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

In the Matter of

BELLO GALADANCHI

V

THE FEDERAL REPUBLIC OF NIGERIA

Application No: ECW/CCJ/APP/26/24

Judgment No. ECW/CCJ/JUD/31/26

JUDGMENT

ABUJA

23 June 2026

Plot 1164 Joseph Gomwalk Street, Gudu District, Abuja Nigeria.
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THE COMMUNITY COURT OF JUSTICE OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)

HOLDEN AT ABUJA, NIGERIA

Application No. **ECW/CCJ/APP/26/24**

Judgment No. **ECW/CCJ/JUD/31/26**

BELLO GALADANCHI **APPLICANT**

V.

THE FEDERAL REPUBLIC OF NIGERIA **RESPONDENT**

COMPOSITION OF THE COURT

Hon. Justice Dupe ATOKI - 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:

Collins I. Maidoh-Anene, Esq. - Counsel for the APPLICANT

Maimuna Lami Shiru (Mrs)
Musa Abdul (ESQ) - Counsel for the RESPONDENT

I. JUDGMENT

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

II. DESCRIPTION OF THE PARTIES

2. The Applicant is a citizen of the Federal Republic of Nigeria, and a Community citizen. He resides in the People's Republic of China.
3. The Respondent is the Federal Republic of Nigeria, a Member State of the Economic Community of West African States (ECOWAS).

III. INTRODUCTION

4. The subject matter of this case relates to alleged violation of the rights to freedom of expression and to receive information, freedom of assembly, freedom of association, freedom of movement and residence, dignity, and liberty due to an online protest by the Applicant, which resulted in his placement on the watch list by the Respondent.

IV. PROCEDURE BEFORE THE COURT

5. The proceedings started on 14 October 2024 when the Applicant filed his Initiating Application dated 05 October 2024. This was served on the Respondent on 14 October 2024.

6. On 16 April 2025, the Respondent filed a Motion for Extension of Time to File Statement of Defense, together with a statement of defense, both dated 14 April 2025. These were served electronically on the Applicant on 21 April 2025.

7. The Court held a hearing in the case on 08 May 2025 during its external Court session in Lagos State, Nigeria. The Applicant was absent and not represented in Court, but Counsel represented the Respondent in Court. The Respondent moved his Motion for Extension of time to file a defense. In the Applicant's absence, there was no opposition. Therefore, the Court granted the motion accordingly. The Court then adjourned the case to allow the Applicant the opportunity to exercise his right of Reply if he wishes.

8. The Applicant exercised his right of reply by filing on 14 May 2025, a Reply to the Statement of Defense, dated 05 May 2025. This was served on the Respondent on 14 May 2025.

9. The Applicant also filed an Application for Leave to file Further Evidence, dated 14th May 2025. This was filed and served on the Respondent on the same date.

10. On 12 November 2025, the matter came up again for hearing, and both parties were represented before the court. The Court noted that the Applicant filed additional documents, but rejected document 7 for late filing. The Court thereafter granted both parties time to adumbrate on the merits of their respective applications. Thereafter, the matter was adjourned for judgment.

V. APPLICANT'S CASE

a. Summary of Facts

11. The Applicant's case is that he is a Nigerian citizen from Kano State but resident in the People's Republic of China. He alleges that he is a popular online content creator and uses social media to drive social change and advocate for good governance in Nigeria, with over 158,000 followers on X and 1.4 million on TikTok.

12. The Applicant alleged that sometimes in June/July 2024, Nigerians, particularly the youths, triggered by hunger, poor and repressive government policies, planned and mobilised for a peaceful protest across Nigeria under the hashtag #EndBadGovernanceinNigeria, also known as #EndHungerProtest.

13. He avers that, like many other young Nigerians, he joined in the call for an end to bad governance in Nigeria by creating several lawful satirical contents relating to bad governance and the planned protest, which he shared on his X social media platform.

14. The protest eventually commenced on Thursday, 1 August 2024, across Nigeria and ended on Saturday, 10 August 2024, in major cities including Abuja, the Federal Capital Territory; Lagos state, Kano, Benin City, Port Harcourt, Kaduna, Warri, and Jos.

15. The Applicant alleges that during and after the protest, the Nigerian government, through its agents, began to issue threats targeted at all the participants, supporters, and perceived promoters of the protest. In one major instance, the Government particularly threatened Nigerians in the diaspora who supported the protest, the category the Applicant belongs to, and claimed that such participants, supporters, and/or perceived promoters have been placed on a watch list. In order words, Nigerians in the diaspora who supported the protest had been placed on a watch list and would be arrested if they attempted to enter Nigeria.

16. Following which, the Kano Chapter of the ruling All Progressives Congress Political Party specifically called for the arrest of the Applicant, creating fear of a risk of his arrest if he tries to enter his country or exercise several of his fundamental human rights. In that regard, he cited the case of one Mr. Omoleye

Sowore, who was arrested and arbitrarily detained for supporting the peaceful protest upon his arrival in Nigeria.

17. Additionally, he alleges that persons who took part in the protest had been arbitrarily arrested, detained, and charged for offences of treasonable felony by the state agents.

18. The Applicant further avers that as a result of the threats and statements by the government authorities, he was afraid and unable to visit Nigeria as planned in 2024. This, he alleges, violates his fundamental right to enter his home country.

19. The Applicant, therefore, submits that the above facts give rise to a violation of his rights of freedom of expression, freedom of assembly, and freedom of association, among other rights.

b. Pleas in Law

20. The Applicant relies on the following pleas in law:
    a. Articles 32 and 33 of the Rules of the Community Court of Justice 2002.
    b. Article 10 of the ECOWAS Protocol A/P.1/7/91 Relating to the Community Court of Justice as amended by Article 4(d) of the Supplementary Protocol A/SP.1/01/05
    c. Articles 1, 2, 3, 5, 6, 7, 9, 10, 11, 12, and 14 of the African Charter on Human and Peoples' Rights.
    d. Articles 1, 2, 3, 5, 7, 9, 10, 12, 13, 17, 19, and 20 of the Universal Declaration of Human Rights.
    e. Articles 1, 2, 9, and 15 of the United Nations General Assembly Human Rights Council Resolution 32/13 (UNGA/HRC/RES/32/13) on the Promotion, Protection and Enjoyment of Human Rights on the Internet.

c. Reliefs sought

21. The Applicant seeks the following reliefs:

i. A DECLARATION that the act of the Respondent in placing the Applicant on a watch list, planning to arrest, detain, prosecute, and freeze the Applicant's account over his online posts and activities concerning the peaceful protest from the diaspora is a violation of the Applicant's Right to Express and disseminate Information, Associate freely, and to Peaceful Assembly on the internet space.

ii. A DECLARATION that the plans and statement by the Respondent to arrest and detain the Applicant upon his arrival into Nigeria is in breach of the Applicant's right to freedom of movement and to return to his country.

iii. A DECLARATION that the plan to arrest, detain, prosecute, and freeze the Applicant's account by the Respondent is a violation of the Applicant's right to the respect of the dignity inherent in a human being and a violation of his right against Torture and Inhumane treatment.

iv. AN ORDER of this Honourable Court compelling the Respondent, its agents, organs, servants, privies, or by whatever name called to publish the names of Nigerians in the diaspora on their watch list who supported and participated in the peaceful protest, stating the alleged offence, if any, for which they are placed on the watch list.

v. AN ORDER of this Honourable Court compelling the Respondent, its agents, organs, servants, privies, or by whatever name called, to delist the Applicant's name from their watch list.

vi. AN ORDER of this Honourable Court, restraining the Respondent, their agents, organs, privies, servants, or by whatever name called from placing the Applicant under further surveillance over his online involvement with the peaceful protest.

vii. AN ORDER of this Honourable Court compelling the Respondent, its agents, organs, servants, privies or by whatever name called, restraining them from

arresting, detaining the Applicant arbitrarily or subjecting him to unfair trial of whatever sort over the Applicant's involvement in the peaceful protest without a valid warrant of arrest issued by a court of competent jurisdiction, stating the facts upon which they may seek to arrest the Applicant if at all.

viii. AN ORDER of this Honourable Court directing the Respondent, their agents, organs, privies, servants or by whatever name called to pay the Applicant the sum of $10, 000, 000. 00 (Ten Million Dollars) only as general damages for the psychological and mental torture suffered by the Applicant as a result of the various human rights violations he has suffered as a result of the oppressive conduct of the Respondent.

ix. AN ORDER of this Honourable Court compelling the Respondent, its agents, organs, servants, privies or by whatever name called to pay the Applicant the sum of $20, 000,000.00 (Twenty Million Dollars) only as aggravated and punitive damages that will serve as deterrence to the Respondent.

VI. RESPONDENT'S CASE

a. Summary of Facts

22. The Respondent denies the allegations of the Applicant and puts him to the strictest proof.

23. They submit that the Applicant has not placed any material evidence before the Court to prove his ownership of X and TikTok accounts, or his participation in a peaceful protest. He has also not proved that he is a Nigerian citizen resident in China.

24. The Respondent states that the protest that took place on 1 August 2024 was not triggered by hunger, bad governance, or poor and repressive government policies but was prompted by divisive elements in the Nigerian polity who have sworn to

oppose every policy and programme of the present government administration in order to plunge the Nation into a state of anarchy.

25. In response to Applicant's claim that the Nigerian government, through its agents, began to issue threats and target participants, supporters and promoters of the protest, the Respondent clarify that the warning statement was aimed at those who took advantage of the protest to perpetrate criminal acts such as mayhem, looting and destroying both public and private properties belonging to law abiding Nigerians; as well as those who aided and abetted such heinous acts, both at home and abroad.

26. Furthermore, the Respondent states that there was no threat to include supporters of the protest, who are based abroad, on a watch list and claims that those on the watch list are those who instigated mayhem and tried to subvert the authority of the Nigerian nation.

27. The Respondent submits that the Applicant is not on any watch list of the Nigerian government, and there is no warrant for his arrest. In addition, the Applicant has not been prevented and is not being prevented from visiting Nigeria at any time.

28. The Respondent claims that the Applicant's allegation of breach of his fundamental rights is only an assumption, as well as speculative and hypothetical, as the Respondent has not breached the fundamental rights of the Applicant, or by its conduct, given any reason for his fear of likely violation of his fundamental rights.

b. Pleas in Law

29. The Respondent did not cite any pleas in law.

c. Reliefs sought

30. The Respondent prays the Court to find that the Applicant's application is only an assumption, speculative, hypothetical, and has not disclosed any reasonable cause of action; therefore, the case should be dismissed for lacking in merit and for being speculative/academic.

VII. APPLICANT'S REPLY

31. The Applicant, in response to the Respondent's defence, states that he has placed sufficient evidence before the Court to prove that he is a Nigerian resident in China, as well as his ownership of social media accounts on X and TikTok platforms, and his online involvement in peaceful protest activity.

32. He further denies that his Application is speculative and hypothetical and restates that he has submitted evidence before the Court to show that the Respondent has indeed violated his rights.

VIII. JURISDICTION

33. Article 9(4) of the Supplementary Act 2025 SA.1/12/25 relating to the Community Court of Justice provides that the Court has jurisdiction to determine cases of violation of human rights that occur in any Member State.

34. By virtue of this provision, a mere allegation of a violation of human rights by a Member State is enough to vest the Court with jurisdiction in such instance. See COUNSELLOR MUHAMMAD KABINEH JA'NEH v. THE REPUBLIC OF LIBERIA & 1 ANOR, ECW/CCJ/JUD/28/20 @ pg. 21; PRIVATE ALIMU AKEEM v. FEDERAL REPUBLIC OF NIGERIA, ECW/CCJ/RUL/05/11 reported in (2011) CCJELR @ pg. 129 para.

35. The case of the Applicant is that the Respondent violated his rights to freedom of expression, freedom of assembly, and freedom of association contrary to Articles 9, 11, and 10, respectively, of the African Charter on Human and Peoples' Rights.

36. Having alleged the violation of these rights by the Respondent, an ECOWAS Member State, the Court holds that it has jurisdiction to determine the instant application.

IX. ADMISSIBILITY

37. The Respondent urges the Court to declare this Application inadmissible as the Applicant has not placed any sufficient evidence before the Court to prove that the Respondent or its agents have violated his rights.

38. In response, the Applicant submits that even if it could be argued that the Respondent has not violated his rights, there is an apparent likelihood of the possibility that his rights would be violated, due to the fact that the Respondent's agents have put him on a watch list for him to be arrested whenever he shows up in Nigeria.

39. He further argues that human rights are so sacrosanct that he does not need to wait for an actual breach to occur for him to enforce his rights, as damages or reparation would never be sufficient to address the hardship and torment to be suffered if the breach occurs.

40. In support of this averment, he recalled the court's holding that the violation of the right to life occurs when there is loss or threat to life and not only after actual death. GLORY OKOLIE v. FEDERAL REPUBLIC OF NIGERIA, ECW/CCJ/JUD/38/24. In addition, he also made reference to the court's decision where certain provisions of the Blasphemy Law of Kano State of Nigeria were struck down, not because the rights of the Applicant had been breached, but because the said law was in conflict with the African Charter, with the likelihood of breach of human rights. INCORPORATED TRUSTEES OF EXPRESSION NOW HUMAN RIGHTS INITIATIVE v.

FEDERAL REPUBLIC OF NIGERIA, ECW/CCJ/APP/41/23, ECW/CCJ/JUD/20/25 pg 26, para. 115

41. The Applicant therefore urged the Court to declare the Application admissible.

Analysis of the Court

42. As provided by Article 10(4) of the Supplementary Act of 2025 SA.1/12/25 Relating to the Community Court of Justice, an Application alleging violation of human rights by a Member State must satisfy three requirements, viz: i). The Applicant's victim status ii). The Application is not anonymous, and iii) not have been filed before another similar international court for adjudication. See THE REGISTERED TRUSTEES OF THE SOCIO-ECONOMIC RIGHTS ACCOUNTABILITY PROJECT (SERAP) v. FEDERAL REPUBLIC OF NIGERIA ECW/CCJ/JUD/08/21 @ pg. 14 para 36; DANIEL AGADA OKOH & 42 ORS. V. FEDERAL REPUBLIC OF NIGER ECW/CCJ/JUD/04/21 @ pg. 16 Para 37.

43. In the instant case, the Applicant is not anonymous as his name is clearly stated. In addition, there is no indication that the case has been submitted before another similar international court for adjudication.

44. The Court will thus consider whether the victim status of the Applicant has been established to the satisfaction of the Court.

Victim status

45. The case of the Applicant is that he is a Nigerian living in China and own accounts on X (formerly Twitter) and TikTok from where he broadcast information that led to his placement on watch list by the Respondent who denies both claims having not been proved.

46. Thus in examining the Applicant's claim of being a person in diaspora and a target of the threats of the Respondent, the Court must be satisfied of the establishment of his identity as a Nigerian living in China thus qualified to be referred to as person in diaspora. Equally important is the proof that he owns an account on X (formerly Twitter) and TikTok.

47. In that regards, the court notes that the Applicant submitted Exhibit A and B being the data page of his Nigerian International Passport and the residence permit issued to him by the Chinese Government respectively. Additionally submitted is Annexure 1 pages 1&2 being proof of his ownership of X & TikTok accounts respectively. The Court is therefore satisfied that the Applicant is a person living in diaspora with accounts on X and TikTok and therefore prima facie aligns with an identifiable class of persons against whom the threat was directed.

48. Having confirm the identity of the Applicant as such the Court will proceed to determine his victim status in the light of the jurisprudence of the Court. A victim is the person who has suffered, directly or indirectly, any damage or pain (physical or mental injury), emotional suffering (for loss of family member or relative), economic loss (loss of property), or any other damage that can be classified as a violation of human rights. See MATCHI DAOUDOU AND SOCIÉTÉ COMMERCIAL POLIVANTE (SCP) SARL-U v. STATE OF THE TOGOLESE REPUBLIC ECW/CCJ/JUD/38/22 @ para 169; MRS. HELEN JOSHUA & ANOR. V FEDERAL REPUBLIC OF NIGERIA ECW/CCJ/JUD/02/22 @ pg. 18/19 para 45.

49. Thus, for the Applicant to prove his victim status, there must be facts to show that he has suffered a direct injury or loss traceable to the acts of the Respondent. See SAWADOGO PAUL & 3 ORS v. REPUBLIC OF BURKINA FASO ECW/CCJ/JUD/07/20 @ p. 10.

50. The case of the Applicant is that the act of the Respondent in placing him on a watch list, planning to arrest, detain, prosecute, and freeze the Applicant's account over his online posts and activities concerning the peaceful protest from the diaspora is a violation of his Right to Express and disseminate information, Associate freely, and to Peaceful Assembly on the internet space.

51. It is instructive to state at this stage that the Respondent did not deny placing some people in diaspora on the watch list and freezing their accounts. The press briefing pleaded in paragraph 2.9 as "Appendix 5" affirms this;

> "Some of these sponsors, some of these people who are actually in diaspora, we have a number of them who actually instigated this mayhem that we are seeing right now. What we've done is we have them on our watch list, and they've been watch listed. We have them on our radars and we are making sure that any attempt they make to come into the country we will notify the necessary authority and we are working of course with NIA and DSS and the NSA's Office so that all those we have in the diaspora that are actually trying to subvert the authority of this nation, they are in our raiders, they have been watch listed and any attempt they make to come into the country, we would be notified and we also know what to do. We will also notify the necessary authorities."

52. With regards to the freezing of accounts, the statement of the agents of the Respondent speaks to the issue thus:

> "Mr Egbetokun said that some bank accounts of such individuals had been blocked, adding that "many of them reside abroad."
>
> "The Nigerian government said it has identified Nigerians in the diaspora who are sponsoring the nationwide #EndBadGovernance protest. The government said it has placed such individuals on a watch list and also frozen their Nigerian accounts."

53. These sentences are affirmations of actions already taken by agents of the Respondent in respect of the targeted persons. In other words, Nigerians in the diaspora who are sponsoring the protest have been identified and placed on a watch list, and their accounts have also been frozen. However, regarding the Applicant, the Respondent vehemently reject the allegation of placing him on the watch list. Having denied this fact, the onus rest more heavily on the Applicant to establish

with sufficient evidence that he was placed on the watch list and his accounts frozen as was done to other targets.

54. This is consistent with the jurisprudence of the court when it held *"The onus of proof is on the party who asserts a fact and who will fail if that fact does not attain the standard of proof that would persuade the Court to believe the statement of the claim."* FEMI FALANA & ANOR v. REPUBLIC OF BENIN & 2 ORS (2012) CCJELR 1.

55. In proof of his case, the Applicant pleads African Independent Television tweet on X, Daily Trust online publication, Premium Times online publication, and the downloaded video of the press statement with the web link addresses contained in ''schedule of Annexture'' and the appended screenshots as ''Annexture 4 pages 1-13'' and ''Enclosure 1'' respectively.''

56. The court reviewed the referred annexures and notes that none contain publication of any watch list. While the language of the briefing is general but specific enough to embrace identifiable persons whose conduct and status align with the description, including the Applicant, a proof that he is specifically named on the watch list is imperative for a finding of a victim of the violations of his right to freedom of expression and other alleged rights. This is more so that the Respondent denied putting him on the watch list.

57. Consequently, concrete proof of the list containing the name of the Applicant is imperative. Consistent with its jurisprudence, the court held that "...before it concludes on the issue of human rights violation, the concrete proofs of the facts upon which the Applicants base their claims must be established with a high degree of certainty, or at least, there must be a high possibility of the claims appearing to be true upon scrutiny. In this regard, mere allegations do not suffice to elicit the conviction of the Court..." ASSIMA KOKOU INNOCENT, AZANLEKPO

DOSSEY K. NARCISSE, DA SILVEIRA HERMES & 5 ORS v. REPUBLIC OF TOGO (2013) CCJELR 187 at 201, para. 59,

58. The facts presented by the Applicant has not persuaded the court to find that the Applicant has suffered any harm or is about to suffer any imminently having not proved that he is on the watch list and his account has been frozen.

59. The court reiterates that the party making allegations capable of proof bears the responsibility of substantiating them. Accordingly, the Applicant herein carries the burden of proving that he is a victim of the rights he claims against the Respondent. He must present credible evidence, using all lawful means available, to substantiate his victim status. Such evidence must be sufficiently convincing to establish a clear connection between the alleged facts and the asserted violations. See DAUDA GARBA v. REPUBLIC OF BENIN (2010) CCJELR 12.

60. Consequently, having not provided evidence to support his claim that he is one of the targeted group in diaspora to be arrested on arrival in Nigeria and prosecuted for their support/sponsorship of the *#EndBadGovernance* the court is of the considered opinion that the Applicant has not justified his status as a victim, the violation of whose right is imminent.

61. This Application is therefore declared inadmissible for failure of the Applicant to establish his victim status.

X. COSTS

62. In view of the fact that parties to this application did not claim any costs, and the Court, bearing in mind the provision of Article 66(11), directs that each party shall bear their own cost.

XI. OPERATIVE CLAUSE

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

As to jurisdiction:

i. Declares that it has jurisdiction.

As to admissibility:

ii. Declares the Application inadmissible.

As to costs:

iii. Orders both Parties to bear their own costs.

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

Hon. Justice Gberi-Be OUATTARA -Member .....

Hon. Justice Edward Amoako ASANTE -Member.....

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

Done in Abuja, this 23rd day of June 2026 in English language and translated into French and Portuguese.