

COMMUNITY COURT OF JUSTICE,
ECOWAS

COUR DE JUSTICE DE LA COMMUNATE,
CEDEAO

TRIBUNAL DE JUSTICA DA COMUNIDADE,
CEDEAO



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

In the Matter of

1. INCORPORATED TRUSTEES OF CENTRE FOR PEACE AND
CONFLICT MANAGEMENT IN AFRICA AND RETHINK AFRICA
FOUNDATION (ON BEHALF VINCENT OGUERI)

2. VINCENT OGUERI
(APPLICANTS)

v

FEDERAL REPUBLIC OF NIGERIA
(RESPONDENT)

Application No. ECW/CCJ/APP/13/21; Ruling No. ECW/CCJ/RUL/05/24

RULING

ABUJA

7 NOVEMBER 2024

THE COMMUNITY COURT OF JUSTICE OF THE
ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)
HOLDEN AT ABUJA, NIGERIA

Application No. ECW/CCJ/APP/13/21; Ruling No. ECW/CCJ/RUL/05/24

BETWEEN

1. INCORPORATED TRUSTEES OF CENTRE FOR PEACE AND CONFLICT
MANAGEMENT IN AFRICA AND RETHINK AFRICA FOUNDATION
(ON BEHALF VINCENT OGUERI)
2. VINCENT OGUERI (APPLICANTS)

AND

FEDERAL REPUBLIC OF NIGERIA (RESPONDENT)

COMPOSITION OF THE COURT:

Hon. Justice Ricardo C.M. GONÇALVES	- Presiding Judge
Hon. Justice Dupe ATOKI	- Member
Hon. Justice Edward Amoako ASANTE	- Judge Rapporteur

ASSISTED BY:

Dr. Yaouza OURO-SAMA	- Chief Registrar
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REPRESENTATION OF PARTIES:

Noah Ajare Esq	- Counsel for APPLICANT
Maimuna Lami Shiru Esq	- Counsel for RESPONDENT



I. RULING

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

II. DESCRIPTION OF THE PARTIES

2. Incorporated Trustees of Centre for Peace and Conflict Management in Africa and Rethink Africa Foundation, NGOs registered under the laws of Nigeria, describe themselves as the First Applicant suing on behalf of one Vincent Ogueri, who is on death row in a Nigerian prison.
3. Mr Vincent Ogueri is described in the Application as the Second Applicant.
4. Respondent, the Federal Republic of Nigeria, is an ECOWAS member state.

III. INTRODUCTION

Subject Matter of the Proceedings

5. The Application alleges that Mr Vincent Ogueri, a 72-year-old man, has been on death row in a Nigerian prison for about 30 years, where he is being held under extremely inhuman or degrading conditions that have affected his health. Applicants have therefore approached the Court for reliefs including an order for the immediate release of Mr Vincent Ogueri from detention and payment of 55 million naira as compensation to him.

IV. PROCEDURE BEFORE THE COURT

6. Applicants initiated this proceeding by an Application dated 26 March 2021 and filed at the Registry of the Court on 30 March 2021. The Application was served on the Respondent the same day.



7. On 8 July 2021, Respondent filed a Notice of Preliminary Objection and Respondent's Statement of Defence both dated 31 May 2021. The two documents were served on Applicants the same day, 8 July 2021.
8. On 3 May 2024, Applicants filed a response to Respondent's preliminary objection together with a Reply to the Statement of Defence. Both processes were served electronically on Respondent the same day.
9. At a virtual session of the Court on 6 May 2024, the Court noted that Applicants had just filed their responses to the Respondent's Preliminary Objection and Defence. It adjourned the case to enable Respondent file its rejoinder.
10. On 21 June 2024, Applicants filed an application for extension of time to regularize their replies to Respondent's preliminary objection and Statement of Defence. The application was electronically served on the Respondent on 24 June 2024.
11. At a hearing of the case on 28 June 2024, at which all parties were represented by Counsel, the Court heard Applicants' application for extension of time which was not opposed by Respondent. The Court granted the application and deemed Applicants' processes as regularly filed. The Court then heard the parties on the Respondent's preliminary objection and adjourned for deliberation and ruling.

V. APPLICANT'S CASE

a. Summary of Facts

12. According to Applicants, Mr Vincent Ogueri, a Nigerian citizen was convicted in absentia by the Imo State High Court on a charge of murder and sentenced to death by hanging in 1991.

13. It is alleged in the Application that Mr Ogueri was not afforded the opportunity to defend himself with a counsel of his choice at the trial. Nor was adequate time or facility accorded him for his defence leading to his hasty conviction for murder. He is currently being held at Enugu Maximum Security Prison and has been on death row for about 30 years.
14. Applicants say that Mr Ogueri is married and had five children, but one of them has died due to his absence from his family.
15. According to Applicants, Mr Ogueri was scheduled for execution sometime in 2003 along with three other death row prisoners. However, he was spared due to the intervention of one Moses Adekunle.
16. Since then, Mr Ogueri who was 72 years old (at the time of the Initiating Application) has deteriorated in health. He has an eye condition which is worsening into blindness. That although he has been recommended for complete pardon by the Nigerian Correctional Services, he is still being held on death row under depressing and traumatizing conditions.

b. Pleas in Law

17. As to pleas in law, Applicants submit as follows:

- (i) That Mr Vicent Ogueri has been subjected to extreme mental torture and inhuman or degrading treatment.
- (ii) That the continued denial of access to medical attention for Mr Ogueri while on death row is inhuman and violates his right to health.
- (iii) That given Mr Ogueri's age, his long stay on death row and his present medical condition, he is entitled to be released from prison forthwith.



c. Reliefs Sought

18. In view of the foregoing, Applicants request the Court for the following reliefs:

- (i) A declaration that the Applicant has suffered extreme mental torture, inhuman and degrading condition having been kept on death row for more than 30 years and without access to adequate medical treatment.
- (ii) A declaration that the Applicant by virtue of his age and long stay on death row and presently suffering from chronic medical condition is entitled to be released forthwith from detention.
- (iii) An order for immediate release of the Applicant from detention forthwith.
- (iv) A declaration that the consistent and continued denial of the right to adequate medical attention and rights to the Applicant in prison under degrading and harsh conditions is in violation of The Federal Republic of Nigeria constitution and Article 1, 2, 3, 4, 5, 7 and 26 of the African Charter on Human and People's Rights.
- (v) An order directing the [Respondent] to pay a monetary compensation of 55,000,000 (Fifty-Five Million naira) to the Applicant for damages suffered as a result of long years he has been kept in prison under cruel, degrading, and inhuman condition.
- (vi) An order for reparations, including physical, psychological, social and economic rehabilitation in respect of the violation of the

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Applicant's human rights and the cost of this suit which is accessed at 15,000,000 naira (Fifteen million naira).

- (vii) An order directing the [Respondent] to faithfully and fully implement its obligations under its own constitution and the African Charter on Human and Peoples' Right as well as resolutions on Moratorium on executions adopted recently by both the African Commission on Human and People's Rights and the Third Committee of the UN General Assembly.

VI. RESPONDENT'S CASE

a. Statement of Facts

19. Respondent denies that it has violated Second Applicant, Mr Vincent Ogueri's fundamental human rights.
20. Respondent states that although Applicants allege that Mr Vincent Ogueri was tried in absentia for murder and sentenced to death, they have failed to attach any evidence of an appeal against the conviction. That in any event, the time limited for appeal of the conviction has expired.
21. Respondent states that the alleged violations of Mr Ogueri's human rights are outside the limitations period prescribed by the Protocol of the Court and the Rules of the Court, and therefore the Court has no jurisdiction because the action is statute-barred.

b. Preliminary Objection to Jurisdiction

22. Respondent therefore raises a preliminary objection to the jurisdiction of the Court on the following grounds:

- (i) That the subject matter of the case does not fall within the purview of Article 9 of the Protocol of the Court;
- (ii) That Applicants' suit is aimed at appealing and setting aside the decision of the Nigerian court that sentenced Mr Vincent Ogueri to death;
- (iii) That the ECOWAS Court does not operate as an appellate Court over municipal Courts of member states.
- (iv) That the Court has no power to set aside the decision of a domestic Court of a member state.
- (v) That the Court lacks jurisdiction because the case is statute barred.

c. Reliefs Sought

23. Respondent therefore requests that the Court strike out the action for want of jurisdiction and for non-disclosure of a reasonable cause of action against the Respondent.

VII. INTRODUCTORY OBSERVATIONS ON THE GROUNDS OF THE PRELIMINARY OBJECTION

24. The Court begins by recalling that Respondent's preliminary objection is based on the following five grounds:

- (i) That the subject matter of the case does not fall within the purview of Article 9 of the Protocol of the Court;

- (ii) That Applicants' suit is aimed at appealing and setting aside the decision of the Nigerian court that sentenced Mr Vincent Ogueri to death;
- (iii) That the ECOWAS Court does not operate as an appellate Court over municipal Courts of member states.
- (iv) That the Court has no power to set aside the decision of a domestic Court of a member state.
- (v) That the Court lacks jurisdiction because the case is statute barred.

25. The Court considers that the five grounds of objection can be distilled into three main points: (a) that the subject matter of the case does not fall within the purview of Article 9 of the Court's Protocol; (b) that the Application improperly invites the Court to exercise appellate jurisdiction over the domestic courts of Nigeria, with the view to overturning the conviction and sentence of Mr. Vincent Ogueri; and (c) that the case is statute-barred.

26. Of these three grounds, only the first one pertains to jurisdiction, as it challenges whether the application falls within the subject matter jurisdiction of the Court under Article 9 of the Court's Protocol. The other two grounds—whether the case invites the Court to exercise appellate jurisdiction over a national court and whether the action is statute-barred—are issues of admissibility, as respectively established by the Court's precedents in *Gregory J Todd v Federal Republic of Nigeria* (ECW/CCJ/JUD/41/23) and *Attipoe Kuaku Richard & Others v Sierra Leone* (ECW/CCJ/JUD/07/23). The Court will therefore address them accordingly.

VIII. JURISDICTION OF THE COURT

(a) Respondent's Objections to Jurisdiction

27. According to Respondent, the Court has jurisdiction to adjudicate matters specified in Article 9 of the Protocol of the Court. However, the subject matter of this Application "does not fall within the confines of Article 9" as it is not predicated on the interpretation or application of any treaty or convention or protocol of the Community. Nor is it an action concerning the interpretation or application of the regulations, directives, decisions or other subsidiary instruments adopted by ECOWAS.

28. Respondent states that, instead, the subject matter of the application relates to the validity of the decision of a Nigerian court sentencing the Applicant to death, a matter which is not within the jurisdiction of the Court. Accordingly, Respondent urges the Court to decline jurisdiction.

(b) Applicants' Response to the Respondent's Objections

29. On the issue of jurisdiction, Applicants state that the Respondent's claim that the Court has no jurisdiction is wrong. Relying on Article 9(4) of the Protocol of the Court, the Applicants assert that the Court has jurisdiction to determine cases of human rights violations that occur in any Member State. According to Applicants, the Application alleges violations of the human rights of Mr Ogueri which is still continuing. Therefore, the Court has the jurisdiction not only to hear the Application but to also order the release of Mr Ogueri from death row consistent with previous decisions of the Court such as *Gabriel Inyang v Federal Republic of Nigeria* (ECW/CCJ/JUD/20/18), *Maimuna Abdulmumini v Federal Republic of Nigeria* [2014] CCJELR 207 and *ThankGod Ebohs v Federal Republic of Nigeria* [2014] CCJELR 311.

(c) *Analysis of the Court*

30. Under Article 9(4) of the Protocol of the Court, the Court has jurisdiction to determine cases of human rights violations that occur in a member state of the Community. That jurisdiction is properly invoked if an application to the Court alleges that a human rights violation has occurred in the Respondent state and that the Respondent is responsible for those violations. See *Al-Hassan Fadia v Togolese Republic* (ECW/CCJ/JUD/17/24, para 43).
31. In this case, the Application alleges that Mr. Vincent Ogueri who is a death row prisoner in a Nigerian maximum-security prison has been subjected to extreme mental torture and degrading treatment in violation of his fundamental human rights under the African Charter. Applicants also allege that Mr. Ogueri was tried in absentia and did not receive a fair trial before he was sentenced to death.
32. Clearly, the application raises substantive issues of alleged human rights violations that this Court is competent to determine under Article 9(4) of the Court's Protocol. The Court also observes that while Mr Ogueri was allegedly tried and convicted in absentia and sentenced to death in 1991 (before this Court obtained its human rights jurisdiction over the Respondent in 2005), his incarceration based on the alleged wrongful trial is continuing. So are the alleged torture and other degrading treatment to which he is being subjected.
33. Therefore, given the undeniable human rights issues that the Application raises within the meaning of Article 9(4) of the Court's Protocol, the Respondent's contention that the Court does not have jurisdiction under any of the provisions of Article 9 is erroneous. Respondent's objection to the Court's jurisdiction is therefore dismissed.

IX. ADMISSIBILITY OF THE CASE

(a) Respondent's Objections to Admissibility

34.Regarding admissibility of the case, Respondent raises two points of objection. First, Respondent states that by Article 9(3) of the Protocol of the Court, “any action by or against a Community institution or any member of the Community shall be statute-barred after three (3) years from the date when the right of action arose.” According to Respondent, the Applicants ought to have brought their action within three years from the date Mr Vincent Ogueri was convicted and sentenced to death. However, they filed the present application on 26 March 2021, which is about 30 years after the right of action arose. For this reason, the action is statute barred and should not be entertained by the Court.

35.Regarding its second ground of objection, Respondent states that the Application improperly invites the Court to exercise appellate jurisdiction over the decision of Nigeria’s domestic court. Citing previous decisions of the Court including *Hope Party v Federal Republic of Nigeria* [2015] CCJELR 345 and *Dr Mahamat Seid Abazene v Republic of Mali* [2010] CCJELR 95, Respondent submits that the Court cannot exercise appellate jurisdiction over decisions of national courts of ECOWAS member states. Therefore, given that the present Application invites the Court to set aside the death sentence imposed on Mr Vincent Ogueri, the Court must declare the Application inadmissible.

(b) Applicants' Response to the Respondent's Objections

36.In response to the Respondent’s argument that the case is statute barred, Applicants submit that despite Mr Ogueri’s conviction and sentence 30 years ago, he is still on death row and continues to suffer violations of his human

rights. That he has continued to undergo torture and extremely inhuman conditions on a daily basis. Applicants also state that the delay with filing the application was due to Mr Ogueri's imprisonment on death row including periods of solitary confinement, his indebtedness as a result of the incarceration and the emotional and psychological trauma he has suffered. Applicants, therefore, submit that even if the case were statute barred, the Court ought to exercise its discretion, in the interest of justice, to extend the period within which the application may be brought.

37. Regarding the issue of whether the Application invites the Court to act in appellate capacity, Applicants submit that the Respondent has misconceived the nature and purpose of the Application. According to Applicants, none of the reliefs sought in the Application suggests that they are seeking an order of the Court to overturn or set aside the decision of the national court that convicted and sentenced Mr Ogueri. Also, there is no requirement that Applicant's ought to have exhausted any domestic remedies including filing an appeal against Mr Ogueri's conviction before making their application to the ECOWAS Court. Accordingly, the Respondent's objection lacks merit.

(c) *Analysis of the Court*

38. The Court begins by first addressing whether the Application is statute barred under Article 9(3) of the Protocol of the Court.

39. The Court recalls that the issue of whether human rights cases brought to the Court may be caught by the limitations provision of Article 9(3) of the Court's Protocol has been definitively settled. In a trilogy of cases, namely, *Angwukwang M. Sampson v Federal Republic of Nigeria* (ECW/CCJ/JUD/16/17), *Federation of African Journalists v The Gambia*



(ECW/CCJ/JUD/04/18) and *Attipoe Kuaku Richard & 19 Others [Deceased] Represented by Attipoe Chocho Babayi & 15 Others v Republic of Sierra Leone* (ECW/CCJ/JUD/07/23), this Court held that the statute of limitation in Article 9(3) of the Court's Protocol applies only to cases involving the extra-contractual liability of the Community. It does not apply to cases alleging human rights violations by Member States. Accordingly, in the *Attipoe Kuaku* case, the Court stated that it was "settled in the jurisprudence of the Court that the three-year statute of limitation in Article 9(3) of the Protocol of the Court does not apply to human rights actions brought under Article 9(4) of the Protocol." (ECW/CCJ/JUD/04/18, para 37).

40. For these reasons, the Court holds that the Respondent's claim that the Application is statute barred under Article 9(3) of the Court's Protocol is unfounded and is accordingly dismissed.
41. The Court now turns to the issue of whether the Application improperly invites the Court to exercise appellate jurisdiction over a decision of the Respondent's national court.
42. The Court recalls that it has held in many previous cases that its mandate does not extend to exercising appellate jurisdiction over decisions of a national Court. See *Moussa Leo Keita v. Republic of Mali* [2004-2009] CCJELR 63 (paras 30 & 35); *Sikiru Alade v. Federal Republic of Nigeria* [2012] CCJELR 189 (para 34) and *Agriland Co. Ltd v. The Republic of Cote D' Ivoire* [2015] CCJELR 125 (para 45). It has accordingly declined any invitation to review and overturn or vary national court decisions.
43. However, the Court must immediately clarify and emphasise that the mere fact that an application to the Court is precipitated by or even predicated on a

national court decision, does not mean that it is automatically inadmissible. This is because as organs of Member States, national courts may incur international liability for their states through judicial processes or judgments that violate the state's international obligations including those on human rights. See *Articles on Responsibility of States for Internationally Wrongful Acts 2001*, arts 4 and 12.

44. Therefore, where an application before this Court raises the question of whether a judicial process or decision of a national court is consistent with a member State's international obligations, including its human rights commitments, the Court cannot declare the application inadmissible solely on the ground that it challenges a national judicial process or decision. This explains why the Court noted in *Justice Paul Uter Derry & 2 Others v. The Republic of Ghana* (ECW/CCJ/JUD/17/19) that although it did not have appellate jurisdiction over national courts, it can "admit cases from national courts where human rights violations are alleged [to have occurred] in the course of the proceedings". (para 79). Similarly, in *Alex Thomas v Tanzania* (merits) [2015] 1 AfCLR 465, the African Court held that although it was "not an appellate body with respect to decisions of national Courts, this does not preclude it from examining relevant proceedings in national courts in order to determine whether they are in accordance with the standards set out in the [African] Charter or any other human rights instruments ratified by the State." (para 130)

45. It is clear from the foregoing that the Court would only be acting as an appellate forum over national courts if it were to review or rehear national court decisions, including by interpreting or applying the national laws on which those decisions were based, and issue orders to directly reverse or vary such national court judgments. In other words, the idea that the Court lacks appellate jurisdiction simply means that, as an international court, it cannot review or

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rehear a national court case and issue orders to directly reverse or alter the national court's decision.

46. However, it is certainly within the Court's mandate as an international court to determine whether a challenged national judicial process or decision violates the Respondent member state's international obligations. If such a violation is found, the appropriate approach is for the Court to order the state to take *measures of its own choosing* to reverse the national court decision and bring itself into compliance with its international obligations. See *Jurisdictional Immunities of the State; Germany v. Italy: Greece intervening* [2012] ICJ Reports 99 (para 137) and *Al-Hassan Fadia v Togolese Republic* ECW/CCJ/JUD/17/24 (para 112).

47. In this case, the matter that set-in motion the series of events culminating in the application before this Court is the alleged trial in absentia, conviction and death sentence passed on Mr Vincent Ogueri. Therefore, there is no doubt that the present Application was, at least, precipitated by the decision of the national court of the Respondent State that convicted and sentenced Mr Ogueri. However, as the Court has clarified above, merely because an application to this Court is grounded on facts including a national judicial process or decision does not automatically make it inadmissible. Rather, as the Court has stated, the application would be inadmissible only if it inevitably requires the Court to review the national court decision, including by interpreting or applying national laws upon which it was decided, and to issue orders directly reversing or varying such national court decision.

48. Upon examining the present Application, particularly the pleas in law and the reliefs sought, the Court finds that it does not call for a review of Mr. Ogueri's 1991 conviction and death sentence under Nigerian law with a view to reversing

or overturning them. Instead, the Applicants claim that since Mr. Ogueri's conviction and death sentence, he has been held on death row and subjected to treatment amounting to torture and degrading treatment, in violation of the Respondent's obligations under the African Charter.

49. It is for these alleged violations of Mr. Ogueri's rights while in prison that the Applicants filed this Application, seeking various reliefs, including an order for his release. In fact, even the Applicants' request for Mr. Ogueri's release is based on his ill-health, which they claim is a result of his incarceration, and on the Respondent's obligation to comply with the resolutions on the Moratorium on Executions recently adopted by the African Commission on Human and Peoples' Rights and the Third Committee of the UN General Assembly. It is not premised on the alleged trial in absentia and the unfairness thereof. As to whether these claims have merit and should be upheld by the Court or not, are matters that can only be decided at the merits stage of the case by examining the evidence and the submissions of the parties.

50. At this stage, the Court only needs to determine the validity of the Respondent's argument that the Application is inadmissible because it improperly asks the Court to exercise appellate jurisdiction over a decision of its national court. On this point, the Court finds, as discussed above, that the application rather invites it to assess whether the treatment Mr. Ogueri has endured in prison violates his rights under the African Charter. It does not require it to review or overturn his 1991 conviction and sentence by the Imo State High Court. Accordingly, the Court concludes that the Respondent's objection lacks merit and is hereby dismissed.

51. An issue that was not raised in the preliminary objections, but which the Court deems important to address for the sake of completeness in this preliminary ruling on jurisdiction and admissibility is the locus standi of the Incorporated Trustees of Centre for Peace and Conflict Management in Africa and the Rethink Africa Foundation.

52. This Court has held that Article 10(d) of the Protocol of the Court establishes a general rule of standing which requires Applicants to demonstrate that they are, *prima facie*, victims of human rights violations attributable to the Respondent and therefore have a personal interest or stake in the matter. (See *Amnesty International Togo and Others v The Togolese Republic* ECW/CCJ/JUD/09/20, paras 31-33). The Court has recognised some exceptions to the above general rule on standing that allows third parties who are not direct victims of human rights violations to bring cases before the Court. These are




- (a) actions brought by indirect victims (i.e., persons closely related to the direct victim and who potentially suffer indirect consequences of the human rights violation) (see *Kehinde Enagameh v The Gambia* ECW/CCJ/JUD/34/23, para 30; and *Attipoe Kuaku v Republic of Sierra Leone* ECW/CCJ/JUD/07/23, paras 42-45);
- (b) a representative action brought by an individual or NGO on behalf of an individual victim or a group with the authorisation of such individual or group (See *Bakary Sarre and 28 Others v Mali* [2011] CCJELR 57 (para 37); and
- (c) public interest actions (*actio popularis*) brought by NGOs or public-spirited individuals (see *Isaac Mensah v Republic of Ghana* ECW/CCJ/JUD/30/24, para 76).


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53. In this case, the Court notes that, as NGOs, the Incorporated Trustees of Centre for Peace and Conflict Management in Africa and Rethink Africa Foundation have no family or other close personal relationship with Mr Vincent Ogueri to sue on his behalf. (See *Attipoe Kuaku v Republic of Sierra Leone* ECW/CCJ/JUD/07/23, paras 42-46). They have also not shown any authorization, such as a power of attorney, by which they could claim to be suing on his behalf in a representative capacity. (See *Bakary Sarre and 28 Others v Mali* [2011] CCJELR 57 (para 37).

54. Finally, they have also not demonstrated that they are suing in the public interest; nor does the application itself have the hallmarks of a public interest action. The application has not been brought for the protection or enforcement of a collective or public right, or an individual right the alleged breach of which has injured a large and indeterminate section of the public. Further, instead of reliefs that benefit the public at large, as expected in public interest actions, the remedies sought here are solely intended for the benefit of one individual, Mr Vincent Ogueri.

55. It follows that none of the three exceptions, which would have allowed the Incorporated Trustees of Centre for Peace and Conflict Management in Africa and Rethink Africa Foundation to pursue this action on behalf of Mr. Ogueri, have been met. In any event, Mr. Ogueri is listed in the Application as suing on his own behalf. For these reasons, the Court does not consider the Incorporated Trustees of Centre for Peace and Conflict Management in Africa and Rethink Africa Foundation to be necessary parties to this action. They are, therefore, struck off from the suit.

56. The net effect of the above conclusions is that only Mr. Vincent Ogueri remains as the Applicant in the case. Concerning the other admissibility requirements of Article 10(d) of the Court's Protocol, the Court observes that the case has not been presented anonymously, nor is there evidence that the claims are pending before another international court or tribunal, contrary to the admissibility requirements of Article 10(d) of the Protocol of the Court. For these reasons, the Court concludes that the Application is admissible.

X. OPERATIVE CLAUSE

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

On jurisdiction

- i. *Rules* that the Court has jurisdiction over the Application and therefore dismisses the Respondent's preliminary objection to jurisdiction.

On admissibility

- ii. *Rules* that the Application is admissible and therefore dismisses the Respondent's preliminary objections to the admissibility of the Application.

On the parties to the action

- iii. *Rules* that the Incorporated Trustees of Centre for Peace and Conflict Management in Africa and Rethink Africa Foundation are struck off the suit for lack of standing while Mr Vincent Ogueri remains as the sole Applicant.

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On the next steps in the action

- iv. *Decides* that, subject to the Rules of the Court, the Application will be heard on the merits.

Done at Abuja this 7th day of November 2024 in English and translated into French and Portuguese.

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

Presiding Judge



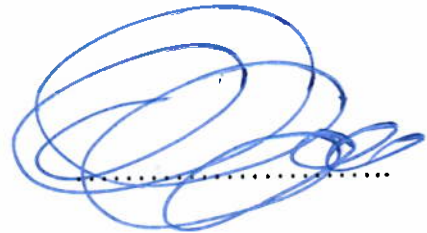
Hon. Justice Dupe **ATOKI**

Member of Panel



Hon. Justice Edward Amoako **ASANTE**

Judge Rapporteur



ASSISTED BY:

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

