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

In the Matter of

MR. RAMAGLIA GUISEPPE & ANOR V STATE OF CÔTE D'IVOIRE

Application No: ECW/CCJ/APP/03/22/OMIS; Judgment No. ECW/CCJ/JUD/24/26

JUDGMENT

CONAKRY

18 May 2026

MR. RAMAGLIA GUISEPPE & ANOR - **APPLICANT**

V

STATE OF CÔTE D'IVOIRE - **RESPONDENT**

COMPOSITION OF THE COURT

Hon. Justice Dupe Atoki -Presiding/Judge Rapporteur

Hon. Justice Gberi-Be Ouattara -Member

Hon. Justice Edward Amoaka Asante - Member

ASSISTED BY:

Dr. Yaouza OURO-SAMA - Chief Registrar

REPRESENTATION OF PARTIES

SCPA Ore-Diallo - Counsel for the Applicant

Me Bambaoule Diabate. - Counsel for the Respondent

I. JUDGMENT

1. This is the judgment of the Community Court of Justice, ECOWAS (herein after referred to as the Court), delivered 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 PARTIES

2. The Applicants are Ramaglia Guiseppe and Vincenzo Guiliano, who are both of Italian nationality and have been detained at Maison d'Arret et de Correction d'Abidjan (MACA) (Abidjan Detention /Correctional Facility) since 14 June 2019 (hereinafter referred to as the Applicants).

3. The Respondent is the State of Cote d'Ivoire, a Member State of the Community, signatory to the African Charter on Human and Peoples' Rights and other international human rights instruments (hereinafter referred to as the Respondent).

III. INTRODUCTION

4. The Applicant brought this Supplementary Application pursuant to the provision of Article 64 of the Rules of the Community Court of Justice, ECOWAS, praying the Honourable Court to supplement its judgment delivered on 21 November 2024, judgment no. ECW/CCJ/JUD/40/24.

IV. PROCEDURE BEFORE THE COURT

5. The Applicant filed an initiating application on 12 December 2024, and the application was electronically served on the Respondent on the same date.

6. The Respondent filed a statement of defence on 8 January 2025, and the defence was served on the Applicants on 9 January 2025.

7. On 12 May 2025, a virtual Court session was convened wherein both parties were represented by their Counsel. Both parties were heard, and the matter was thereafter adjourned for judgment.

V. APPLICANT'S CASE

a) Summary of Facts

8. The Applicants' case is based on the decision of the Court in Judgement no ECW/CCJ/JUD/40/24 of 21 November 2024, wherein the Court held, amongst others that the Applicants' rights not to be arbitrarily detained was not violated by the Respondent.

9. The applicants alleged that from their facts and pleas recounted by the Court at pages 16 and 17, paragraphs 51, 52, 53, 56, 57, 59, and 59 of judgment no ECW/CCJ/JUD/40/24 of 21 November 2024, the Court omitted and ought to rule on their arbitrary detention.

10. Additionally, they alleged that on page 19 (para 66) and page 23 (para 75) of the said judgment, the Court omitted to rule on the violation of Article 175 of the Ivorian Code of Criminal Procedure in order to assess its impact on the arbitrary nature of the applicants' detention.

11. They contend that the said judgment is vitiated by irregularity of the failure of the Court to rule on the head of a claim, insisting that justice demands that it rule on all claims before it.

12. Therefore, in view of the failure of the Court to rule on the Applicants' pleas set out in above paragraphs, this application urges the Court to cure the omission and supplement judgment no ECW/CCJ/JUD/40/24 of 21 November 2024 by ruling on claim of their arbitrary detention, based on the violation of Article 175 of the Ivorian

Code of Criminal Procedure, Article 6 of the ACHPR, Article 9(1) of the ICCPR and Article 9 of the 1948 UDHR.

a) *Pleas in law*:

i) Article 64 of the Rules of the Community Court of Justice (ECOWAS).

b) Reliefs sought:

i) As regards the provision of Article 64 of the Rules of the Community Court of Justice, ECOWAS, and the Judgment of the court with suit No. ECW/CCJ/JUD/40/24 declares the application admissible.

ii) Declare the application as having ground and consequently find that the ECOWAS Court of Justice failed to rule on the Applicants pleas set out on pages 16 and 17, paragraphs 51, 52, 53, 56, 57, 58 and 59 of judgment no ECW/CCJ/JUD/40/24 of 21 November 2024, and supplement it by ruling on their arbitrary detention based on the violation of Article 175 of the Ivorian Code of Criminal Procedure, to justify the application of Article 6 CADLP, 9(1) of the ICCPR and 9 of the 1948 UDHR

iii) To order the Respondent State to bear the costs of the proceedings.

VI. RESPONDENT'S CASE

a) Summary of Facts.

13. The Respondent filed a defence and urged the Court to dismiss the application to supplement judgment no ECW/CCJ/JUD/40/24 delivered on 21 November 2024

14. They state that indeed Article 64 of the Rules of Procedure of the Court grants the court the power to supplement a judgment where it has failed to give a ruling on an isolated aspect of the form of order sought. However, the exercise of this power is

subject to the following cumulative conditions, namely: i) there must be an omission to give judgment, and ii) that the failure to give judgment relates to an isolated head of claim.

15. The Respondent notes that the Applicants' case in the instant application is based on the allegation that the Court, in judgment no. ECW/CCJ/JUD/40/24 of 21 November 2024 delivered a ruling that did not address the Applicants' claim of arbitrary detention. This, the Applicants allege, is a breach of Article 175 of the Ivorian Code of Criminal Procedure and violates their right to liberty and security as guaranteed under the African Charter on Human and Peoples' Rights.

16. The Respondent affirms that the decision of the court on the claim of the Applicants for arbitrary detention was addressed by the Court, having held that detention is arbitrary only when it is devoid of any legal grounds and that the applicants' detention was not devoid of any legal basis.

17. They continued that the court based this finding on the fact that the Applicants were arrested and remanded in custody for various criminal offenses. They were subsequently referred to the criminal court by the investigating judge, who found that there were sufficient charges against them for the offences with which they were charged and that they were accordingly sentenced to twenty years' imprisonment.

18. Consequent upon which the court concluded that their detention was in accordance with the law. It then held that "...by keeping the applicants in detention, the Respondent had not violated the provisions of Article 6 of the ACHPR, Article 9 of the UDHR and Article 9 paragraph 1 of the International Covenant on Civil and Political Rights (ICCPR)".

19. The Respondent concludes that on this head, the court has not omitted to rule on the allegation of arbitrary detention contrary to the Applicants' averment based on

Article 175, justifying provisions of Article 6 of the ACHPR, Article 9 of the UDHR, and Article 9(1) of the ICCPR.

20. Regarding the applicants' alleged failure to rule on the violation of the provisions of Article 175 of the Ivorian Criminal Code, with the attendant consequence of being released automatically, the Respondent contends that the Court dealt extensively with this alleged violation in the course of its analysis of the alleged violation of the Applicants' right to be tried within a reasonable time.

a) Pleas in law

21. No pleas in law

b) Reliefs sought

22. The Respondent therefore seeks the following reliefs from the Court:

i) To rule on the admissibility of the Applicants' action for a declaration of failure to rule.

ii) To declare it unfounded.

iii) To dismiss the action

iv) To order the Applicants to bear all costs.

VII. JURISDICTION

23. Jurisdiction is fundamental to the court as it serves as the very foundation upon which a court's authority to adjudicate a matter rests. Thus, it must be established as a matter of priority ahead of consideration of the merit of any matter before it. It is on record that the court declared itself competent to adjudicate on the initiating application- RAMAGLIA GUISEPPE & ANOR V STATE OF COTE D'IVOIRE ECW/CCJ/CCJ/03/22, based on which the contested judgment no ECW/CCJ/JUD/40/24 was delivered.

24. The court, having assumed jurisdiction in the original case, its jurisdiction to supplement a subsequent application arising from same remains intact. See SULEIMAN MUHAMMED HUSSAINI V ECOWAS COMMISSION, ECW/CCJ/APP/22/19/REV. PAR. 26, PG. 7. See also TRUE WHIG PARTY V REPUBLIC OF LIBERIA, ECW/CCJ/APP/64/21/REV PARS. 28-29, PG 7.

25. Consequently, the Court holds that it has the requisite jurisdiction to hear and determine this instant application to supplement judgment no ECW/CCJ/JUD/40/24

VIII. ADMISSIBILITY

26. The Applicants, pursuant to Article 64(1) of the Rules of Procedure of the Court, presented an application to supplement the judgment of Court ECW/CCJ/JUD/40/24 delivered on 21 November 2024 due to an omission by the court to rule on the head of claim in respect of an arbitrary detention of the Applicants. They urge the Court to declare the application admissible because it was made within the time limit prescribed by the Rules of the Court.

27. The Respondent, on the other hand, did not contest the admissibility of the matter but rather argued that it should be dismissed based on its subsequent argument.

Analysis of the Court

28. The rules of the Court on the supplement of judgment is provided by Article 64 as follows:

i) *Where the Court omits to give a decision on a specific head of claim or on costs, any party may within one month after service of the judgment apply to the Court to supplement its judgment*

ii) *The application shall be served on the opposite party who has one month within which to lodge written observations. The time limit laid down in*

paragraphs 1 and 2 of this Article may be extended by the President on a reasoned application by the party.

iii) *After these observations have been lodged, the Court shall decide both on the admissibility and on the substance of the application.*

29. The provision is to the effect that an application to supplement the court's judgment due to an omission shall be filed by a party before the Court within one month upon service of the said judgment on the applicant. Non-compliance by the Applicant with this provision vitiates the Application for omission.

30. By computation of time, the judgment upon which a supplement is sought was delivered on 21 November 2024, while the application for supplement of the judgment was filed on 12 December 2024. The Court finds that the instant application falls within the 30 days' time frame stipulated by the Rule of Procedure of the Court.

31. Regarding the compliance with the timeline by the Respondent, the application to supplement judgment, which was filed on 12 December 2024, was served on them on 12 December 2024. The Respondent filed a defense on the 8th of January 2025. Based on the timeline of 30 days to respond, the Court also finds that Respondent's defence in the instant application complies with the Rules of the Court.

32. The Court, having considered the submission of the parties in the instant application, vis-à-vis its compliance with the prescribed time limit, declares that the application is admissible.

IX. MERITS.

Applicants' case

33. In summary, the Applicants' case is that the provision of Article 175 of the Code of Criminal Procedure (CCP) was flouted by the Respondent's Court. They argue that the said Article provides for an accused person to be presented to the criminal court within one month of the date of committal, failing which the suspect should be released. They have unfortunately been in detention for more than one month after committal. In elaboration, they stated that they were indicted on the 10th of December 2020 but were not tried until the 2nd of February 2021.

34. They conclude that the excessive period before they were presented to the court amounts to arbitrary detention contrary to Article 6 of the African Charter, consequent upon which they are entitled to automatic release in accordance with paragraph 3 of Article 175 of the CCP.

35. They therefore invite the Court to note that the issue of arbitrary detention, contrary to the provisions of Article 175 of the Ivorian Code of Criminal Procedure, was not expressly addressed in the judgment, and respectfully urge the Court to pronounce on this head of claim.

Respondent's case

36. The Respondent affirms that the decision of the court in the said judgment addressed the allegation of the Applicants' claim on arbitrary detention, having held that the applicants' detention was not devoid of any legal basis to make such detention arbitrary. This is based on the fact that the Applicants were arrested and remanded in custody for various criminal offences. They were subsequently referred to the criminal court by the investigating judge, who found that there were sufficient charges against them for the offences with which they were charged and that they were accordingly sentenced to twenty years' imprisonment.

37. They conclude that the Court held that "...by keeping the applicants in detention, the Respondent had not violated the provisions of Article 6 of the ACHPR, Article

9 of the UDHR and Article 9 paragraph 1 of the International Covenant on Civil and Political Rights (ICCPR)''.

Analysis of the Court

38. The present application concerns the alleged failure of the Court to rule on the alleged violation of the Applicants' right not to be arbitrarily detained which was presented as follows:

"Declare the application as having ground and consequently find that the ECOWAS Court of Justice failed to rule on the Applicants pleas set out on pages 16 and 17, paragraphs 51, 52, 53, 56, 57, 59 and 59 of judgment no ECW/CCJ/JUD/40/24 of 21 November 2024, and supplement it by ruling on their arbitrary detention based on the violation of Article 175 of the Ivorian Code of Criminal Procedure, to justify the application of Article 6 CADLP, 9(1) of the ICCPR and 9 of the 1948 UDHR"

39. *The above paragraphs are reproduced as follows:*

51 "They argued that under the Ivorian Law, article 175 of the Code of Criminal Procedure (CPP) provides that 'A detained accused brought before the criminal court must appear for trial within one month of the date of the committal order.

A detained accused person who has been the subject of a committal order must appear before the Criminal Court to be tried within six months of the date of the committal order.

If the detainee fails to appear within the above-mentioned time limits, he or she is automatically released.";

52. They conclude that Article 175, paragraph 3 of the aforementioned Code gave the public prosecutor one month to register his case and try the accused referred

to the criminal investigation department, failing which they would be automatically released.

53. *The Applicants point out that in the present case, the investigating judge issued his order for referral to the criminal investigation department on 10 December 2020 and that the Public Prosecutor had till 9 January 2021 to bring the indicted persons thus referred for trial, but that it was finally on 02 February 2021, i.e more than a month later, that they were tried and convicted as specified in the judgment no. 460/2021 entered on 02 February 2021, by the Abidjan Tribunal of First Instance;*

56. *The Applicants further aver that, in order to give effect to the law and obtain their release, their Counsel have forwarded respectively correspondences to the Public Prosecutor and the General Prosecutor in the Court of Appeal, the General Prosecutor at the Court of Cassation, as well as the President of the Court of Appeal, but nothing came out of the endeavor;*

57. *The Applicants consider that they should be granted automatic release, pursuant to paragraph 3 of Article 175 of the Code of Criminal Procedure, even though they have been sentenced by the Abidjan Criminal Court to 20 years' imprisonment.*

58. *Hence, they claim that they are being held in detention in flagrant violation of Article 6 of the African Charter on Human and Peoples' Rights (ACHPR), Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR), and Article 9 of the 1948 Universal Declaration of Human Rights (UDHR), which prohibit arbitrary detention.;*

59. *They invoke the case-law of the ECOWAS Court of Justice, where the Court held that "...arbitrary detention is any form of deprivation of liberty without legitimate or reasonable grounds and in violation of the conditions laid down by law. One or all of these elements may be lacking when initially non-arbitrary detention is prolonged. It thus leads to abusive detention... ";*

40. The above-referred paragraphs are the statement of facts of the Applicants recounted by the Court in the said judgment no ECW/CCJ/JUD/40/24 when it analysed the alleged violation of the Applicants' right of freedom from arbitrary detention.

41. Having reviewed the argument of the Applicants in the instant case, the court is of the considered opinion that the Applicants misconceive the principles guiding arbitrary detention and trial within a reasonable time.

42. Arbitrary detention connotes any form of deprivation of liberty without legitimate or reasonable grounds and in violation of the conditions laid down by law. BALDINI SALFO V BURKINA FASO (2012) CCJELR PG 281 PARA 21. Any detention must therefore be anchored on the legal provision in force in the State in question; the absence of which it becomes arbitrary.

43. In this regard, indeed, the Applicants were arrested but detained in connection with charges bordering on offences of international trafficking in narcotic drugs or psychotropic substances (cocaine), illegal possession of firearms and ammunition of the first category, and criminal conspiracy.

44. This formed the basis of the Court's reasoning when it held in para 80 of the contested judgement that: "the Court notes that in the case, the applicants had been arrested, and arrest warrants were issued against them for various criminal offences. They were subsequently referred to the criminal investigation department by the investigating judge, who considered that there were sufficient grounds for charges

against them, as they committed the offences with which they were charged. The criminal court found them guilty as charged and sentenced them to twenty years' imprisonment each and a fine of one hundred million francs."

45. In that regard, the Court found that the applicants' detention was not devoid of any legal basis to make such detention arbitrary and held that "in the light of all the foregoing, the Court finds that, contrary to their allegations, the applicants' detention did not lack a legal basis. In accordance with its own settled case-law, the Court considers detention to be arbitrary only when it lacks a legal basis". See para 77 of the judgment.

46. Consequently, it then held that "...by keeping the applicants in detention, the Respondent had not violated the provisions of Article 6 of the ACHPR, Article 9 of the UDHR and Article 9 paragraph 1 of the International Covenant on Civil and Political Rights (ICCPR)"

47. The Court notes that the argument of the Applicants alleging their detention as arbitrary is based on the alleged failure to comply with timelines for referral to trial in accordance with Article 175 of the Ivorian Code of Criminal Procedure, which qualifies them for automatic release.

48. Article 175 of the Ivorian Code of Criminal Procedure provides as follows: *"A detained suspect charged with an offence on the basis of a court order, shall be referred before a correctional magistrates' court, and shall be tried within the space of one month counting from the date of the order referring him before the correctional magistrates' court.*

A detained accused person referred before a criminal court on the basis of a court judgment, shall appear before a criminal court to be tried, within a space of six

months counting from the date of the judgment referring him before the criminal court.

Failure to bring the detainee before court in the time-limits stipulated above shall result in the automatic release of the detainee.''

49. The Court is of the opinion that the Applicants misconceived the law. The situation covered by the above article falls under the right to be tried within a reasonable time prescribed by Article 7 of the African Charter and the national law provision in Article 175 of the Ivorian Code of Criminal Procedure. The analysis of the Court in paragraphs 112-115 in the contested judgment speaks to it as follows:

i) Para. 112 ''the court notes that the Applicants were arrested on 05 June 2019 and that they were charged and remanded in custody on 15 July 2019 by the judge in charge of the 11th investigating office at Abidjan-plateau;

ii) Para. 113, the Court notes that the investigating magistrate issued order no. 35/2020 referring the Applicants to the criminal investigation department on 10 December 2020, and that they were sentenced to 20 years' imprisonment and a fine of one hundred million CFA francs by judgment no. 460/2021 handed down by the Abidjan Tribunal of First Instance on 2 February 2021;

iii) Para. 114, the Court notes that a period of one month and 23 days elapsed between the date of the committal order (10 December 2020) and the date of the judgment handed down by the Abidjan Criminal Court (02 February 2021);

iv) Para. 115, the Court therefore stresses that, in view of the nature of facts with which the applicants are charged, which are undeniably complex, the period

of one month and twenty-three days of waiting for a judicial decision to be handed down does not go beyond what is reasonable;

50. Based on the above, the contention of the Applicants that their detention contravenes Article 175 of the Ivorian Criminal Code, which provides for automatic release, is unfounded. Arbitrary detention is founded on a lack of legitimacy, while delay in presenting a suspect to court after arraignment is a violation of the right of a suspect to be tried within a reasonable time.

51. The Respondent reaffirmed the finding of the court when in their defence they recalled the decision in the contested judgement where it stated that " whereas, moreover, with regard to the alleged failure to rule on the violation of the provisions of Article 175 of the Ivorian Criminal Code, with the consequence, according to the applicants, of their being released automatically, the Court dealt extensively with this alleged violation in the course of its analysis of the alleged violation of the applicants' right to be tried within a reasonable time''.

52. Despite this misconception, the Court must proceed to determine whether, as alleged, the head of relief on arbitrary detention was omitted in judgment no ECW/CCJ/JUD/40/24. In so doing, it will juxtapose the reliefs sought by the applicants in the initial Application no ECW/CCJ/APP/03/22 with the decision thereof to determine any omission or otherwise.

53. The applicants sought the following reliefs and urged the court to find that the Defendant state violated:

- ✓ **The right to freedom and security:** as guaranteed under Article 6 of the African Charter on Human and Peoples' Rights (ACHPR); Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR); and Article 9 of the Universal Declaration of Human Rights (UDHR);

- ✓ **The right to presumption of innocence**: as guaranteed under Article 14(2) of the ICCPR; Article 7(1)(b) of the ACHPR; and Article 11(1) of the UDHR;
- ✓ **The right to be tried in a reasonable time**: as guaranteed under Article 9(3) and 14(3)(c) of the ICCPR; and Article 7(1) of the ACHPR;
- ✓ **The right to property**: as guaranteed under Article 14 and related provisions of the ACHPR; and Article 17 of the UDHR.

54. The Court, after due consideration of the facts placed before it by both parties, ruled and held in judgment no ECW/CCJ/JUD/40/24 as follows:

55. Regarding The right to freedom and security as guaranteed by Article 6 of the African Charter, *the Court held "that the Respondent did not violate the provisions of Article 6 of the ACHPR, Article 9 of the UDHR and Article 9 paragraph 1 of the International Covenant on Civil and Political Rights (ICCPR) by keeping the Applicants in detention."* see paragraph 81 of judgment no ECW/CCJ/JUD/40/24

56. On the right to be tried in a reasonable time: The Court found that due to the complex nature of the case, a period of 1 month and 23 days of waiting did not amount to an unreasonable time. *"Stressing that, in view of the nature of the facts with which the applicants are charged, which are undeniably complex, the period of one month and twenty-three days of waiting for judicial decision to be handed down does not go beyond what is reasonable"*. See para. 115 of the judgment,

57. However, with regard to the timeline of processing the appeal lodged by the Applicants, the court notes that 9 months after the appeal was lodged, without any attention, was unreasonable. On that note, "*the Court concludes that the fact that the Abidjan Court of Appeal did not rule 9 months after the applicants lodged their appeal must be regarded as constituting a violation of the right to be tried within a reasonable time, especially since, under its own domestic law, in particular Article*

569 of the Criminal Procedure Code, it was required to rule on the appeal within the three-month time-limit.

Therefore, there can be no doubt that the applicants' rights to be tried within a reasonable time had been violated". See para 123 of the judgment,

58. With regards to other reliefs claimed by the applicants:

i) On the right to presumption of innocence: *"the Court therefore holds that the defendant clearly did not breach the presumption of innocence. The Applicants were therefore wrong to allege a breach of the presumption of innocence". . See para 101 of the judgment,*

ii) While on the right to property: *"the Court concludes that, in the present case, the confiscation complained of does not unquestionably violate the applicants' right to property, as provided for in Article 14 of the ACHPR and Article 17 of the UDHR."* See para 154 of the judgment

59. From the above, it is incontestable that all the reliefs sought by the Applicants as contained in their originating application were exhaustively dealt with and ruled upon in judgment no ECW/CCJ/JUD/40/24. A claim of omission to rule on any head as alleged by the Applicants is unfounded.

60. For emphasis, regarding the right to freedom and security as guaranteed by Article 6 of the African Charter which the Applicant specified, the Court held *"that the Respondent did not violate the provisions of Article 6 of the ACHPR, Article 9 of the UDHR and Article 9 paragraph 1 of the International Covenant on Civil and Political Rights (ICCPR) by keeping the Applicants in detention."* see paragraph 81 of judgment no ECW/CCJ/JUD/40/24.

61. The Court notes that the overall intention of the Applicant in seeking a supplement to the said judgment in the instant case is to secure an order for their release, thereby reversing the earlier decision in the contested judgment.

62. A claim of omission cannot be used as a backdoor to appeal or to re-examine the judgment of a court. In determining an application founded on omission, the Court must therefore satisfy itself that the application is not merely a guise aimed at reversing or revisiting its decision.

63. Consequently, where it appears that an application brought under the guise of omission seeks to challenge the merits of the judgment rather than draw attention to a specific head of claim that was not addressed, such an application cannot be sustained.

64. In the present case, the Court finds it has adjudicated exhaustively on the matter brought before it for determination and has accordingly made its pronouncement thereon. Consequently, the allegation of omission to adjudicate on the issue of arbitrary detention, as raised by the Applicants, is unfounded and must therefore be dismissed. See MADAM ISABELLA MANAVI AMEGANVI & ORS V THE REPUBLIC OF TOGO, (2012) CCJELR PG 73 PAR. 16 & 19. See also DR ROSE MBATOMON AKO V THE WEST AFRICAN MONETARY BANK & ORS, (2015) CCJELR PG 557 @ PAR. 9.16.

65. In the light of the foregoing analysis and having regard to the reliefs sought by the Applicants, the Court reiterates that it has exhaustively adjudicated upon all the heads of claim presented before it. Accordingly, the Court finds that there has been no omission, contrary to the Applicants' assertion in their application for supplementary judgment.

66. The court, therefore, holds that having failed to establish the alleged omission on the head of arbitrary detention, the application is accordingly dismissed.

IX COSTS

60. The Applicants prayed the court to order the Respondent State to bear the costs of the proceedings.

Bearing in mind the provision of Article 66(2), the court directs that each party shall bear their own cost.

VI. OPERATIVE CLAUSE

61. For the reasons stated above, the Court sitting in public, after hearing both Parties:

As to Jurisdiction:

i) Declares that it has jurisdiction to hear and determine the case.

As to Admissibility:

i) Declares that the application is admissible.

As to Merits

i) Dismisses the Application for lack of merit

As to costs

i) Orders the parties to bear their own costs.

Hon. Justice Dupe Atoki - Presiding/Judge Rapporteur----------

Hon. Justice Gberi-Be Ouattara - Member----------

Hon. Justice Amoako Edward Asante - Member----------

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

Done in Conakry, this 18th day of May 2026, in English language and translated into French and Portuguese.