcrowding, they witnessed several of their fellow inmates executed as they were being taken to be hanged.

32 - The 1st and 2nd Applicants stated during the judgment that they suffered enormous mental and physical torture, and that they had to suffer extreme inhumane conditions, having to live constantly in fear of death every day of their lives for the last 15 and 20 years respectively.

33 - The 1st and 2nd Defendants vigorously stated during the judgment that, due to what they went through over the years, they developed serious medical conditions and there is a very high possibility that they could die at any time, considering their health status and the age of the 1st Defendant (80 years), unless the ECOWAS Court intervenes.

34 - The Applicants alleged during the judgment that the 1st and 2nd Applicants were experiencing mental instability, depression and suffering from psychological torture. Such conditions, like the death penalty itself, constitute an internationally established human rights violation.

On the Preliminary Objection

35 - It is claimed by the Applicants/Creditors in the judgment that:

36 - Documents 1 and 2, herein presented by the Respondent/Debtor, are an attempt to appeal and rearrange its case, since the entire argument presented was the one that was raised during the judgment.

37 - Documents 1 and 2 presented by the Respondent/Debtor do not raise any new facts nor matter.

38 - There is no provision in the Supplementary Protocol or in the Rules of the ECOWAS Court that allows for the overruling of the Court's Judgment.

39 - The only grounds on which an application for Revision can be filed are when new facts unknown to the Applicant arise during the judgment or when there are new circumstances in the case.

40 - This is not the case in the instant case.

41 - The Respondent/Debtor's application is an application for revision and annulment which, in the absence of any new circumstance, is not admissible under the terms of Article 93 of the Court's Rules of Procedure.

42 - The Respondent/Debtor in the judgment does not disclose any new facts, of such a nature that they might constitute a decisive factor that justifies any interpretation or revision of the judgment.

43 - What the Respondent/Debtor is trying to get is a new judgment of the same issues, inviting the Court to seat on appeal over its own judgment.

44 - Failure to comply with a condition prior to the filing of an action before this Court makes the application incompetent and inadmissible.

45 - The condition of the Revision is based entirely on the disclosure of new and decisive facts that were not considered during the judgment or in the hearing of the case and that such ignorance was not due to negligence.

46 - They concluded that this Court lacks jurisdiction to hear the issue, as currently raised, and that the entire argument presented by the Respondent/Debtor in the Judgment does not affect or alter the fact that the Respondent is trying to use this means to appeal the decision of this Court.

47 - That such application and procedure is unknown to the law and rules of this honorable Court.

b. Pleas in Law

48 - The Applicants/Creditors in the Judgment rely thus, in support of their argument, on Articles 15 (4), 25, 76 (2) of the Revised Treaty; Articles 19(2), 22(3) and 25(1) and (2) of the Protocol (A/P.1/7/91) on the Court and Articles 2(1), 24/1-5) 9, 10 and 11 of the Supplementary Protocol (A/SP.1/01.05) and 92 and 93 of the Court's Rules of Procedure.

49 - Still, in support of their position, they rely on the jurisprudence of this Court.

c. *Form of Orders Sought*

50 - The Applicants/Creditors in the Judgment conclude by asking the Court to declare the Respondent/Debtor in the Judgment's claim as inadmissible.

VIII – JURISDICTION

51 - The Court having assumed its jurisdiction to judge the case under the terms of Article 9 (4) of Additional Protocol A/SP.1/01/05 on the Court of Justice of the Community, the same remains in the case of Revision, in accordance with the provisions of Articles 92, 93 and 94, all of the Court's Rules of Procedure

IX – ADMISSIBILITY

52 - In the instant case, the Applicants/Creditors in the Judgment pleaded the inadmissibility of the application for Revision by the Respondent/Debtor in the Judgment.

53 - Revision of a judgment is a means of exceptional review procedure, which allows the parties, in very limited circumstances, to obtain the re-examination of a final decision, due to the emergence of a fact that may decisively influence the decision of the case.

54 - The application for Revision is governed by the provisions of Article 25 of the Protocol A/P.7/1/91 and Articles 92, 93 and 94 of the Rules of Procedure of the Court of Justice.

55 - Article 25 of Protocol A/P.1/07/91 establishes that:

1. *"An application for revision for a decision may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the decision was given, unknown to the Court and also to the party claiming revision, provided always that such ignorance was not due to negligence."*
2. *The proceedings for revision shall be opened by a decision of the Court expressly recording the existence of the new fact, recognising that it has such a character as to lay the case open to revision and declaring the application admissible on this ground." (2)*
3. *(...).*
4. *No application for revision may be after five (5) years from the date of decision; (4)*
5. *(...).*

56 - In turn, Article 92 of the Court's Rules of Procedure, states that "*An application for revision of a judgment shall be made within three months of the date on which the facts on which the application is based came to the applicant's knowledge.*"

57 - And in the Article 94, it is stated that "*Without prejudice to its decision on the substance, the Court, in closed session, shall, after hearing the parties and having regard to the written observations of the parties, give in the form of a judgment its decision on the admissibility of the application.*" **(1)**

"If the Court finds the application admissible, it shall proceed to consider the Substance of the application and shall give its decision in the form of a judgment in accordance with these Rules..." **(2)**

58 - From the rules transcribed above, it appears, first, that it is up to the Court to decide by Judgment, whether the present application for revision is admissible or not.

59 - To do this, the Court must verify whether the conditions that authorize the parties to make use of this exceptional review procedure are met, or more precisely, whether the conditions for its admissibility are met.

60 - And as noted by this Court in the case *MRS TOKUNBO LIJADU OYEMADE V. COUNCIL OF MINISTERS & 4 ORS*, at ***Decision issued on November 17th, 2009, Application for Revision in "Judgment No. ECW/CCJ/JUD/02/08, Reported in LR2009:*** *"The conditions of an application for revision such as provided for in Article 25 of the Protocol A/P/P1/7/91 are related to the discovery by the Applicant of a new fact, of nature as exerting a decisive influence on the decision, the ignorance of this fact not being due to the negligence of the Applicant."* (see §29)

61 - These conditions or assumptions of admissibility are to be verified cumulatively, and the lack of one of them, by itself, determines the inadmissibility of the application.

62 - This is the understanding of this Court in the aforementioned Judgment, while stating that: *"The revision of a court decision is an exceptional procedure and subject to strict interpretation. The Court ensures first of all that the conditions of admissibility provided for revision are fulfilled before everything else. The default of one of the conditions renders the application inadmissible independently of the appreciation of the other conditions."* (see §31)

63 - This Court listed the conditions for the admissibility of an application for revision in the case *MUSA SAIDYKHAN V. THE REPUBLIC OF THE GAMBIA, RULING No. ECW/CCJ/APP/RUL/03/12, REPORTED IN 2012 CCJELR,* in this way: **"***The first condition to be met in order to succeed with a review application is that the application must have been filed within five years of the date on which the judgment that is being sought to be reviewed was delivered. The second condition is that the party applying for a review must file his application within three months of his discovering of the fact/facts upon which his application is based. The final condition is that the application must be premised on the discovery of some fact/facts that is/are of a decisive nature, which fact/facts was/were unknown to the Court or the party claiming revision provided that such ignorance was not due to negligence.*" (see §64)

64 - It is therefore necessary to verify whether, in the instant case, the conditions for the admissibility of an Application for Revision are met, which in accordance with the provisions of Article 25 of Protocol A/P.1/7/91 and 92 of the Court's Rules of Procedure, are as follows:

a) *The application made within five years after the decision was pronounced and within three months from the day on which the applicant became aware of the fact on which the application for revision is based;*

b) *The need to rely on a fact that is considered new;*

65 - In the instant case, the Judgment, now the subject of an application for revision, was pronounced on November 18th, 2020, and the present application for revision presented on January 19th, 2021, that is, two months after the date of its delivery, the Court understands that the temporal condition is observed.

66 - As for the second condition, the need to rely on a fact considered new, it should be recalled that, as stated in article 25 of the aforementioned Protocol, such new fact discovered by the party must be able to "*exerting a decisive influence on the decision, the ignorance of this fact not being due to the negligence of the Applicant., provided that this lack of knowledge is not the result of negligence*".

67 - ***Let's analyze the grounds relied on by the Respondent/Debtor in the Judgment, in support of its application for Revision.***

68 - The Respondent/Debtor in the judgment begins by stating that it *contests the judgment rendered on November 18th, 2020, in the following points*:

- "The Court did not pronounce, nor did it limit itself to the best international practices with regard to fact-finding before a competent court;

- The Honorable Court failed to recognize and respect its previous position in similar decided cases regarding proof of

allegation of violation of the right not to be subjected to torture, inhuman or degrading treatment before the court.

- The Court deviated from this good practice when it relied on foreign decisions and treaties, to which the Respondent/Debtor is not obliged to follow and is not a signatory, and when it relied on foreign cases, it did so with different sets of facts and issues not fundamentally relevant to the issues therein in dispute before it on this premise.

- The Court ordered a remedy which is unknown and not applicable to the Federal Republic of Nigeria as it concerns matters bordering capital offences;

- The Court did not pronounce and was not bound in any way to what it retained in paragraph 102 which says the following; *"this argument, by itself, being *abstract and subjective*, is insufficient to allow the court to conclude that the 1st and 2nd Applicants were not guaranteed adequate legal representation in their respective cases"*, and at the ***paragraph 184***, the Honorable Court had a different understanding on the same issues;

- It declared: "***however, although no facts have been alleged proving that the Defendant kept them on death row during that long period, with the purpose of causing them greater suffering or humiliation, demonstrating lack of respect or diminishing their human dignity, or for arousing in them***

feelings of fear, anguish or inferiority, the fact is that the lack of demonstration of this objective did not prevent the *objective* conclusion that in the long years (15 and 20) in which the 1st and 2nd Applicants were on death row, awaiting execution under severe conditions of detention, they had experiences such as constant anguish, anxiety, fear, physical and mental suffering that reach the level of seriousness which constitutes cruel, inhuman and degrading treatment prohibited by Article 5 of the African Charter;

- Based on ***paragraphs 25 and 26***, the Court should have respected its previous submission on the ***paragraphs 102***, instead of changing its legal position when the facts and issues that led to its conclusion in paragraph ***102*** were similar to those in the ***paragraphs 184***;

- The Judges also erred in law and facts when, they refused to apply national laws applicable to the parties therein, and based themselves on unrecognized, inapplicable, and unenforceable foreign laws and decisions in Nigeria.

69 - Now, from the analysis of the arguments invoked above, it is evident that the Respondent/Debtor in the Judgment intends to contest the Judgment in the parts cited, as it understands that the court failed in the assessment of the facts and in the application of the law and that, as a result, in its understanding there is an error in the decision.

70 - All the Respondent/Debtor's argument contains grounds for an application for appeal, but not those necessary and adequate for an application for Revision.

71 - In this regard, this Court highlighted in the case *OCEAN KING NIGERIA LTD V. REPUBLIC OF SENEGAL, in the decision on the Revision of Judgment No. ECW/CCJ/JUD/07/11-REV, dated February 12th, 2014 (not reported)* that *"It is elementary law that issues of misconstructions/misapplications of law are issues of law and have nothing to do with facts at all. Article 25 (1) explicitly states that reviews are founded on the discovery of facts of a decisive nature and not on issues of law. Issues of law are grounds of appeal and not review..."* (See §26 page 12).

72 - It is legitimate for the Respondent/Debtor in the Judgment to disagree with the analyzes and conclusions reached by the Court.

73 - However, there is no jurisdictional mechanism that authorizes the Court to review its own decisions because the party disagrees with them. Such a mechanism, which would be that of an ordinary appeal, was not provided for in the Rules of Procedure of this Court.

74 - And there is no doubt about this, since the Protocol on the Court of Justice expressly provided in its Article 19 that: "*The decisions of this Court (...), are, subject to the provisions of this protocol relating to the revision,* ***immediately enforceable and not subject to appeal***", meaning that they are final and binding.

75 - On the other hand, in the instant case, in addition to the disagreement manifested by the Respondent/Debtor in the Judgment, regarding the analysis and conclusions reached therein by the Court, it is necessary to agree with the Applicants/Creditors in the Judgment that the Respondent does not

disclose any new fact that may serve to support its Application for Revision, pursuant to Article 25 of Protocol A/P.1/7/91 and 92 of the Court's Rules of Procedure.

76 - Thus, the Court concludes that the Respondent's/Debtor in the Judgment's claim has no legal basis, therefore, it must be deemed inadmissible

X - THE COSTS:

77 - The Applicants/Creditors in the Judgment ask for the condemnation of the Respondent/Debtor in the Judgment in the payment of two (2) million Naira, for having submitted this application for Revision.

78 - The Respondent State did not make comments in this regard.

79 - As provided for in Article 66 of the Court's Rules of Procedure, "*A decision as to costs shall be given in the final judgment or in the order, which closes the proceeding. (1) The unsuccessful party shall be ordered to pay the costs if they have been applied for in the successful party's pleadings. (2)*"

80 - Thus, given the circumstances of the case, pursuant to the Article 66, the Court understands that the Respondent/Debtor must bear the costs of the instant case, in favor of the Applicants/Creditors, in an amount to be determined by the Chief Registrar.

XI – OPERATIVE CLAUSE:

81 - Therefore, for the above reasons, this Court declares:

On Jurisdiction:

i. that it entertains jurisdiction to examine the cause.

On admissibility:

ii. Declares the application inadmissible and consequently dismisses it.

On the Costs:

iii - Determines the Respondent State to bear the costs of this process in favor of the Applicants/Creditors in the Judgment, in an amount to be determined by the Chief Registrar.

Signed by:

Hon. Justice Dupe **ATOKI** -Presiding _____

Hon. Justice Keikura **BANGURA**-Member _____

Hon. Justice Januária T. S. M. **COSTA**- Member/Rapporteur _____

Assisted by:

Dr. Athanase **ATANNON** - Chief Registrar Deputy _____

82 - Done at an external session held in Abidjan on the 26th of October 2021, in Portuguese and translated into English.