

Reference No. 24 of 2019 Heir of Nikobamyé Mathias represented by Mr Finy Placide and Mrs Anita Kanyabo V. The Attorney General of the Republic of Burundi.

Coming up for hearing: on 29th March, 2023

Reference filed: on 22nd November, 2019.

Articles: 6(d), 7(2), 8(1) (a) & (c), 23 (1) and 30(1) & (2) of the Treaty

Rules: 25 of the EACJ Rules of Procedure.

Subject matter: Land dispute.

The Applicant is the heir of late Nikobamyé Mathias who was ordinarily resident in the Republic of Burundi, where his heir is likewise ordinarily resident. Both Fini Fany Placide and Mrs. Anita Kanyambo filed the Reference in their joint representative capacities on behalf of the Applicant.

The Applicant alleges that the Appellate Chamber of the Special Lands and Other Property has violated the Burundian law; specifically, Article 20 of the Burundian Land Code by issuing a decision whose operative part orders the demolition of houses of habitation and the destruction of crops and trees.

The Applicant therefore seeks a declaration by the Court that the decision RSTBA 0344 taken by the Special Court on the Lands and other assets against the succession Nikobomyé is unlawful and is an infringement of the Treaty establishing the East African Community, especially its Articles 6(d), 7(2).

The Applicant also seeks an order requiring the Respondent to return the entire ownership of the land to the Applicant as well as a declaration that the State of Burundi must respect the right to property of the succession Nikobamyé according to the provisions of the land code of Burundi and Constitution of Burundi and that he be awarded costs of the Reference.

The Respondent, The Attorney General of Burundi denies all the allegations contained in the Reference with exception to paragraphs in the Reference that narrate the identification of the parties to the Reference only.

The Respondent further contends that he has not violated any law of the Republic of Burundi or any provisions of the Treaty and that the East African Court of Justice does not have jurisdiction to entertain and determine the Reference hence the reliefs sought by the Applicant cannot be granted.

Finally, the Respondent prays that The Reference be dismissed with cost.

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