THE COMMUNITY COURT OF JUSTICE OF THE

ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)

In the Matter of

HIGH CHIEF AMBROSE ALBERT OWURU V FEDERAL REPUBLIC OF NIGERIA

Application No: ECW/CCJ/APP/21/25, Judgment No. ECW/CCJ/JUD/17/26

JUDGMENT

CONAKRY, GUINEA

DATE: 15th May 2026

HIGH CHIEF AMBROSE ALBERT OWURU **-APPLICANT**

V

FEDERAL REPUBLIC OF NIGERIA **-RESPONDENT**

COMPOSITION OF THE COURT:

Hon. Justice Claudio Monteiro GONÇALVES -Presiding

Hon. Justice Sengu Mohamed KOROMA -Member/Judge Rapporteur

Hon. Justice Amoako Edward ASANTE -Member

ASSISTED BY:

Dr. Yaouza OURO-SAMA - Chief Registrar

REPRESENTATION OF PARTIES:

Yusuf IBRAHIM, Esq. -Counsel for APPLICANT

S. S. IKPEGON, Esq.

C. E. NJOKU, Esq.

G. O. EKE, Esq.

Maimuna Lami SHIRU (Mrs.) -Counsel for RESPONDENT

Princess A. A. OKOYE (Mrs.)

G. A. OLADIMEJI, Esq.

I. JUDGMENT

1. This is the Judgment of the Community Court of Justice ECOWAS (hereinafter referred to as 'the Court') delivered virtually and in open Court under Article 8(1) of the Practice Direction on Electronic Case Management and Virtual Court Session, 2020.

II. DESCRIPTION OF THE PARTIES

2. The Applicant is the National Chairman/Leader of the Hope Democratic Party in Nigeria, with his address at No. 1 Owuru Creek Area, Old GRA, Port Harcourt, Nigeria.
3. The Respondent is the Federal Republic of Nigeria, a Member State of the Economic Community of West African States, ECOWAS.

III. SUBJECT MATTER OF THE PROCEEDINGS

4. The Applicant alleges a serious violation of his fundamental rights to have his case heard and to participate in the governance of his country. He asserts that the Respondent, through agents of the Apex Court, denied him a hearing of his appeal by falsifying affidavits of service and enlisting impostors as witnesses, all to dismiss his appeal challenging the outcome of the Presidential election, in which he was the winner. This ultimately prevented him from being sworn in as the constitutional winner of the election.

IV. PROCEDURE BEFORE THE COURT

5. The Applicant filed his Initiating Application on 28th May 2025, in the Registry of the Court.
6. This was followed by the filing of the Respondent's Statement of Defense and Pleas in Law in the Registry of the Court on 23rd May 2025.

7. The Applicant promptly filed his surreply on 20th June 2025 and followed this with an Application for Interim Measures, filed on 6th August 2025.
8. The Court held a Virtual Session in which both Parties were represented by Counsel in Court. The Applicant withdrew Doc. 4 (Application for Interim Measures), with no objection from the Respondent. The case was thereafter heard on the merits, with both Parties adopting and presenting their respective pleadings and arguments. The Court concluded the session by withdrawing the file for judgment.

V. APPLICANT'S CASE

a. Summary of facts

9. The Applicant states that he was a participant in the presidential electoral process of the Respondent State and claims to have been unlawfully deprived of the outcome of that process.
10. Following the events surrounding the election, the Applicant initiated proceedings before the Supreme Court of the Respondent State in 2023, seeking to challenge the outcome and related determinations.
11. The Applicant avers that, during those proceedings, issues were joined between the parties through the exchange of pleadings, and that certain admissions were allegedly made by the Respondents.
12. He contends that despite the state of the pleadings, the Supreme Court failed to hear and determine his substantive appeal, as well as a Motion for Summary Judgment which he had filed.
13. The Applicant further asserts that an additional party was joined to the proceedings as a Respondent, and that his application against that party was not considered on the merits.

14. He alleges that the Supreme Court dismissed his appeal without affording him the opportunity to be heard, and that the decision was reached in circumstances which he considers procedurally irregular, including the alleged absence of proper notice of hearing.
15. The Applicant states that he petitioned the relevant judicial authorities regarding these developments, following which a directive was allegedly issued for the reconstitution of the panel to hear his case.
16. He contends that notwithstanding this directive, subsequent proceedings before a newly constituted panel did not address the substantive issues raised in his appeal, and that the conduct of the proceedings demonstrated bias against him.
17. The Applicant further avers that the Supreme Court imposed a monetary sanction against him and has since failed or refused to proceed with the determination of his appeal despite his compliance with procedural requirements.
18. He maintains that these actions, taken cumulatively, amount to a denial of justice and have impeded his access to a fair and impartial tribunal.
19. On this basis, the Applicant submits that the Respondent has violated his fundamental right to a fair hearing and his right to participate in the governance of his country, as guaranteed under the African Charter on Human and Peoples' Rights.

b. Pleas in Law

20. The Applicant relies on the following pleas in law in support of his claims:
    i. Article 7 of the African Charter on Human and Peoples' Rights, ACHPR, the right to a fair hearing.
    ii. Article 13 ACHPR, right to participate in the government of one's Country.

c. Relies sought

21. The Applicant is seeking the following reliefs:

a. A Declaration that the Respondents Apex Court Officials orchestrated use of falsified Court records, sworn false Affidavit of service of hearing notice and procured stranger and impostors not part of the Appeal to claim clandestine withdrawal of Appeal without service of hearing Notice on the Applicant designed to obstruct/deny hearing of the Appeal and Motions, Constitute a gross violation of the Applicants Fundamental Human rights to have his cause heard, illegal and contrary to the provisions of Article 2 and 7 of the African Charter on Human and people rights and ECOWAS protocol on good governance.

b. A Declaration that the persistent administratively orchestrated falsification of Court records to engender delays, truncations and denied to hear the Applicant duly filed and transmitted Appeal and Motions for Summary Judgment in favour of the Applicant and against the 4th Respondent Asuwaju Bola Ahmed Tinubu, Constitutionally disqualified to hold the office of the President by Article of S.137 of the Nigeria Constitutional 1999, to prevent and stall the affirmation and swearing in of the Applicant to exercise his Fundamental right to participate in the governance of his Country Nigeria, is illegal and Constitutes a brazen breach of Articles 1,3,7,13,21 and 26 of the African Charter on human and peoples right, ECOWAS protocols on good governance and international covenant on Civil and Political rights.

c. A Declaration that the Respondent have by preventing the hearing of the Appeal and Motion for Summary Judgment in favour of the Applicant adjudged first in time winner allowed the operation of law

permitting the Applicant due exercise of his fundamental right of the equality before the law and the right to participate in governance of his country as adjudged first in time winner and presidential mandate holder.

d. A Declaration that the unconstitutional and undemocratic removal and replacement by the Respondent under the 4th Respondent usurper Constitutionally disqualified, of the elected River State governor of the Applicant home state to affect the Applicant and incessant threat of seizures of Federal Allocation violates Applicant/ his people's fundamental right to hold and control their wealth and Natural Resources is contrary to and in violation of the provision of Articles 26 of the African Charter.

e. AN ORDER directing that the Applicant is entitled to the exercise of his Fundamental rights to have his cause heard and to participate in the Governance of his Country of the Respondent as the adjudged first in time and earlier Winner and holder of the usurped President Electoral Mandates by the Respondent entitled to serve and govern his people as provided by Law.

f. AN ORDER directing the Respondent to pay the sum of N900 Billion (Nine Hundred Billion Naira Only) or Dollar equivalent, as damages to the Applicants for the violation of the Applicant Fundamental rights, dereliction of duty/obligation including restitution for the wanton gross violation denying and refusing the hearing of the Applicant well transmitted substantive Electoral Mandate usurpation Appeal, with orchestrated falsified Court records and falsely sworn Affidavit of Service of hearing Notice to deny the Applicant the benefit of his adjudged admitted victory and Mandate.

VI. RESPONDENT'S CASE

a. Summary of Facts

22. The Respondent denies all the allegations contained in the Application, except those expressly admitted herein, and puts the Applicant to the strictest proof thereof.

23. The Respondent specifically denies that the Applicant was the winner of the presidential election in question or that he was unlawfully deprived of any electoral mandate. It further denies that the Applicant was denied access to justice or that any judicial authority acted in violation of his constitutional or legal rights.

24. The Respondent contends that the proceedings before the Supreme Court were conducted in accordance with the applicable laws and procedural rules. It asserts that the Applicant was afforded the opportunity to pursue his claims but voluntarily withdrew his appeal and cannot now allege a denial of fair hearing in respect of proceedings he elected not to pursue.

25. The Respondent further denies any allegation that court records were falsified or that any improper conduct occurred in the course of the judicial proceedings. It maintains that all actions taken by its judicial authorities were lawful, regular, and within the bounds of their constitutional mandate.

26. The Respondent avers that the Applicant has failed to adduce any credible or verifiable evidence in support of his claims, particularly those relating to alleged violations of his fundamental rights.

27. Consequently, the Respondent submits that the Application discloses no cause of action, is manifestly ill-founded, and constitutes an abuse of the process of this Honourable Court. The Respondent therefore urges the Court to dismiss the Application in its entirety.

b. Pleas in law

28. The Respondent relies on Article 7 of the African Charter on Human and Peoples Rights (ACHPR), in support of its defence.

c. Reliefs sought

29. The Respondent urged the Court to dismiss this suit for lacking in merit and being unsubstantiated against the Respondent.

VII. APPLICANT'S REPLY TO THE RESPONDENT'S DEFENSE

30. In his Reply, the Applicant denies the material averments contained in the Respondent's Defence and reiterates that the instant Application concerns violations of his fundamental rights, particularly his right to a fair hearing, rather than the merits of the underlying electoral dispute.

31. The Applicant contends that the Respondent's reliance on constitutional doctrines such as separation of powers is misplaced and does not address the core complaint before this Court, which relates to the alleged denial of access to justice and fair hearing in proceedings before the Supreme Court.

32. In response to the Respondent's assertion that he voluntarily withdrew his appeal; the Applicant expressly denies any such withdrawal. He maintains that at no point did he abandon his appeal and contends that any record suggesting otherwise is inaccurate and does not reflect his position before the national court.

33. The Applicant further avers that the proceedings before the Supreme Court were marked by procedural irregularities, including the alleged failure to afford him an opportunity to be heard on his substantive appeal and applications filed therein. He asserts that actions attributed to the Court, including the dismissal of his appeal, were undertaken without due process.

34. The Applicant also maintains that, notwithstanding directives for the reconstitution of the panel to hear his case, the subsequent proceedings did not address the substantive issues raised in his appeal, thereby perpetuating the alleged denial of justice.

35. He further denies the Respondent's assertion that his claims are unsubstantiated and contends that the cumulative conduct of the judicial process, including the alleged mischaracterisation of proceedings and failure to determine his claims on the merits, constitutes a violation of his right to a fair hearing.

36. Accordingly, the Applicant urges this Honourable Court to discount the Respondent's Defence and to find that the facts as presented disclose a violation of his fundamental rights under the African Charter on Human and Peoples' Rights.

VIII. JURISDICTION

37. The Court recalls that its jurisdiction in human rights matters is governed by Article 9(4) of the Supplementary Protocol A/SP.1/01/05 amending the Protocol relating to the Court, which provides that: *"the Court has jurisdiction to determine cases of violation of human rights that occur in the territory of Member States."*

38. In the instant case, the Applicant alleges violations of his fundamental rights as guaranteed under Articles 7 and 13 of the African Charter on Human and Peoples' Rights, namely the right to a fair hearing and the right to participate in the governance of his country. These rights fall squarely within the catalogue of rights over which this Court exercises jurisdiction.

39. The Court reiterates its settled jurisprudence that, for the purpose of establishing jurisdiction, it is sufficient that an Applicant alleges a violation of human rights, provided that such allegation is not manifestly ill-founded and can fall within the

scope of a protected right. See EL HADJI MAME ABDOU GAYE V SENEGAL (2011) CCJELR 250, para. 29.

40. The Court further emphasizes that it does not sit as a court of appeal over decisions of national courts. Its role is limited to examining whether, during domestic proceedings, there has been a violation of the Applicant's human rights.

41. In the present case, the Applicant's complaints relate not to the correctness of the decisions of the Supreme Court per se, but to the alleged denial of fair hearing, including the failure to hear his appeal and determine his claims on the merits.

42. Considering the foregoing, the Court finds that the Application, as framed, raises allegations of human rights violations falling within its material and personal jurisdiction.

43. Accordingly, the Court holds that it has jurisdiction to entertain this Application.

IX. ADMISSIBILITY

44. The Court recalls that admissibility of applications brought by individuals is governed by Article 10(d) of the Supplementary Protocol A/SP.1/01/05, which provides that individuals may access the Court for the determination of human rights violations, provided that the application is not anonymous and is not pending before another international court.

45. In the instant case, the Applicant has clearly identified himself and asserts that he is a victim of alleged violations of his fundamental rights, particularly the right to a fair hearing.

46. Furthermore, there is no evidence before the Court to suggest that the matter is pending before another international court or tribunal.

47. The Court also reiterates its settled jurisprudence that, beyond the formal requirements of Article 10(d), an application must disclose a human rights claim that is not manifestly ill-founded or abusive of court process. See REGISTERED

TRUSTEES OF THE SOCIO-ECONOMIC RIGHTS AND ACCOUNTABILITY PROJECT (SERAP) v. FEDERAL REPUBLIC OF NIGERIA & ORS., (2010) CCJELR.

48. In the present case, the Applicant alleges that he was denied access to justice and fair hearing in proceedings before the Supreme Court of the Respondent State. Such allegations, if established, fall within the scope of rights protected under the African Charter on Human and Peoples' Rights.

49. Considering the foregoing, the Court finds that the Application satisfies the conditions set out under Article 10(d) of the Supplementary Protocol and is therefore admissible.

X. PROCEEDINGS BEFORE THE COURT

APPLICATION FOR INTERIM MEASURES

50. The Applicant seeks interim measures pursuant to Article 20 of Protocol A/P1/7/91 and Article 79 of the Rules of the Court, requesting the Court to issue orders affecting the exercise of executive authority in the Respondent State pending the determination of the substantive Application.

51. The Court recalls that, in considering an application for interim measures, it must determine whether: (i) there is a prima facie case; (ii) there exists urgency; and (iii) there is a risk of irreparable harm if the measures are not granted. See REGISTERED TRUSTEES OF AVOCATS SANS FRONTIÈRES V NIGERIA (2016) CCJELR.

52. With respect to the prima facie case, the Court notes that the Applicant has raised allegations relating to the denial of fair hearing. Without prejudging the merits, the Court considers that this element is satisfied.

53. However, on the question of urgency, the Court observes that the events giving rise to the Application relate to electoral processes conducted in 2019 and

subsequent judicial proceedings. The Applicant has not demonstrated any imminent or continuing harm requiring immediate intervention by the Court.

54. Furthermore, the Court finds that the reliefs sought by the Applicant, including orders affecting the exercise of presidential authority, are of such a nature that granting them would effectively determine the substance of the case at the interim stage.

55. The Court also notes that the Applicant has failed to establish the existence of irreparable harm that cannot be remedied by a final judgment of the Court.

56. In these circumstances, the Court holds that the conditions required for the grant of interim measures have not been satisfied.

57. Accordingly, the Application for interim measures is hereby dismissed.

XI. MERITS

58. The Court identifies the following issues for determination:

- Whether the Applicant has established a violation of his right to a fair hearing under Article 7 of the African Charter on Human and Peoples' Rights;
- Whether the Applicant has established a violation of his right to participate in the government of his country under Article 13 of the African Charter.

A. Alleged Violation of Article 7 ACHPR (Right to Fair Hearing)

59. The Applicant's claim is predicated on allegations that, in proceedings before the Supreme Court of the Respondent State, he was denied the opportunity to have his appeal heard on the merits due to procedural irregularities, including alleged failure of service, falsification of court processes, and bias on the part of judicial officials.

60. The Respondent denies these allegations and maintains that the proceedings were conducted in accordance with applicable law, asserting that the Applicant was afforded the opportunity to be heard and that no violation of his fundamental rights occurred.

61. The Court recalls that Article 7 of the African Charter guarantees the right to have one's cause heard, which encompasses the right to be notified of proceedings, to present one's case, and to have the matter determined by a competent and impartial tribunal.

62. The Court further reiterates that an Applicant alleging a violation of this right bears the burden of proof and must adduce credible and sufficient evidence to establish such violation. See REGISTERED TRUSTEES OF THE SOCIO-ECONOMIC RIGHTS AND ACCOUNTABILITY PROJECT (SERAP) V FEDERAL REPUBLIC OF NIGERIA (2014) CCJELR 311.

63. In the present case, the Applicant has submitted several annexures in support of his claims, including court processes, correspondence, and an affidavit of service which he challenges as false.

64. The Court observes that while the affidavit of service raises questions as to the consistency of the dates reflected therein, such discrepancy is insufficient to establish that the Applicant was denied the opportunity to be heard, particularly in light of the subsequent proceedings conducted following his complaint.

65. The record further shows that, upon the Applicant's complaint regarding service, a new panel was constituted and proceedings were rescheduled, thereby affording the Applicant an additional opportunity to pursue his case.

66. The Court emphasizes that the right to fair hearing does not guarantee a favourable outcome, but rather a fair opportunity to present one's case. See JUSTICE PAUL UUTER DERRY V GHANA.

67. Having examined the totality of the evidence, the Court finds that the Applicant has not established that he was denied notice, deprived of the opportunity to be heard, or subjected to proceedings before a manifestly partial tribunal.

68. Accordingly, the Court holds that the Applicant has failed to prove a violation of his right to a fair hearing under Article 7 of the African Charter.

B. Alleged violation of Article 13 of the ACHPR

69. The Applicant further alleges that he was denied his right to participate in the government of his country on the basis that he was deprived of an electoral mandate.

70. The Court reiterates that Article 13 of the African Charter guarantees the right of citizens to participate in the government of their country in accordance with the law.

71. However, the Court does not exercise jurisdiction over electoral disputes as such, but only over allegations of human rights violations arising therefrom.

72. In the instant case, the Applicant has not adduced any credible evidence to establish that he was unlawfully excluded from participating in the governance process within the meaning of Article 13 of the Charter.

73. His claim is predicated on an assertion that he was the winner of an election, which has not been substantiated by any verifiable evidence before this Court.

74. In the absence of such proof, the Court finds that the alleged violation of Article 13 has not been established.

C. Reparation

75. The Court recalls that reparation may only be granted where a violation has been established and a causal link demonstrated between the violation and the harm suffered. See KARIM MEISSA WADE V SENEGAL.

76. In the present case, having found that the Applicant has failed to establish any violation of his rights under Articles 7 and 13 of the African Charter, there is no basis upon which reparation may be granted.

77. Accordingly, all reliefs sought by the Applicant are hereby dismissed.

XII. COSTS

78. The Court recalls Article 66(1) of the Rules of the Court, which provides that a decision as to costs shall be given in the final judgment or in the order which closes the proceedings. Paragraph 2 further provides that the unsuccessful party shall be ordered to pay the costs, if so decided.

79. In the present case, the Court has found that the Applicant has failed to establish any violation of his rights under Articles 7 and 13 of the African Charter on Human and Peoples' Rights, and his claims have accordingly been dismissed in their entirety.

80. Notwithstanding the foregoing, the Court, in the exercise of its discretionary power under Article 66 of its Rules, considers that, having regard to the nature of the claims and the circumstances of the case, it is appropriate that each Party bears its own costs.

81. Accordingly, the Court orders that each Party shall bear its own costs of these proceedings.

XIII. OPERATIVE PART

82. For the reasons stated above, the Court sitting in public after hearing both parties:

As to jurisdiction:

i. Declares that it has jurisdiction to entertain the Application.

As to admissibility:

ii. Declares the Application admissible.

As to the Application for Interim Measures:

iii. Dismisses the Application for interim measures for lack of merit.

As to merits:

iv. **Finds** that the Applicant has failed to establish a violation of his right to a fair hearing under Article 7 of the African Charter on Human and Peoples' Rights.

v. **Finds** that the Applicant has failed to establish a violation of his right to participate in the government of his country under Article 13 of the African Charter on Human and Peoples' Rights.

vi. **Dismisses** all the reliefs sought by the Applicant.

As to costs:

vii. Orders that each Party shall bear their own costs.

Hon. Justice Claudio Monteiro **GONÇALVES**-Presiding .....

Hon. Justice Sengu Mohamed **KOROMA**/ Judge Rapporteur .....

Hon. Justice Edward Amoako **ASANTE** .....

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

Done in Conakry, this 15th day of May 2025, in English and translated into French and Portuguese.