

COMMUNITY COURT OF JUSTICE
ECONOMIC COMMUNITY OF WEST AFRICAN STATES

Cassandra Garber, Samuel Valcarcel,
Ola Asgill, Prof. K. Koso-Thomas,
Sir Ernest Dunstan Morgan and others

Plaintiffs/Applicants

vs.

Republic of Sierra Leone

Defendant / Respondent

APPLICATION

THE PLAINTIFFS, in their individual and representative capacities, on behalf of their families and respective organizations hereby bring the within claim before the ECOWAS Community Court of Justice against the Defendant for a violation of Articles 2, 7, 10, 12 and 19 of the African Charter on Human & Peoples Rights and pray for the following Reliefs and Orders:

1. A Declaration that sections 3 and 4 of the Provinces Land Act 1960 is inconsistent with Article 2 and 19 of the African Charter on People and Human Rights in that the Plaintiffs and members of their tribe, to wit, the Krios have been subject to unequal treatment, domination, and discrimination on the basis of their place of origin and tribe in violation of said Article 2 and Article 19 respectively which mandates that every person shall be entitled to the enjoyment of rights and freedoms without distinction of any kind "*such as race, ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status*" and "*shall have the same rights ... before the Law*".
2. A Declaration that sections 3 and 4 the Provinces Land Act 1960 is inconsistent with the Article 10 (1) of the African Charter on People and Human Rights in that the Plaintiffs, and the Krios have been subject to restrictions on their freedom of association as the offending statute precludes them for freely associating with other persons, tribes and communities normally resident in the Provinces in Sierra Leone.
3. A Declaration that sections 3 and 4 the Provinces Land Act 1960 is inconsistent with the Article 12 of the African Charter on People and Human Rights in that the Plaintiffs and the Krios have been subject to restrictions on their freedom of movement and residence within the borders of Sierra Leone as the offending statute specifically places restrictions on the rights of Krios to reside and move freely in the Provinces.
4. A Declaration that the rights of the Plaintiffs and the Krios in general have been violated as a result of the failure to permit their appeal and application to the Supreme Court of Sierra Leone to be heard in contravention of the Rules of the



Supreme Court which is a violation of Article 7 (1) which mandates that every person should have the right to appeal to competent national organs against acts of violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force.

5. A Declaration that the Provinces Lands Act - Cap. 122, Cap. 60 of the Laws of Sierra Leone, Act No. 46 of 1961, and Act No. 29 of 1972 all of which contain supporting or definitional statutory sections to the Provinces Lands Act 1960 are inconsistent with Articles 2, 10, 12 and 19 of the African Charter on People and Human Rights to the extent that they classify Krios as "Non-Natives" in their own country, illegally placing them in the same category as those persons of European or Asiatic descent thus treating them unequally and arbitrarily.
6. An Order in the Court's inherent discretion nullifying, modifying, qualifying and declaring as unconstitutional the pertinent sections of the Provinces Lands Act and the definitional sections referred to in paragraph 5 above and deleting from their ambit their application to persons "*whose principal place of residence is in the Colony*" so as to ensure that the offending statutes are not in conflict with Articles 2, 10, 12 and 19 of the African Charter on People and Human Rights.
7. Damages in favour of the Plaintiffs personally and damages in favour of the Krio Community in general against the defendant in such amount as this Court may deem just for the deprivation of property rights, psychological harm, constitutional and fundamental rights violations and loss of business and economic opportunities suffered by the Plaintiffs and the Krio Community as a whole from 1961 to date.
8. An Order granting such other reparations and/ or damages as the Court may deem just and proper for the overt discrimination, violation of the aforementioned provisions of the African Charter and for the loss of business and economic opportunities in the Provinces from 1961 to date.
9. Costs.
10. Such other and further relief as this Court may deem just and proper.

AND FURTHER TAKE NOTICE that at the hearing of this suit, the Plaintiffs will rely upon the Affidavit of **Cassandra Lucretia Garber** sworn to on the 26th day of April 2021 and the Declaration of **Ola Asgill** dated 29th April, 2021 together with the Legal Brief, and exhibits attached and filed herein and any other subsequent Affidavit(s) and testimonial evidence that Counsel may seek leave to use.

Dated: 6th May 2021



Maurice R. Garber
Garber & Co
Solicitors for the Plaintiffs
49 Upper Waterloo Street
Freetown, Sierra Leone
+23276-671588 (WhatsApp #)

m.garber@garberandco.com or mauricegarber@gmail.com

