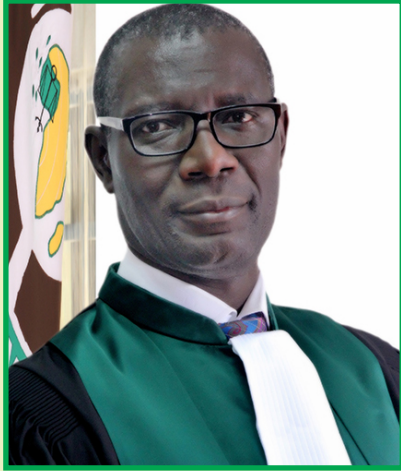




**COMMUNITY COURT OF JUSTICE, ECOWAS**  
**COUR DE JUSTICE DE LA COMMUNAUTE, CEDEAO**  
**TRIBUNAL DE JUSTIÇA DA COMUNIDADE, CEDEAO**

# The Community Court of Justice ECOWAS at a glance





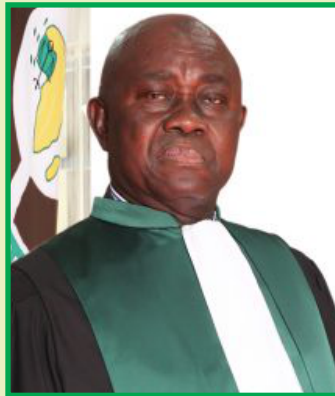
**Hon. Justice Edward Amoako Asante**  
*(President, ECOWAS Court of Justice)*



**Hon. Justice Gberi-bè Ouattara**  
*(Vice President, ECOWAS Court of Justice)*



**Honorable Justice Dupe Atoki**  
*Member*



**Honorable Justice Keikura Bangura**  
*Member*



**Honorable Justice Januária  
Tavares Silva Moreira Costa**  
*Member*

## **ESTABLISHMENT**

The Community Court of Justice, ECOWAS, was established through the instrumentality of the provisions of Article 6 and 15 of the Revised Treaty of the Economic Community of West African States.

Protocol A/P/1/7/91, as amended by the 19 January 2005 Supplementary Protocol (A/SP1/01/05), sets out the organizational framework, functioning mechanism, and the procedure of the Court. The 2005 Supplementary Protocol expanded the jurisdiction of the court; allowed citizens direct access in respect of some causes of action; granted the court jurisdiction for human rights cases and gave the court an arbitration mandate. Before then, the court had the mandate as administrative tribunal for ECOWAS officials and a Community Court saddled with the responsibility of applying and interpreting ECOWAS Community Texts under the 1991 Protocol.

The first set of Judges were sworn-in on 30th January 2001 in Bamako, Mali.

## **APPOINTMENT OF JUDGES**

The Court is composed of five (5) independent Judges who are jurists of high moral character and who are appointed by the Authority of Heads of State and Government of the Community for a four year non-renewal term in line with the terms for statutory appointees of the Community. The appointment of judges is very competitive and managed by the Judicial Council of the Community.

Judges are required to have experience of over 20 years and other qualifications as specified in Article 3 of Protocol A/P1/7/91. The Authority of Heads of State and Government of ECOWAS allocates the vacant positions based on a rotational criteria to Member States and only candidates from the Member States to which positions have been allocated can apply and be interviewed for appointment to the Court.

Members of the Judicial Council consists of the Presidents of the Supreme Courts of Member States or their representatives. In order to ensure transparency, a member of the Council will not participate in the process when the candidates from his country is being considered. The judicial council shortlists, interviews and makes recommendations of suitable candidates for appointment as judges to the Authority of Heads of State and Government through the Council of Ministers.



## MANDATE

As the principal legal organ of the Community, the primary responsibility of the Court is to ensure the interpretation and application of the 1993 Revised Treaty, the annexed Protocols, Conventions and other Community Texts. However, the Court has four clear distinct mandates as a community court, as an administrative court, as a human rights court and as an arbitration tribunal.

## COMPETENCE

### **\* Interpretation and Application of the Texts of the Community**

The Court has been entrusted with the mandate of the interpretation and application of the Texts of the Community: the Treaty, Conventions, Protocols, Regulations, Directives, Decisions and all other subsidiary legal instruments adopted by the Community.

### **\* Advisory Jurisdiction**

At the request of the Authority of Heads of State and Government, the Council of Ministers, one or more Member States, the President of the Commission and any other institution of the Community, the Court can express in an advisory capacity, a legal opinion on questions of the Treaty.

### **\* Contentious Jurisdiction**

The court has competence to adjudicate on any dispute relating to the following:

- the interpretation and application of the Treaty, Conventions and Protocols of the Community;
- the interpretation and application of the regulations, directives, decisions and other subsidiary legal instruments adopted by ECOWAS;
- the legality of regulations, directives, decisions and other subsidiary instruments adopted by ECOWAS;
- the failure by member states to honour their obligations under the Treaty, Conventions and Protocols, regulations, directives or decisions of ECOWAS;
- the provisions of the Treaty, Conventions and Protocols, regulations, directives or decisions of ECOWAS Member States;
- the Community and its officials; and
- the action for damages against a Community institution or an official of



the Community for any action or omission. in the exercise of officials functions.

## **ACCESS TO THE COURT**

### **Access to the Court is open to the following:**

- Member States and unless otherwise provided in a Protocol, the President of the Commission where action is brought for failure by a Member State to fulfill an obligation;
- Member States, the Council of Ministers and the President of the Commission, in proceeding for the determination of the legality of an action in relation to any Community text;
- Individuals and corporate bodies, in proceedings for the determination of an act or inaction of a Community official which violates the rights of the individuals or corporate bodies;
- individuals on application for relief for violation of their human rights; the submission of application for which shall: not be anonymous; nor be made whilst the same matter has been instituted before another international court for adjudication;
- Staff of any Community institution, after the staff member has exhausted all appeal processes available to the officer under the ECOWAS Staff rules and regulations;
- Where in any action before a court of a Member State, an issue arises as to the interpretation of a provision of the Treaty, or the other Protocols or Regulations, the national court may on its own or at the request of any of the parties to the action refer the issue to the Court for interpretation.

## **HOW TO ACCESS THE COURT**

Cases are filed before the Court through written Applications addressed to the Registry. Such applications must indicate the name of the Applicant, the Party against whom the proceedings are being instituted, a brief statement of the facts of the case and the relief sought by the Plaintiff.

## **APPLICABLE LAW**

The Court applies the Treaty, the Conventions, Protocols, and Regulations adopted by the Community and general Principles of Law. In the area of Human Rights Protection, the Court equally applies the international instruments on Human Rights ratified by the State or States party to the case.



## **DECISIONS OF THE COURT**

Decisions of the Court are not subject to appeal. However the court can entertain applications for a revision where there are new facts. Decisions are also binding on Member States, institutions of the community, individuals and corporate bodies.

## **METHOD OF IMPLEMENTATION OF JUDGEMENT OF THE COURT**

Execution of any decision of the Court shall be in the form of a writ of execution, which shall be submitted by the Registrar of the Court to the relevant Member States for execution according to the rules of civil procedure of that Member State.

Upon the verification of the competent national authority of the recipient Member State that the writ is from the Court, the writ shall be enforced.

All Member States shall determine the competent national authority for the purpose of receipt and processing of execution and notify the Court accordingly.

The writ of execution issued by the Community Court may be suspended only by a decision of the Community Court of Justice.

## **STRUCTURE OF THE COURT**

The President is the Head of the Institution. The Court has three departments namely: the Registry headed by the Deputy Chief Registrar; Research, and Documentation headed by a Director and Administration and Finance also headed by a Director.

## **LOCATION**

The Headquarters of the Court is situated at:  
No.10 Dar Es Salaam Crescent, off Aminu Kano Crescent,  
Wuse 2, Abuja, NIGERIA  
P.M.B. 567 TEL:+234524-07-81  
WEBSITE: [www.courtecowas.org](http://www.courtecowas.org)





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