



ACHPR
African Commission on
Human and Peoples' Rights

Human Rights our
Collective Responsibility

Communication 418/12

**Chief Essien Akpabio & Lady
Apostle Helen Akpabio
(represented by Mr. Victor
Ukutt**

V

Republic of Nigeria

Adopted by the:

African Commission on Human and Peoples' Rights

During the 73rd Ordinary Session, held in Banjul, from 20 October to 09 November 2024.



Hon. Commissioner Rémy Ngoy Lumbu
Chairperson to the African Commission
on Human and Peoples' Rights



Signed by:

Abiola Idowu-Ojo

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Ms. Abiola Idowu-Ojo
Executive Secretary to the African
Commission on Human and Peoples'
Rights

Communication 418/12: Chief Essien Akpabio & Lady Apostle Helen Akpabio (represented by Mr. Victor Ukutt v. Republic of Nigeria

Summary of facts

1. The complaint was submitted to the Secretariat of the African Commission on Human and Peoples' Rights (the Secretariat) on 16 July 2012 by Victor Ukutt & Co Legal Practitioners on behalf of the complainants.
2. The complainants allege that in March 2012, three (3) white-skinned gentlemen, allegedly workers of a company X, accompanied by Mr. B.C., invited brothers Charles Akpabio (Charles), Emmanuel Akpabio (Emmanuel) and Joseph Akpabio (Joseph), from the village of Mente in Akwa Ibom State to a meeting regarding the construction of a dam in the village.
3. During this meeting, an armed individual, believed by the complainants to be a Nigerian security officer (security guard) and Mr. N.I., arrived at the meeting and handcuffed the three Akpabio brothers. Meanwhile, the security guard, after a conversation with Mr. B.C., shot and seriously wounded the young leaders present at the meeting.
4. The complainants alleged that the security guard, accompanied by Mr. B.C., this time wearing a hood, took the three Akpabio brothers to their parents' house. Once there, they took the brothers, Charles and Joseph, to the banana plantation behind the house and shot them in the presence of their parents. Then four other boys and Charles and Joseph's brother Emmanuel were also executed and dumped on the side of the road in Obot Akari, Akwa Ibom State. After the execution, the complainants allege that N.I. asked Mr. B.C. to inform Senators A.E., P.I. and Chief B.I. that the operation had been carried out.
5. The complainants allege that the execution in question was due to the fact that the father of the three Akpabio brothers owned 80% of the cultivated area and land where the dam was to be built and that the federal government had already approved compensation of five hundred million naira (N500,000,000), or about three million U.S. dollars (\$3,000,000).
6. The complainants allege that after the execution of the victims, the father and daughter continued to receive various threats from the senators who hired the perpetrators and that the Respondent State, despite the activation of all domestic mechanisms, did not bother to take adequate measures to hold the perpetrators accountable.



Alleged violations

7. The complainants allege violations of articles 1, 2, 3, 4, 5, 6, 14, 19 and 21 of the African Charter on Human and Peoples' Rights (the African Charter).

Prayers

8. The complainants request the Commission to:
 - (a) conduct a thorough investigation in the Respondent State to establish first-hand the gravity of the violations committed against the Akpabio family;
 - (b) order the Respondent State to pay adequate compensation to the victims or their relatives for the violations of their rights;
 - (c) refer the matter to the African Court on Human and Peoples' Rights under Rule 102 of the Rules of Procedure of the Commission (Rules of Procedure 2010);
 - (d) declare that there has been a violation of Articles 1, 2, 3, 4, 5, 6, 14, 19 and 21 of the African Charter

Summary of Procedure

9. On 16 July 2012, the complaint was submitted to the Secretariat. At the 52nd Ordinary Session held in Yamoussoukro from 9 to 22 October 2012, the Commission accepted the complaint and, by letter dated 29 May 2013, requested the complainants to submit their written observations on admissibility within the stipulated timeframe.
10. On 29 January 2014, the Secretariat, by email, alerted the complainants that they had not yet submitted their observations and evidence on the admissibility of the communication.
11. By correspondence dated 1 April 2014, the Secretariat informed the parties that the deadline for the complainants to submit written observations and evidence on admissibility had expired and that the communication would be scheduled for a decision on its exclusion.
12. By correspondence dated 18 August 2014, the Secretariat informed the Parties that at the 16th Ordinary Session held in Kigali, Rwanda, from 20 to 29 July 2014, the Commission deferred consideration of the communication on its exclusion.

Analysis of the Commission

13. The Commission notes that, pursuant to Rules 141(1) and (2), 142, and 145 of the Commission's 2020 Rules of Procedure (2020 Rules), as interpreted by the Commission's Practical Guidelines in its Guideline I: Application of the 2020 Rules of Procedure, complaints or communications submitted prior to the entry into force of the 2020 Rules continue to fall under the Commission's 2010 Rules of Procedure



(2010 Rules). Therefore, this communication, submitted in 2012, falls under the 2010 Rules of Procedure.

14. Further to the foregoing, the Commission notes that Rule 105(1) of the 2010 Rules of Procedure provides that where the Commission declares a complaint admissible, it shall request the complainant to submit observations and evidence on the admissibility of the communication within two (2) months. Pursuant to Rule 113 of the Rules of Procedure, the Commission may extend this period at the request of any of the parties involved in the communication.
15. In the present communication, the complainants did not submit the observations and evidence on admissibility within the time limit, nor did they request an extension, although they were alerted to this effect by the Secretariat by email on 29 January 2014 (see paragraph 9 of the present decision).
16. The Commission notes, moreover, that the Complainants also had the opportunity to request an extension of the deadline after the Secretariat informed them on two occasions of a possible consideration of the communication with a view to its strike out for failure to submit observations and evidence on admissibility (see paragraphs 11 and 12 of this Decision).
17. The Commission notes that, despite the prompt action of the Secretariat, the Complainants have never shown any inclination to cooperate in the conclusion of the procedure to obtain a decision on admissibility and to allow the procedure to proceed to the next stage.
18. The Commission recalls that in similar situation, it had already ruled to this effect in **Communication 594/15: Mohammed Ramadan Mahmoud Fayad Allah v. Arab Republic of Egypt**; **612/16: Ahmed Mohammed Ali Subaie v. Arab Republic of Egypt**; **412/12: Journal Echos du Nord v. Republic of Gabon**; and **Communication 387/10: Kofi Yamagnane v. Togo**.

Decision of the African Commission

19. In view of the foregoing, the Commission rules that the complaint be strike out.

Adopted at the 73rd Ordinary Session of the Commission held in Banjul, The Gambia, from 21 October to 09 November 2022

