THE COMMUNITY COURT OF JUSTICE OF THE

ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)

In the Matter of

INCORPORATED TRUSTEES OF OKPAMAKHIN COMMUNITY INITIATIVE & 7 ORS (For and on behalf of persons who are farmers and users of the Owan Benin Compartment 10 and Iuleha/Ora/Ozalla Forest Reserves on the Owan Forest Zone (OFZ) V FEDERAL REPUBLIC OF NIGERIA

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

JUDGMENT

CONAKRY, GUINEA.

DATE: 18th May 2026

INC TRUSTEES OF OKPAMAKHIN COMMUNITY INITIATIVE & 7 ORS (For and on behalf of persons who are farmers and users of the Owan Benin Compartment 10 and Iuleha/Ora/Ozalla Forest Reserves on the Owan Forest Zone (OFZ) **-APPLICANT**

V.

FEDERAL REPUBLIC OF NIGERIA **-RESPONDENT**

COMPOSITION OF THE COURT

Hon. Justice Sengu Mohamed KOROMA	Presiding/Judge Rapporteur
Hon. Justice Gberi-Be OUATTARA	Member
Hon. Justice Edward Amoako ASANTE	Member

ASSISTED BY:

Dr. Yaouza OURO-SAMA - Chief Registrar

REPRESENTATION OF PARTIES:

President AIGBOKHAN, Esq. - Counsel for the Applicant
R. A. OTUAKENA, Esq.
Miss Osazogie OSAZUWA, Esq.

Maimuna Lami Shiru (Mrs) - Counsel for the Respondents
G. A. OLADIMEJI
Feyisara TITILOYE

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 First Applicant is a registered not-for-profit organization whose trustees are farmers in the disputed lands in Uhunmwode and Owan West Local Government Area (LGA) of Edo State in the Federal Republic of Nigeria.
3. The Second to Seventh Applicants are plantation farmers and heads of separate farm groups from Uhunmwode and Owan West Local Government Area (LGA) of Edo State.
4. The Respondent is the Federal Republic of Nigeria, a Member State of the Economic Community of West African States, ECOWAS.

III. INTRODUCTION

5. This is a human rights application brought pursuant to Article 9(4) of the Supplementary Protocol A/SP.1/01/05, wherein the Applicants allege that the Respondent unlawfully interfered with their occupation and use of the Owan Forest Zone (OFZ), thereby violating their rights, particularly the right to property under the African Charter on Human and Peoples' Rights and the right to receive information.

IV. PROCEDURE BEFORE THE COURT

6. The Applicants filed their Initiating Application on 11th May 2022, in the Registry of the Court, along with a Motion for Interim Orders.
7. Following this the Court held a Virtual Session on 9th July 2024, in which the Applicants were represented by Counsel and the Respondent was absent. The Court noted that, despite two years having elapsed, the Applicants had not taken the necessary procedural steps to enable the hearing of the matter. The case was adjourned *sine die*.
8. At another Virtual Session, the Applicants were absent and unrepresented while the Respondent was represented by Counsel, who informed the Court that the Applicants were engaged in another court proceeding. The Court questioned why the matter was listed and adjourned the case to 20th May 2025 for hearing.
9. On 16th May 2025 the Court held a Virtual Session in which the Applicants were represented by Counsel. The Respondent, though previously connected, was absent at the time the case was called. The matter was adjourned sine die to enable the Applicants take the necessary steps to proceed with the case.
10. Subsequently, on 23rd May 2025, the Respondent filed a Motion for the Extension of Time in which to file its Statement of Defense. This Motion was filed together with the Statement of Defense.
11. The Applicants filed their surreply to the Respondent's Statement of Defense on 19th January 2026.
12. On 25th March 2026, the Court held a Virtua Session in which all Parties were represented by Counsel. The Applicants elected to proceed with the substantive matter instead of the Application for Interim Measures. The Respondent's Motion for Extension of Time (Doc. 3) was granted without objection. The case was heard on the merits, and the file was withdrawn for judgment.

V. APPLICANTS' CASE

a. Summary of facts

13. The Applicants, comprising a registered non-governmental organization and plantation farmers operating under the Taungya Scheme, contend that they and their communities are the ancestral owners and long-standing users of the Owan Forest Zone (OFZ), which spans several communities across Uhunmwode, Owan West, and Ovia Northeast Local Government Areas of Edo State. They aver that their occupation and use of the forest predate the British Colonial Government, which held the land in trust for them before its eventual transfer to the Respondent.

14. The Applicants maintain that the Owan Forest Zone constitutes reserved community forest land traditionally used for farming, collection of non-timber forest products, medicinal purposes, water resources, cultural and religious activities, and environmental conservation. They further assert that their rights and use of the forest were formally recognized under the Taungya Scheme introduced in 1971, under which local farmers cultivated food crops alongside forest regeneration activities.

15. The Applicants allege that over time, substantial portions of the forest reserve were ceded by the Respondent for plantation projects, logging operations, and other commercial activities, thereby reducing the available community forest land. In particular, they contend that approximately 14,000 hectares previously allocated to the Iyayi Group of Companies for plantation regeneration reverted to the communities upon revocation, but that the Respondent now seeks to reallocate about 13,750 hectares of the Owan BC 10 and Ora/Ozalla/Iuleha Forest Reserves to new agro-investors without consultation, transparency, or compensation to the affected communities.

16. The Applicants further aver that the Respondent entered into agreements and memoranda of understanding with investors concerning oil palm plantation

projects within the Owan Forest Zone while concealing the identities and profiles of the investors from the affected communities. They contend that requests for such information made pursuant to the applicable legal framework were not honoured and that the allocation process lacked transparency and public participation.

17. The Applicants also allege that the Respondent has threatened them with eviction, commenced bulldozing access roads into portions of the forest reserve with the support of armed security personnel, and undertaken activities likely to destroy crops, livelihoods, biodiversity, and the cultural heritage of the indigenous communities dependent on the forest ecosystem. They maintain that the proposed allocations and exploitation of the forest reserve threaten their subsistence, food sovereignty, environmental rights, and traditional way of life.

18. On the basis of the foregoing, the Applicants contend that the Respondent's actions amount to violations of their rights under the African Charter on Human and Peoples' Rights, including the rights to property, access to information, culture, development, and protection against arbitrary deprivation of their means of subsistence.

b. Pleas in Law

19. The Applicants rely on the following pleas in law in support of the claims:

i. Articles 1,3,4,6,9, 21(5), 23, and 24 of the African Charter on Human and Peoples Rights, ACHPR.

ii. Articles 4, 11(2) & (3) of the International Covenant on Economic, Social and Cultural Rights, ICESCR.

iii. Articles 19 and 25 of the International Covenant on Civil and Political Rights, ICCPR.

iv. Article 6, United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society.

c. Reliefs sought

20. The Applicants are seeking the following reliefs in respect of their claims:

a. A declaration that the Applicants communities owned and are entitled to use or manage the reserved and deforested part of the Owan Forest Zone and resources therein to promote sustainable land management best practices as guaranteed by Section 20 of the Constitution of Federal Republic of Nigeria of 1999, National Policy on the Environment (Revised) of 2016, Article 11 (1) & 15 of the International Covenant on Economic and Socio Cultural Rights of 1976, Article 21 of the African Charter of Human and peoples' Rights, Section 41 (3) of the Forestry Law of Bendel State of 1968 and Section 8 (1) (2) of Forestry Regulation of 1968.

b. A declaration that the act of the Respondent and its agent to give out 35,500. 52 hectares of reserved community land of the Owan Forest Zone to big businesses constitutes a misappropriation and or impairment of the right of the Applicants to take part in their cultural and rural life as provided for in Article 17 (2) & (3) & 22 of the African Charter on Human and Peoples' Rights, Article 6 & 15 of the International Covenant on Civil & Political Right (ICCPR) 1966 & Article 1 of the International Covenant on Economic and Socio Cultural Rights of 1976.

c. A declaration that the failure of the Respondent to release the information sought for in a letter dated 7th day of March 2022 sent by the 1st Applicant to the Respondent seeking for information relating to the

identity of the investors and nature of proposed grant on the Owan Forest Zone and a copy of the transcript of the meeting with affected local communities is a breach of its right to information and public records as provided for in Section 39 of the Constitution of Federal Republic of Nigeria of 1999, Article 19 of the International Covenant on Civil and Political Rights (ICCPR) of 1966, Article 13 of United Nations Framework Convention on Climate Change1994 and Article 14 of the Universal Declaration of Human Rights (1948).

d. An order that the Applicants enjoy the forest land (including the reserved and deforested) and its natural resources in line with the right of indigenous people to land and property and the right not to be deprived of means of subsistence as provided in Article 1 (2) of the International Covenant on Economic and Socio Cultural Rights of 1976 and Article 21 (5) of the African Charter on Human and Peoples' Rights of 1966.

e. The sum of N500, 000 (Five Hundred Thousand US Dollars Only) being money claimed for the breach of the Applicants rights as above.

VI. RESPONDENT'S CASE

a. Summary of facts

21. The Respondent denies the Applicants' claims and contends that, as a sovereign State structured into Federal, State, and Local Government tiers under the Constitution, land administration falls within clearly defined legal frameworks, particularly the Land Use Act of 1978, which vests all land previously held by the British Colonial Government in the State. On this basis, it argues that the Applicants cannot assert ownership or proprietary rights over the Owan Forest Zone and that any challenge relating to land title or domestic legislation falls within the jurisdiction of national courts, not this Court.

22. The Respondent maintains that it has exercised lawful control and management over the Owan Forest Zone in the interest of the community, asserting that it has neither threatened the Applicants with eviction nor denied them access to their farmlands. It further claims that the Applicants have benefitted from government programmes, including environmental sustainability and livelihood training initiatives, and that no information has been withheld from them.
23. Additionally, the Respondent argues that the Applicants' claims are improperly framed as human rights violations, whereas in substance they relate to land ownership and trespass. It denies any breach of rights to property, food, water, or livelihood, and insists that all land allocations and management actions were conducted in accordance with applicable law. It further denies demolishing any farmland or committing any actionable wrong capable of grounding liability or damages.
24. Consequently, the Respondent urges the Court to dismiss the application in its entirety, characterizing it as frivolous, speculative, vexatious, incompetent, and an abuse of court process.

b. Pleas in law

25. The Applicants are relying on the following please in law in support of their claims:

i. Article 9 of the Supplementary Protocol (A/ SP. 1/01/05) amending the protocol (A/P1/7/91) relating to the Community Court of Justice.
ii. Article 14 of the African Charter on Human and Peoples' Rights, ACHPR.

c. Reliefs sought

26. The Respondent urges the Court to uphold its arguments and dismiss the Applicants' claims in their entirety for being unsubstantiated, lacking in merit, and incapable of grounding any finding of liability against it.

VII. JURISDICTION

27. The Applicants' claims are founded on alleged violations of their human rights, notably the right to property under Article 14 of the African Charter on Human and Peoples' Rights and the right to information under Article 19 of the International Covenant on Civil and Political Rights.

28. By virtue of Article 9(4) of the Supplementary Protocol A/SP.1/01/05, this Court is vested with jurisdiction to determine cases of human rights violations occurring within the territory of Member States.

29. The Court has consistently held that the mere allegation of a human rights violation is sufficient to trigger its jurisdiction, as affirmed in EL HADJI MAME ABDOU GAYE V REPUBLIC OF SENEGAL (2011) CCJELR, p. 250, para. 29; and MRS. YAYE HABY BARRY V REPUBLIC OF GUINEA, JUDGMENT NO. ECW/CCJ/JUD/07/26 (UNREPORTED).

30. Accordingly, considering the nature of the Applicants' claims and the established jurisprudence of this Court, jurisdiction is properly founded in the present case.

VIII. ADMISSIBILITY

31. Pursuant to Article 10(d) of the Supplementary Protocol A/SP.1/01/05, individuals whose rights are allegedly violated may access this Court provided that their application is not anonymous and is not pending before another international court; in the present case, the Applicants are duly identified and there is no evidence of parallel proceedings, in line with the Court's position in

MRS. NAZARE GOMES DE PINA V REPUBLIC OF GUINEA-BISSAU, (2018) CCJELR, pp. 10–11.

32. Furthermore, the First Applicant, being a duly registered non-governmental organization, is competent to institute the action on behalf of victims, consistent with the jurisprudence in REGISTERED TRUSTEES OF SERAP V FEDERAL REPUBLIC OF NIGERIA, (2012) CCJELR, p. 252, para. 61; and REGISTERED TRUSTEES OF SERAP & 10 ORS V FEDERAL REPUBLIC OF NIGERIA & 4 ORS, at p. 20.

33. The Second to Seventh Applicants have also established their status as victims directly affected by the alleged acts of the Respondent, as required by the Court's settled jurisprudence, including ASSIMA KOKOU INNOCENT & ORS V REPUBLIC OF TOGO, (2013) CCJELR, p. 197, para. 32.

34. Accordingly, having satisfied the cumulative conditions for access and standing, as further affirmed in AMNESTY INTERNATIONAL TOGO & ORS V REPUBLIC OF TOGO, JUDGMENT NO: ECW/CCJ/JUD/09/20 (Unreported) paras. 31–33, the present application is admissible before this Court.

IX. MERITS

35. Having carefully considered the claims and counterclaims of the Parties, the Court will determine the issues *seriatim*, guided by its settled jurisprudence and applicable international human rights instruments.

A. Alleged violation of Article 14 of the African Charter on Human and People's Rights: Right to property

36. On the merits, the Court heard the Parties on their respective claims and defences concerning the alleged violation of the Applicants' rights arising from the management, revocation, and proposed reallocation of portions of the Owan

Forest Zone. The Applicants contend that the forest reserves constitute communally owned ancestral lands over which they possess customary, possessory, and co-management rights derived from long-standing occupation and use. They further allege that the Respondent's actions threaten their means of subsistence, environmental rights, cultural attachment to the land, and broader socio-economic interests. The Respondent, on the other hand, maintains that all measures undertaken in relation to the forest reserves were lawful, necessary, and implemented pursuant to the applicable domestic legal framework regulating land administration and forestry management in Nigeria.

37. The Court recalls that the right to property is guaranteed under Article 14 of the African Charter on Human and Peoples' Rights, which provides as follows: *"The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws."*

38. The protection afforded under Article 14 extends beyond formal title ownership and may encompass customary interests, possessory rights, beneficial use, and other legally recognizable interests in land and property. In this regard, the African Commission on Human and Peoples' Rights, in SOCIAL AND ECONOMIC RIGHTS ACTION CENTRE (SERAC) & ANOR V NIGERIA, Communication No. 155/96, emphasized that the right to property under the Charter includes communal and indigenous forms of landholding and obliges States to refrain from arbitrary interference with such interests.

39. The Court further reiterates that the right to property, though fundamental, is not absolute. Interference with property rights may be justified where such interference pursues a legitimate public purpose, is proportionate, and is carried out in accordance with the law. This principle accords with the long-established

maxim *salus populi suprema lex esto* (the welfare of the people is the supreme law).

40. In determining whether there has been a violation of Article 14, this Court adopts the established four-pronged test articulated in LA SOCIÉTÉ BÉDIR SARL V REPUBLIC OF NIGER, ECW/CCJ/JUD/11/20, para. 55, namely:

> *i. whether the Applicants have established a proprietary interest deserving of protection;*
>
> *ii. whether there has been interference with such interest by the Respondent;*
>
> *iii. whether the alleged interference pursued a legitimate public interest; and*
>
> *iv. whether the measures complained of were undertaken in accordance with the law.*

i. Existence of a Proprietary Interest

41. On the first limb, the Applicants assert that they and their communities are the ancestral owners and traditional users of the Owan Forest Zone and that they have exercised uninterrupted rights of occupation, cultivation, harvesting of forest products, and socio-cultural utilization of the land over several decades. They further rely on provisions of the Forestry Law of Bendel State and related environmental policies recognizing the beneficial interests of indigenous communities in forest reserves.

42. The Respondent disputes the Applicants' claim of ownership and contends that the Land Use Act of 1978 vests all land in the State. However, the Respondent does not substantially controvert the Applicants' historical occupation and beneficial use of the forest areas.

43. The Court observes that under contemporary human rights jurisprudence, proprietary interests protected under Article 14 are not limited to registered legal title. In ENDOROIS WELFARE COUNCIL V KENYA, Communication No. 276/2003, the African Commission recognized that indigenous and customary communities may possess enforceable property interests arising from historical occupation, spiritual attachment, and traditional usage, notwithstanding the absence of formal title documentation.
44. Similarly, the European Court of Human Rights has consistently held that "*possessions*" within the meaning of Article 1 of Protocol No. 1 to the European Convention may include de facto proprietary interests and legitimate expectations connected to long-standing use and occupation. See DOĞAN & OTHERS V TURKEY, Judgment of 29th June 2004, para. 139.
45. Considering the foregoing, the Court is satisfied that the Applicants have established a recognizable customary and beneficial interest in the land capable of protection under Article 14 of the ACHPR. Accordingly, the first limb of the test is established.

ii. Whether There Was Interference with the Applicants' Rights

46. On the second limb, the Applicants allege that the Respondent unlawfully interfered with their rights through the revocation and intended reallocation of portions of the forest reserve to private entities and commercial interests.
47. However, upon examination of the evidence before it, the Court notes that the revocation measures specifically concerned land previously allocated to a third-party entity, namely the Iyayi Group, and not land shown to be under the direct possession or occupation of the Applicants.
48. The Court further observes that the Applicants have not adduced sufficient evidence demonstrating that they were evicted, dispossessed, denied access to

their farms, or otherwise prevented from exercising their traditional activities within the forest reserve.

49. While the Applicants express apprehension regarding future deprivation and environmental degradation, the Court recalls that allegations of human rights violations must be supported by credible and sufficiently precise evidence establishing actual or imminent interference. Mere speculation or generalized fears cannot suffice. See GABRIEL INYANG V FEDERAL REPUBLIC OF NIGERIA, JUDGMENT NO: ECW/CCJ/JUD/03/19 (Unreported).

50. In the circumstances, the Court finds that the Applicants have failed to establish a clear, direct, and personal interference with their possessory interests. Consequently, the second limb of the test has not been sufficiently established.

iii. Whether the Measures Pursued a Legitimate Public Interest

51. Assuming *arguendo* that interference had been established, the Court must nonetheless determine whether the measures pursued a legitimate public purpose.

52. The Court recalls that Article 14 expressly permits encroachment upon property rights where such encroachment is undertaken "*in the interest of public need or in the general interest of the community*."

53. Comparative jurisprudence equally affirms the permissibility of State regulation and control of property were undertaken in pursuit of legitimate socio-economic objectives. In GOGITIDZE & OTHERS V GEORGIA, Judgment of 12th May 2015, para. 96, the European Court of Human Rights held that States enjoy a margin of appreciation in regulating property rights where such regulation pursues a legitimate public interest and maintains proportionality between the means employed and the objective sought.

54. In the present case, the Respondent has demonstrated that the impugned measures were undertaken within the framework of forestry regeneration, plantation management, and economic development policies aimed at enhancing productivity and public benefit.

55. The Applicants, for their part, have not established that the Respondent's actions were arbitrary, discriminatory, mala fide, or devoid of legitimate governmental purpose.

56. Accordingly, the Court finds that the Respondent's actions pursued a legitimate public interest within the meaning of Article 14 of the ACHPR.

iv. Whether the Measures Were Undertaken in Accordance with the Law

57. The final limb concerns the requirement of legality. The principle *nullum arbitrium sine lege* (there can be no arbitrariness without law) requires that any restriction on property rights must have a clear legal basis and comply with applicable procedural safeguards.

58. The Respondent maintains that its actions were undertaken pursuant to the Land Use Act of 1978 and the relevant forestry legislation governing the administration, allocation, and revocation of land interests in Nigeria.

59. The Court notes that the Applicants have not challenged the validity or constitutionality of the relevant legislation. Neither have they demonstrated that the Respondent acted outside the powers conferred by law or failed to comply with the applicable statutory procedures.

60. Moreover, no evidence has been adduced demonstrating arbitrariness, procedural irregularity, denial of due process, or unlawful exercise of administrative authority by the Respondent.

61. The Court therefore concludes that the measures complained of were undertaken pursuant to an existing legal framework and in accordance with the applicable law.

62. Having carefully considered the facts, evidence, and applicable law, as well as the principles laid down in LA SOCIÉTÉ BÉDIR SARL V REPUBLIC OF NIGER *supra*, the Court finds that although the Applicants possess a recognizable customary and beneficial interest in the land, they have failed to establish unlawful interference with such interest or any violation of Article 14 of the African Charter on Human and Peoples' Rights.

63. Accordingly, the Court finds no violation of Article 14 of the ACHPR.

B. Alleged Violation of Article 9 of the African Charter on Human and People's Rights: Right to receive information.

41. On the alleged violation of the right to receive information, the Applicants contend that the Respondent failed to disclose material information relating to investors, agreements, and the proposed allocation of portions of the Owan Forest Zone, despite requests made pursuant to the Freedom of Information framework. They argue that the alleged secrecy surrounding negotiations and land allocations excluded the affected communities from meaningful participation in decisions directly affecting their ancestral lands, livelihoods, and environmental interests. The Applicants further maintain that the failure to provide such information violated their rights under Article 9 of the African Charter on Human and Peoples' Rights, as well as broader international principles relating to transparency, participation in environmental decision-making, and access to public information.

42. The Respondent, on the other hand, denies any violation of the Applicants' right to information and maintains that the relevant processes were undertaken within the framework of applicable domestic laws and administrative procedures.

43. The Applicants further allege that the Respondent violated their right to receive information, guaranteed under Article 9 of the African Charter on Human and Peoples' Rights, by failing to disclose information relating to investors, agreements, and proposed allocations concerning portions of the Owan Forest Zone.

44. The Court recalls that Article 9 of the African Charter provides that: "*Every individual shall have the right to receive information.*" The right to receive information constitutes an important component of democratic governance, accountability, transparency, and effective participation in matters affecting individuals and communities. The African Commission on Human and Peoples' Rights has consistently interpreted Article 9 broadly to encompass access to information held by public authorities, particularly where such information concerns matters of public interest or may affect the enjoyment of protected rights.

45. In MEDIA RIGHTS AGENDA & OTHERS V NIGERIA, Communication Nos. 105/93, 128/94, 130/94 and 152/96, the African Commission emphasized that access to information is indispensable to the realization of other rights guaranteed under the Charter and imposes obligations on States to ensure reasonable access to information within their control.

46. Similarly, comparative jurisprudence from other international human rights bodies affirms that access to information held by public authorities forms part of the broader guarantee of freedom of expression and participation in public affairs. In CLAUDE REYES & OTHERS V CHILE, Judgment of 19th September 2006, para. 77, the Inter-American Court of Human Rights held that

States are under an obligation to provide access to State-held information where such information is requested in accordance with lawful procedures.

47. However, the right to information is not without procedural requirements. An Applicant alleging denial of access to information must demonstrate that a request for information was duly made through appropriate channels and that the relevant authority expressly or constructively refused such request.

48. The Court reiterates its settled jurisprudence that the burden of proof rests on the party alleging a violation. See GABRIEL INYANG & ANOR V FEDERAL REPUBLIC OF NIGERIA, JUDGMENT NO: ECW/CCJ/JUD/20/18, (Unreported) p. 16.

49. In the instant case, the Applicants contend that they sought information from the Respondent regarding the identity of investors and the terms of agreements relating to the management and allocation of the Owan Forest Zone. However, upon examination of the record before it, the Court notes that the Applicants have failed to establish that the alleged request for information was duly delivered to the competent authorities or pursued through the available administrative procedures.

50. The Court further observes that apart from the bare assertion that information was withheld, the Applicants have not adduced evidence of acknowledgment, refusal, non-response, or any subsequent attempt to compel disclosure through the mechanisms available under domestic law.

51. The Court considers that while Article 9 guarantees access to information, such right must be exercised within the framework of established procedures. A mere allegation of denial, unsupported by proof of an effective request and refusal, cannot suffice to establish a violation under the Charter.

52. The Court additionally notes that certain information concerning the allocation and proposed use of portions of the forest reserve was already available in the

public domain through official gazettes, administrative notices, and public communications issued by the relevant authorities.

53. In this regard, the Court finds persuasive the reasoning of the European Court of Human Rights in MAGYAR HELSINKI BIZOTTSÁG V HUNGARY, Judgment of 8 November 2016, para. 156, where the Court held that a violation concerning access to information generally presupposes that access was sought and effectively denied by a public authority.

54. In the circumstances of the present case, the Court finds that the Applicants have failed to establish that the Respondent unlawfully withheld information or denied them access to information within the meaning of Article 9 of the African Charter.

55. Consequently, the Court finds no violation of Article 9 of the African Charter on Human and Peoples' Rights.

56. In sum, the Court recalls that although the Applicants have demonstrated a historical and functional relationship with the Owan Forest Zone, they have failed to establish that the Respondent's actions amount to violations of their rights under Articles 14 and 9 of the African Charter on Human and Peoples' Rights.

57. Based on the facts and evidence before it, the Court finds that the Respondent's actions fall within the permissible scope of State regulation undertaken in the public interest and have not been shown to be arbitrary, unlawful, disproportionate, or inconsistent with the applicable legal framework; *acta jure gestionis* undertaken within lawful authority.

58. Accordingly, the Court dismisses all the claims of the Applicants.

X. COSTS

59. The Court recalls that, pursuant to Article 66 of its Rules, a decision on costs is discretionary and may be imposed on the unsuccessful party where appropriate. See CHIEF EBRIMAH MANNEH V REPUBLIC OF THE GAMBIA, (2008) CCJELR; see also KARIM MEÏSSA WADE V REPUBLIC OF SENEGAL, (2013) CCJELR. In the circumstances of the present case, and having regard to its public interest nature, the Court considers it equitable that each party shall bear its own costs.

XI. OPERATIVE PART

60. 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** that the Application is admissible.

On the merits:

iii. **Finds** that there has been no violation of Article 14 of the African Charter on Human and Peoples' Rights.

iv. **Finds** that there has been no violation of Article 9 of the African Charter on Human and Peoples' Rights.

v. **Dismisses** all the reliefs sought by the Applicants for lacking merit.

As to costs:

vi. **Orders** that each Party shall bear its own costs.

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

Hon. Justice Gberi-Be **OUATTARA**

Hon. Justice Edward Amoako **ASANTE**

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

Done in Conakry, this 18th day of May 2025 in English and translated into French and Portuguese.