



**IN THE COMMUNITY COURT OF JUSTICE OF THE  
ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)  
HOLDEN AT ABUJA, NIGERIA**

**PRACTICE DIRECTIONS ON ELECTRONIC CASE MANAGEMENT  
AND VIRTUAL COURT SESSIONS**

**Article 1  
PREAMBLE**

1. **WHEREAS** on March 11, 2020, the World Health Organization (WHO) declared that an outbreak of the viral disease COVID-19 had reached the level of a global pandemic, Citing concerns with “the alarming levels of spread and severity,” as a result of which the WHO called for governments to take urgent and aggressive actions to stop the spread of the virus;
2. **WHEREAS** the said Covid-19 has also been declared as a very infectious respiratory disease, easily transmitted via person to person or through contact with objects or surfaces touched by an infected person;
3. **WHEREAS** physical distancing has been medically advocated and recommended globally as a most effective preventive protocol;
4. **WHEREAS** Governments of Member States of the Economic Community of West African States, ECOWAS and all Nations worldwide have responded to COVID-19 by imposing many drastic measures aimed at containing the spread of COVID-19, including restricting freedom of movement, imposing social distancing in public settings and closure of their international borders; and organizing meetings by virtual means;

5. **WHEREAS** it has become imperative for the Court to explore the use of Electronic Case Management System for electronic filing (e-filing) and Virtual Court Sessions, and where necessary, physical court sessions under strict conditions, in order to prevent the spread of the virus, whilst continuing to discharge its judicial mandate unabated. This Practice Directions therefore, sets out the guidelines to be adopted for caseload management, recognizing the urgent need for the ECOWAS Court of Justice to put in place measures to guarantee continued access to justice and expeditious disposal of cases, while minimizing the risk of transmission of Covid-19;
6. **WHEREAS** the Court desires to continue the hearing of cases on its General Cause List and in particular, to prioritize time-bound interlocutory applications, such as, Applications for Provisional/Interim Measures, Applications for Accelerated Procedure, and post-judgment applications such as, Applications for Revision, Interpretation, Omission and Supplementary Judgment, or any other matter as the President of the Court may deem necessary to include.
7. **NOW THEREFORE**, The ECOWAS Court of Justice, pursuant to the provisions of Article 100 of its Rules of Procedure, hereby issues the following Practice Directions:

## **Article 2**

### **OBJECTIVE**

1. The objective of this Practice Directions shall be to ensure;
  - a. The safety of Judges, Staff and Court users.
  - b. Timely and efficient disposal of cases.
  - c. Use of suitable technology for General Case Management System and Court Sessions.
  - d. Efficient use of available judicial and administrative resources.

### Article 3

#### ELECTRONIC FILING OF LEGAL DOCUMENTS

1. Parties and lawyers are expected to lodge their legal processes (legal documents) electronically rather than physically.
2. In accordance with Articles 32(6), 33(3) and 74(3) of the Rules of Procedure and Article 1(2) and (3) of the Practice Direction of 2012, Parties and Counsel shall ensure that every document lodged electronically, has the email address and mobile telephone number (WhatsApp compliant) of the Counsel.
3. Member States appearing before the Court are expected to assign Focal Point or Liaison Persons, for purposes of receiving legal processes (legal documents) and notices from the Court electronically, and communicate their email addresses and Telephone contact numbers to the Registry of the Court.
4. All documents to be filed must be signed, stamped and scanned or converted to an appropriate PDF format and forwarded to the Registry via the official email address of the Registry (**registry@courtecowas.org**).
5. For purposes of translations into the other working languages of the Community, each legal documents to be filed must be accompanied with the exact MS Word version of the document referred to in sub paragraph 4.
6. In furtherance of the electronic case management objective of the Court, the Court will soon adopt the Electronic Case Management Solution (ECMS) platform. All Lawyers will be expected to register on the platform when it is launched.
7. The Chief Registrar shall designate appropriate Registry Staff who shall receive, acknowledge receipt and assess all documents forwarded



electronically, for compliance with relevant provisions of the Rules of Court, and communicate the status of such document immediately to the Party intending to file.

8. The document shall be deemed to have been lodged once the designated Registry staff communicates confirmation to the party filing same, within the official working days and hours.

#### **Article 4**

##### **SERVICE OF LEGAL DOCUMENTS ELECTRONICALLY**

1. The Registry of the Court shall serve all court processes (legal documents) on the parties electronically.
2. Notwithstanding the Provisions of Article 11(2) of Protocol A/P1/7/91, Article 34 and 74(2) of the Rules of Procedure and Article 13 of the Practice Direction of 2012, service of court documents may be effected by email/courier or as may otherwise be directed by the Court.
3. Such Service in sub paragraph 2 above shall be good and sufficient service.
4. Service of legal document shall be proved by exhibiting a printout from the electronic device used in sending the document and showing the date and time of sending same to the party.
5. Where an electronic mode of service is employed, time shall *prima facie* begin to run from the date the process was sent.

## Article 5

### PREPARATION FOR VIRTUAL COURT SESSION

1. The Court may on its own motion or through an application by a party, schedule cases for virtual court sessions.
2. Parties and Counsel shall liaise with the Registry for the purpose of scheduling virtual court sessions.
3. Where a virtual court session is scheduled, the Registry shall communicate to the parties involved through email, WhatsApp or any other electronic means as the Court may direct, informing them of the following:
  - i. The Date and Time of the Session
  - ii. The Intending Business of the Day
  - iii. The Electronic Means of Joining the Virtual Session
  - iv. The “Meeting ID” and;
  - v. The Password.
4. Before any Virtual Hearing, the Registry and the IT Division of the Court shall liaise with all counsel on record to ensure that suitable facilities are available, such as: fast-speed and reliable internet connectivity; Uninterrupted Power Supply; end-user hardware/devices (i.e desktop, tablets, smart phones – any one of these or a combination thereof); collaborative platform (e.g. MS365 which incorporates Microsoft Teams; Zoom, Google Meetings etc.).
5. The Court shall thereafter direct:
  - i. An appropriate communication method for the hearing; or
  - ii. An adjournment, if a virtual hearing is not possible.
6. In order to reduce bandwidth and guarantee a smooth uninterrupted virtual session, only Parties and their Lawyers, Agents and Counsel are authorized to

join the virtual court session platform. However, Members of the Press and other external participants may be accredited by the Court, to attend the virtual court session.

7. Notwithstanding the mode of Court Sitting, all provisions of the Protocol on the Court, Rules of Procedure and Practice Direction of 2012 remain applicable during Virtual Court Sessions, subject to the provisions of this Practice Direction.

## **Article 6**

### **CONDUCT OF VIRTUAL COURT SESSION**

1. The sittings of the Court shall be conducted virtually until further notice, or as may be otherwise directed by the Court. The virtual court session shall be conducted as the Court deems fit.
2. All Parties and Lawyers and relevant Staff of the Court must be connected at least fifteen (15) minutes before the stipulated time of the court session.
3. All Parties and Lawyers connected to a virtual court session must ensure that the microphones of their devices are muted and their videos also disabled, except while addressing the Court.
4. Counsel shall dress appropriately according to the legal system of their jurisdiction, and Parties shall be properly dressed for the virtual court session.
5. In addressing the Court, Lawyers should be mindful of the need for interpretations in relays into other working languages of the Court, and should therefore speak slowly and pause intermittently, to allow for relay interpretations.

6. Considering the nature of the virtual court session, lawyers are expected to be concise and precise in their submissions and try to merely adopt already lodged documents, without having to repeat the content of the documents.
7. The Court shall have discretion in the allotment of time to Counsel for making submissions or adopting addresses.

### **Article 7**

#### **RECORDING**

1. Proceedings of the Virtual Hearing shall be recorded by the Court.
2. Recording of Proceedings by Counsel and/or Parties shall only be with the leave of Court.
3. The transcripts of the virtual court session shall constitute the official record of the session.
4. Certified True Copy (CTC) of the transcript of the virtual proceedings shall be made available upon request and on the payment of the relevant fees.

### **Article 8**

#### **JUDGMENT AND RULING**

1. The Court may deliver its rulings and judgements in a virtual court session.
2. The Court shall, through the Registry, notify Counsel and Parties by email or WhatsApp of the date reserved for the delivery of Judgment and Ruling.
3. Considering the nature of virtual court sessions, the Court will only deliver a summarized Judgment and Ruling by reading out just the decision, while the



Certified True Copy (CTC) of the full judgment and ruling containing the full analysis of the court will be forwarded to parties electronically.

## **Article 9**

### **PHYSICAL COURT SESSION**

1. Physical Court Session in the Courtroom should be avoided as much as possible during this COVID-19 period.
2. Notwithstanding the provision of sub section 1 above, the Court may, in exceptional cases, decide to hold a physical court session, provided that:
  - a. The Court should organize the Cause List to ensure that not more than two (2) cases are fixed per day.
  - b. In keeping with the demands of social distancing, the Court shall indicate in advance, the sequence and specific time for hearing cases on the Cause List, in order to avoid the convergence of Parties and Lawyers in different cases, at the same time in the courtroom.
  - c. The Chief Registrar shall ensure the strict observation and enforcement of SOCIAL DISTANCING and the wearing of FACE MASK by Court Staff, Counsel, Litigants and all persons inside the courtroom and within the premises of the Court.
  - d. Every litigant or group of litigants suing or being sued together in a cause of matter shall be represented by not more than ONE counsel in the courtroom.



- e. In all cases, only the parties and their counsel shall be allowed into the courtroom, subject to a maximum number of five (5) persons (excluding court staff) at any given time.
- f. In a representative or class action or other matters with multiple parties, only ONE representative shall be allowed in the courtroom.
- g. Until further notice, the Court may not entertain any case where there is need to take oral evidence.

**Article 10**

**AMENDMENT**

The Court may review this Practice Direction and/or issue further directives as the need may arise.

**Article 11**

**EFFECTIVE DATE**

This Practice Direction shall come into force on the 13<sup>th</sup> day of May, 2020.

DONE AT ABUJA, THIS 22<sup>nd</sup> DAY OF May ..... 2020

BY ORDER OF THIS COURT



**HON. JUSTICE EDWARD AMOAKO ASANTE**

**President**

**Community Court of Justice, ECOWAS**

**Abuja – Nigeria**

