

COMMUNITY COURT OF JUSTICE,
ECOWAS
COUR DE JUSTICE DE LA COMMUNAUTE,
CEDEAO
TRIBUNAL DE JUSTIÇA DA COMUNIDADE,
CEDEAO



No. 10 DAR ES SALAAM CRESCENT,
OFF AMINU KANO CRESCENT,
WUSE II, ABUJA-NIGERIA.

PMB 567 GARKI, ABUJA
TEL/FAX:234-9-5241595/ 5240780
Website: www.courtecowas.org

PRESS RELEASE

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Court schedules November 30 to adopt the terms of settlement in third party proceeding in compensation case over remnants of Nigeria's civil war

The ECOWAS Court of Justice has fixed November 30, 2020 to adopt the terms of settlement in a third party proceeding brought by representatives of some communities and victims of mines and explosives remnants of Nigeria's civil war.

Honourable Justice Dupe Atoki, judge rapporteur who presided at the hearing said the Court was amenable to settlement while emphasising the need for diligence in the process to avoid wasting the time of the Court.

The judge added that the Court adjourned for a period longer than requested by the parties to enable them conclude the settlement and file the terms of settlement in Court before the next adjourned date, failing which the Court will proceed to hear the preliminary objection filed by the Plaintiffs, Vincent Agu and 19 others.

The plaintiffs had filed an application challenging the propriety of the Third Party Applicants' suit before the Court. But at the hearing of Wednesday, 18th November 2020, they informed the Court of an on-going discussion of the parties that had reached a substantive agreement stage.

The Court observed that the third applicant (TP.3) in the third party suit was excluded from the settlement discussion and urged the parties to ensure that the discussion involved all the parties.

In the initial suit no ECW/CCJ/APP/06/12, Vincent Agu and 19 others claimed the violation of their rights by the Federal Republic of Nigeria and five others including the Ministry of Defence, the Minister of Defence, the Attorney General and Minister of Justice as well as the two companies retained by the government to undertake the demining exercise.

The parties subsequently reached an out of Court settlement whose terms were adopted by the Court on 30th October 2017 as its consent judgment.

In the present suit no. ECW/CCJ/APP/06/12TP consolidated by ten of the eleven third party claimants (TP1, TP2, TP4, TP5, TP6, TP7, TP8, TP9, TP10, TP11), excluding the third applicant TP.3, the applicants sought to be joined as parties to guarantee the adequate and equitable distribution of the benefits of the Court's Consent Judgment no ECW/CCJ/JUD/14/17 of 30th October 2017.

The Third Party Applicants comprise traditional leaders of all impacted communities, sites and settlements as well as victims of mines and explosives remnants of war in the country's Rivers, Imo, Akwa Ibom, Delta, Ebonyi, Cross River, Abia, Enugu, Anambra and Benue States.

In the application which was filed on behalf of themselves and as representatives of the victims and affected communities, the Third Party Applicants are seeking an amendment and variation of the Court's judgment to reflect their names.

They averred that the first defendant, the Federal Republic of Nigeria, has consented to settle the plaintiffs and affected communities but that they filed the suit so that the Court can order a variation of the mode of payment of compensations beyond the initial plaintiffs so as to include hundreds of other communities impacted and identified in the Court's judgment.

They added that the persons in whose accounts the monies are to be paid on the basis of the Court's judgment of October 2017 were unfamiliar persons and were not their representatives.

They equally submitted that the initial applicants approached the Court in secrecy wherein they claimed to be also acting on behalf of the Third Party Applicants, whereas these applicants only heard about the suit in the media after the judgment had been delivered without clarity on the mode of payment.

They are therefore demanding that the monies and compensations be disbursed through the solicitors of all parties including those of the Third Party Applicants, to ensure equity, fairness, transparency, probity and justice for all affected victims and communities.

On the reconstituted panel for the case were Honourable Justices Edward Amoako Asante (presiding), Dupe Atoki (judge rapporteur) and Januaria Moreira Costa.

The Court will on November 30, 2020 also hear suit no. ECW/CCJ/APP/14/19 involving ECOWAS Bank for Investment and Development (EBID) and Cross River State Government (CRSG) on the issue of recovery of debt.

EBID filed a suit against the government of Nigeria's Cross Rivers State before the Court for failure to adhere to the terms of the loan agreement no. 7/AP/LAFRDF/04/05 entered by both parties on May 20' 2005.

The applicant claimed that the Respondent secured the loan for the partial financing of the State owned TINAPA Free Trade Zone and Resort but has refused and or neglected to follow the agreed repayment terms.

Relying mainly on Article 9 (6) of the Court's Supplementary Protocol, Section 10.4 and Article 3 of the loan agreement, the bank is seeking orders of the Court declaring the agreement as valid, binding and subsisting, and mandating the Respondent to immediately repay the sum of USD 6, 999,679 among others.

For further information, visit the Community Court of Justice, ECOWAS website at www.courtecowas.org or contact the Information Officers using the contact details below:

Contacts:

1. Ugoh Sunny, Head of Division,
ugoh60@yahoo.com Cell +234 8066782628

2. Felicien Hounkanrin (Information Officer)
Cell Phone: +234 803-786-3972
Email: femedos@yahoo.com or fhounkarin@courtecowas.org

3. Elohor Ovadje (Information Officer)
Cell Phone: +234 803-335-4281, (0)818-448-2456
Email: elovadje@gmail.com, eovadje@courtecowas.org