



COMMUNITY COURT OF JUSTICE, ECOWAS

ACTIVITIES REPORT 2009-2011

Presented by

Hon. Justice Awa Nana-Daboya
President, Community Court of Justice, ECOWAS

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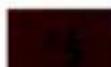


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Hon. Justice Awa NANA D.
President



Hon. Justice B. Mossó RAMOS
Vice - President



Hon. Justice Hansine N. DONLI
Dean



Hon. Justice Alfred A. BENIN
Justice



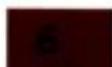
Hon. Justice Soumana D. SIDIBE
Justice



Hon. Clotilde N. MEDEGAN
Justice



Hon. Eliam M. POTEY
Justice



FOREWARD

It is a pleasant task for me to perform, in the following lines, one of the duties which fall to any person charged with the responsibility of giving an account of the mission entrusted to him or her, more precisely, the duty assigned to a Head of Institution, which is my case. It is therefore a source of joy for me to present this report, which recounts the activities conducted at the Community Court of Justice, ECOWAS from 2009 to 2011.

First and foremost, I would like to give thanks to Almighty and Most Merciful God for taking me to the top of the principal legal institution of the ECOWAS Community. My gratitude goes next to the Heads of sister Institutions for supporting my candidature, then to my colleagues, the Honourable Judges of the Court, and more particularly to the three Honourable Judges whose term of office ended in January 2009. Their departure came with the fear that the momentum gathered by our Institution in the accomplishment of its mandate may begin to wane. But, with the determination of all, both Judges and members of staff, we maintained the standards and achieved excellent results. The tranquility and zeal which marked the life of the Court enabled us to carry out, beyond our expectations, the activities lined up in the work programme of the Court.

I am particularly grateful to the three new Honourable Judges who joined us to form a new college of judges after raising me to the position of headship of the Bureau. To my colleague pioneer judges, I express my gratitude for availing me of their know-how in the day-to-day administration of our Institution.

A deserved homage goes to the two former Presidents of the Court, Hon. Justice Aminata Mallé Sanogo and Hon. Justice Hansine N. Donli. Together, we formed the three "Amazons" of the Court who bore witness to the immense progress achieved by the Court from one year to the other, thus raising the awareness of the existence of the Court and consolidating its place within the overall structural framework of ECOWAS institutions. May Divine Grace continue to abound on our Institution, its Judges and Staff and beyond, on the entire Community.

I finally extend my sincere gratitude and word of encouragement to members of the administrative, finance and registry staff, and I hope that their commitment to contribute towards the realisation of the mandate assigned us will propel the Court to the heights of the noble ambitions nurtured by ECOWAS, so that the West African sub-region will one day become an economically, socially and legally integrated Community.

Hon. Justice Awa Nana Daboya
President,
Community Court of Justice, ECOWAS
Abuja, Nigeria.



INTRODUCTION

The year 2009 marks a turning point in the life of the Community Court of Justice, ECOWAS. Indeed, for the first time since 2001, the year the pioneer Judges were sworn in and activities of the Institution commenced, ECOWAS was renewing the membership of the Court by half, as provided for by the texts of the Court (Article 4 of Protocol A/P1/7/91). In connection with the said renewal, three Members, namely Hon. Justice Aminata Mallé Sanogo (Mali), Hon. Justice Barthélémy Toé (Burkina Faso) and Hon. Justice El Mansour Tall (Senegal), left the Court, leaving their seats to three new Members in the persons of Hon. Justice Benfeito Mosso Ramos from Cape Verde, Hon. Justice Clotilde Noudgbodé Médégan from Benin and Hon. Justice Eliam Monsedjouéni Pothey from Côte d'Ivoire. The Court equally went ahead to elect a new Bureau composed of Hon. Justice Awa Nana Daboya (Togo) as President, Hon. Justice Benfeito Mosso Ramos (Cape Verde) as Vice President, and Hon. Justice Hansine N. Donli (Nigeria) as Dean.

From year to year, the Community Court of Justice increases in its renown, credibility and confidence and consolidates its role as the principal legal organ of the Community, as demonstrated by the surge in judicial activities per se, expressed by the number of applications filed, the number of court sessions held and the number of judgments delivered. The diversity of cases brought before the Court is a proof of this new momentum and constitutes a genuine opportunity for establishing a vibrant culture of respect for human rights and good governance within the Community space.

The Court, as custodian of fundamental freedoms, is mandated to play a significant role in consolidating the rule of law in the Member States of ECOWAS and thereby assume its responsibilities in the process of raising the Court onto a high pedestal. That is why, if the initial years were devoted to the setting up of the Court and projecting its image within the Community zone (2001-2006), the years under review (2009-2011) constituted a period of consolidation upon its achievements and heightened impact across the institutional landscape of the Community.

The Court must also strengthen its authority as a guarantor of the correct application of the law and as a watchdog for the observance of the obligations of Member States, both at the Community level and in terms of universally shared democratic values. It means that the Court owes to itself the duty of becoming more efficient and accessible, and its activities from 2009 to 2011 went indeed in that direction.



Subsequently, the sensitisation activities undertaken took diverse forms, underpinned by the adoption of a better means of reaching the greater number of people in the sub-region wherever they may be found, through the instrumentality of the media of Member States responsible for broadcasting information on the Court. The same thing applies to the training and capacity-building programmes organised for Judges and Staff of the Court. Also, from February 2009, the Court put in place a concrete structural training scheme which catered for all categories of staff: Statutory Appointees, the General Staff and Professional Staff.

However, it must be noted that the Court's experience has not been without difficulties and obstacles related to the realisation of its fundamental objective, which is to make ECOWAS legally and socially integrated and economically prosperous, an objective whose attainment necessarily calls for the respect of the commitments adopted vis-à-vis the Community and for the observance of the rights guaranteed its citizens.

After an introductory chapter, this report presents for the three operational years, an overview of the Cour. The report subsequently revolves around judicial activities (Chapter I), administration and finance (Chapter II), promotional activities (Chapter III), and co-operation with other institutions (Chapter IV). It also presents steps taken towards giving the Court a fresh boost (Chapter V), and ends with challenges and prospects (Chapter VI) and a conclusion.

Since this is the approach adopted for each of the three complete years of our exceptionally long tenure, I kindly crave your indulgence and ask for your understanding in the narration and presentation of the significant moments and salient points of our activities during the period concerned.

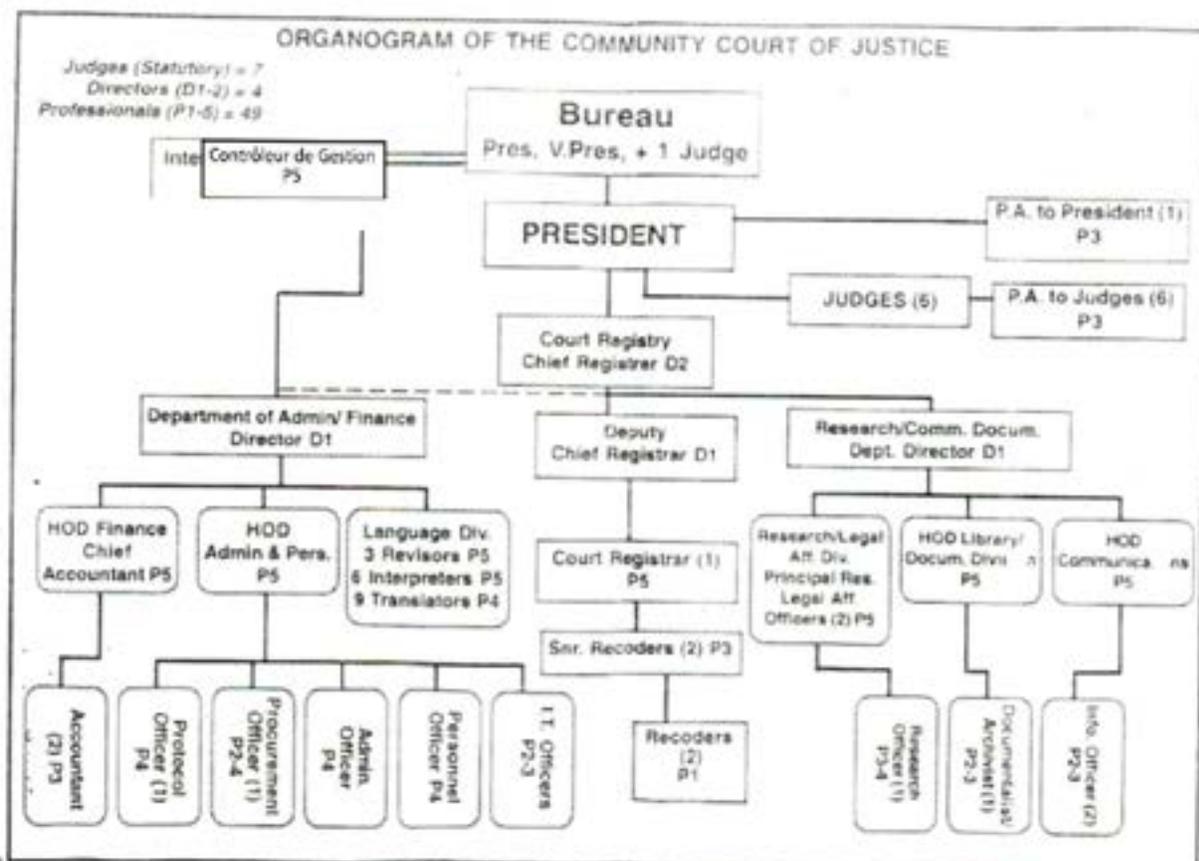
By pointing out that the most important event in the life of the Court for the period from 2009 to 2011 is the celebration of the 10th anniversary of the Court, we inform our readers that this event is reported successively in the present document, whereas the importance of the celebration necessarily requires that a special publication be devoted to it, such as "The 10th Anniversary Book of the Court".

Another activity, and not the least, concerned the 2011/2012 Legal Year Ceremony of the Court, which was held exceptionally at Porto-Nov (in the Republic of Benin), outside the seat of the Court, for the purposes of bringing the Court closer to the masses of the people, in line with ECOWAS Vision 2020. A separate document has equally been devoted to this point, which has just been added to the other publications of the Court,

notably the Ecocourt Newsletter, an indispensable innovation from us, which raises the awareness campaign of our Institution on a weekly basis.

In concluding, we preferred to create an open door on the prospects of our Institution, precisely at the time it is embarking on its second decade. What should be the dominant lines of thought, the objectives to be attained, the challenges to be overcome, and at the end of it all, the desired impact of the Community Court of Justice, ECOWAS after 2011?

The answer lies with all those who shall be called upon to give account when the time falls due, especially the staff members of the Court, on whose shoulders rests the survival of the Court.



AN OVERVIEW OF THE STRUCTURE AND ORGANISATION OF THE COURT

Creation, mandate and composition

The Community Court of Justice, ECOWAS was created in accordance with the provisions of Articles 6 and 15 of the Revised Treaty of the Economic Community of West African States (ECOWAS). Its composition, organisation and functioning are determined by Protocol A/P1/7/91 adopted on 6 July 1991, amended by the Supplementary Protocols A/SP.1/01/05 of 19 January 2005 and A/SP.2/06/06 of 14 June 2006.

The Court, as the principal legal organ of the Community, is entrusted with the interpretation and observance of law, and the principles of equity and human rights. In addition to these powers, the Court sits on disputes relating to the implementation of Community law and it gives legal advisory opinion on issues requiring the interpretation of ECOWAS texts. It has also been entrusted with the power to sit as an arbitration court.

The Community Court of Justice is composed of seven (7) judges of high moral character who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognised competence in international law. They are appointed by the Authority of Heads of State of ECOWAS from among citizens of ECOWAS Member States, for a term of four (4) years, and they exercise their functions as independent judges. The Honourable Judges of the Court, equally called Members of the Court, elect among themselves a Bureau composed of three members, and as a panel, they are composed of at least three judges.

In addition to the Registry, which constitutes the central memory of the Institution, the Court comprises other Departments whose operations contribute towards the administrative, financial and accounting functions of the Court: Research, Communication and Information Department, and especially Language Services Division.

Structures and responsibilities

The Registry

The Registry is at the heart of the judicial operation of the Court and it plays a crucial role in the judicial functioning. This is because before and after cases are filed, the Registry participates in all stages of the judicial procedure.

In practical terms, the Registry is in charge of receiving, recording, processing, transmitting, communicating and serving applications, memorials, orders sought and any other pleading, to the judges and to the parties. The Registry is equally responsible for keeping and taking custody of registers, documents, minutes of court proceedings, and any other information lodged at the Court; it also keeps the seals of the Court. The Registrar is present at the hearings of the Court and every hearing session of a witness or expert, and he keeps record of the depositions or writes out the minutes and keeps the original copies. The Registrar serves on the parties and on the authority responsible for enforcing the decisions of the Court, a copy of the judgments due for enforcement. The Chief Registrar is also the officer in charge of publications of the Court.

Since 2003, the Registry has been headed by Mr. Tony Anene-Maidoh (Nigeria), the Chief Registrar. He is assisted by Recorders, Court Clerks, Secretaries and other support staff.



■ Recording Division

The Recording Division is the unit in charge of the faithful recording of all proceedings and hearings and their transcription in verbatim form, to be preserved by the Registry for the purposes of future reference. The recorders consequently prepare the proceedings of the court hearing and the minutes. The officer in charge of the Division is Mr. Anani Kuakuvi (Togo).



■ Language Services Division

This unit is responsible for the translation all documents, notably court pleadings (applications, memorials in defence, replies, rejoinders, minutes of court hearing, reports, judgments and advisory opinions), research documents and press releases, in the three working languages of the Community, namely French, English and Portuguese. The Language Services Division comprises translators, revisers and interpreters come under the Human resources Division, but for the sake of efficiency, and from a technical point of view, the translators and revisers have been attached to the Registry Department whereas the interpreters are under Management. Mr. Issa Illiasso (Niger) is the officer in charge of the Translation Section.



The Division has revisers who translate into French, English and Portuguese. The reviser revises the work of the translators and undertakes checks on the quality of the work done, whether such work is done in the Court or outside the Court. Equally, the reviser may assist the translators in translating pleadings or other documents received or produced by the Court during situations of urgency, for the sake of time-effectiveness. Madam Sandrine Dossou-Yovo (Benin) is in charge of the Revision Unit.



The interpreters are responsible for ensuring the comprehension of presentations and oral proceedings between Members of the Court, and between the Court and external actors. They assume the same functions during court hearings, meetings, deliberations, and during meetings between persons who do not speak the same language. The interpretation is done simultaneously and in the official languages of the Community. The co-coordinating officer of the Interpretation Unit is Mr. Daouda Sanfo (Burkina Faso).



- Administration and Finance Department

It is placed under the authority of a Director of Administration and Finance. The Administration and Finance Department coordinates activities of the Finance and Accounting Division as well as the Administration and Human Resource Division.

Mr. Koffi Abogwey Ndri (Côte d'Ivoire) was the Acting Director of Administration and Finance from 2007 to November 2010.



■ Finance and Accounting Division

This Division is responsible for centralising the budget and financial operations of the Court. In this regard, it is in charge of updating the accounts journal and preparing the quarterly statement of budget financial control. The Division also prepares accounting and financial statements, expenditure reports in relation to the budget, and carries out the implementation of expenses ordered by the management of the Court, upon submission of annual budget drafts to Management.

The Division is headed by Mr. David Friday Nzonzo (Nigeria).



■ Administration and Human Resources Department

Placed under the management of Mr. Siratoulahi Gnamou (Burkina Faso) since 2008, the Administration and Human Resources Department is responsible for conceptualising, planning and managing the staff career plan of the Court. In that regard, it is charged with:



- Making proposals of measures to be taken, within the framework of preparing, implementing and revising the overall administrative management policy of the Court;
- Coming out with recommendations for improving upon the day-to-day management of the structures and human resources of the Court;
- Seeing to the material and administrative management of the staff, by ensuring the application and observance of the Staff Regulations or other related texts;
- Introducing a prospective approach to the process of searching for appropriateness and durability in the skills required for satisfying the needs of the Court;
- Participating in the formulation of measures for putting in place and maintaining a peaceful social atmosphere at the Court.

The Administration and Human Resources Department comprises the Personnel Unit, Protocol Unit, Procurement Unit, Computer Unit, Stores, and General Services. The Personnel Officer is Mrs. Mariame Idoko (Côte d'Ivoire).



The Stores Unit

This Unit is under the Administration and Human Resources Division, and has principally been assigned the following tasks:

- Ensuring that appropriate materials and equipment are delivered at the Court;
- Recording equipment and materials delivered to the Court, ensuring that they are well preserved, and the inventory on them safely kept;
- Receiving materials and equipment and taking charge of their distribution;
- Carrying out periodic inventory checks so as to ensure that information on stocks is always updated;
- Preparing periodic reports, for submission to Management, on the quality and quantity of materials and equipment of the Court;
- Preparing reports on the inventory of stocks.

Mrs. Yemisi Adetutu (Nigeria) is the head of the Unit.



Protocol Unit

The Protocol Unit is responsible for carrying out tasks relating to propriety and etiquette at the Court and anywhere the Court moves on assignment. The Unit is notably in charge of organising missions and travels for staff members of the Court, by drawing up itineraries, purchasing tickets, reserving hotel rooms and looking up for any information that will be useful for the effective discharge of their duty. During external missions, the Protocol Unit takes charge of the scheduled programme for the meetings and functions.

At the Court, the Protocol Unit assists in the proper organisation of court sessions by ensuring that the hall is ready before and during the court hearings. The Unit takes note of the programme schedule of sessions and statutory meetings of ECOWAS where the Court has to participate, and it assists the Court's delegates at ECOWAS meetings.

The Head of the Protocol Unit is Mr. Eric Akuete (Togo).



Procurement and Maintenance Unit

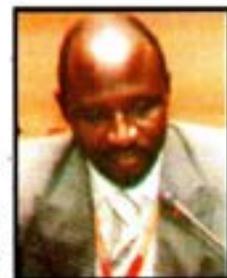
The Procurement and Maintenance Unit is responsible for purchasing, receiving and managing the stocks of equipment and office materials of the Court. To this end, the Unit prepares tender documents in accordance with the tender code, sees to the execution of such tenders and examines the offers made as well as the pro-forma invoices, in order to make direct purchase. It finally sees to the efficient management and monitoring of the status of properties and supplies meant to be used by the Court.

The officer in charge of the Unit is Mr. Charles Babatunde Imah (Nigeria).



Logistics and Transport Unit

The Unit is under Mr. Victor Goloto (Nigeria), and it is responsible for programming, managing and coordinating all operations and activities related to the transportation of Judges and Staff. The Unit is equally in charge of the management and monitoring of lubricants and fuel allocations, and it sees to the efficient use of the official vehicles of the Court and their proper maintenance.



Computer Unit

The Computer Unit is responsible for supervising and managing the installation networks and access points to satellite and internet communication. It is equally responsible for the creation and management of the Local Area Network, the Court's website, and for the maintenance of the Court's pool of computers. The officer in charge of the Unit till March



2011 was the late Mr. John Erichsen (Ghana). He is replaced by Mr. Frédéric Drabo (Burkina Faso)

:- **Research, Documentation and Communication Department**

The Department comprises Research, Documentation, Information and Communication, and it is headed by a Director who coordinates and sees to the efficient operation of these Divisions. Since 2007, the Acting Director
Dr Daouda Fall



■ **Research Division**

The mandate of the Research Division is to conduct research on legal doctrine and case-law, to buttress the examination of cases brought before the Court. It involves researching and providing information that is capable of helping the judges to carry out their duty of stating the law. The Division equally undertakes research studies on Community Law as a whole and on texts relating to the Court, for the purposes of better comprehension and harmonisation.

The Principal Research Officer is Mrs. Franca Ofor (Nigeria).



■ **Library and Documentation Division**

The Court Library is under the management of a Chief Librarian responsible for cataloguing the documents to be purchased, serial numbers to be assigned, classification, and management of the documentary base of the Court.

The Head of this Division, since 2004, has been Mr. Vicente Correia (Guinea Bissau).



■ **Information Division**

This Division is responsible for defining and putting in place policies and strategies for communicating and disseminating information on the Court, so as to make the Court much more known by the citizens. The Information Division also serves as a link between the Court and the media, and sees to the media coverage of the activities and hearings of the Court. The Division is entrusted with the duty of preparation and production of communication materials such as weeklies, leaflets, bulletins, etc. The Court publishes a quarterly and a monthly (the Newsletter).



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- **Detached Departments**
 - **Cost Control Unit**

The Cost Controller to the Court is answerable to the Financial Controller of ECOWAS

The principal assignment of the Cost Controller is to provide the Financial Controller with facts and figures which prove that the financial resources of the Court are utilised for the purposes for which they were allocated, and that they are judiciously managed.

Thus, the Cost Controller ensures that the finances are accurate and in conformity with laid down regulations, and that funds are legitimately available and lawfully authorised. The Cost Controller also sees to it that budget commitments and financial transactions are appropriate. In that regard, the Cost Controller carries out the preliminary checking of the budget and financial operations of the Court, and thereby verifies the availability of funds, ensuring that such finances are indeed utilised for the earmarked needs and requirements and that this is done economically and efficiently.

The Cost Controller equally examines the requests for budget adjustment before they are submitted to the Financial Controller for approval. He carries out his duties in all independence and objectivity, in accordance with the Financial Regulations and Manual of Accounting Procedure of ECOWAS.



The Cost Controller detached to the Court is Mr. Kokou Koudjra (Togo).

- **Security Unit**

Security officers drafted from the Security Department of the Federal Republic of Nigeria are detached to the Court. They keep watch over the premises of the Court and escort Judges, and they equally examine and make proposals for the acquisition of appropriate security equipment. In addition to police officers (mobile police and personal security of staff of the Court), the Court employs legionary officers for the security of the premises (the seat of the Court and the residences of the Judges).



The Chief Security Officer is Mr. Joel Maisamari (Nigeria).

Part I:
Activities Of The Court From
February To December 2009



CHAPTER I: JUDICIAL ACTIVITIES

As regards judicial activity, the Court recorded in 2009, thirteen (13) new applications whose subject-matter do not vary much, the majority of them relating to human rights violations. Also, in comparison with the previous year, the number of judgments delivered on the merit of the case is reducing, without translating, as such, into a reduction in judicial activity, since during this very year, the Court held 41 court hearings and delivered more "interim judgments".

Methodologically speaking, the court hearings are grouped in periods of one to two weeks per month, during which time two to four cases are programmed per day on the cause list. This manner of programming the court hearings has the advantage of making room for free periods in every month of the year, to enable the Court carry out many other non-judicial duties which feature on its work programme.

I.1 APPLICATIONS LODGED IN 2009

1. Suit No. ECW/CCJ/APP/01/09:
Amouzou Henri & 5 Others v. Republic of Côte d'Ivoire

In connection with a "house-cleaning" exercise, aimed at sanitising the cocoa-coffee sector, the Applicants, all of whom are top-level officers at various levels of the structures operating in the sector, were placed in preventive detention by the investigating judge at the Tribunal de Première Instance of Abidjan, upon a summing-up for prosecution by the Procureur de la République at the said Tribunal, and this occurred after an inquiry had been instituted at the instance of the latter.

The Applicants brought their case before the Court alleging human rights violation in connection with the processing of the case-file by the Ivorian judicial authorities.

2. Suit No. ECW/CCJ/APP/02/09
National Coordinating Group of Departmental Delegates of the Cocoa-Coffee Sector (CNDD) v. Republic of Côte d'Ivoire

The Applicant, a non profit-making association of coffee and cocoa producers, brought the Republic of Côte d'Ivoire before the Court for violation of the right to fair and equitable remuneration and violation of the principle of equality before the law.



3. **Suit No. ECW/CCJ/APP/03/09**
Private Aliyu Akeem v. Federal Republic of Nigeria

The Applicant is a Nigerian soldier who brought his country before the Court for violation of his right to human dignity and freedom. He claimed that he was detained for more than two years without trial, in violation of the provisions of the African Charter on Human and Peoples' Rights, and claimed Ten Million Naira for reparation of the harm suffered.

4. **Suit No. ECW/CCJ/APP/04/09**
Peter David v. Ambassador Ralph Uwechue

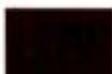
The Applicant, a Nigerian policeman, formerly a Security Officer at ECOWAS mission in Côte d'Ivoire, complained of violation, by the Defendant, of his right to work in fair and decent conditions. The Defendant allegedly refused to pay him his allowances.

5. **Suit No. ECW/CCJ/APP/04/09**
Edoh Kokou v. ECOWAS Commission

The Applicant, previously Accounts Assistant of ECOWAS Monitoring Zone II at Ouagadougou, alleged that he was a victim of premeditated attack, perpetrated by his superior officer in the course of official work. He alleged that he was finally dismissed by his employer, following his refusal to give support and backing to the said embezzlements. He filed his case before the Court, according to him, after exhaustion of local remedies, as provided for under the ECOWAS Staff Rules Regulations. This case was partly heard outside the seat of the Court.

6. **Suit No. ECW/CCJ/APP/06/09**
**Hon. Valentine Jimmy Ewor v. Federal Republic of Nigeria, Ambassador
Soni Obache Abang, Lt. Col. Dan'Alalin and Jacob Abang Dakim Esq.**

The Applicant is a former Head of Local Government of Boki in Cross River State, in Nigeria. He brings his case before the Court for violation of his fundamental human rights, on the grounds that the 2nd and 4th Defendants, in complicity with a group of bandits and the police, allegedly invaded and destroyed his house and personal effects.



7. **Suit No. ECW/CCJ/APP/07/09**
Centre for Democracy and Development and Centre for the Defence of Human Rights and Democracy in Africa v. President Mamadou Tandja and Republic of Niger

The Applicants, two Non-Governmental Organisations respectively based at Abuja (Nigeria) and Cotonou (Benin), seised the Court with a complaint that the Defendants violated human rights and the right of the people of Niger to participate freely in the management of the affairs of their country through the election of a new President of the Republic. The Applicants derived this violation from the decision taken by the 1st Defendant to organise the referendum which resulted in the extension of the term of office of President Tandja by three more years.

This case had not yet been settled when the coup d'état which toppled President Tandja occurred, making General Salou Djibo the Head of State of Niger.

8. **Suit No. ECW/CCJ/APP/08/09**
Registered Trustees of the Socio-Economic Rights and Accountability Project v. President of the Federal Republic of Nigeria and 8 Others

The Applicants complained that the Defendants had violated their essential rights to life, feeding, employment, potable water, health, human dignity and healthy environment, as a result of the impact of petroleum pollution in Nigeria.

9. **Suit No. ECW/CCJ/APP/09/09**
Bakare Sarre and 28 Others v. Minister of Justice of Mali and Others

The Applicants, all judges, complained of violation of their right to judges' sitting and responsibility allowance for a period of 14 months, which the Defendants refused to pay them on the ground that they had not yet been transferred to occupy certain professional posts at that given time. An application for an external court session in connection with this case was rejected.

10. **Suit No. ECW/CCJ/APP/10/09**
Amouzou Henri & 5 Others v. Republic of Côte d'Ivoire

In connection with a "house-cleaning" exercise, aimed at sanitising the cocoa-coffee sector, the Applicants, all of whom are top-level officers at various levels of the structures operating in the sector, were placed in preventive detention by the



investigating judge at the Tribunal de Première Instance of Abidjan, upon a summing-up for prosecution by the Procureur de la République at the said Tribunal, and this occurred after an inquiry was instituted at the instance of the latter.

The Applicants were only 3 in this particular case, instead of the 5 in the similar initial proceedings.

11. **Suit No. ECW/CCJ/APP/11/09**
Registered Trustees of the Socio-Economic Rights and Accountability Project v. Attorney General of the Republic of Gambia and Another

The Applicants are Non-Governmental Organisations and they brought their case before the Court, seeking a declaration from the Court to declare illegal and contrary to the

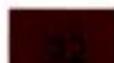
fundamental principles of ECOWAS, the requests made by the Gambia: that the decisions of the Community Court of Justice, ECOWAS be made to undergo an appeal procedure; as well as an amendment of the Protocol on the Court, so as to incorporate the condition of exhaustion of local remedies before cases are filed before the Court.

12. **Suit No. ECW/CCJ/APP/12/09**
Heirs to Sidi Amar and Ousmane Sidi Ali v. Republic of Niger

The Applicants brought their case before the Court, asking the Court to declare that the Republic of Niger had violated the right to life of their respective parents, killed by the army of Niger, allegedly mistaking them for rebels, whereas their location had been duly indicated by the competent authorities throughout their journey in the northern region of the country.

13. **Suit No. ECW/CCJ/APP/13/09**
El Hadj Tidjani v. BCEAO, Niger and Others

By virtue of a decision of 22 December 2003, BCEAO carried out demonetisation of CFA currency notes of the 1992 denomination. The Applicant, who had in his possession a huge quantity of the CFA notes (CFA 1,200,000,000 in all), was unable to exchange them within the period stipulated by the authorities. Though BCEAO remitted the corresponding amount of currency notes in circulation to the Republic of Niger, the latter refused however to exchange the notes held by the Applicant.



TABULATED SUMMARY OF APPLICATIONS LODGED AT THE COURT DURING THE YEAR 2009

No	Date	Parties	Number	Subject Matter of Application
1.	15/01/2009	Amouzou Henri & 5 Others v. Republic of Côte d'Ivoire	ECW/CCJ/APP/01/09	Human rights: unlawful detention and unfair trial
2.	15/01/2009	National Coordinating Group of Departmental Delegates of the Cocoa-Coffee Sector (CNDD) v. Republic of Côte d'Ivoire	ECW/CCJ/APP/02/09	Human rights: right to fair remuneration and violation of the principle of equality before the law
3.	06/02/2009	Private Aliyu Akeem v. Federal Republic of Nigeria	ECW/CCJ/APP/03/09	Human rights: right to human dignity and freedom
4.	14/04/2009	Peter David v. Ambassador Ralph Uwechue	ECW/CCJ/APP/04/09	Human rights: right to property
5.	21/04/2009	Edoh Kokou v. ECOWAS Commission	ECW/CCJ/APP/04/09	Community public service: right of appeal and right to fair trial
6.	24/04/2009	Hon. Valentine Jimmy Ewor v. Federal Republic of Nigeria, Ambassador Soni Obache Abang, Lt. Col. Dan'Alalin and Jacob Abang Dakim Esq.	ECW/CCJ/APP/06/09	Human rights: violation of private life, home and destruction of property
7.	14/07/2009	Centre for Democracy and Development and Centre for the Defence of Human Rights and Democracy in Africa v. President Mamadou Tandja and Republic of Niger	ECW/CCJ/APP/07/09	Human rights: right of the people to participate in the affairs of the State through elections
8.	23/07/2009	Registered Trustees of the Socio-Economic Rights and Accountability Project v. President of the Federal Republic of Nigeria and 8 Others	ECW/CCJ/APP/08/09	Human rights: right to education, human dignity, riches and economic and social development



9.	12/08/2009	Bakare Sarre and 28 Others v. Minister of Justice of Mali and Others	ECW/CCJ/APP/09/09	Human rights: right to the payment of allowances related to plaintiffs' functions
10.	25/09/2009	Amouzou Henri & 5 Others v. Republic of Côte d'Ivoire	ECW/CCJ/APP/10/09	Human rights: right to good health and right of children against separation from their parents
11.	28/09/2009	Registered Trustees of the Socio-Economic Rights and Accountability Project v. Attorney General of the Republic of Gambia and Another	ECW/CCJ/APP/11/09	Community rights: illegality, texts relating to the Court
12.	02/10/2009	Heirs to Sidi Amar and Ousmane Sidi Ali v. Republic of Niger	ECW/CCJ/APP/12/09	Human rights: right to life
13.	06/11/2009	El Hadj Tidjani v. BCEAO, Niger and Others	ECW/CCJ/APP/13/09	Human rights: right to property

II.2 Judgments and rulings made in 2009

	Date	Suit Number and Parties	Judgment Number	Observations
1.	28/01/09	ECW/CCJ/APP/10/0 Djot Bayi Talbia and 14 Others v. Federal Republic of Nigeria and 4 Others	ECW/CCJ/JUD/01/06	Application for revision pending
2.	19/03/09	ECW/CCJ/APP/09/07 Linax International Nigeria Limited v. Ambassador of Mali and 2 Others	ECW/CCJ/JUD/02/09	
3.	17/11/09	ECW/CCJ/APP/02/07 Tokumbo Lijadu Oyemade v. Council of Ministers and 4 Others	ECW/CCJ/JUD/03/09	
4.	17/12/09	Amouzou Henri and 5 Others v. Republic of Côte d'Ivoire	ECW/CCJ/APP/01/09	
5.	17/12/09	National Coordinating Group of Departmental Delegates of the Cocoa- Coffee Sector (CNDD) v. Republic of Côte d'Ivoire	ECW/CCJ/APP/02/09	

RULINGS AND ORDERS

	Date	Suit Number and Parties	Number of Ruling or Order	Observations
1.	18/03/2009	ECW/CCJ/APP/10/08 Nuhu Ribadu v. Federal Republic of Nigeria	ECW/CCJ/RUL/01/09	Order to remove case from cause list, upon request from Applicant
2.	19/03/2009	ECW/CCJ/APP/01/08 Starcrest Investment Ltd v. President of Commission	ECW/CCJ/RUL/02/09	Ruling on application for intervention
3.	16/03/2009	ECW/CCJ/APP/04/08 Chief F. O. Offia v. ECOWAS Parliament and Others	ECW/CCJ/RUL/03/09	Order to remove case from cause list, following amicable settlement between the parties
4.	13/05/2009	ECW/CCJ/APP/02/08 Adediji Benjamin Adeleke v. Executive Secretary, Rectas and 3 Others	ECW/CCJ/RUL/04/09	Order to remove case from cause list, following death of the Applicant
5.	30/06/2009	ECW/CCJ/APP/11/07 Musa Saïdykhan v. Republic of Gambia	ECW/CCJ/RUL/05/09	Ruling on objection regarding inadmissibility of the case
6.	02/07/2009	ECW/CCJ/APP/01/08 Starcrest Investment Ltd v. President of ECOWAS Commission and 3 Others	ECW/CCJ/RUL/06/09	Ruling on objection regarding incompetence of the Court; dismissal of the objection – affirmation of the competence of the Court
7.	12/09/2009	ECW/CCJ/APP/06/08 Hon. Tony Anyanwu v. Federal Republic of Nigeria	ECW/CCJ/RUL/07/09	Order to remove case from cause list, following death of the Applicant
8.	25/09/2009	ECW/CCJ/APP/05/09 Edoh Kokou v. ECOWAS Commission	ECW/CCJ/RUL/08/09	Order to adjourn sitting till further proceedings outside the seat of the Court
9.		Hissein Habré v. Republic of Senegal		Ruling; dismissal of application for intervention

I.3 STATISTICS OF COURT SESSIONS HELD IN 2009

Month	Number of Court Sessions	Observations
January	1	
February	0	
March	15	
April	0	
May	9	
June	4	
July	2	Legal vacation begins on 15 July
August	0	
September	8	Legal vacation ends on 18 September
October		
November		
December	2	
TOTAL	41	

CHAPTER II: ADMINISTRATIVE ACTIVITIES AND RESOURCES OF THE COURT

The Administration fashions out the mode of functioning of the Court. It is appropriate here to describe the state of the physical and material equipment of the Court in 2009, as well as the financial resources which enable the Institution to function; but it is the human resources which deserve particular attention.

II.1 MATERIAL RESOURCES

II.1.1 Premises of the seat of the Court and the annex

This year, the Court carried out refurbishment of the offices of both the main office building and the annex (apart from the principal office complex, the Court of Justice has now acquired an annex building).

In that light, the Deliberations Room and the Registry were given a face lift in order to acquire more space. The same thing applies to the Library, which now constitutes two halls, one for the shelves of books, the other serving as a reading room, which will house at the appropriate time, the installations of an internet service for the Library users.

Besides, various corridors which were converted into additional offices on the three floors of the main office were improved upon, to serve as comfortable offices with more security and air conditioning.

II.1.2 Equipment and stocking of the library

The documentary base of the Library is essentially made up of monographs and reference documents, in addition to Official Journals, the basic texts of ECOWAS and of the Court, as well as annual reports, booklets and Court Bulletins.

A general inventory of the state of the documentary base enabled us to exercise checks on this documentary resource and on the collections. Thus, the Library now has a register of inventory covering the documents which are entered into the various classification systems of the library. The Library has also carried out a grouping and conservation of dailies and journals and a stocking of press materials through the photocopying of articles which file reports on activities of the Court and other Institutions of the Community.

Of late, through purchase and donation, the documentary base of the Library has grown exponentially, with the acquisition of a significant quantity of books and documents. This is estimated at 2,558 titles in the following order:

	Reference documents	Monographs	Languages	Total
	1,648	910		2,558
English			1,958	
French			546	
Portuguese			54	

During the second quarter of this year, 2009, the basic texts of the Court were printed afresh, as follows:

- Rules of the Court 1,0000 copies
- Protocol A/P1/7/91..... -do-
- Supplementary Protocol A/SP.1/01/05.....-do-

Besides, through a documentary research, the Library Unit has drawn up a list of documents to be acquired, and it has also placed an order for books and documents in French and English, as well as equipment for setting an order in the physical space and materials in the library. Moreover, the sensitisation mission to Cape Verde helped acquire, for the first time, legal documents in Portuguese.

II.1.3 Computer equipment

The pool of computer equipment at the Court is ridiculous and outmoded. To make up for this deficiency, the Procurement Unit has been instructed to equip all departments with computer equipment and accessories, by purchasing ten (10) portable computers and fourteen (14) PCs.

As for the second phase of the computerisation of the Accounting Division, it is still on-going. The module for salaries is operational; on the hand, the modules for depreciation and purchases are still not operational because the accounting staff has still not mastered the Solomon software; they describe the latter as "difficult and complex".

III 1.4 Vehicles

To ensure the mobility of staff on a daily basis, in the exercise of their functions, the Court acquired two new vehicles to replace the old cars. The pool of automobile equipment comprehensively covered by vehicle accident insurance policy was stepped up, due to the departure of three judges who bought the three official cars they were using when they finally returned to their home countries. Also, three used cars were sold by auction.

In addition, the Court launched a tender procedure involving several transportation companies

based in Nigeria and the West African region, in order to enter into more profitable schemes of service-hire transportation agreements for the staff, to cater for their travelling needs.

II.2 HUMAN RESOURCE

II.2.1 Staff strength of the Court

In the first quarter of 2009, the Court recorded the departure of three judges and their Personal Assistants, and consequently, the arrival of three new judges, accompanied by their Personal Assistants, which gives the following figures for the current state of the staff strength of the Court:

-Statutory Appointees:	7
-Directors:	1
-P-Staff:	33
-G-Staff:	88

TOTAL: 129

The Court has formally entered into agreements on accident and life insurance policies for the entire staff. As regards health insurance, discussions are still on-going with earmarked companies, to ensure that the insurance scheme is in place during the first quarter of 2010.

II.2.2 Recruitment

In accordance with the staff recruitment plan, authorised by the ECOWAS Council of Ministers, three new Professional Staff assumed duty in 2009, and the Court published several vacancy announcements with a view to strengthening the capacities of certain departments.

The Professional Staff concerned were: a Research Assistant on grade P4, an Interpreter (French into English) on grade P5 and a Reviser (French into English) on grade P5; all the three of them were employed after going through interviews conducted in the month of December 2008.

The vacancy announcements were made in respect of the following posts:

Locally Recruited Staff (G):

- (1) Accounts Assistant
- (1) Computer Analyst (grade G5) on contract basis
- (1) Accountant (grade G5) on permanent basis

Professional Staff (P):

- (1) Reviser (grade P5) into Portuguese
- (1) Interpreter (grade P5) into Portuguese

-
- (1) Accountant (grade P3)
 - (1) Information Officer (P3)
 - (1) Senior Recorder (P3)

However, the sorting out of the list of applicants, the short-listing and the interviewing were delayed due to directions resulting from budgetary constraints.

II.2.3 Staff training

The year 2009 introduced a significant change in this area. Indeed, for the first time, the Court designed a staff training scheme which takes account of its priorities. This scheme, which is spread over a period of two years (2009-2010), involved the entire staff, namely: Research, Registry, Staff in the Office of the Judges, particularly the Bilingual Secretaries, Language Services Division, Staff at the Human Resource, Finance and Procurement Divisions.

In connection with the implementation of this scheme, the Court organised several training sessions in Nigeria and outside Nigeria, as follows:

- One week training on "Machine Assisted Translation" (MAT) organised for translators and interpreters. Delivered by a Canadian expert, the training comprised a theoretical aspect on areas such as: the resources of the translator, recycling of previous translations, identification and processing of texts frequently used. The practical aspect consisted of installation of the software LogiTerm on the computer of each participant, and practical exercises.
- The first stage of the training programme in law for secretaries and G-Staff at the Accounts Division and designed to make the beneficiaries more efficient, took off this year with 95 hours of theoretical lectures.
- One week training in London for the G-Staff of the Registry, followed by a visit to the Supreme Court and Court of Arbitration of London. The training was on the processing of cases in a criminal court and in a civil court, the role of victims and witnesses, the conduct of court hearings and the resultant minutes of proceedings, use of new technologies in courts of justice.
- The Chief Librarian attended, at the Nigerian Institute of Medical Research, at Abuja, a two-week introductory training on "The Operations and Techniques of a Library", organised by LBWORKS Limited.
- The Chief Librarian also attended a similar training at Abidjan, in Côte d'Ivoire.
- Staff of the Accounting Division attended a course on Solomon software, at Lagos, in order to get themselves acquainted with the software.
- The Personnel Assistant accompanied and monitored a group of Office Aides on training at Kaduna and also benefited from capacity building courses at Ibadan.

- The Transport Officer accompanied and monitored a group of drivers on a training session at Ibadan, together with officers from Procurement, Maintenance, Stores, as well as the Chief Security Officer; each in his or her respective field, benefited from refresher courses and/or capacity building training sessions.

The table below summarises the various training programmes, the length of time, the venue of the training, irrespective of the category of staff

No.	Beneficiary group	Venue of training	Duration	Theme or type of training
1.	Interpreters and translators	Abuja (Nigeria)	5 days	Machine Assisted Translation (MAT)
2.	Secretaries of Judges	Abuja	95 hours	Legal training
3.	G-Staff of the Registry	London (United Kingdom)	5 days	Processing of cases in a criminal court and in a civil court, the role of victims and witnesses, the conduct of court hearings and their minutes of proceedings, use of new technologies in courts of justice.
4.	Library Assistant	Abuja	10 days	Operations and techniques of a library
5.	Research Officers Chief Registrar	Court of Justice of the European Union (Luxemburg)	7 days	Sharing of experience on management of the Research Department, rationalisation of the job of research
6.	Communication	Port Harcourt (Nigeria)	10 days	Studies on the techniques of identification of the sources and means of compilation of materials for writing out a speech; development of capacities for writing speeches for improving upon the image of the Institution
7.	Interpreters	Strasbourg (France)	3 weeks	Techniques of conference interpretation: the legal domain
8.	Transport and Logistics (Drivers)	University of Ibadan (Nigeria)	5 days	Accident prevention and examination of road traffic offences; advanced vehicle repair and maintenance skills; systems for diagnosing vehicle faults and defects

9.	Procurement	Kaduna (Nigeria)	5 days	Acquisition of greater knowledge in the preparation of documents and tenders; monitoring tender procedures and methods of evaluation; capacity building in planning, managing and verification of stocks
10.	Recorders	Court of Justice of the European Union	7 days	Recording system of court hearings and the work of the Registry
11.	Chief Librarian	Abidjan (Côte d'Ivoire)	5 days	Working visit to the documentation centre of OHADA
12.	Administration and Personnel Officer	Ibadan (Nigeria)	10 days	Mastering human resource management
13.	Accounts Assistants	Lagos	10 days	Solomon software
14.	Office Aides	Kaduna	5 days	Work ethics and efficiency in the recording of information and management of files

II.3 FINANCIAL RESOURCES

II.3.1 Resources derived from the Community

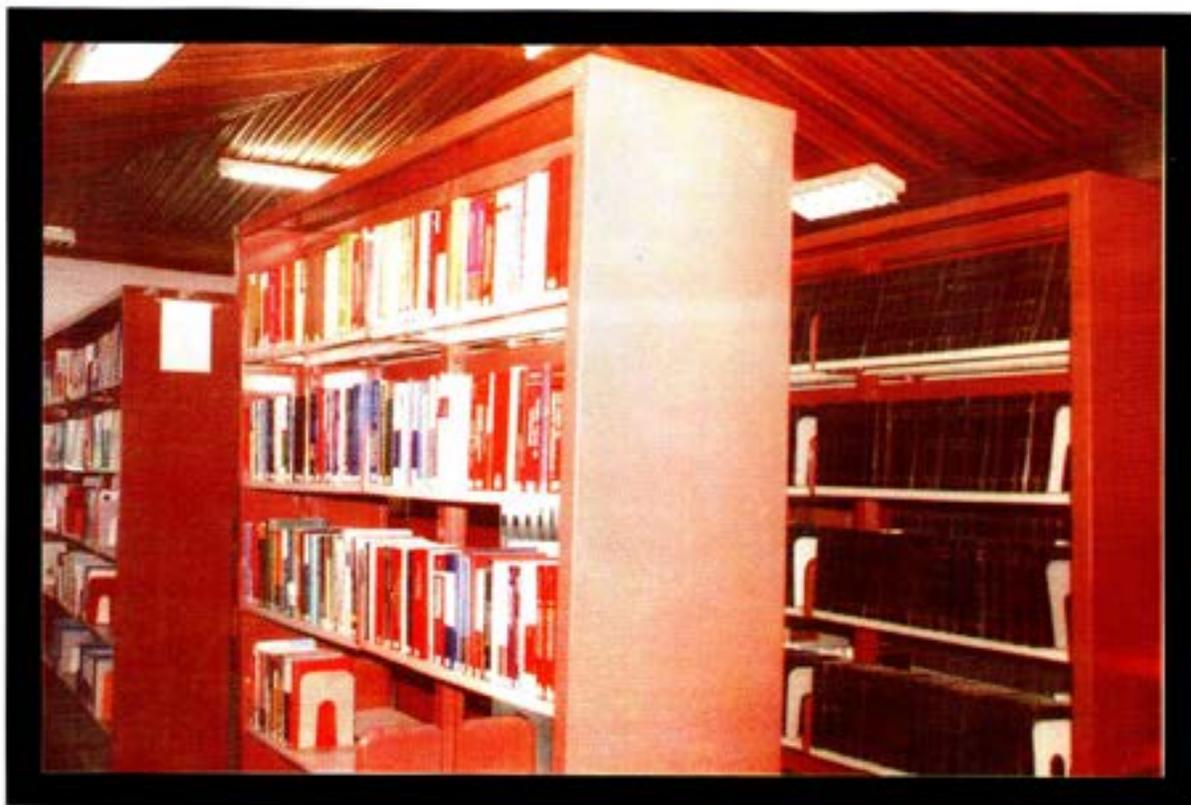
For the year 2009, the balanced operational budget of the Community Court of Justice in incomes and expenditure, stood at UA 10 037 581. This budget was financed from resources derived essentially from the Community Levy, Arrears of Contribution, other miscellaneous funds and external finances.

The entire resources, i.e. a total amount of UA 9 074 204, received by the Court for the execution of its activities in 2009, represents 90.4% of the approved total budget. The incomes derived from the Community Levy, i.e. UA 8 873 929, constitutes 97.79 % of the resources.

II.3.2 Contribution from partners

In terms of external funds, the Court received the sum of US\$ 300,000 in 2009 as payment of the second installment of the Ford Foundation grant. Ford Foundation remains the only financial partner of the Court since 2007. In 2007, it donated a US\$600,000 assistance budget to the Court. This financial facility covered a two-year period, from 1 June 2007 to 32 May 2009. The conditionality for the payment was a two-time disbursement schedule of

US\$300,000 per time. The first disbursement was made in August 2007 and the second portion was paid in September 2009, after submission of a technical and financial report on the utilisation of the first installment.



Partial view of the Court Library

CHAPTER III: PROMOTION ACTIVITIES AND AWARENESS CREATION

To project its own image and to make the procedure followed before it known, the Court has been organising, as its resources and work programme may permit, sensitisation and information missions on its functioning mechanism, the applicable law, and on the relations between the national judicial institutions, Member States and the Court. Moreover, the Court greatly enhances its own image by cultivating and maintaining relations of co-operation and integration with similar regional African courts.

III.1 SENSITISATION MISSIONS IN MEMBER STATES

In line with its work programme for the year 2009, the Court went to Cape Verde, from 26 April to 2 May; Benin, from 5 to 7 October; Togo, from 8 to 10 October; Ghana, from 2 to 7 November.

The objective of these sensitisation missions is to bring Community law to the knowledge of Government officials and the public, and to sensitise them, but equally to explain the links of co-operation which must exist between the national courts and the Community Court of Justice. Thereby, the Court aims at consolidating its relations with Member States, State institutions and actors of civil society whose efforts converge towards the realisation the objectives of the Court.

The long-expected mission to Praia, the capital of Cape Verde, was made possible by the goodwill of the Cape Verde authorities, who collaborated with the Court to organise the mission. It is appropriate to emphasise the personal involvement of the Vice-President, Hon. Justice Benfeito Ramos, towards facilitating the mission.

III.2 TELEVISION AND RADIO PROGRAMMES

A radio and television information programme, which was started in 2008, was pursued further this year with a media campaign on the Court in Liberia, aimed at enlarging the sphere of listeners to news on the Court, through the use of audiovisual materials widely listened to by inhabitants of the towns and surrounding rural areas.

In July 2009, a delegation led by the Chief Registrar went to Monrovia, the capital of Liberia, for the purposes of informing the people of the existence of the Court, its mandate, and its role in the protection of human rights of ECOWAS citizens. The Court also held a live television programme there, which enabled viewers to participate directly and ask questions for clarification; a live radio

programme was also organised with the Liberian Broadcasting System, a station which covers Liberia and the adjoining countries (Sierra Leone and Guinea Bissau). On 7 and 13 October, one after the other, the Court held a radio broadcast in Benin and a television programme in Togo.

Besides, the Court was called upon by target interest groups on the cultural, educational and economic fronts, with the intention of getting to know the Court. As a result, on 3 November 2009, following its sensitisation mission in Ghana, the West African Federation of Chambers of Commerce and Industry, whose headquarters is in Accra, invited the Community Court of Justice to return to Ghana and engage in close discussions in respect of the Court, with members of the Federation (the Chambers of Commerce of the 15 Member States), considering the Court as a protector of the rights of traders in the Community. The Chief Registrar was designated for this additional mission.

It was the same desire to make known what contribution it has to offer, which formed the basis of the journeys the Court undertook to Benin and Côte d'Ivoire, to commemorate the ECOWAS Day, so that together, a second look may be taken at the text on free movement, the right of residence and establishment.

Finally, the participation of the Community Court of Justice in meetings on the implementation of Community policies, programmes and instruments, such as the Protocol on Democracy and Good Governance, organised by FOSCAO at Dakar, stems from the express intention of the Court to enhance its image under the umbrella of the ECOWAS.

III.3 SEMINAR ORGANISED FOR JOURNALISTS

During the year under review, an information seminar for journalists from French-speaking and Portuguese-speaking countries was held at Lome in October. This meeting was aimed at informing participants on activities of the Court, its mandate, powers, and how Community citizens may gain access to the Court.

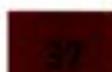
The meeting was also aimed at establishing relations of co-operation between the Court and the media of Member States, towards a new synergy of communication for the Court. For two days, the participants were treated to several themes, from the role of the media in building up the ECOWAS Community to the implementation of decisions of the Court, preceded by an overview of the Community Court of Justice, its specific features in terms of human rights, and the procedure for bringing cases before the Court.

CHAPTER IV: VISITS AND MISSIONS OF CO-OPERATION

IV.1 VISITS MADE TO THE COURT

Several personalities paid courtesy calls on the Court, with a view to establishing relations of co-operation or extending their congratulatory messages and words of encouragement to the new Bureau or the elected President.

- Some days after the election of the new Bureau, the President, Hon. Justice Awa Nana Daboya (Togo), received Mr. Eso Wella, Chargé d'Affaires at the Togo Embassy in Nigeria; he came to address his heartfelt congratulations to the President, on his own behalf and on behalf of the entire staff of the Embassy of Togo in Nigeria.
- On 4 March, Madam Sanda Mohamed, Deputy Controller of Immigration at the Ministry of Interior, Nigeria, came to visit the President, upon her election and to make enquiries on the international conference on "Free movement of persons, goods, capital and the right of establishment", organised by the Court from 18 to 20 November 2008 at Cotonou.
- On 13 March, Honourable Justice Arirango Govindasamy Pillay, President of the Court of Justice of South African Development Community (SADC), on mission to ECOWAS, called on the President of the Court to discuss with her how experience could be shared mutually between the Court of Justice of SADC and the Court of Justice of ECOWAS.
- On mission to ECOWAS in connection with the inauguration of the West African Institute of Regional Integration, Mr. Tolentino, Ambassador and Counsellor at the Cape Verde Ministry of Foreign Affairs, came to address his compliments to the Bureau of the Court on April 1st.
- On 13 May, a delegation of 12 Parliamentarians from the Regional Affairs and Conflict Resolution Commission of the East African Legislative Assembly, led by the Honourable MP Mike Sebalu, was received by the Court. The visit was organised for the purposes of the sharing of information with the Community Court of Justice.
- On 15 May, two MPs from Cape Verde who work with the ECOWAS Parliament, Madam Filomena Delgado and Mr. Jean Emmanuel Da Cruz, 2nd Deputy Speaker of ECOWAS Parliament, came on a visit to congratulate the President and the Bureau of the Court.
- On 9 June, students from the Faculty of Law of the University of Usman Danfodio, Sokoto (Nigeria), visited the Court, where they were provided with information on the creation, mandate and the functioning of the Court, and the activities it undertakes.
- The same day, the Court received the Director of the French Cultural Centre, Mr. Nicolas Oudet, who had come to have a discussion with the President of the Court on the possibilities for organising studies on the French language for staff members who had not yet mastered the language.



- On 10 September, the Court received a delegation from the Embassy of the Federal Republic of Germany and GTZ, to discuss prospects for co-operation between GTZ and the Court.
- On 18 September, the Vice-President of the Commission, His Excellency Jean de Dieu Somda, was at the Court to offer his support for the Court and its President and to take part in the opening ceremony of the Legal Year, representing the President of the ECOWAS Commission. The same day, the Speaker of the ECOWAS Parliament, Honourable MP Mahamane Ousmane, was at the Court and they expressed their words of encouragement to the President and Members of the Bureau before participating in the opening ceremony of the Legal Year.
- Still on 18 September 2009, Mr. B. M. Hirse, Minister of the Federal Republic of Nigeria, came to congratulate the President of the Court and took part in the opening ceremony of the Legal Year. The President of the Court later received Madam Betty Mould-Iddrissu, Attorney General And Minister of Justice of Ghana, invited to participate in the Legal Year ceremony.
- Finally, on that same 18 September, Mr. Moussa Coulibaly, President of the Bar Association of Niger, called on the Honourable Justice Awa Nana Daboya, President of the Court, and participated in the Legal Year ceremony.
- On 24 November, the President of the Court received the Ambassador of the Kingdom of Belgium to the Federal Republic of Nigeria, His Excellency Michel Dewez.
- On 25 November, the Ambassador of Portugal, His Excellency Maria Fatima Perestello, paid a courtesy call on the President of the Court. During the visit, they discussed prospects for bilateral co-operation between Portugal and the Court.

IV.2 INTER-INSTITUTIONAL CO-OPERATION

- From 9 to 13 February 2009, the Court participated in a conference of regional courts, at Bamako in Mali, which brought together the courts of justice of OHADA, UEMOA, CEMAC and ECOWAS. The Court was represented by Dr. Daouda Fall, Acting Director of the Department of Research, Information and Communication.
- From 6 to 8 March 2009, the President of the Court was at Akosombo, in Ghana, in connection with a retreat organised by the ECOWAS Commission for the Heads of Institution, on internal audit, risk management and the running of organisations. She was accompanied on that event by Hon. Justice Benin.
- The Financial Controller of ECOWAS, Madam Nelly Taylor, and the Commissioner for Finance and Administration, Madam Ada Okwuosa (OON), conducted a work session with the Bureau of the Court in the months of March and April.
- On 9 and 10 March, the Court participated in a West African symposium organised by the organisation named OSIWA on "Migration and Human Rights in West Africa".



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- At the opening ceremony of the First Ordinary Session of the ECOWAS Parliament, held at Abuja on 12 May, the Honourable Vice-President, who represented the court, delivered a goodwill message by calling for a redoubling of efforts towards stemming the world economic crisis.
 - From 23 to 30 March, the Chief Registrar and two staff members from the Research Department went on a study tour at the Court of Justice of the European Union, to enable the two institutions share experience with each other.
 - On 22 September, at Jos (Nigeria), the Honourable President participated in a joint meeting organised by the ECOWAS Commission, which brought together all the specialised organs and institutions of ECOWAS, extended to include the national ECOWAS offices and representatives of Member States.
 - On 16 and 17 June, the Court participated in the colloquium on the statute of the International Criminal Court and women's right to reproductive health, organised by CIRDDOC (Civil resource Development and Documentation Centre) of Nigeria.
 - On 16 and 17 June, the Court participated, at Abuja, in symposium on "The Statute of the International Criminal Court and the Right to Female Reproductive Health", organised by the Civil Resource Development and Documentation Centre (CIRDDOC, Nigeria).
 - From 24 June to 3 July, Hon. Justices Benfeito Ramos, Clotilde Nougbodé Médégan and Eliam M. Potey went on a study tour at the International Court of Justice at the Hague, the European Court of Human Rights at Strasbourg, and the Court of Justice of the European Union at Luxemburg. The trip was also organised to enable the Court to share its experience with those courts.

IV.3 VISITS CONDUCTED BY THE PRESIDENT OF THE COURT

- One month after her election to the presidency, Honourable Justice Awa Nana Daboya conducted a work mission with ECOBANK at Cotonou (Benin), where she also met the President of the Supreme Court of Benin, the President of the Association Africaine des Hautes Juridictions Francophones (AA-HJF), which admitted the ECOWAS Community Court of Justice as member on 10 November 2008.
- After Cotonou, the Honourable President went to Togo to inform the Head of State of Togo, His Excellency Faure Essozima Gnassingbé, of the recent developments at the Court which led to her election as Head of the Institution. During the same period, she visited the Ministry of Foreign Affairs and Regional Integration, then the Ministry of Justice, in connection with preparations for the sensitisation mission scheduled for the month of October 2009.
- At Abuja, the Honourable President and Members of the Bureau of the Court visited the Minister of Foreign Affairs and Integration of Nigeria, Ambassador Bagudu Hirse, on 23 April.

- The President equally paid a courtesy call on the Speaker of ECOWAS Parliament, Honourable Mahamane Ousmane, in May.
- At Natitingou, in the Republic of Benin, the Honourable President took part in activities marking the Integration Week, organised by the Ministry of Integration in July.
- On 27 and 28 July, the President participated in the programmes for the launching of Network of ECOWAS Women for Peace and Security at Abidjan in Côte d'Ivoire.
- To ensure efficient management of the Staff Providence Fund and its safety, a delegation of the Court composed of the President, the Chief Accountant, the Cost Controller and a Staff Representative, travelled to Dubai to hold discussions with the managers of the finance company Alico.
- The Honourable President of the Court invited various personalities to dinners or cocktails, notably MPs from the ECOWAS Parliament and Expert Jurists from ECOWAS Member States, during the traditional of the Legal Year ceremony in September.

IV.4 TRAINING OF INTERNS

This year, the Court still recorded several requests for internship, but budget constraints made it impossible to honour all the requests, particularly requests from persons not resident in Abuja. The only internship programmes offered by the Court were granted to applicants from Côte d'Ivoire, whose maintenance costs at Abuja were borne by the interns themselves, namely Madam Ange-Laetitia Monnet (July to September) and Maître Ore Sylvain (December 2009 to February 2010), later appointed as Judge of the Court of Justice of the African Union.

For this purpose, the Court prepared and implemented for the sake of the interns, an information programme on the Court's general set-up, administrative system, the Community civil service, human rights protection, the techniques and methodology for examining cases, doctrinal and jurisprudential research, methodology of the argumentation process or the reasoning behind judgments and the communication policy of the Court.

The Court equally received 10 young Nigerian trainees, in connection with the implementation of their national service, and hosted from 30 March to 1 April, four students from the Ecole Française Marcel Pagnol of Abuja. The objective of this on-the-job practical observation exercise was to offer the four students, who were in the class of seconde, an initial experience in the world of employment so that they may be able to discover certain careers and the corresponding skills and competencies required. However, due to the incompatibility with our programme schedules, the Court could not receive students from the Ecole Française of Lagos who were on a visit to the ECOWAS Institutions at Abuja.

A brief presentation of the Economic Community of West African States was made to the trainees, notably on its creation, the Institutions, the mandate assigned to each of the ECOWAS Institutions, with particular emphasis on the Court of Justice.

The trainees visited all the Departments of the Court in order to have a general view of the various tasks assigned to each Department.

The management of the Ecole Française Marcel Pagnol showed how beneficial the experience had been and desired that it be replicated every year.



Participants at the launching of the ECOWAS Women Leaders' Network for Peace and Security in Abidjan: Among those in the picture is the Ivorian Minister of Integration (5th from right), Commissioner for Human Development and Gender at the ECOWAS Commission (6th from right), President of the Court

CHAPTER V: OTHER ACTIVITIES

VI.1 JUDICIAL RETREAT

For the first time, and upon the initiative of the Registry Department, the Court organised, from 11 to 13 July, at Mina in Niger State, a retreat solely devoted to problems of the judicial functioning of the Court. Participants at the retreat were the Judges of the Court as well as the lawyers and legal professionals employed by the Court.

After 9 years of existence, the Court considered it necessary to engage in a high-level discussion amongst legal professionals on the future of the functioning of the Court. And as was recalled by the President, during the opening ceremony of the retreat, in paraphrasing the eminent Belgian jurist Foulek Ringelheim, "The judiciary must not be considered as a strait-jacketed system, but as a dynamic institution whose founding concepts must be re-assessed, by jettisoning prejudices which constitute shackles to human thinking, and by being wary of appearances which often prevent one from seeing clearly."

The objectives of the judicial retreat were therefore to identify the obstacles which impede the accomplishment of the judicial functions of the Court and to recommend measures capable of addressing them. For three days, the retreat assembly examined the jurisdiction of the Court, the Rules of Procedure, modalities for enforcing the Court's decisions, the Rules of Arbitration, the Practice Directions, delays in the translation of court processes.

The conclusions of the retreat are a summary of proposed solutions which should help the Court to carry out its mandate of interpreting and applying the Community law.

VI.2 OPENING CEREMONY OF THE LEGAL YEAR

The traditional opening ceremony of the legal year took place on 18 September 2009. Under the theme: "Towards a consolidation of the role of the judiciary in the West African Community zone", the legal year ceremony brought together high personalities from the Community Institutions and the judicial world, among whom the Vice President of the of the ECOWAS Commission, representing his President, the Speaker of ECOWAS Parliament, the Minister of Foreign Affairs and Integration of the Federal Republic of Nigeria, the Attorney General and Minister of Justice of the Federal Republic of Nigeria, the President of the Supreme Court of Cape Verde, the Minister of Justice of Ghana and the President of the Bar Association of Niger.

VI.3 BUDGET RETREAT

From 15 to 17 July, the Court held, after the judicial retreat, and still at Mina, its budget retreat, to examine and adopt its draft budget and work programme for the year 2010.

If the work programme shows a significant upsurge in activity, it is because apart from the usual activities of sensitisation, court hearings or conferences and seminars, the Court, due to the progress it is making, has become known, recognised and appreciated both within and outside the Community, and this generates a flow of new activities in terms of representation, information and popularisation of ECOWAS Community law within and outside the ECOWAS regional space.

However, the economic crisis makes it unlikely for the Court and the Member States to benefit from an appropriate budget, and the act of carrying forward budget provisions of the previous year, actually brings with it serious challenges to be surmounted on the part of the Institution, its staff and especially the management, and compels one to rethink, look out for and establish co-operation relations towards the execution of its noble programmes.

Apart from support from the sister Institutions, the Court will also have to count on the benefits of financial support from the usual development partners of the Community.

The Court therefore appeals to the ECOWAS Commission to kindly extend the range of the external donations and finances to the Community, for the benefit of the other Institutions. Thus, the Court, the legal organ entrusted with protecting the rights of Community citizens, would be in a better position to implement programmes and policies such as free movement of persons, goods, services and capital; democracy; good governance; trade; socio-economic rights, etc. In such programmes, the Court is capable of shedding the necessary light on the rights of the citizens, and would thereby contribute to the policy of conflict prevention in our Community space.

Unfortunately, a look at the financial resources of the Court for 2009 shows a significant drop in its budget provision, which translates into a refusal to finance and the removal/suspension of activities on information, which it featured in its work programme in the interest of Community citizens, on their rights and obligations and on the procedure before the Court, in case of disputes on such rights, so as to enhance peaceful solutions rather than conflicts on the borders and customs.



The management of the Court is determined, and entertains the ambition to play fully its role in peace-making and conflict resolution through the law. The 2009 budget retreat therefore recorded in its draft budget for 2010, activities on information, training and sensitisation on ECOWAS Community law for various socio-professional groups of people.



Group Picture: 2009/2010 Legal Year



**Part II:
Activities Of The Court From
January To March 2010**

CHAPTER I: JUDICIAL ACTIVITIES

From 1st January to 31st December 2010, the Court registered 15 new applications. In exercising its judicial functions, while remaining faithful to the new schedule of court sittings, by grouping them into periods of one to two weeks each month, the Court, during the same period, held 83 hearings and delivered a total of 15 decisions, including 7 final Judgments and 8 Rulings. These figures indicate a remarkable increase in all judicial activities of the Court, compared to 2009 or even all the previous years put together.

I.1 Applications Lodged at the Court

The fourteen (14) applications registered during the year 2010 are as follows:

1. Case No. ECW/CCJ/APP/01/10

Mr. Sidi Ould Mohamed Lamin Lagoif

v.

Republic of Mali

On 19 January 1994, the Applicant was a victim of the theft of his 223 sheep and 16 goats in Eastern Tnhama by individuals belonging to the Grand Koy Political Movement. Despite all the administrative as well as civil actions which he initiated before the Malian courts, to get compensation, he was unable to obtain compensation for the damage suffered. He came to the Court to seek a declaration that the Republic of Mali has violated his right to property, and an order that the Republic of Mali should pay him the sum of FCFA 37,015,000 for damages suffered in the aftermath of the political upheavals in northern Mali, in 1994.

2^o Case No. ECW/CCJ/APP/02/10

Mrs. Agnes Nweigha

v.

Federal Republic of Nigeria

The Applicant's son, Ken Nweigha was presented to the media as a criminal murderer on 26 May 2009, before being executed by agents of the Defendant, without any judicial process, on 27 May 2009 at Yenagoa in Bayelsa State. She came to the Court to ask that charges be brought against the officers who carried out the execution of her son and that reparation of one hundred million naira be paid to her for damages suffered.

3^o Case No. ECW/CCJ/APP/03/10

Alh. Muhammed Ibrahim Hassan

v.

Gombe State and

Federal Republic of Nigeria

Between 2003 and 2009, an armed gang belonging to the first defendant and known as 'KALARE', perpetrated extrajudicial executions on seventy one (71) citizens of the community of Gombe in Gombe State, Nigeria. The Applicant came to the Court to press charges for these executions organised by the first Defendant and the second Defendant's refusal to disarm, disband and take legal action against the gang members of "KALARE". This, according to the Applicant, is a threat to his life and that of other citizens living in Gombe.

4^o Case No. 4 ECW/CCJ/APP/04/10

Osahon Asemota

v.

Minister of Justice, Federal Republic of Nigeria & 3 others

The Applicant claims that his company has financial and banking relationships with the 4th Defendant who admitted having falsified its accounts to a total sum of six million Naira. After an audit, the company said they lost 18 million Naira instead, and asked the 4th Defendant to conduct an independent audit to reconcile the two amounts. The Applicant was arrested and detained by the 2nd Defendant without listening to him and without regard to his protests of not owing the 4th Defendant anything. He thus complains to the Court for the prevention of such illegal abuse by the Defendants.

5^o Case No. 5 ECW/CCJ/APP/05/10

Mamadou Tandja

v.

General Salou Djibo and Republic of Niger

The Applicant contends that since the advent of the Coup d'Etat of 18 February 2010, which put an end to the Institutions of the 6th Republic, he was arrested and detained in a villa, under the control of the new authorities of Niger. For more than four months he was interned on no legal or constitutional basis, and without judicial intervention. He was deprived of his liberty for a duration he does not know. He alleged that he was denied any contact with the outside world and had no direct link with his family apart from occasional phone calls. He said no legal charge had been made against him nor was he declared guilty of any offence that could justify such an infringement on the fundamental freedoms and the principles of separation of powers, between the Executive and the Judiciary. He came to the Court for a declaration regarding his arbitrary detention by the present authorities of Niger.

6^o Case No. ECW/CCJ/APP/06/10

Seini Oumarou

v.

The Anti - Corruption Commission of Niger Republic and the Niger Republic

The Applicant, a former Minister of Trade, and later Prime Minister, before becoming the President of the National Assembly of Niger, alleged coming under the threat of arrest and the seizure of his properties by the Defendants, on the grounds that some ineligible expenses incurred by the Energy Fund Administrators are attributable to him as a former Minister of Commerce.

7° Case No. ECW/CCJ/APP/07/10

Kemi Pinheiro

v.

Republic of Ghana

The Applicant claims that the restriction that was made in 2009, thereby allowing only Ghanaian nationals to register to practice law, is a violation of his right of establishment and residence wherever he wants, in the ECOWAS Community space. Indeed the Applicant's registration to the law school in 2009 was rejected on the grounds that only Ghanaian nationals are allowed to do so. The Applicant believes that the Republic of Ghana has violated his right and requests the Court to sanction the Defendant State.

8° Case No. ECW/CCJ/APP/08/10

Cheikh Abdoulaye Mbengue

v.

Republic of Mali

Mr. Cheikh Abdoulaye Mbengue filed a complaint in Mali for forgery and breaches of trust against Mr. Bruno Kabouté Ahadji his co-partner in the management of a Limited Liability Company. The judge declared a non-suit for lack of facts. Due to this final decision, Mr. Ahadji in turn lodged a complaint for false accusation before the same judge. In its notification procedure, the judge issues against the Applicant an arrest warrant after unfruitful summons, whereas as a result of new evidence, the Public Prosecutor at the same court has requested the reopening of the case for new charges of forgery. He came to the Court seeking 1) the denunciation of a violation by the Republic of Mali of Articles 5, 7 and 12 of the African Charter on Human and Peoples' Rights, Articles 2, 12 and 14 of the International Covenant on Civil and Political Rights. 2) an Order for the Republic of Mali, through its justice, to proceed by the reopening of the case between Cheikh Abdoulaye Mbengue and Bruno Kabouté Ahadji, on the strength of new facts; withdraw the international arrest warrant issued against him. And 3) order the Republic of Mali to pay the sum of 200 million Francs in damages for the moral and material prejudice he suffered.

9° Case No. ECW/CCJ/APP/09/10

Dr. Emmanuel U. Nnanji

v.

President A.J.J Jammeh and two others



The complainant, who is a retiree from the American Investigative Services, has been a resident of the Gambia for some time now, due to health reasons. He complains of the seizure of his checks representing his social security pension that he has been receiving through the U.S. Embassy in the Gambia since November 2005. Indeed, agents of the 1st Defendant dispossessed him of his house and continue to harass and mistreat him.

10^o Case No. 10^o ECW/CCJ/APP/10/10

Registered Trustees of the Socio-Economic Rights and Accountability Project and 10 others

v.

Federal Republic of Nigeria and 4 others

The Applicants alleged the violation of their rights, especially the rights to demonstrate and participate in political action, the right to decent housing, property, life, safety and dignity of the human person and the right to a home, privacy, freedom of movement, health and freedom to choose one's residence. Indeed the authorities of Rivers State (Federal State in Nigeria) are planning to demolish their city shoreline. This mobilised the Applicants to hold a peaceful protest march which was quelled. They therefore argued that the Defendants violated their economic, social, cultural, civil and political rights, which they are asking the Court to recognise and restore.

11^o Case No. ECW/CCJ/APP/11/10

Mrs. Oluwatosin Rinu Adewole

v.

ECOWAS Council of Ministers and 3 Others

The Applicant complained of the choice of another person as the Human Resources Officer at the ECOWAS Court of Justice, on the grounds that, at the interview, she was the best in all areas, notably in performance, qualifications and work experience. She claims that the person who was employed submitted her application after the deadline, and that she does not have the requisite qualifications to be a candidate. She added that this person resigned shortly after her appointment, and returned her diplomatic assets to the Court, but was reinstated illegally, in violation of the ECOWAS Staff Regulations.

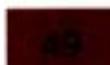
12^o Case No. ECW/CCJ/APP/12/09

Mrs. Améganvi Isabelle Manavi and Mr. Fabre Jean Pierre, Lawson-Banku Boèvi Patrick, Ouro-Akpo Tchagnaou Nafiou, Atakpamey Thomas Kodjo, Nanti Kowari, Attikpa Akakpo, Ketoglo Yao Victor and Bruce Ahli Apenya

v.

The Republic of Togo

The Applicants, all members of the National Assembly of Togo were removed and replaced by their substitutes as a result of a divergence of view; they resigned from their original political party, which



is the UFC, to create a new parliamentary group of their own, the ANC. The Bureau of the National Assembly proceeded, accordingly, based on prior resignation forms compulsorily filled in by the Applicants, before placing of their names on their earlier party list in parliamentary elections. Despite their protest and denunciation of what they consider a conspiracy, the Constitutional Court of Togo validated the decision of the Bureau of the National Assembly. They came to the Court of Justice to press charges of breach, by of National Assembly and the Constitutional Court of Togo, of Protocol A/SP1/12/01 on Democracy and Good Governance and the African Charter on Human and Peoples' Rights. Accordingly, they are asking the Republic of Togo should be ordered to reinstate the Applicants back to their seats in the National Assembly of Togo and be paid them damages to be determined by the Court, for reparation of prejudice suffered.

13° Case No. ECW/CCJ/APP/13/10

Dr. Rose Mbatomon Ako

C/

West Africa Monetary Agency and 4 others

The Applicant that she was unlawfully dismissed from her position as Director of Research and Operations of the West Africa Monetary Agency (WAMA) by the second Defendant. She claims that her removal from her official residence is illegal and that her right to privacy was violated. She is asking the Court to recognise the breach and sanction it.

14° Case No. ECW/CCJ/APP/14/10

Mr. Badini Salfo

v.

Burkina Faso

In September 2010, the Applicant said he was arrested at his house by the Investigation Department of the Gendarmerie of Burkina Faso, and considered as responsible for carrying out general attacks. At the Gendarmerie, he was chained and severally starved, which, according to the Brigade, was aimed at extracting information from him. After a period of sixty (60) days, and despite the intervention of the Public Prosecutor of Burkina Faso, he remains detained, in violation of the Code of Criminal Procedure in force in Burkina Faso, particularly under Article 75 concerning the legal period for detention, and Article 5 of Law No. 017-2009/AN of 5 May 2009 on the fight against high profile criminalities. Not only did the police fail to carry out the instructions of the Public Prosecutor of Burkina Faso, the Gendarmerie paraded the Applicant on national television. That is why he sued Burkina Faso at the Court, for violation of his human rights. He asked the Court to order his immediate release by Burkina Faso.

SUMMARY OF APPLICATIONS REGISTERED DURING THE YEAR 2010

S/N	FILE NUMBER	DATE OF REGISTRATION	SUBJECT - MATTER
1	ECW/CCJ/APP/01/10 MR. SIDI LAMINE OULD LAGOIF v. REPUBLIC OF MALI	14 / 01 / 10	Human Rights: Violation of the right to fair hearing
2	ECW/CCJ/APP/02/10 MRS. AGNES NWEIGHA v. FEDERAL REPUBLIC OF NIGERIA, & 2 OTHERS	11/02/10	Human Rights: Applicant's fundamental human rights.
3	ECW/CCJ/APP/03/10 ALHAJI MUHAMMAD IBRAHIM HASSAN v. GOVENOR OF GOMBE STATE. & OTHER S.	15/02/10	Human rights: vilation of the right to human dignity
4	ECW/CCJ/APP/04/10 MR. OSAHON ASEMOTA v. ATTORNEY GENERAL OF NIGERIA, & 3 OTHERS	20/04/10	Human rights: recognition of the rights of the human person of Applicant
5	ECC/CCJ/APP/05/10 MR. MAMADOU TANDJA v. GENERAL SALOU DJIBO & REPUBLIC OF NIGER	14/07/10	Human rights: illegal & arbitrary detention, violation of the right to health & health care
6	ECW/CCJ/APP/06/10 MR. SEINI OUMAROU v. ANTI – CORRUPTION COMMISSION OF NIGER REPUBLIC, & OTHER.	02/08/10	Human Rights
7	ECW/CCJ/APP/07/10 KEMI PINHERO v. REPUBLIC OF GHANA	25/08/10	Human Rights

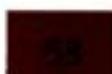
8	ECW/CCJ/APP/08/10 CHEIKH ABDOULAYE MBEN̄GUE v. REPUBLIC OF MALI	28/10/10	
9	ECW/CCJ/APP/09/10 DR. EMMANUEL NNAJI v. PRESIDENT A. J. J. JAMMEY OF REPUBLIC OF THE GAMBIA, & OTHERS	28/10/10	
10	ECW/CCJ/APP/10/10 THE REGISTERED TRUSTEES OF THE SOCIO-ECONOMIC RIGHTS & ACCOUNTABILITY PROJECT & 10 OTHERS v. FEDERAL REPUBLIC OF NIGERIA, & 4 OTHERS	29/10/10	
11	ECW/CCJ/APP/11/10 MRS. OLUWATOSIN RINU ADEWOLE v. ECOWAS COUNCIL OF MINISTERS, & 3 OTHERS.	09/11/10	
12	ECW/CCJ/APP/12/10 MRS. MANAVI ISABELLE AMEGANVI & 8 OTHERS v. REPUBLIC OF TOGO.	30/11/10	
13	ECW/CCJ/APP/13/10 DR. ROSE MBATOMON AKO v. WAMA & 4 OTHERS.	01/12/10	
14	ECW/CCJ/APP/14/10 MR. BADINI SALFO v. BURKINA FASO.	13/12/10	

I.2 JUDGMENTS AND INTERIM DECISIONS

For 2010, the Court delivered as many judgments (07) as interlocutory decisions (08).

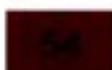
FINAL JUDGMENTS

01	ECW/CCJ/APP/09/08	DAUDA GARBA v. REPUBLIC OF BENIN	ECW/CCJ/JUD/01/10	17/02/10
02	ECW/CCJ/APP/11/08	MAHAMAT SEID ABAZENE v. REPUBLIC OF MALI & 2 OTHERS	ECW/CCJ/JUD/02/10	04/03/10
03	ECW/CCJ/APP/05/09	EDOH KOKOU v. ECOWAS COMMISSION	ECW/CCJ/JUD/03/10	03/06/10
04	ECW/CCJ/APP/10/06	FEDERAL REPUBLIC OF NIGERIA v. 1. DJOT BAYI TALBIA & 14 OTHERS 2. CHIEF OF NAVAL STAFF	ECW/CCJ/JUD/04/10	03/06/10
05	ECW/CCJ/APP/05/10	MAMADOU TANDJA v. GENERAL SALOU DJIBO & REPUBLIC OF NIGER	ECW/CCJ/JUD/05/10	08/11/10
06	ECW/CCJ/APP/07/08	HISSENE HABRE v. REPUBLIC OF SENEGAL	ECW/CCJ/JUD/06/10	18/11/10
07	ECW/CCJ/APP/08.09	ECW/CCJ/APP/10/10 THE REGISTERED TRUSTEES OF THE SOCIO-ECONOMIC RIGHTS & ACCOUNTABILITY PROJECT & 10 OTHERS v. FEDERAL REPUBLIC OF NIGERIA, & 4 OTHERS	ECW/CCJ/JUD/07/10	01/12/10



INTERIM DECISIONS AND ORDERS

1	ECW/CCJ/APP/05/08	OCEAN KING NIG. LTD v. REPUBLIC OF SENEGAL	ECW/CCJ/RUL/01/10	27/04/10
2	ECW/CCJ/APP/07/08	HISSENE HABRE v. REPUBLIC OF SENEGAL	ECW/CCJ/RUL/02/10	14/05/10
3	ECW/CCJ/APP/10/07	FEMI FALANA & ANOR v. REPUBLIC OF BENIN & 14 OTHERS	ECW/CCJ/RUL/03/10	03/06/10
4	ECW/CCJ/APP/04/09	PETER DAVID v. AMB. RAPH UWECHUE	ECW/CCJ/RUL/04/10	23/06/10
5	ECW/CCJ/APP/11/09	REGISTERED TRUSTEES OF THE SOCIO-ECONOMIC RIGHTS & ACCOUNTABILITY PROJECT & ANOR v. ATTORNEY GENERAL OF THE GAMBIA & OTHERS	ECW/CCJ/RUL/05/10	23/06/10
6	ECW/CCJ/APP/06/09	HON. VALENTINE JIMMY EWOR v. FEDERAL REPUBLIC OF NIGERIA & 3 OTHERS	ECW/CCJ/RUL/06/10	28/09/10
7	ECW/CCJ/APP/01/08	STARCREST INVESTMENT LTD v. PRESIDENT ECOWAS COMMISSION & 3 OTHERS.	ECW/CCJ/RUL/07/10	03/12/10
8	ECW/CCJ/APP/04/09	PETER DAVID v. AMB. RAPH UWECHUE	ECW/CCJ/RUL/08/10	03/12/10



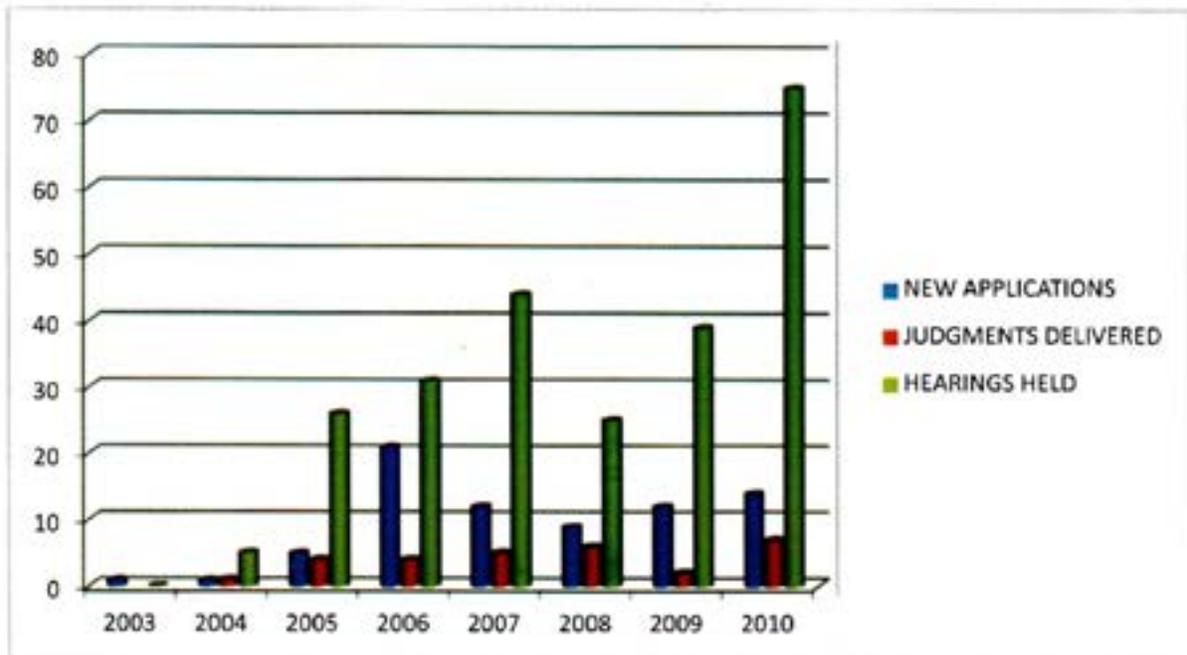
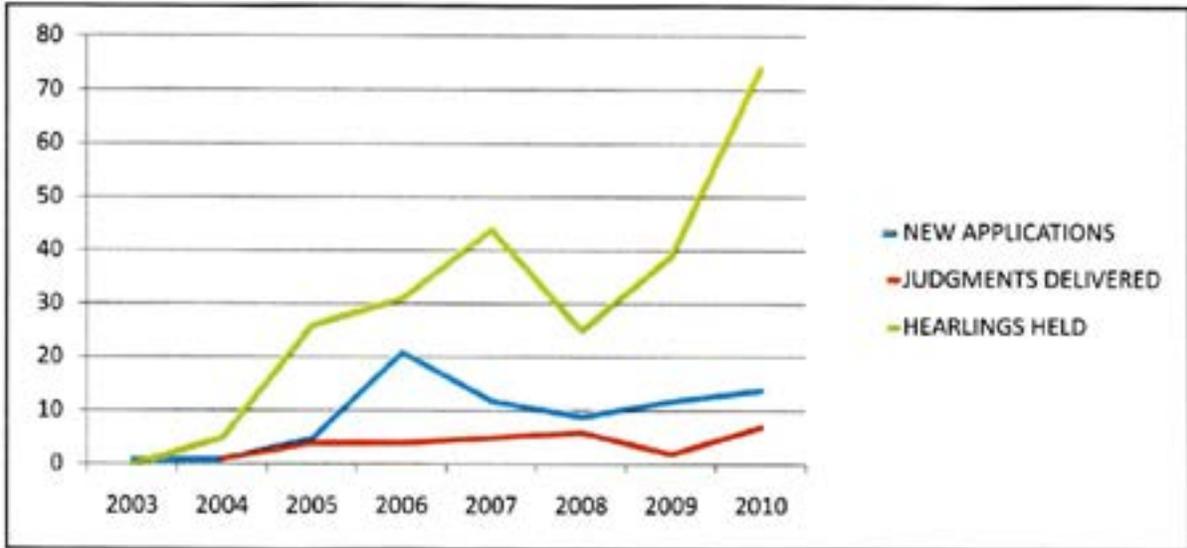
I. 3 STATISTICS OF COURT SESSIONS HELD IN 2010

The increase in the judicial activities of the Court is reflected, not only in the number of decisions delivered, but also by the number of hearings held. Since its first hearings in 2004, never has the Court held so many hearings and made so many decisions.

MONTHS	NUMBER OF HEARINGS	OBSERVATION
JANUARY	5	
FEBRUARY	6	
MARCH	5	
APRIL	6	
MAY	7	
JUNE	15	
JULY	4	COURT VACATION
AUGUST	1	COURT VACATION
SEPTEMBER	14	
OCTOBER	10	
NOVEMBER	5	
DECEMBER	7	
TOTAL	85	

I. 4 Table And Graphical Presentations Of Statistics Of The Registry Since 2003

YEAR	NEW CASES	JUDGMENTS DELIVERED	HEARINGS HELD	OBSERVATIONS
2003	01		0	
2004	01	01	05	
2005	05	04	26	
2006	21	04	31	1 external court session held at Bamako
2007	12	05	44	1 external court session held at Bamako
2008	09	06	25	6 external court sessions held at Niamey
2009	12	05	41	
2010	14	7 Final Judgments & 8 Rulings	85	



CHAPTER II: ADMINISTRATION AND FINANCE

II.1 RESOURCE AND EQUIPMENT OF THE COURT

II. 1.1 The library

In the year 2010, the Court continued with the policy it defined in the previous year, which was to equip the Community Court of Justice, ECOWAS with a reference library, which meets the requirements of its judicial activities and those of the entire Community.

In line with this, the library continued implementation of the policy of acquiring publications in law covering the areas of jurisdiction of the Court of Justice, including international law, Community law and human rights law.

In 2010, the Library also engaged in the acquisition of publications on national legislation (national law) of all Member States of the ECOWAS Community, to enable Members of the Court and research officers to understand the context of cases. It further proceeded to order books in English, French and Portuguese; to subscribe specialised legal journals in English and French and the acquire materials and working equipment for the library (shelves, computers, and printers).

It should be emphasised that apart from the areas mentioned above, the library also possesses books in public finance law, litigation law in the civil service, law of arbitration and other documents relating to the jurisdiction of the Court .

The volume of the publications in the library in 2010 is estimated at **3,063**, including **1,711** reference books, and **1,352** monographs, divided as follows

- English Section...**2073 books** (monographs and reference books);
- French section **803 books** (ditto)
- Portuguese section **187 works** (ditto).

In the area of cooperation, the library of the Court also possesses publications of the United Nations High Commission for Human Rights, on a voluntary basis, provided by the Regional Representative for West Africa, whose headquarters is in Dakar (Senegal).

In the same vein, the Court respectively received from the Commonwealth Court of Justice and the NGO the OSIWA reference works " Commonwealth Law Reports and Nigerian Weekly Law Reports."



The documentary works acquired are all in the following table:

	Reference books		Monographs		Languages			Total	
	2009	2010	2009	2010	2009	2010	2009	2010	
English					1958	2073			
French					546	803			
Portuguese					54	187			
Total	1648	1711	910	1352			2558	3063	

II.1.2 Vehicles

In 2010, due to a redeployment exercise, staff at the Transport Unit was increased. The Court acquired two new vehicles and organised a public auction on those due for replacement, as a result of depreciation. There are 13 (thirteen) automobile vehicles at the Court's automobile pool as represented in the table below.

	Mercedes Benz	Peugeot	Toyota	Honda	Mitsubishi
1	4 (Berline)	2(Berline)	1(Bus)	1(Berline)	1(SUV)
2			2(Berline)		
3			1(SUV)		
4			1(Hilux)		
Total	4	2	5	1	1
Total in the Pool = 13					

Besides, the tender procedure for facilitating the acquisition of travel documents for judges and staff travels, which commenced in 2009, was successfully completed in 2010 and the expected services were duly provided.

II.1.3 Computer equipment

Apart from acquiring computers, UPS units, consumables and spare parts for computers and printers, and the installation of intranet equipment and wireless internet connection, the Court completed the creation of its website and is working at improving upon its network connection system.



II.2 Capacity building

During the year 2010, the Court continued to implement the recruitment plan approved by the ECOWAS Council of Ministers. This plan provides for a set of vacancies to be filled each year until 2010.

In terms of strengthening the professional capabilities of the staff, the Court continued and completed the first training scheme from 2009 to 2010. For the first time, the Court began drafting its strategic plan.

II.2.1 Recruitment

For 2010, the Court advertised the following vacant positions:

- One vacancy advertisement for 5 positions of Office Aide;
- One vacancy advertisement for 2 positions of translators (French - English (P4), 2 English-French translators (P4), 1 post of interpreter French-Portuguese (P5);
- Vacancy advertisement for 2 positions of Recorders (P1), a position of Information Officer (P2), a Librarian position (P2) and one post of Recorder (P3)

Following these advertisements, the Court recruited staff to the following positions:

- For G Category: five (5) Office Aides on Grade G1
- For Category P: an Accountant on P3, an Information Officer on P3, and a Senior Recorder on P3.

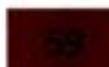
II.2.2 Staff training

The Court continued the implementation of the 2009 – 2010 training scheme. For 2010, the training scheme concerned the professional category and locally recruited staff in the following order of priority:

- Research,
- The Registry
- The Office of the Judges,
- Language Services Division
- Human Resources, Finance and Procurement.

This second phase of the training programme was funded solely from the Court's budget, including:

- 175 000 Units of Account for 20 professional staff,
- 160 000 Units of Account for 50 locally recruited staff.



Through the co-operation relationship and mutual exchange the Court was able to conduct with the Court of Justice of the European Union, particularly in 2009, the EU Court received staff from the Language Services Division and other professional staff to share experience in the various fields of competence of the sister court of justice.

For the G-staff category, the Court organised at Lokoja, Nigeria, the advanced stage of "Initiation into Law" for the Secretaries, and other Secretaries from the ECOWAS Parliament joined the group. Other G-staff were sent to other specialised institutions in Member States like Nigeria and Ghana.

The table below presents a picture of staff members who benefited from one training programme or the other in 2010. It should be noted that the General Service support staff, such as drivers and office aides could not be catered for this year, due to the amount allocated in the budget, which was once again very limited this year, but also because of the demands of staff, most of whom desire to go for more long-term missions overseas, rather than relevant short training sessions that could enhance their performance, and in the interest of the Institution.



Drivers of the Court: Among those in the front row is the Head of the Transport Unit (4th from right), and his Assistant (5th from right)

TABLE SHOWING TRAINING ORGANISED FOR P-STAFF

No.	Beneficiaries	Venue of the training	Duration	Domain
01	Chief Registrar and Deputy Chief Registrar	Washington	2 weeks	Judicial administration, case management, management of case files
02	Recorder	Kaduna / Nigeria	2 weeks	Recording of proceedings and translation of legal terminology
03	Personal Assistants of the Honourable Judges, a Research Officer and Deputy Chief Registrar (French language group)	Court of Justice of the EU	1 week	Sharing of experience: the organisation and jurisdiction of the EU Court, the role of the Advocate General; co-operation between national courts and the Court; function of the judgment reader, and the jurisprudence of the Court and the search tools and Internet access, protection of fundamental rights, the protection of consumers in European Union law and the functioning of the Registry and review of admissibility of application
04	Personal Assistants of Honourable Judges and one Research Officer (English and Portuguese language group)	Court of Justice of the EU	1 week	Sharing of experience: the organisation and jurisdiction of the EU Court, the role of the Advocate General; co-operation between national courts and the Court; function of the judgment reader, and the jurisprudence of the Court and the search tools and Internet access, protection of fundamental rights, the protection of consumers in European Union law and the functioning of the Registry and review of admissibility of application
05	Translators and Revisers	Court of Justice of the EU	2 weeks	Translation and revision of legal documents, role of the jurist-linguist, databases and research tools, documentary sources for translation, terminology and language training among fellow translators
06	Translators and Revisers	Court of Justice of the EU	2 weeks	Translation and revision of legal documents, role of the jurist-linguist, databases and research tools, documentary sources for translation, terminology and language training among fellow translators

07	Research Officer	Court of Justice of the EU	2 weeks	Sharing experience on the functioning of the EU Court, the running of the Department of Research and streamlining of research work
08	Research Officer	International Institute of Human Rights	4 weeks	International law and comparative law of human rights
09	Head Library and Documentation Division	Court of Justice of the EU	1 week	Library management and methodology of documentary research
10	Information Officer	Port Harcourt / Nigeria	2 weeks	Information and communication management
11	Head of Administration and Human Resources	Paris	2 weeks	Human resource management in public services
12	Administration Officer	Accra / Ghana	2 weeks	Public service and leadership
13	Translators and Interpreters	Seat of the Court in Abuja	2 weeks	Advanced legal terminology
14	Administrators of the Court's website	Seat of the Court in Abuja	1 week	
Total Staff Participation				20 Officers



TABLE SHOWING TRAINING ORGANISED FOR G-STAFF

No.	Beneficiaries	Venue of training	Duration	Domain
01	Secretaries, Accountants, Protocol and Information Officers	Lokoja	2 weeks	Introduction to Law: Advanced Stage
02	Library Assistant	Lagos (LB WORKS)	2 weeks	Modern Trends in Library Operations and Services.
03	Registry Staff	Kaduna	2 weeks	Information and communication technology at the workplace, for the functioning of the registry and procedure
04	Information Officers	Port- Harcourt/ Nigeria	2 weeks	Improving upon the techniques of administrative writing
05	Research Assistants	USA	2 weeks	Techniques of legal writing
06	Procurement Officers	Kaduna	1 week	Ethics and professionalism at work
07	Administrative and Personnel Assistants	Accra, Ghana	2 weeks	Human resource management
08	Protocol Assistants	London		Events and functions management
09	Transport Officers	Kaduna	1 week	Productivity, time and human relations management at work
10	Accounts Assistants	Kaduna	2 weeks	Improving upon accounting techniques in the public sector
11	Secretaries to the Honourable Judges	Kaduna	2 weeks	Strategies of co-ordination in the work of the secretary and skills development
12	All non- Francophone Office Aides	French Cultural Centre, Abuja	36 months	Introduction to French Language
	Total staff participation			50 Officers



II. 2. 3. Training of interns

Regarding non-Nigerian trainees who are nationals of ECOWAS Member States, for 2010, the Court once again registered several applications for internships, but due to reasons pertaining to sponsorship, some of the applicants could not come to Abuja. Thus, out of four applications, only two were eventually able to carry out the requested internship programmes.

- From 17 June to 19 July, Mrs. Julie Rose Ouedraogo, investigating judge at the Tribunal de Ouagadougou, completed an internship at the Court and prepared a document on "The Community Court of Justice of West African States and the National Judiciary of Members States".
- Mr. Sylvain Ore Esq., whose training began in December 2009, continued the said training until February 2010, culminating in the writing of a report for the purposes of the award of a DESS (a Professional M. Phil Degree) on "Human Rights Protection in West Africa by the ECOWAS Court of Justice".

It is worthy to note that the Court gave Mr. Ore some form of luck, he was subsequently appointed Judge at the African Union Court of Justice and he is contributing to the strengthening of relations of co-operation between the two Courts.

- Mr. Zoumana Camara Esq., who began his internship at the Court on 23 November 2010, is still pursuing the programme.

II. 2. 4 Social services

Following the decision of the Council of Ministers instructing all ECOWAS Institutions to group themselves under a single retirement regime, the Court held several work sessions at Dubai with ALICO, an American insurance company, so as to terminate the contracts signed with them regarding retirement providence fund, and to repatriate the funds of the contributions already made. It was equally confirmed in September 2010 that the funds have been returned and lodged in a bank account at Abuja, with the credit balance reading 880,357.33 US Dollars.

II.3 Financial resources of the Court

II.3.1 Resources derived solely from the Court's funds

At the beginning of the year 2010, the Court prepared its financial report for the 2009 financial year, comprising expenditure, balance statements and proof documents. These data were submitted to external auditors who, after auditing, concluded that the financial situation of the Court was satisfactory and in good order as at 31 December 2009.

For the year 2010, the Court had a significant improvement in its revenues, derived from the Community Levy and through the ECOWAS Commission, with 86.44% implementation of the total

ACTIVITIES REPORT 2009 - 2011

budget allocated for the year.

The total balance of expenditures made represented 77.32% of the budget. These were essentially expenditures on administration and staff, which alone took 88% of the total expenditure. The other 12% expenses incurred went to capacity building, sensitisation missions, equipment of the Court, judicial retreat, budget retreat.

However, in spite of this improvement, the Court still sees in its accounting books, arrears of contribution due to be paid by Member States.

II.3.2 Resources from external resources

For the year 2010, the Court pursued and completed the implementation of the co-operation assistance programme offered by Ford Foundation. This assistance programme represented an amount of US\$300,000 and concerned particularly the organisation of a seminar on human rights and equipment of the Court.

However, it is worthy to note that two important activities earmarked to be financed within the framework of this programme of assistance could not be carried out. The activities in question were the computerisation of the Registry and the establishment of a virtual library. The Court and its development partner, Ford Foundation, agreed to re-schedule the amount of US\$100,000 which was the funds assigned to these activities.



Sensitization mission in Kano State: Delegation of the Court with students of the Law Faculty, Bayero University.

CHAPTER III: PROMOTIONAL ACTIVITIES

The promotion of law in general, Community law and human rights in particular, has always been considered as forming part of the mandate assigned to the Court. The Court has therefore continued to implement its sensitisation programmes, dissemination of law and jurisprudence of the Court. If 2010 saw less of sensitisation activities on law, programmes designed to increase in awareness on the existence of the Court were largely promoted. Indeed, following the seminar organised at Lome on 12 and 13 October 2009 for journalists, the Court established excellent communication links with the national, regional and international press, who now relay information on the Court to the general public.

III.1 Sensitisation missions

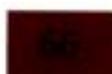
It is worthy to recall that in connection within the framework of the implementation of its sensitisation programme-schedule, by 2009, the Court had already conducted sensitisation missions in 14 Member States. Thus, for 2010, it organised its 15th sensitisation mission at Kano and Zaria, in Kano State and Kaduna State respectively, both in Nigeria. From 17 to 22 May 2010, a delegation of the Court met university lecturers and authorities at the Faculty of Law, Bayero University, the Nigeria Law School, Baguda, the Faculty of Law, Ahmadu Bello University, Zaria. They also met members of the Chamber of Commerce, women traders' associations, members of the civil society, the Bar Association, the police, customs, immigration and Nigerian parliamentarians in the Kano area, a place of intense international trans-border activities.

III.2 Training and information sessions

As regards information and training seminars, it is significant to note the following: seminar on human rights, information session organised by the Communication Division, distribution of documents and publications.

III.2.1 Seminar on human rights

In connection with the execution of the Ford Foundation assistance programme, the court organised a training seminar on human rights on "Community public service". This seminar was organised at the ECOWAS Parliament and among participants were staff of the ECOWAS Court, the ECOWAS Commission and the ECOWAS Parliament. The objective of the seminar was to explain the rights and obligations of officers of the Court and the avenues for resolving conflict on their status, and to review the various branches of law. It enabled participants to acquaint themselves with the legal concepts of the Community and the rules of procedure of the ECOWAS Court of Justice.



III.2.2 Information sessions

Like other similar international courts, the Court often organises information seminars upon request. Thus, when visitors come to the Court, either the Head of the Institution or the Chief Registrar or a resource person from the Court provides them with information on the Court, by way of a conference. This kind of activity is often conducted through questions and answers and it is organised by the Information Division in collaboration with the Protocol Unit.

III.2.3 Information activities

The Court took full advantage of the meetings organised with the media houses in 2009 to deepen relations between the Communication Division of the Court and the media. Thus, the Division communicates directly with Radio France International (RFI), British Broadcasting Corporation (BBC), Agence France Press (AFP), Reuters and Associated Press (AP), not forgetting the local, national, regional and international press. Through these media bodies, key judgments delivered by the Court in the cases concerning Mamadou Tandja, SERAP or Hissein Habré were reported on the front pages of newspapers and as a natural consequence, increased awareness about the Court.

Providing information on the Court equally involves distributing documentation. Documents on the Court were distributed during the seminar the Court organised at Bamako, in Mali, from 22 to 26 March 2010, in collaboration with GIABA/LFT (Inter-Governmental Action Group against Money Laundering and against Terrorism Financing). Apart from the various presentations made by Judges of the Court, participants (French-speaking and Portuguese-speaking participants, Mauritians and French experts) were provided with all the publications on the Court.

This exercise of distributing documents was again put into effect during the sensitisation mission the Court carried out from 17 to 22 May at Kano and Kaduna, more especially during the press conference organised on that occasion.

Similarly, the Court made full use of special events such as the external court session held at Ouagadougou from 20 to 23 April 2010 and the legal year ceremony held on 22 September 2010, to distribute its basic texts and other publications.

III.2.4 Publications

This concerns the publication and production of documents and audio-visual materials. Apart from press releases on specific activities engaged in by the Court, two periodicals are published by the Court: the Newsletter and the Court Bulletin.

The first edition of the Court Bulletin was published in 2008. But since then, the frequency of publication has reduced because various stakeholders show very little interest in writing the articles needed to keep the series going.



But, the rate of publication of the Newsletter has been maintained regularly. It came out in 2009 and constitutes a more efficient tool of communication. This tool, which is published fortnightly, is compiled in book form and is available at the Information Division and the Court library.

The Court Bulletin reviews the status of the applications lodged at the Court Registry for a determined period of time whereas the Newsletter deals with activities of the Head of Institution at Abuja and beyond. The Newsletter also announces future events of the Court and taps information from reports filed on visits made to the Court and from local and regional seminars.

These two instruments of communication, which are sources of information on the Court, are distributed at events and meetings organised by the Court and whenever the Court is invited for similar functions.

It is worthy to note however that public awareness on the Court largely depends of the regular and qualitative publication of these two communication tools. It is therefore incumbent upon each and everyone, the Honourable Judges of the Court, the Professional Staff, not forgetting the Directors and Heads of Department/Division, to endeavour to prepare articles on their respective areas of activity, to be reproduced in the Court Bulletin.

The Management of the Court should take it upon itself to make a demand on articles, or else be prepared to witness the two information and communication tools on the life of the Institution fade into extinction.



Group Picture: Legal training for Secretaries, held at Lokoja in October 2010

CHAPTER IV: VISITS AND MISSIONS OF CO-OPERATION

IV.1 Visits to the Court

The year 2010 began at the Court with the presentation of the best wishes from the staff to the Management, and on that occasion, the Court received the unexpected visit of a delegation from the people living in the neighbourhood, who paid tribute to the President and Judges for giving them high consideration without any prejudice for rank, race, social class or religion. It was on 19th January 2010.

The President of the ECOWAS Commission, His Excellency Ambassador James Victor Gbeho, was the guest of honour at the Court on 10 December 2010. The visit was in connection with strengthening inter-institutional relations between the Commission and the Court.

On 5 February 2010, the Court received Mr. Thierno Balala, the Manager/Co-coordinator of OSIWA, on a working visit. Discussions focused on strengthening the cooperative relations between the NGO OSIWA and the Court. This relationship, which has been in existence since 2005, concerned the support which OSIWA was offering the Court in the form of assistance with computer equipment and Internet connection. During this visit, OSIWA expressed its intention to extend its cooperation with the Court to other fields of activities, consistent with the mandate of the Court, such as staff capacity building, equipping the library according to standard norms, and funding programmes of the Court which deal with the promotion of justice and human rights protection.

On 29 February 2010, the Honourable President received the First Counsellor at the Embassy of France in Nigeria, Mr. Francis Guenon. The main purpose of the visit was to discuss procedures for teaching French to the English-speaking staff of the Court.

On 8 March 2010, the Court received on an official visit, the Director of French Cultural Centre in Abuja, Mrs. Garance Jouney, for discussions with the Court on the offer from OIF (Organisation Internationale de la Francophonie) to teach 36 months of French language courses to the English-speaking staff of the Court. A ceremony was held in the courtroom, giving an official outlook to the launching of this programme for the teaching of French (one of the three official languages of the Community). The learning of the official languages of the Community forms part of the capacity building scheme for the staff of the Court.

On 2 June 2010, the Court received the Ambassador of Mali to Nigeria, His Excellency Mr. Aboubacar Karamoko Coulibaly, who had come to end of his stay in Nigeria. He said he was convinced that the Court occupied a strategic position in the regional integration process. In considering the journey so far made, the Ambassador said that he had closely followed events and is aware of the significant work done by the Judges and the Court. He praised their indefatigable spirit and tenacity and expressed his belief in building a strong West Africa whose future and success depend on the Court. He pledged to

continue providing support for the Court from his new position and encouraged the Judges in the performance of their work.

On 13 December 2010, the Court received Ms. Julie Heraud, Consultant of the European Union on mission to identify the needs of the Court, for the purposes of drawing up a support programme from the European Union to the ECOWAS Community. The mission of the consultant comes within the general context of interactions between ECOWAS and the European Union, to identify areas of interest to be earmarked in the programmes of assistance from the European Union to ECOWAS.

V.2 Inter-institutional activities

Inter-institutional cooperation, which was previously limited to interaction among ECOWAS institutions and other international courts, has now been extended to bodies belonging to the UN and the African Union.

V.2.1. Cooperation with ECOWAS Institutions and Member States

The Honourable President of the Court was the guest of honour at the celebration of International Women's Day, organised by the ECOWAS Commission on 8 March 2010 at Protea Hotel, Abuja. All the female staff of the Court also participated in the programme.

The Court jointly held with GIABA, a seminar on money laundering and terrorist financing, in Bamako, Mali, from 22 to 26 March 2010. The seminar brought together some forty judges of English-speaking and Portuguese-speaking countries in ECOWAS and the main objective was to inform and train participants in the fight against the two scourges. The Court also contributed to the drafting of the GIABA strategic plan.

From 6 to 16 April 2010, all ECOWAS Institutions met for a retreat at Minna, to review the tender code.

From 20 to 23 April, the Court held its fourth hearing outside the seat of the Court, on the premises of the Supreme Court of Burkina Faso, in a case concerning Community public service. It was once again an opportunity to appreciate the top quality of co-operation with the domestic courts of Member States, because, throughout the duration of this hearing, Members of the Court were surrounded by Chief Justices of Burkina Faso Supreme Court, the Burkina Faso Bar Association, the President of the Court of Auditors and a large audience, diligent and attentive to the proceedings, paving the way to provide the Community citizens of the host country with information on the Court and to create awareness on its existence.

On 30 April 2010, the Court organised an information day on human rights for members of staff of the three Community Institutions based in Abuja. The seat of the ECOWAS Parliament was the venue of the function and the objective was to get staff from the various departments of the Community

Institutions acquainted with their fundamental rights and duties. The officers of the Department of Research, Documentation and Communication of the ECOWAS Court were in charge of the practical organisation and conduct of the event. The opening ceremony was done by the Secretary General of the ECOWAS Parliament, with the President of the Community Court of Justice in attendance.

In accordance with ECOWAS texts, the Court administered on 2 July, 2010, at the 38th Ordinary Session of the Authority of Heads of State and Government at Sal, in Cape Verde, the oath of office on the new President of the ECOWAS Commission, His Excellency Ambassador James Victor Gbeho.

On 30 July 2010, the ECOWAS team in charge of early warning came to the Court on an official visit and in search of information.

One event which equally portrayed the healthy relations between the Court and other ECOWAS institutions was the opening ceremony of the 2010/2011 legal year of the Court, in September 2010, which recorded the actual presence of many representatives of the Community Parliament and the ECOWAS Commission. The Chairman of the ECOWAS Council of Ministers and the Minister of Justice of the Federal Republic of Nigeria sent their representatives.

The Court witnessed the participation of several ECOWAS Commissioners. A representative of the Office of the Financial Controller and a delegation from WABA and NBA were also present.

The Court took part in the first forum on regional regulation of the electricity sector of ECOWAS, held on 9 and 10 November 2010 in Accra, and presented a paper on "the potential situations between the various Community courts in the region; an analysis of areas of jurisdiction of the Community Courts and a presentation of different cases of conflict of jurisdiction; prospects and solutions."

V. 2. 2 Cooperation with regional and sub-regional Courts

On the initiative of the Centre for Research and Documentation of the Ecole Regionale Superieure de la Magistrature, the ECOWAS Court of Justice, together with the Courts of OHADA, UEMOA, CEMAC, EAC and regional organisations such as AIPO, CIMA and CIPRES shared ideas, from 24 to 26 January 2011, on the challenges of "competitiveness in the coexistence of Community laws" in order to explore approaches for solutions to possible conflicts of jurisdiction between the Community courts.

V. 2. 3 Cooperation with organs of the African Union

- A delegation led by the Honourable President of the Court participated in a symposium of the African Court of Human Rights and similar institutions, organised by the African Court on Human and Peoples' Rights in Arusha, Tanzania, from 4 to 6 October 2010. The purpose of this symposium was to share experience and lay a foundation for co-operation among institutions of similar endeavour.
- A member of staff of the Court was delegated by the Department of Political Affairs of the

African Union to take part in meetings held in Banjul and Arusha, to design a strategy on human rights in Africa. The same person also attended the Annual Conference of the African Institute of Corporate Governance on the theme "Democracy and Human Rights in Africa", on 6 December 2010. This meeting was aimed at seeking new avenues and innovative approaches to democracy and human rights so as to argue out the necessary link between democracy and human rights, for the purposes of development governance in Africa.

V. 2. 4 Cooperation with UN bodies

- A delegation of 3 members of staff from the Court participated in the International Workshop organised by the United Nations High Commissioner for Human Rights, in Geneva on 3 and 4 May 2010 on "strengthening co-operation between regional and international bodies for the promotion and protection of human rights". The Geneva workshop provided the opportunity for discussing proposals made during the regional forums on this subject-matter and the mode of implementation.
- A delegation of two members of staff from the Court participated in the Africa Zone regional forum on "strengthening co-operation between regional and international bodies for the promotion and protection of human rights" which was held at Addis Ababa, Ethiopia.
- The Court also took part in a meeting organised by the United Nations High Commission for Human Rights on the Universal Periodic Review (UPR) mechanism, so as to fashion out modalities for implementing this new mechanism put in place by OHCHR for improving upon human rights control systems worldwide.

V. 2.5 Co-operation with civil society organisations

It must be noted that in 2010, co-operation with civil society organisations was stepped up, particularly in the field of information sharing.

In that connection, the Court received on 12 October 2010, a delegation from Avocats Sans Frontières (Lawyers Without Borders). Discussions focused on opportunities for co-operation between the Court and the delegation, including the setting up of a network to combat torture, capital punishment and human rights violations in West Africa. The same day, the Court received Mr. Simon Sob, Project Manager at the Regional Office of the Fredrich Ebert Stiftung Foundation.

CHAPTER V: OTHER ACTIVITIES

V. 1 Judicial Retreat

Following the recommendations of the first judicial retreat, to establish this event as an annual activity of the Court, a second Judicial Retreat was held from 10 to 14 July and was devoted to the consideration and adoption of a number of documents critical to the functioning of the Court. They concern the proposed Arbitration Rules of the Court, the Practice Direction and the Compendium of the Jurisprudence of the Court. The Retreat equally considered the report of the Committee responsible for considering issues of harmonisation of legislation relating to the Court.

V.2 Opening Ceremony of the legal year

After the Court vacation, the Court marked the opening of the legal year 2010-2011 with a solemn ceremony held on 22 September 2010 under the theme "Towards a consolidation of the achievements of the ECOWAS Court of Justice." During the ceremony, all speakers took turns to acknowledge the need to strengthen the effectiveness of the Court, in order to enable it carry out its missions. The opening of the legal year hosted high-ranking officials of ECOWAS Institutions, the Federal Republic of Nigeria and Chancelleries accredited to Nigeria.

V. 3 Budget Retreat

Following the judicial retreat, the Court held another retreat, still in Mina in Niger State, to consider and adopt its draft budget and programme of activities for the year 2011.

V.4 International Conference

The International Conference is an annual activity of the Court. However, the subject of the 2010 Conference was part of the recommendations of the 2010 Administration and Budget Retreat, which considered that, as part of the celebration of 10 years of the Court, and given the theme of the said celebration, the Court should seize the opportunity of the International Conference to review and determine a plan to strengthen its effectiveness, particularly in terms of its accessibility and enforcement of its decisions. Also, the 2010 International Conference was positioned as a prelude to the celebration of 10 years of the Court and held in Accra from 22 to 25 February 2011. The conference identified strategies for strengthening the decisions of the Court and its accessibility; it then adopted a plan of enforcement that identifies the stakeholders concerned and necessary resources.

Part III:
Activities Of The Court From
January To December 2011

CHAPTER I: JUDICIAL ACTIVITIES

According to Article 11 of Protocol A/P.1/7/91, the Registry plays a fundamental role in the judicial functions of the Court. Its activities include receiving, processing, transmitting and serving all applications, pleadings and supporting documents lodged in the Registry by the parties as well as providing information relating to the judicial functions of the Court to members of the public and stake holders. For the year 2011, the Court held 73 hearings, made 10 rulings, 9 final judgments and recorded the following 30 applications:

I.1 Applications lodged

1. ECW/CCJ/APP/01/11
REPUBLIC OF COTE D'IVOIRE & ANOR
v.
AUTHORITY OF HEADS OF STATE & GOVERNMENT, ECOWAS

This case is consolidated presently and bears the suit number: ECW/CCJ/APP/16/10

2. ECW/CCJ/APP/02/11
MOUKHTAR IBRAHIM AMINU
v.
GOVERNMENT OF JIGAWA STATE OF NIGERIA & 3 ORS

The Plaintiff filed an Application before the Court because of the violation of his rights and the rights of his family based in the Federal Republic of Nigeria.

The Plaintiff who is a 26 year old student avers that the Defendants jointly or collectively connived and detained the Plaintiff under horrendous and inhumane conditions for eleven days amongst hardened criminals who tortured him repeatedly. The Plaintiff avers that he was arraigned before a magistrate court for the offence of insulting the Governor and was denied bail. Thereafter, he was offered freedom based on a public apology and allegiance to the Governor and his political party. The Plaintiff further alleges that upon his release, he and his family are hiding in an undisclosed location in fear of further harassment.

The Plaintiff seeks the Court to order the Defendants to discontinue persecuting, arresting, intimidating, embarking on illegal trial, harassing, detaining or in any way affecting the Plaintiff's human rights.

3. ECW/CCJ/APP/03/11
THE INCORPORATED TRUSTEES OF THE MIYETTI ALLAH KAUTAL HORE SOCIO-CULTURAL ASSOCIATION
v.
FEDERAL REPUBLIC OF NIGERIA

The Plaintiff alleges that the continual unlawful killing of Fulani men, women and children by tribal hordes in Plateau State. The Plaintiff also alleges that there is continued stealing and killing of the cattle and animals of Fulani people by the tribal hordes in Plateau State.

The Plaintiff seeks the Court to order the Defendant to pay to the Plaintiff the sum of N9,922,019,921 (nine billion, nine hundred and twenty two million, nineteen thousand, nine hundred and twenty one naira; N200,000,000.00 (two hundred billion naira) as exemplary and aggravated damages; and provide security to all members of the Fulani people wherever they may be in Plateau State.

4. ECW/CCJ/APP/04/11
ORGANISATION & FORUM INTER-SERVICES (OFIS AFRIQUE)
V.
ECOWAS COMMISSION

The Plaintiff alleges that the Defendant failed to fulfill its contractual obligation under the training agreement when it failed to send its participants for the training and failed to inform the Plaintiff that the participants would not attend the training. The Plaintiff seeks the Court to order the Defendant to pay the sum CFA 3,150,000 (three million, one hundred and fifty thousand CFA francs).

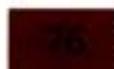
5. ECW/CCJ/APP/05/11
SIKIRU ALADE
V.
FEDERAL REPUBLIC OF NIGERIA

The Plaintiff alleges the violation of his right to liberty by the Defendant resulting from his arrest and continued detention without prosecution. The Plaintiff seeks the Court to order the Defendants, its officers, servants, agents and privies to release the Plaintiff immediately and pay general damages in the sum of N20,000,000.00 (twenty million naira) for the unlawful detention.

6. ECW/CCJ/APP/06/11
SHAGBAOR JOSEPH YONGO & 4 ORS
V.
THE GOVERNMENT OF BENUE STATE OF NIGERIA & 7 ORS

The Plaintiffs' filed an Application before the Court due to the sustained violation of the Plaintiffs' various human rights by the Defendants. The Plaintiffs allege that the Defendants did not provide security to their community despite being aware of the impending attacks and the continued refusal to provide security after the Plaintiffs were attacked. The Plaintiffs allege that they were completely overwhelmed and devastated by the attacks because of the consequent destruction of property and lives. The Plaintiffs seek the Court to order the Defendants to establish forthwith in their community a modern Police Station fully equipped with sufficient service personnel to prevent any other attacks and pay the Plaintiffs damages in the sum of N1 billion on the footing of exemplary and aggravated damages for the unlawful violation of the Plaintiffs rights.

7. ECW/CCJ/APP/07/11
MR. VALENTINE AYIKA
V.
REPUBLIC OF LIBERIA



The Plaintiff filed an Application before the Court because of the violation of the Plaintiff's right to possession and enjoyment of property amongst others. The Plaintiff alleges that the confiscation by the Defendant of his money in the sum of USD508,200.00 (five hundred and eight thousand, two hundred United States Dollars) based on the allegation that the money is the proceed of drug related offences and money laundering, pending the conclusion of investigation by the Defendant's national police into the allegation and trial of the Applicant for same. The Plaintiff alleges that the Defendant refused to release the money to him despite the Defendant's positive police report of the investigation and the directive of the Defendant's Minister of Justice and Attorney General to the Executive Governor of the Central Bank of Liberia to release the funds to the Plaintiff. The Plaintiff seeks the Court to order the Defendant to release forthwith the sum of USD508, 200.00 with interest at the rate of 21% from 9/9/06 till date of final liquidation amongst others.

8. ECW/CCJ/APP/08/11
MR. AZIABLEVI YOVO & 31 ORS
V.
TOGO TELECOM COMPANY & ANOR

The Plaintiff alleges that the violation of the Plaintiffs' right to equality before the law and their right to equal protection by the law. The Plaintiffs aver that the Defendants refused to pay them their seniority and retirement bonuses despite judgment by the courts in Togo for them to do so. The Plaintiff seeks the Court to enforce the said judgment against the Defendants.

9. ECW/CCJ/APP/09/11
REGISTERED TRUSTEES OF THE SOCIO-ECONOMIC RIGHTS & ACCOUNTABILITY PROJECT (SERAP)
V.
FEDERAL REPUBLIC OF NIGERIA & ANOR

The Plaintiff filed an Application before the Court due to the violation of the human rights of members of the National Youth Service Corps (NYSC) and their families, to life; to sanctity and integrity of human person; to equal protection of the law; and violation of the families' right to basic enjoyment of economic and social rights. The Plaintiff alleges that according to its investigation at least ten members NYSC that served as ad-hoc staff to the Independent Electoral Commission (INEC) during the last 2011 elections lost their lives during the post election violence in some states in the northern part of Nigeria. The Plaintiff avers that the actions of the Defendants are grossly inadequate and falls short of the requirements of international human rights law as it does not reflect the various losses suffered by the resultant deaths. The Plaintiff seeks the Court to order the Defendants to ensure the rights of all NYSC members serving in all parts of the country to life and sanctity of the human person and pay the adequate monetary compensation of \$500,000,000.00 (five hundred million US Dollars).

10. ECW/CCJ/APP/10/11
MR. HARUNA WARKANI & ANOR
V.
PRESIDENT OF THE ECOWAS COMMISSION & ANOR

The Plaintiffs allege that the Defendants violated the Plaintiffs' right of association, assembly and representation by interfering, usurping, abridging, restricting and purporting to suspend the Plaintiffs' right to convene and conduct the meeting of Professional Staff members. The Plaintiffs' allege that the

Defendants gave them a query and subsequently suspended them based on series of events which followed a mandated action from the P staff. The Plaintiffs seek the Court to order the Defendants to pay to them their salaries and other emoluments of office and reparations of UA 1 million to each Plaintiff for the prejudice suffered as staff representatives in the course of carrying out their duties.

11. ECW/CCJ/APP/11/11
MR. JOSHUA IYAMU & ANOR
v.
PRESIDENT OF THE ECOWAS COMMISSION & ANOR

The Plaintiffs allege that the Defendants violated the Plaintiffs' right of association, assembly and representation by interfering, usurping, abridging, restricting and purporting to suspend the Plaintiffs' right to convene and conduct the meeting of General Staff members. The Plaintiffs' allege that the Defendants gave them a query and subsequently suspended them based on series of events which followed a mandated action from the G Staff. The Plaintiffs seek the Court to order the Defendants to pay to them their salaries and other emoluments of office and reparations of UA 1 million to each Plaintiff for the prejudice suffered as staff representatives in the course of carrying out their duties.

12. ECW/CCJ/APP/12/11
SA'ADATU UMAR
v.
FEDERAL REPUBLIC OF NIGERIA

The Plaintiff filed an Application before the Court because of the violation of her right to personal liberty, freedom of movement, respect of the integrity and dignity of her human person. The Plaintiff avers that she was arrested and detained with her three children without being charged or arraigned before any court based on the allegation that she aided the escape of her husband and his friend who are wanted by the police. The Plaintiff avers that while in detention with her children she has little or no food due to the poor detention facilities are in urgent need for medical attention as a result of the poor feeding. The Plaintiff seeks the Court to order the Defendant to release her and her children forthwith to and pay the sum of N10,000,000.00 (ten million naira) being compensation for the illegal violation of the Plaintiff's rights.

13. ECW/CCJ/APP/13/11
ALIYU TASHEKU
v.
FEDERAL REPUBLIC OF NIGERIA

The Plaintiff filed an Application before the Court due to the violation of his personal liberty, freedom of movement, respect of the integrity and dignity of his human person. The Plaintiff avers that he was arrested by the Nigerian Police and detained for more than eight months even though the Chief Magistrate Court 1 granted him bail. The Plaintiff avers that he lives in fear of extra-judicial execution while in detention and has been denied medical attention in spite of his illness. The Plaintiff seeks the Court to order the Defendant forthwith to release the Plaintiff from police detention and pay to the Plaintiff the sum of N10,000,000.00 (ten million naira) being compensation for the violation of the Plaintiff's human rights.

14. ECW/CCJ/APP/14/11
MRS. BATIONO IDA PELAGIE
V.
BURKINA FASO

The Plaintiff avers that she has been arbitrarily arrested and detained for fraud, following some purchases that she made on behalf of her NGO. The Plaintiff seeks the Court to order the Defendant to adjudicate on her numerous requests for bail.

15. ECW/CCJ/APP/15/11
DR. ROSE MBATOMON AKO
V.
WEST AFRICAN MONETARY AGENCY (WAMA) & 5 ORS

The unlawful termination of the Plaintiff's contract of employment with the West African Monetary Agency (WAMA); unlawful eviction of the Plaintiff from her official residence; the gross violation of the Plaintiff's rights to privacy; unlawful holding over of her properties, making her an internally displaced person and the defamation of her character and honour. The Plaintiff seeks the Court to compel the Defendants to immediately pay to the Plaintiff, jointly and severally as special damages for the injuries suffered as a result of the actions of the Defendants towards the Plaintiff; including her arrears of salaries and allowances of about \$5,240.91 (WAUA 3,248) monthly, loss of use of premises, recovery of personal properties, breach of contract, etc from 1st June, 2009 until date of judgment and estimated as at end of June 2011 to total one million, one thirty six thousand, five hundred and ten united states dollars, ten cents (\$1,136,510.10); to pay the sum of fifty million united states dollars (50,000,000.00) as general damages for the inhumane and degrading treatment the Plaintiff was subjected to by the Defendants; to pay to the Plaintiff the sum of five million United Dollars (\$5,000,000.00) as general damages for the defamation of the Plaintiff's character amongst others.

16. ECW/CCJ/APP/16/11
GROUPE RACECO
V.
COMMISSION OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)

The Plaintiff avers that the Defendant did not carry out its contractual obligation to pay for the service that the Plaintiff rendered to the Defendant which is the broadcast and programming of twelve monthly documentaries. The Defendant seeks the Court to order the Defendant to pay the sum CFA 50,000, 000.00 (fifty million CFA) to the Plaintiffs as interest to Plaintiff for all categories of prejudices suffered and that all sums claimed both principal and interest shall be paid at the official rates in interests accruable thereto.

17. ECW/CCJ/APP/17/11
LAURENT GBAGBO
V.
REPUBLIC OF COTE D'IVOIRE & ANOR

The Plaintiff avers that he was declared winner at the last Presidential Elections but removed from power by anti-democratic means and placed under house arrest. He declares that he has been

deprived of basic rights without justification and denied access to justice. He further avers that the Defendant has violated his political right of immunity as a Head of State when it initiated proceedings against him. The Plaintiff seeks the Court to order the Defendant to conform itself with the provisions of its internal legislation which declared him as winner of the Presidential elections and order his final or provisional release pending the report to be submitted by the Independent Commission which will be set up.

18. **ECW/CCJ/APP/18/11**
SIMONE EHIVET GBAGBO & ANOR
V.
REPUBLIC OF COTE D'IVOIRE

The Plaintiffs aver that they were arrested and subjected to inhuman and degrading treatment by the members of the armed forces. The 1st Plaintiff avers that she was forcefully separated from her husband and that the Defendant has violated their freedom of movement. The Plaintiff seeks the Court to order the Defendant to respect the immunity of the 1st Plaintiff as a Member of the House of Assembly of Cote d'Ivoire and order their immediate release.

19. **ECW/CC/APP/19/11**
GNASSINGBE KPATCHA & 25 ORS
V.
REPUBLIC OF TOGO

The Plaintiffs aver that the violation of the rights to life, to safety of the human person, acts of torture and fair hearing within a reasonable time. The Plaintiffs seek the Court to declare that the Defendant is liable of infringement of their human rights and order the Defendant to allow the Plaintiffs enforce the right of fair hearing within reasonable time limit before a court to investigate the allegations and dispense justice promptly.

20. **ECW/CCJ/APP/20/11**
DA-SILVEIRA HERME & 5 ORS
V.
REPUBLIC OF TOGO

The Plaintiffs aver that the violation of the rights to life, to safety of the human person, acts of torture and fair hearing within a reasonable time. The Plaintiffs seek the Court to declare that the Defendant is liable of infringement of their human rights and order the Defendant to allow the Plaintiffs enforce the right of fair hearing within reasonable time limit before a court to investigate the allegations and dispense justice promptly.

21. **ECW/CCJ/APP/21/11**
AZIAGBEDE KOKOU & 34 ORS
V.
REPUBLIC OF TOGO

The Plaintiffs allege the infringement of rights to life, to safety of the human person, freedom from torture and fair hearing within a reasonable time. The Plaintiffs allege that the Defendant's security agents committed these human rights violations against them with impunity. The Plaintiffs seek the Court to declare that the Defendant is liable of infringement of their human rights and order the

Defendant to allow the Plaintiffs enforce the right of fair hearing within reasonable time limit before a court to investigate the allegations and dispense justice promptly.

22. ECW/CCJ/APP/22/11
ATSOU KOMLAVI & 34 ORS
V.
REPUBLIC OF TOGO

The Plaintiffs allege the violation of the rights to safety of person, acts of torture and right of fair hearing within a reasonable time. The Plaintiffs claim that they and their families due to the loss of their properties and have suffered irrecoverable injuries to their bodies. The Plaintiffs seek the Court to order the Defendant to permit the Plaintiffs enforce their right to fair hearing within reasonable time by investigation into the allegations on torture and promptly bring to justice the offenders.

23. ECW/CCJ/APP/23/11
TOMEKPE ABRA LANOU & 29 ORS
V.
REPUBLIC OF TOGO

The Plaintiffs aver that the violation of the rights to life, to safety of the human person, acts of torture and fair hearing within a reasonable time. The Plaintiffs claim that they were arbitrarily arrested, detained, and tortured which led to death for some of them. The Plaintiffs also claim that the Defendants justice system refused to investigate the complaints of Plaintiffs and that it encourages impunity by refusing to investigate the complaints lodged by the Plaintiffs. The Plaintiffs seek the Court to declare that the Defendant is liable for the infringement of human rights which were perpetuated by the security forces of the Defendant; order the Defendants to investigate and prosecute the perpetrators immediately; and order the prompt reparation for the prejudice suffered.

24. ECW/CCJ/APP/24/11
ASSIMA KOKOU INNOCENT & ANOR
V.
REPUBLIC OF TOGO

The Plaintiffs allege that the violation of their rights to life, to safety of the human person, acts of torture and fair hearing within a reasonable time. The Plaintiffs aver that they were arbitrarily arrested, detained and tortured. The Plaintiffs seek the Court to order the Defendants to investigate the allegation and bring the perpetrators to justice and to order the Defendants to pay each of the victims an amount that the Court may deem fit as reparation for the prejudice suffered.

25. ECW/CCJ/APP/25/11
UZORMINA AMAKA
V.
FEDERAL GOVERNMENT OF NIGERIA & 3 ORS

The Plaintiff alleges that the violation of the Plaintiff's right to life and dignity, right against arbitrary deprivation of his right, right to liberty, right to have his case heard within reasonable time, right to be presumed innocent. The Plaintiff seeks the Court to direct the immediate and unconditional release of the Plaintiff from prison or police detention forthwith and restrain the Respondents from further arresting or detaining her. The Plaintiffs also seek an order directing the Defendants and/or their

servants, agents or privies to pay adequate general damages amounting to N105,066,204,016.00 (one hundred and five billion, sixty six million, two hundred and four thousand, sixteen naira).

26. ECW/CCJ/APP/26/11
REGISTERED TRUSTEES OF THE SOCIO-ECONOMIC RIGHTS & ACCOUNTABILITY PROJECT (SERAP)
V.
FEDERAL REPUBLIC OF NIGERIA

The Plaintiff avers that the violation of the rights to access to justice and judicial independence; to a fair hearing; and to an effective remedy in the suspension of Honourable Justice Ayo Salami, as President Court of Appeal (PCA) by the Defendant. **The Plaintiff** seeks the Court to order the Defendant to reinstate Justice Isa Ayo Salami as President of the Court of Appeal forthwith and restrain the Defendant whether by itself and/or its agents from further interfering in the judicial process and the rule of law in any manner in Nigeria whatsoever and however.

27. ECW/CCJ/APP/27/11
REGISTERED TRUSTEES OF JAMA'A FOUNDATION & 5 ORS
V.
FEDERAL REPUBLIC OF NIGERIA & ANOR

The Plaintiffs aver that the sustained violation of the right to life; to sanctity and integrity of the human person; to equal protection of the law, and right to basic enjoyment of economic and social rights of the Plaintiffs' and Muslim members of Southern Kaduna. **The Plaintiffs seek the Court to** order the Defendants, their servants, agents and privies to respect, protect, promote, fulfill and ensure the right of the Plaintiffs and all the members of their community to life and sanctity of human person; and other internationally recognized human rights; order the Defendants to establish forthwith within the Kafanchan / Zonkwa Area a military base to complement a well and fully equipped police base with sufficient service personnel to forestall further occurrence of similar wanton destruction of lives and properties in the community; and order the Defendants and/or their servants, agents or privies to pay adequate monetary compensation for lives lost and properties destroyed.

28. ECW/CCJ/APP/28/11
EL HADJI MAME ABDOU GAYE
V.
REPUBLIC OF SENEGAL

The Plaintiff alleges that the Defendant arbitrarily arrested and detained him for claims of his constant contact with a terrorist. The Plaintiff is seeking for an order of Court for his release and compensation for unlawful detention.

29. ECW/CCJ/APP/29/11
R. S. M. AUDU DAFFI (RTD)
V.
THE FEDERAL REPUBLIC OF NIGERIA

The Plaintiff alleges that the Defendant neglected in its duty to protect his life when certain Fulani men invaded Wereh Community and brutally stabbed, injured and fired three (3) gunshots into the Plaintiff's head and neck. The Plaintiff further alleges that consequent to the attack he suffers from partial disability to his body. He seeks the Court to declare that the stabbings and gunshots inflicted on

him is as a result of ethnic cleansing by Fulanis in Plateau State on Nigeria which is a gross violation of his right to life; and order the Defendant to pay to the Plaintiff the sum of N7, 000,000,000.00 (Seven Billion Naira Only) being compensation and special damages for grave bodily injury, loss of parts of his feelings, emotions and partial disability together with loss of earnings.

**30. ECW/CCJ/APP/30/11
DAYDA HYDARA JR. & 2 ORS
V.
THE REPUBLIC OF THE GAMBIA**

The Plaintiff avers the continues failure of the Defendants to conduct an effective investigation into the killing of Mr. Deyda Hydara in Banjul in December, 2004, in violation of the right to life, freedom of expression and press freedom. The Plaintiff seeks the Court to order General and Special damages for pecuniary and non-pecuniary loss to be paid to the first two Plaintiffs, and other heir to Mr. Hydara, as compensation for the violation of their father's human rights to life and freedom of expression, to be quantified at the appropriate stage of the proceedings.

1.2 Interlocutory applications filed in 2011

Within the said period, forty seven (47) interlocutory Applications were filed in the following cases:

- a. **ECW/CCJ/APP/15/10**
MEDIA FOUNDATION OF WEST AFRICA
V.
THE REPUBLIC OF THE GAMBIA
- An Application for Extension of Time to file Defence dated 28th February, 2011.
 - Notice of Preliminary Objection dated 28th February, 2011.
- b. **ECW/CCJ/APP/16/10(CONSOLIDATED)**
IVORIANS FOUNDATION FOR THE OBSERVATION AND MONITORING OF LIFE (FIDHOP) & 4 ORS
V.
AUTHORITY OF HEADS OF STATE AND GOVERNMENT OF ECOWAS
- An Application for Stay of Execution dated 28th February, 2011.
 - An Application for Intervention dated 14th February, 2011.
 - Notice of Preliminary Objection by 1st Defendant dated 24/2/11
 - Application for Stay of Execution dated 28/2/11
 - Application for Intervener dated 29/3/11
- c. **ECW/CCJ/APP/07/10**
KEMI PINHEIRO V. REPUBLIC OF GHANA
- Application for leave to file Response to Defendant's Reply dated 5th May, 2011.
 - Application for Amendment dated 21st November, 2011.
- d. **ECW/CCJ/APP/10/10**
SERAP & 10 Ors V. FEDERAL REPUBLIC OF NIGERIA & 4 ORS
- Application for Extension of time dated 21st June, 2011.
 - Application for Dismissal dated 21st June, 2011.

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- e. **ECW/CCJ/APP/02/11**
MOUKHTAR IBRAHIM AMINU
V.
GOVERNMENT OF JIGAWA STATE & 3 ORS
- An Application for Expedited Procedure dated 17/2/11
 - Notice of Preliminary Objection by 1st and 2nd Defendants dated 4th March, 2011.
 - An Application for extension of time from the 4th Defendant dated 23rd May, 2011.
 - An Application for Extension of time dated 23/5/11
- f. **ECW/CCJ/APP/03/11**
THE INCORPORATED TRUSTEES OF MIYETTI ALLAH KAUTAL HORE SOCIO-CULTURAL ASSOCIATION
V.
FEDERAL REPUBLIC OF NIGERIA
- An Application for Amendment of Initiating Application by the Plaintiff dated 8th March, 2011.
 - An Application for Judgment in Default of Defence dated 13th April, 2011.
 - An Application for leave to intervene dated 5/7/11
 - Motion for calling witness dated 15/8/11
 - Motion for Departure from the Rules of Court dated 23/8/11
- g. **ECW/CCJ/APP/05/11**
SIKIRU ALADE
V.
THE FEDERAL REPUBLIC OF NIGERIA
- Application for Expedited Procedure dated 21/3/11
 - An Application for Extension of Time to file Defence out of time dated 24th June, 2011.
 - An Application for amendment of Initiating Application dated 24th June, 2011.
- h. **ECW/CCJ/APP/06/11**
SHAGBAOR JOSEPH YONGO & 4 ORS
V.
THE GOVERNOR OF BENUE STATE OF NIGERIA & 7 ORS
- An Application for Extension of Time to file Defence and other Processes by 6th – 7th Defendants dated 5th May, 2011.
 - Notice of Preliminary Objection by the 6th to 7th Defendants dated 10th May, 2011
 - Application for Extension of time to file 4th & 5th Defendants' Defence dated 21st June, 2011.
 - Notice of Preliminary Objection by 4th and 5th Defendants for an Order of Court striking out the Plaintiffs' suit against the 4th & 5th Defendants for lack of Jurisdiction, dated 27th September, 2011.
- i. **ECW/CCJ/APP/07/11**
MR. VALENTINE AYIKA
V.
REPUBLIC OF LIBERIA
- Motion for Expedited Procedure dated 6/4/11
 - An Application for Dismissal filed by the Defendant, dated 11th May, 2011.

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- j. **ECW/CCJ/APP/08/11(CONSOLIDATED)**
HARUNA WARKANI & ANOR V. PRESIDENT ECOWAS COMMISSION & ANOR
- An Application for leave to amend Defendant's Rejoinder dated 21st November, 2011.
 - Plaintiff's Preliminary Objection to Defendant's Motion dated 6th November, 2011
- k. **ECW/CCJ/APP/12/11**
SA' ADATU UMAR V. FEDERAL REPUBLIC OF NIGERIA
- An Application for Extension of time to file Defence dated 5th December, 2011.
- l. **ECW/CCJ/APP/13/11**
ALIYU TASHEKU V. FEDERAL REPUBLIC OF NIGERIA
- An Application for leave to file CTC of Documents dated 15th June, 2011.
- m. **ECW/CCJ/APP/15/11**
DR. ROSE MBATOMON AKO V. WAMA & 5 ORS
- An Application for Expedited Procedure dated 15th July, 2011
- n. **ECW/CCJ/APP/17/11**
LAURENT GBAGBO V. REPUBLIC OF COTE D' IVOIRE
- An Application for Expedited Procedure dated 21st July, 2011.
- o. **ECW/CCJ/APP/19/11**
GNASSINEGBE KPATCH & ORS V. REPUBLIC OF TOGO
- An Application for Expedited Procedure dated 22nd August, 2011.
- p. **ECW/CCJ/APP/20/11**
DA-SILVERMA HERMES & 5 ORS V. REPUBLIC OF TOGO
- An Application for Expedited Procedure dated 22nd July, 2011.
- q. **ECW/CCJ/APP/21/11**
AZIAGBEDE KOKOU & 34 ORS V. REPUBLIC OF TOGO
- An Application for Expedited Procedure dated 22nd July, 2011.
- r. **ECW/CCJ/APP/22/11**
ATSOU KOMLAVI ORS & ORS V. REPUBLIC OF TOGO
- An Application for Expedited Procedure dated 22nd July, 2011.
- s. **ECW/CCJ/APP/23/11**
TOMEKPE A. LANOU & 29 ORS V. REPUBLIC OF TOGO
- An Application for Expedited Procedure dated 22nd July, 2011.
- t. **ECW/CCJ/APP/24/11**
ASSIMA K INNOCENT & ORS V. REPUBLIC OF TOGO
- An Application for Expedited Procedure dated 22nd July, 2011.
- u. **ECW/CCJ/APP/27/11**
REGISTERED TRUSTEES OF JAMA'A FOUNDATION & ORS V. FEDERAL REPUBLIC OF
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NIGERIA

- An Application for Expedited Procedure dated 8th August, 2011.
- An Application for Extension of time to file Notice of Preliminary Objection dated 24th October, 2011.
- Notice of Preliminary Objection dated 24th October, 2011
- Plaintiff's Response to Defendant's Preliminary Objection dated 24th November, 2011.

v. **ECW/CCJ/APP/28/11**

EL HADJ MAME ABDOU GAYE V. REPUBLIC OF SENEGAL

- An Application for Expedited Procedure dated 21st September, 2011.
- Defendant's objection to motion for Expedited procedure dated 14th November, 2011

w. **ECW/CCJ/APP/30/11**

DEYDA HYDARA JR. & 2 ORS V. THE REPUBLIC OF GAMBIA

- Preliminary Objection by Defendant dated 15th December, 2011.

I.3 Judgments delivered in 2011

Between January and December a total number nine (9) Judgments were delivered in the following cases:

1. **ECW/CCJ/JUD/01/11**
El- Hadji Tidjani Aboubacar
V.
BCEAO- Central Bank of West Africa & Anor
Judgment delivered on **8th February, 2011**
2. **ECW/CCJ/JUD/02/11**
Sidi Amar Ibrahim & Anor
V.
Republic of Niger
Judgment delivered on **8th February, 2011**
3. **ECW/CCJ/JUD/03/11**
Bakary Sarre & 28 Ors
V.
Ministry of Justice of Mali & Mali Republic
Judgment delivered on **17th March, 2011**
4. **ECW/CCJ/JUD/04/11**
Petrostar Nigeria Limited
V.
Black Berry Nigeria limited & Anor
Judgment delivered on **18th March, 2011**
5. **ECW/CCJ/JUD/05/11**
Centre for Democracy & Development & Anor
V.

President Mamadou Tandja & Anor
Judgment delivered on 9th May, 2011

6. **ECW/CCJ/JUD/06/11**
Starcrest Investment Limited
V.
The President of ECOWAS Commission & 3 Ors
Judgment delivered on 8th July, 2011
7. **ECW/CCJ/JUD/07/11**
Ocean King Nigeria Limited
V.
Republic of Senegal
Judgment delivered on 8th July, 2011
8. **ECW/CCJ/JUD/08/11**
Cheikh Abdoulaye Mbengue
V.
Republic of Mali
Judgment delivered on 7th October, 2011
9. **ECW/CCJ/JUD/09/11**
Madame Ameganvi Isabelle Manavi
V.
Republic of Togo
Judgment delivered on 7th October, 2011

1.4 Rulings made between January and December 2011

Rulings were given on the following ten (10) cases:

1. **ECW/CCJ/APP/01/10**
Sidi Lami Ould Mohammed Lagoif
V.
Republic Of Mali
Ruling Delivered on 17th March, 2011
2. **ECW/CCJ/APP/17/10**
Mr. Godswill Mrakpor & 5 Ors
V.
The Authority of the Heads of State of ECOWAS & Anor
Ruling Delivered on 18th March, 2011
3. **ECW/CCJ/APP/04/10**
Osahon Asemota
V.
Attorney General of Federal Republic of Nigeria
Ruling Delivered on 21st March, 2011
4. **ECW/CCJ/RUL/09/10**

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- Dr. Emmanuel Nnaji
V.
Republic of The Gambia
Ruling Delivered on 7th April, 2011
5. **ECW/CCJ/APP/02/11**
Moukhtar Ibrahim Aminu
V.
Government of Jigawa State of Nigeria & 3 Ors
Ruling Delivered on 7th July, 2011
6. **ECW/CCJ/APP/06/09**
Peter David
V.
Ambassador Raph Uwechue
Ruling Delivered on 8th July, 2011
7. **ECW/CCJ/APP/03/11**
Incorporated Trustees of Miyetti Allah Kautal Hore Socio-Cultural Association
V.
Federal Republic of Nigeria
Ruling Delivered on 13th July, 2011
8. **ECW/CCJ/APP/28/11**
El Hadj Mame Abdou Gaye
V.
Republic of Senegal
Ruling Delivered on 16th November, 2011.
9. **ECW/CCJ/APP/07/11**
Valentine Ayika
V.
Republic of Liberia
Ruling Delivered on 19th December, 2011.
10. **ECW/CCJ/APP/03/11**
Incorporated Trustees of Miyetti Allah Kautal Hore Socio-Cultural Association
V.
Federal Republic of Nigeria
Ruling Delivered on 20th December, 2011
- 1.5 **Pending cases between January and December 2011**
1. **ECW/CCJ/APP/03/09**
Pte. Aliyu Akeem
V.
Federal Republic of Nigeria & Anor
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2. **ECW/CCJ/APP/10/07**
Femi Falana & Anor
V.
The Republic of Benin & 2 Ors
3. **ECW/CCJ/APP/ 15/10**
Media Foundation for West Africa
V
The Republic of The Gambia
4. **ECW/CCJ/APP/11/07**
Musa Saidykhan
V
The Republic of The Gambia
5. **ECW/CCJ/APP/07/10**
Kemi Pinheiro
V
Republic of Ghana
6. **ECW/CCJ/APP//08**
Dr. Mahamat Seid Abazene Seid
V.
Republic of Mali & 2 Ors
7. **ECW/CCJ/APP/10/10**
The Registered Trustees of the Socio-Economic Rights & Accountability
Project (SERAP) & 10 Ors
V.
Federal Republic of Nigeria & 4 Ors
8. **ECW/CCJ/APP/08/09**
The Registered Trustees of the Socio-Economic Rights & Accountability
Project (SERAP)
V.
Federal Republic of Nigeria & Anor
9. **ECW/CCJ/APP/03/11**
Incorporated Trustees of Miyetti Allah.....Association
V.
Federal Republic of Nigeria
10. **ECW/CCJ/APP/14/10**
Baldini Salfo
V.
Burkina Faso
11. **ECW/CCJ/APP/14/09**
Jibril Yusuf

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- V.
Republic of Benin
12. **ECW/CCJ/APP/07/11**
Valentine Ayika
V
Republic of Liberia
13. **ECW/CCJ/APP/08/11**
Aziablevi Yovo & 31 Ors
V
Societe Togo Telecom & Anor
14. **ECW/CCJ/APP/09/11**
The Registered Trustees of the Socio-Economic Rights & Accountability
Project (SERAP)
V.
Federal Republic of Nigeria & Anor
15. **ECW/CCJ/APP/04/11**
Organisation & Forum Inter-Services (Ofis-Afrique)
V.
ECOWAS Commission
16. **ECW/CCJ/APP/10/11**
Haruna Warkani & Anor
V.
President ECOWAS Commission & Anor
17. **ECW/CCJ/APP/11/11**
Joseph Iyamu & Anor
V.
President ECOWAS Commission & Anor
18. **ECW/CCJ/APP/12/11**
Sa'adatu Umar
V.
Federal Republic of Nigeria
19. **ECW/CCJ/AAP/13/11**
Aliyu Tasheku
V.
Federal Republic of Nigeria
20. **ECW/CCJ/APP/16/11**
Groupe Raceco
V
ECOWAS Commission
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21. **ECW/CCJ/AAP/14/11**
Bationo Idafleur Pelagie
V.
Burkina Faso
 22. **ECW/CCJ/APP/15/11**
Dr Rose Mbatomn Ako
V
West African Monetary Agency (WAMA) & 5 Ors
 23. **ECW/CCJ/APP/17/11**
Laurent Gbagbo
V
Rep. of Cote Divoire
 24. **ECW/CCJ/APP/18/11**
Simone E. Gbagbo & Ors
V
Rep. of Cote Divoire
 25. **ECW/CCJ/APP/05/11**
Sikiru Alade
V
The Federal Republic of Nigeria
 26. **ECW/CCJ/APP/06/11**
Shagbaor Joseph Yongo & 4 Ors
V
The Governor of Benue State of Nigeria & 7 Ors
 27. **ECW/CCJ/APP/02/11**
Moukhtar Ibrahim Aminu
V.
Government of Jigawa State of Nigeria & 3 Ors
 28. **ECW/CCJ/APP/16/10**
Ivorian Foundation for The Observation &
Monitoring of Human Rights & Political Life (FIDHOP) & 2 Ors.
V.
Authority of Heads of State & Government, ECOWAS
 29. **ECW/CCJ/APP/06/10**
Seini Oumarou
V
Economic & Financial Crime Commission & Anor
 30. **ECW/CCJ/APP/11/10**
Oluwatosin Rinu A.
V
- 

Council of ministers of ECOWAS & 3 Ors

31. **ECW/CCJ/APP/03/10**
Alh. Muhammed Ibrahim Hassan
V
The Governor of Gombe State of Nigeria & Anor
32. **ECW/ CCJ/APP/10/09**
Amouzou Henri & 3 Ors
V
Republic of Cote D'Ivoire

1.6 Cases yet to be assigned

Cases lodged in the Court undergo certain processes before they are ready for hearing. This is mainly due to the fact that under the Rules of the Court, we have written procedure and oral procedure. Until the written procedure is completed, the oral procedure cannot commence. Secondly, the Applications and Pleadings have to be translated in the official languages of the Court. Because of the limited number of Translators in the Court, it takes some time before a case can be ready for hearing. In a nutshell, the written procedure phase must be concluded, and service of the Court processes must be effected before a case can be ready for trial. The following cases are yet to be assigned:

1. **ECW/CCJ/APP/19/11**
Gnassingbe Kpatch & Ors
V
Republic Of Togo
2. **ECW/CCJ/APP/20/11**
Da-Silverma Hermes & 5 Ors
V
Republic Of Togo
3. **ECW/CCJ/APP/21/11**
Aziagbede Kokou & Ors
V
Republic Of Togo
4. **ECW/CCJ/APP/22/11**
Atsou Komlavi & Ors
V
Republic Of Togo
5. **ECW/CCJ/APP/23/11**
Tomekpe A. Lanou & Ors
V
Republic Of Togo
6. **ECW/CCJ/APP/24/11**
Assima K. Innocent & Ors

-
- V
Republic Of Togo
7. **ECW/CCJ/APP/25/11**
Uzordima Amaka
V
Fed. Rep. of Nigeria
8. **ECW/CCJ/APP/26/11**
Registered Trustees (SERAP)
V
Fed. Rep. of Nigeria
9. **ECW/CCJ/APP/27/11**
Registered Trustees Of Jama'a Foundation & Ors
V
Fed. Rep. of Nigeria
10. **ECW/CCJ/APP/01/08 (APPLICATION FOR REVIEW OF JUDGMENT)**
Starcrest Investment Ltd.
V
The President Ecowas Commission & Anor
11. **ECW/CCJ/APP/05/08 (APPLICATION FOR REVIEW OF JUDGMENT)**
Ocean King Nig. Ltd
V
Republic Of Senegal
12. **ECW/CCJ/APP/28/11**
El Hadj Mame Abdou Gaye
V
Republic Of Senegal
13. **ECW/CCJ/APP/29/11**
R.S.M. Audu Daffi (Rtd)
V
The Federal Republic of Nigeria
14. **ECW/CCJ/APP/30/11**
Deyda Hydera Jr. & 2 Ors
V
The Republic of the Gambia

I.7 External court sessions

The Court held two (2) external sessions. First, on the 6th of October, 2011 in the Supreme Court of Porto Novo, Republic of Benin and delivered two Judgments and the second session between the 15th

to 22nd of November, 2011 at the same venue, and a total number of fifteen (15) cases were heard.

1.8 Status of implementation of the Court's decisions

Till today, the Court has not yet experienced a case where there was a refusal or an impossibility to enforce its decision; except in Judgment No. ECW/CCJ/JUD/03/08, Chief Ibrahima Mane v. Republic of Gambia, delivered on 5 June 2008, where The Gambia wrote to the Court that all their efforts at searching for Ibrahima Mane, so as to enforce the judgment, had been in vain. Conversely, if the Republic of Niger has reported on the enforcement of the Court's judgment in the case concerning Hadijatou Mani Koraou v. Republic of Niger, it is worthy to note that out of about thirty decisions made, only the two (2) cases, the Hadijatou and Oyemade cases, have been implemented and an account given thereof to the Court. Regarding almost twenty decisions (about half of which were made against the Federal Republic of Nigeria, a quarter against The Gambia, and the other quarter against ECOWAS Institutions) made by the Court, even if they have been enforced, no report has been made to that effect, to the Court, and no feedback has been sent to the Court from the beneficiaries.

The Court is still handling two (2) judgments, on Oyemade v. ECOWAS Council of Ministers and Mr. Djotbayi v. Federal Republic of Nigeria. These two decisions and fourteen (14) others have been brought back before the Court, for review, with the objective of delaying enforcement or alternatively staying execution or filing appeal where possible.

This air of uncertainty surrounding the decisions of the Court is one of the challenges confronting the efficacy of the Institution. The Member States of the Community are called upon to adhere to their commitments. Such attitudes are synonymous with opposition or non-observance of obligations. When will the time come to institute proceedings for default on obligations, so as to bring an end to political ill-will?

CHAPTER II: ADMINISTRATIVE ACTIVITIES AND FINANCIAL RESOURCES

II.1 Equipping, stocking and management of the library

For the year 2011, the Court continued implementing its programme for acquiring books, notably published works on the domestic law of ECOWAS Member States, public finance, the law on public service disputes and the law on arbitration.

Currently, the library has two halls: one of them houses the shelves of books and the other is the reading room equipped with computers, to enable users to conduct research on the internet and in the near future, consult the library's data base.

For the year 2011, the Court ordered a significant stock of books in Portuguese, French and English. It also carried out renewal of subscription of legal journals for the year 2012 and bought computers and file cabinets for storing the Court's archives.

Thus, the documentary base of the library, comprising three sections (French, English and Portuguese) is estimated at 3,576 volumes, as against 3063 in 2010. The details are as follows:

- 1,712 reference books
 - 1,864 monographs
- a) English section 2,170 books (monographs and reference books);
b) French section 1,029 books (monographs and reference books);
c) Portuguese section ...377 books (monographs and reference books).

It must be emphasised that the documentary base had an exponential growth as a result of acquisitions made by way of purchase, in contrast with the previous years when the Court benefited from donations from OSIWA, Ford Foundation, High Court of Australia, the African Commission on Human and Peoples' Rights and the United Nations Human Rights High Commission through its West African Regional Office at Dakar, Senegal.

As regards documents on the domestic law of Member States, the Court now has 11 texts on Togo, Côte d'Ivoire, Niger, Guinea Bissau, Cape Verde, Nigeria, Sierra Leone, Burkina Faso, Mali, Guinea and Senegal. Those left to be acquired are the ones on the national laws of Ghana, Liberia Gambia and Benin.

It must be noted that the process of acquiring texts on the national laws of Member States is not

only a concern for the Court but is a continuous process. This is because of the need to update those texts as a result of possible future amendments.

As is done every year, the Court equally carried out an inventory on the stocks of documents available at the library and established a list of books to be acquired, by conducting a catalogue and on-line research. Thus, for next year, the Court has ordered for 337 books, apportioned in the following order:

- 172 books in Portuguese
- 97 books in English
- 168 books in French

It is regrettable that the rate at which the library books are being consulted is still very low. This year, only 70 books were consulted, either on the spot or through borrowing, by both staff of the Court and external users comprising students, trainees and research professionals.

II.2 Automobile vehicles

There were no significant changes in the Court's pool of automobile vehicles. The Court bought two new vehicles and publicly auctioned those meant to be recycled. Like last year, the Court has 16 vehicles in its pool, as presented below:

	MERCEDES BENZ	PEUGEOT	TOYOTA	HONDA	MITSUBISHI
1	4 (Berline)	1 (Berline)	2 (Bus)	1 (Berline)	1 (SUV)
2			3 (Berline)		
3			1 (Hilux)		
Total	4	1	6	1	1
TOTAL : 13					

II.3 Computer equipment, maintenance and provision of internet services

a) Acquisition of computer equipment, consumables and intranet equipment

Following a tender put up by the Court and upon recommendation of the Computer Unit, the Court went ahead to acquire 24 desktop computers, 29 portable computers, 31 printers and 28 UPS devices.

The Computer Unit took charge of the daily maintenance of the Court's computers. Currently, the Unit deals efficiently with all issues concerning computers and they carry out computer

repairs on their own. Complaints relating to computer use have reduced.

During the year under review, the Court also received certain equipment for the intranet and is expecting the supply of others.

Besides, the Court has sent a request to the Community Information Centre and the Centre has promised to supply the Court with second hand equipment. In general terms, this equipment will enable the section to manage the Court's intranet efficiently and with effectiveness. This will enhance increased collaboration among the staff and automatically increase productivity.

b) Installation of a wide optic internet bandwidth connection

For a long time, the Court had no internet connection. The staff had a 3G Modem for browsing. That was why the Court launched a bidding contract for a new Internet Service Provider (ISP) and succeeded in putting infrastructures in place at all levels. Thus, the Court's high-frequency internet service is efficient and meets the needs of the Institution.

c) Official launching of the Court's Website

In implementing the bidding process for the design and presentation of the Court's website which was launched in 2010, the Court successfully launched its website in June 2011 on the occasion of the opening ceremony of its 10th anniversary celebration. The Court seized the opportunity to fashion out a new communication strategy through the instrumentality of the website (electronic bulletin, official journal electronic official journal, etc.).

d) Creation of official e-mail addresses for the staff of the Court

With the successful installation of the Court's website, the Computer Unit succeeded in creating official e-mail addresses for the staff of the Court. The Unit was also able to design a model signature for all the accounts. The Court equally envisages training all the beneficiaries on how to use the new accounts through Microsoft Outlook.

The establishment of these e-mail accounts, still on-going, will provide the following advantages for the entire staff:

- A more official and professional approach to work;
- A reduction in the time for consulting, creating and managing e-mails;
- Easy management of huge numbers of e-mails;
- Sending appropriate information to persons of one's choice and receiving quick replies to e-mail messages;

-
- Being connected to other persons and the possibility of being up to date;
 - Easy access to information from virtually everywhere.
- e) **The installation of functional and technical specifications for the creation of an application on the website that will take care of e-mail correspondences with the Office of the President and the administrative justification for missions**

The Computer Unit is currently devising a mechanism which will aid the management of e-mails and justification for missions at the Office of the President, as follows:

- An assistance for managing all official in-coming and out-going documents to and from the Office of the President. Each document will be scanned and preserved on the server and will be accessible only to the interested parties and the Office of the President;
 - Equally, an assistance for an excellent control of files or documents coming to or leaving the Office of the President;
 - Easy access to official documents.
- f) **Determination of technical and operational specifications for the computerisation of the Court Registry**

For the computerisation of the Court Registry, the following functions will be necessary:

- An assistance for the management of work in-flow at the Registry
- Efficient archive management
- Ability to tap information with ease
- Ability to update data bank with ease
- Ease of access to data bank

II.4 Administrative management of the Court

a) Staff management

In terms of administrative management of the staff, and in accordance with the ECOWAS Staff Regulations, the Human Resource Section regularly examined and processed routine applications relating to staff entitlements and benefits (housing allowance, dependants' allowances, installation and resettlement allowance, advance for medical treatment, annual leave, home leave, special leave, sick leave, maternity and paternity leave, medical refunds, and death, payment of terminal benefits etc.)



Apart from examining and processing files, Management gave the Financial Controller of ECOWAS Institutions, for the 4 quarterly periods of 2011, the quarterly statistics of the staff situation at the Court. These statistics concern:

- The geographical distribution of staff according to the Member States of ECOWAS;
- Distribution by gender;
- Staff having finally terminated their work at the Court;
- Newly recruited staff members;

The Court also received from 18 to 29 May 2011, the staff performance audit mission d'audit led by the firm ACCENTURE, by providing them with the necessary logistic assistance.

Like the other Institutions and organs of the Community, the Court devised and adopted a strategic plan aimed at putting in place a mechanism for previewing activities of the Court, by taking account of the objectives of the Community and the material and human resources required for carrying out those tasks. This process, conducted with the support of the ECOWAS Commission, was carried out by holding several several work sessions and today, the Court is happy with its current progress and finalisation with the adoption of the plan and the work programme.

b) Recruitment

For 2011, the Court advertised various vacancies for recruitment to strengthen the capacities of various Departments. This programme generally falls within the context of the implementation of a four-year recruitment time-table spread out from 2007 to 2010, but which could not be completed in 2010.

Positions to be filled in 2011 are 6 professional posts at the Language Services Division, including:

- 2 Translators (French to English);
- 2 Interpreters (French to Portuguese and English to Portuguese);
- 1 Interpreter (French to English);
- 1 Interpreter (English to French);

The fact that other posts have not yet been occupied is particularly due to the inadequacies observed in the profiles of applicants during the short-listing and selection stages (Portuguese Translators and Interpreters, English Translators).

However, the Court has already advertised vacancies for the posts of Librarian (P2),

Information Officer (P2), Recorder (P1) Recorder (P3). The selection process is still on-going, towards interviewing.

It is also worthy to recall the vacancies for four (4) managerial posts, namely: Director of Administration and Finance, Director of Research, Communication and Documentation, Deputy Chief Registrar and Head of Communication Division. Recruitment to these 4 managerial posts falls within the powers of the Inter-Institutional Management Succession Committee; it is their duty to organise the short-listing and interviewing stages of the recruitment.

All the same, the urgent need for the Court to have a Director of Administration and Finance is obvious, in the light of the vacuum created in November 2010 by the recall of the Acting Director of Administration and Finance back to the ECOWAS Commission.

Besides, as regards recruitments done in 2011 following various publications, one can note:

- One (1) Reviser (Portuguese) on grade P5
- One (1) Translator (English to French) on grade P4
- One (1) Translator (French to English) on grade P4

c) Capacity building of the Court

In terms of capacity building, the year 2011 was marked by the pursuit of a staff training scheme which was first designed in 2009 for an initially envisaged period of two years (2009-2010). It must be recalled that this scheme is applicable to all the various categories of staff at the Court (professional and locally recruited staff) and is structured along the following lines of priority:

- Capacity level of staff at the Research Division;
- Capacity level of staff at the Court Registry;
- Capacity level of staff working in the Office of the Honourable Judges (notably the bilingual secretaries);
- Capacity level of staff at the Language Services Division;
- Capacity level of staff responsible for management of human resource, finance and procurement.

In pursuing the implementation of this scheme, for the year 2011, the sources of finance solely came from the budget of the Court:

- UA180 000 was provided for the Professional Staff

This amount covered the cost of various types of training within the specialised areas of competence of about thirty professional staff members. (Registry Department, Language Services Division, Research and Documentation Division, Human Resource and Administration, Finance and Accounting Division).

- UA180 000 was provided for the Locally Recruited Staff

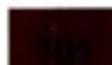
This amount covered the cost of various types of training within the specialised areas of competence of 60 G-Staff as follows: Language Services Division, Research and Documentation Division, Administration and Human Resource Division, Finance and Accounting Division, Registry Department.

In terms of staff capacity building, the Court intends to pursue in 2012 its continuous training programme so that the greater number of officers may progressively adapt to the requirements of their work posts, and thereby build further upon their skills.

d) Training of interns

In comparison with the year 2010, the Court recorded fewer applications for internship in 2011. All the same, the Court received high-level researchers in Integration Law or Human Rights. The reduction in the number of applications for internship is certainly connected with the difficulties involved in the financial sponsorship of the candidates.

- Mr. Jean Bosco Ngendahimana, a doctoral student at the University of Dar-es-Salaam in Tanzania conducted a one-week research study tour in March 2011 on the theme : Impact of regional integration on human rights protection in Africa
- Mr. Horace Adjololoum, a doctoral student at the Human Rights Centre of the Faculty of Law, University of Pretoria, also carried out a one-week research study in May 2011 on : Attitude of the States in regard to judgments of the Court and influence of the Court's case-law on the jurisprudence of the domestic courts.
- Finally, for the second consecutive time, the Court received a student from the Abuja French School on a three-day internship session, within the framework of the school's programme for providing students with a first hand work experience.



e) Provision of social services

To introduce significant improvements into the system of health insurance coverage, the Court took determined steps in search of ways and means of engaging the services of an effective and efficient medical insurance company for the entire staff.

f) Financial resources of the Cour

Like in the previous years, at the beginning of 2011, the Court prepared its financial statements covering the 2010 financial year, comprising incomes, expenditure, balances and proof documents. They were submitted to the external auditors and then to the external auditing firm Deloitte Touche.

The audit report for the current financial year which was prepared under the norms of internal auditing, described the financial situation of the Court as at 31 December 2010 as accurate and transparent.

For the year 2011, the Court recorded as at 31 October, a rate of 77.28% expenditure out of its total budget provisions. The incomes came essentially from the Community Levy through the ECOWAS Commission.

In spite of the noticeable improvement in the Community Levy of Member States, some States still owe the Court arrears in contribution for the 2002/2003 financial year. The Court is owed arrears in contribution to the tune of 998 459 Units of Account in its accounting books, out of the total budget expenditure for the year 2011, representing 63.36% of its budget. As mentioned above, the principal source of the funds allocated to the Court come from the Community Levy.

Staff administrative charges represented 88% of expenditure. The other expenses related to capacity building, judicial retreat, sensitisation, equipment, and court sessions held in Abuja and outside the seat of the Court.

CHAPTER III : PROMOTIONAL ACTIVITIES

If in 2010 the Court carried out less sensitisation activities on law, 2011 marked the resumption of sensitisation missions in the Member States, more precisely missions in the states of the Federal Republic of Nigeria. Again, in 2011, the Court equally consolidated upon its campaign of promoting the law and the jurisprudence of the Court.

III.1 Sensitisation missions

In implementing its sensitisation programmes in the states of Nigeria, the Court, after Kano and Zaria in 2010, conducted its sensitisation activities successively in Lagos State from 4 to 9 December and in Oyo State from 11 to 16 December in Nigeria. The rationale behind this programme, since it was launched in 2004, is to sensitise Community citizens on the powers and mandate of the Court.

At Ibadan, in Oyo State, the delegation of the Court led by the President, Hon. Justice Awa Nana Daboya, sensitised the citizens of the region on the existence, functions and activities of the Court. At Ibadan, the delegation had talks with the Governor of Oyo State, Senator Abiola Ajimobi ; the Chief Judge of the Supreme Court of that State, Judge B.O. Adeniji ; President of the Assembly and Chairman of the Oyo State Tribunal, Mutalabi Ojo Adebayo. The delegation also visited the Olu Ibadan of Ibadanland, Dr. O. Samuel ; the Faculty of Law of the University of Ibadan as well as the Faculty lecturers. The delegation had a working visit the police, the immigration service and the media.

At Lagos, under the leadership of the Vice-President, Hon. Justice Benfeito Mosso Ramos, the delegation continued its mission from 4 to 9 December. In that connection with that programme, the Court paid a courtesy visit to the Governor of Lagos State, ably represented by the Attorney General and Chief Judge of the Supreme Court of Lagos State. The delegation had an interactive session with members of the Ikeja and Lagos branches of the Nigerian Bar Association. The Court had other sessions with the Faculty of Law of Nigeria, Nigerian Women Traders Association, the Police, Immigration Service, just to mention but a few.

III.2 Participation in the Sixth ECOWAS Trade Fair

The Community Court of Justice, ECOWAS participated in the Sixth ECOWAS Trade Fair, from 25 November to 11 December and carried the flag of the ECOWAS Institutions very high, judging by the excitement generated by the presence of the Court at the Trade Fair and the great attendance at the stand mounted by the Court.

There were two angles to objective behind the Court's participation : firstly, making the Court much more known by reaping full benefits from the trooping of large numbers of people to the Trade Fair, and secondly, to sell documentaion and certain articles on the Court. The delegation answered questions on access to the Court, enforcement of judgments of the Court, mode of appointment of the judges, relations between the ECOWAS Court of Justice and the domestic courts and the areas which fall within the jurisdiction of the Court. Some of the printed materials on the Court were sold and others were distributed free of charge. Participating in the Trade Fair enabled the Court to be known much more among the visitors and beyond the concerns of the Trade Fair because since the delegation visited places often frequented by lawyers and legal professionals, notably the Court of Justice, the Heaquarters of the Bar Association and Faculty of Law at the Univeristy of Lome, hoping that they would be interested in the documentation of the Court.

III.3 Media coverage

Undoubtedly, this constitutes the most important means of gathering and disseminating information. That is why the Communication Unit ensures that all activities of the Court are covered by the media. The Court maintains close relations with the media so as to cordinate reportage and other information disseminated by the media.

Press releases were also sent out to provide information for journalists who are unable to attend the hearings of the Court.

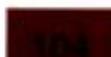
III.4 Live radio and television programmes

This programme was initiated to make Community citizens more aware of the existence and purpose of the Court so that they will be well enlightened in before bringing cases before the Court. The Court undertook this type of mission in Mali, Togo, Ghana and Liberia. This year, this activity was took place at Dakar in Sénégal from 27 to 28 September 2011. By its nature, the programme enables the media to relay information on

the Court to both rural and urban dwellers in the Community. The press conference organised at Dakar brought together about forty journalists representing twenty media bodies. The delegation also organised radio and television programmes.

III.5 Publications

Two publications of the Court have already been published: ECOCOURT, which is a monthly, and The Court Bulletin, a bi-annual publication. During the period under review, the above-mentioned



events which took place at the Court or which saw the participation of the Court were published in the ECOCOURT. These publications are distributed during ceremonies, to enhance awareness about the Court. In addition to the publication of the Court Bulletin and the Newsletters, this year, the Court published a Law Report which is a compilation of the Court's judgments and advisory opinions la from its inception to 2009.

III.6 Creation and launching of the website

The drive to make the Court known is found at the very centre of the sensitisation activities undertaken by the Court every year. In that light, one cannot but express joy at the inauguration this year of the website www.courtecowas.org which opens a large window on the Court, especially in respect of its basic texts and its functioning. After the consultation phase in 2010, the Court went further in 2011 to the phase of effective operation, with the launching of the website last June and the updating process is still going on so that all the domains may be fed.

III.7 Press conferences and external court sessions

They constitute avenues for the Court to inform and communicate with the public on the life of the Court, its jurisdiction and activities. In that regard, several press conferences were organised, notably at Lagos, Ibadan and Abuja in Nigeria, Porto Novo in Bénin and in certain Member States membres, alongside other activities organised either by the Court or in collaboration with other organisations. External court sessions were equally held in 2011 at Porto Novo in the Republic of Benin as practical examples of steps taken towards making people aware of the Court's existence and as a way of bringing the Court closer to Community citizens.

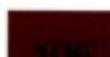
CHAPTER IV: VISITS AND COOPERATION WITH THE OTHER INSTITUTIONS

IV.1 Visits to the Court

- On 11 March 2011, the Court received two persons researching on the judicial system of ECOWAS : Professor Karen J. Alter from North Western University, Illinois-USA and Professor Harry R. Chadwick from Duke University in the USA.
- On 3 April 2011, the Community Financial Controller, Madam Nelly Taylor came to bid farewell to the Court.
- From 18 to 29 May 2011, ACCENTURE, a firm based in South Africa carried out an evaluation exercise of staff of the Court.
- On 1 July 2011, 16 "young experts" from Friedrich Ebert Stiftung Foundation were received at the Court. This study tour, under the general theme Approaches of ECOWAS to transborder security threats in the region, was aimed at providing the young West African experts with the opportunity of discovering ECOWAS and to acquire information on the structure of the Institution, its institutional and security framework, conflict resolution mechanism, and the mandate assigned to each of the Community Institutions. At the Court, the young experts were equally lectured on a paper entitled The Court of Justice of ECOWAS, its organisation functioning and role in peace and security.
- From 20 to 23 September 2011, the Court received a delegation from the Court of Justice of the UEMOA (West African Monetary Union) led by its President, Hon. Justice Ousmane Diakité.

IV.2 Cooperation with ECOWAS Institutions and Member States

- Visit on 12 January 2011 to the ECOWAS Commission to present New Year wishes.
- On 28 and 29 March 2011, a staff member from the Court participated in the work of the ECOWAS Advisory Committee of the ECOWAS Gender Development Centre at Dakar. The session adopted the 2010 activity report of the Centre and examined the report for 2011 and the main outlines for the 2012 to 2014 programme, and discussed measures to be taken to raise the performance of the Centre in the resource mobilisation and enhancement of relations with other female organisations.
- Participation in GIABA seminar under the theme: "Eliminating Profit in Criminality" from 28



to 30 March 2011 at Accra in Ghana.

- The Court participated in meetings of Ministers of Justice at the 2nd Commission Meeting of the ECOWAS National Units held respectively on 16 and 17 May and from 18 to 20 May 2011 at Abuja, upon invitation of the ECOWAS Commission. The Ministers' Meeting was devoted to examining draft directives – sanctions for non-observance of Community obligations; the meeting for the National Units discussed the issue of free movement of within the ECOWAS space.
- A delegation from the Court led by the Vice-President, Honourable Justice Benfeito Moso Ramos, participated in the 8th Meeting of Development Partners organised by the ECOWAS Commission on 2 and 3 June 2011. The meeting discussed resource mobilisation strategies, their optimal utilisation as a means for creating a true synergy among stakeholders and monitoring of the steps taken by development partners in the implementation of the strategic plan of ECOWAS.
- ECOWAS Court of Justice and the Court of Justice of UEMOA visited ECOWAS Commission on 23 September 2011.
- In line with inter-institutional co-operation, the Research Division participated in meetings organised by GIABA and AREC. At the meeting organised by GIABA, it contributed to improving upon the strategic plan of the latter.
- In the same vein, the Court participated in the preparation of the final version of the strategic plan for WAHO.
- Invited for the 1st forum on regional regulation of the electricity sector of ECOWAS which was held in Accra, the delegate from the Court presented a paper on Potentials between the various Community courts of the region: analysis of the areas of jurisdiction of the Community courts and presentation of the various cases of conflict of jurisdiction, perspectives and solutions.

IV.3 Co-operation with the regional and sub-regional courts

- From 24 to 26 January 2011, a colloquium was held at Cotonou in Bénin, jointly organised by Courts of Justice UEMOA and OHADA and Ecole Régionale Supérieure de la Magistrature, on the problem of cohabitation of Community laws. A staff member from the Court participated in the colloquium and presented a paper on the mechanism of referral of cases to Court of Justice of ECOWAS on preliminary grounds.
- On 9 and 10 March 2011, a staff member from the Research Division participated in the

seminar on promotion of the African Court of Human and Peoples' Rights, organised by the latter in Malawi. The representative of the Court presented a paper on the theme relations between the African Court and the Regional Courts.

- A delegation from the Court took part in the annual seminar of the Court of Justice of the European Union at Luxemburg from 11 to 13 April 2011.
- An officer from the Research Division went on a two-week mission at the European Court of Justice. The objective of the mission was to study the functioning of the Court, how the Research Department operates, and the members of the Court, towards an ideal rationalisation of the work of the Research Department at the ECOWAS Court of Justice.

IV.4 Co-operation with organs of the African Union

- From 10 to 12 October, the Court was represented at the consultative meeting for West and Central Africa on a study of the African Charter on Democracy, Elections and Governance and the model bill for the Member States of the African Union on access to information. On that occasion, the delegate from the Court made a presentation which undertook a comparative study of ECOWAS Protocol on Democracy and Good Governance and the African Charter on Democracy, Elections and Governance, paying particular attention to the points of convergence.
- An officer from the Research Division participated in a conference on Malawi on human rights, organised by the Institute of Human Rights and received training on peace building in Canada.
- The Research Division participated in international meetings at Addis Ababa and Arusha. These meetings enhanced fruitful exchanges, contributions towards strengthening human rights and integration.
- It also attended an annual IBA conference at Dubai.

IV.5 Co-operation with UN bodies

- A delegation of the Court headed by the President participated in a colloquium of the United Nations High Commission for Refugees (UNHCR) which was held at Strasbourg, in France, on 15 and 16 June 2011.
- A staff member from the Research Division participated in the 6th meeting of the regional offices of the United Nations High Commission on Human Rights, and a conference on impunity and justice on the occasion of the 10th anniversary celebration of the

ECOWAS Protocol on Democracy and Good Governance in December 2011.

IV.6 Co-operation with the civil society and the academic world

- Meeting with General Yakubu Gowon at Nicon Transcorp Hotel, Abuja, on 12 May 2011.
- On 16 and 17 May 2011, a delegation headed by the President and comprising three staff members participated in a joint OSIWA-WAPILC conference on public interest disputes. The conference brought together expert jurists and legal professionals, sociologists and NGOs, with the aim of mapping out strategies for better advocacy for promoting public interest disputes as a tool of democracy and respect for the rule of law in Africa.
- The Court was invited to the 18th anniversary of the Law Week of the Law Students' Association of Nigeria en Droit (LAWSAN) of the University of Abuja organised from 23 to 27 May 2011.
- The Acting Director of Research participated in a seminar organised at Lome by the Faculty of Law of the University of Lome. On that occasion, he presented a paper on the implications of the internationalisation of constitutionalism in Africa.
- He also attended an annual IBA conference which was held at Dubai.
- Atelier de formation au profit des juristes chargés de la recherche sur la rédaction juridique 20 au 31 juillet 2011 à l'Université Ahmadu Bello, Zaria, Etat de Kaduna.

CHAPTER V: OTHER ACTIVITIES

V.1 Judicial Retreat

The judicial retreat which was held from 6 to 10 June 2011 reviewed the judicial activities of the Court for 2010/2011. It took place at Global Village Suites, Kwoduma-Aka-One man village in Nassarawa State, on the outskirts of Abuja. The retreat, which lasted for one week, highlighted administrative activities crucial and essential for the efficient administration of justice. Participants at the retreat included judges, professional staff and heads of department. Presentations were made by following modules aimed at fashioning out ways of enhancing efficient administration of justice to the benefit of Community citizens. During that entire period, participants examined the administrative and judicial subjects on the agenda. At the end of the deliberations, important decisions were taken towards improving upon services that will enhance efficient administration of justice in the interest of the entire Community.

V.2 2011-2012 Legal Year

The official ceremony of the 2011/2012 legal year was held in Porto-Novo, in the Republic of Benin on 5 October 2011. The ceremony is of great importance for the judicial body, both the judges and the lawyers. The event marks the beginning of a new legal year. That is the occasion for taking stock of the achievements and challenges, and to draw up statistical data on the year gone by. Participants at the ceremony included: the President and Judges of the Community Court of Justice, ECOWAS, the Benin Minister of Justice and Fundamental Freedoms, the President of the Supreme Court of Porto-Novo, Republic of Benin, President of the Constitutional Court, the Traditional Chief of the town of Porto-Novo, President of the West African Bar Association, and other eminent jurists. The Court came out with a clear table of the progress made in the course of the past year. The ceremony ended with a cocktail for the participants.

V.3 Budget Retreat

The Court held its 2011 budget retreat at Porto-Novo in Benin as a prelude to the traditional opening ceremony of the legal year, which was held for the first time outside Abuja, the seat of the Court. The budget and administration retreat discussed the situation concerning administrative management of staff of the Court, then it examined and adopted its draft budget and work programme for 2012. At the end of the retreat, the Court finalised its strategic plan.

V.4 International Conference

The International Conference is an annual activity of the Court. However, the subject for the conference of 2011 was one of the recommendations of the 2010 administration and budget

retreat, which considered that in connection with the 10th anniversary celebration of the Court and taking into account the theme for the celebration, the Court should seize the opportunity offered by the conference to examine and determine a plan for strengthening the effective delivery of its mandate, notably in connection with access to the Court and the enforcement of its judgments. The 2010 conference was organised in Accra from 22 to 25 February as a prelude to the celebration of the 10 years of the Court.

The conference identified strategies for strengthening the enforcement mechanism of judgments of the Court and increasing accessibility to the Court. An enforcement plan was adopted, detailing out the actors involved and the required resources.

V.5 Celebration of 10 years of the Court

From 21 to 25 March 2011, the Court celebrated its 10 years of existence. For the Court, this celebration was the occasion to share with others what it had achieved so far during the decade and to lay the foundation for consolidating upon its action. The celebration particularly focused on the following objectives: increasing awareness of the existence of the Court within the entire Community; facilitating the understanding of Member States, Community citizens and ECOWAS Institutions as to the mandate and remit of the Court ; mutual exchange of experience with African institutions operating in the area of Community law or human rights; reflecting on the means of improving upon the efficiency of the Court, stepping up its usefulness and seeking contributions on means of legal strengthening integration through the derived law of ECOWAS.

To that end, the Court organised two open days and thematic conferences around the central theme Democracy, Good Governance and Human Rights :What Role for the Regional Courts of Africa. As a better way of sharing information on the Court, its organizational framework, mandate and the procedure followed before it, a documentary and a written and audio-visual documentary was produced and disseminated.

V.6 Creation of West African Association of Judges (AJAO/WAJA)

In July 2011, the Presidents and Chief Justices of the Supreme Courts of ECOWAS Member States unanimously adopted the joint initiative of the ECOWAS Court of Justice and GIABA to create within ECOWAS a forum of West African Judges. The name proposed for the Association was West African Judges Association (AJAO/WAJA) its objectives, among others, were fixed as follows:

- Promoting the role of judges in the consolidation of the democratic processes and the strengthening of the rule of law,
- Ensuring independence of the judiciary as an essential element of the functioning of

the courts and a guarantee of the rule of law,

- Involving judges in the design and implementation of integration policies,
- Creating a framework that enables West African judges to form a network and share experience on the development of Community law.

The meeting of July, through a resolution, put in place an hoc committee of the Presidents and Chief Justices of the Supreme Courts of 5 States under the co-ordination of the Court, in order to prepare the constitutive texts of the Association. Upon the initiative of the Court, the ad hoc committee, from 21 to 23 November, prepared the Constitution and Rules of Procedure to be submitted to the General Assembly of Judges for further reading.

V.7 Observation of Elections

The Court participated in the observation of presidential and legislative elections in certain ECOWAS countries like Cape Verde, Côte d'Ivoire, Niger, Benin and Nigeria.



Picture taken on the occasion of the 10th anniversary celebration of the Court: In the middle is H.E. Yakubu Gowon

CHAPTER VI: CHALLENGES AND PROSPECTS

Though some progress has been made in the course of the year, significant challenges still confront the Court, among which:

Delays in the translation of court pleadings: The volume of documents to be translated, and notably the relatively short time accorded translators, constitutes a challenge to be surmounted. We deplore the insufficient number of translators, and the limited means and resources, in terms of modern translation tools and equipment such as internet services, CD ROM dictionaries, terminology data banks, as well as inadequate budget provision, which could otherwise help provide a palliative measure to emergency situations, by resorting to freelance translators.

Establishment of a modern and adequately equipped library: One of the concerns in this area is the attainment of a balance between all the sections forming the documentary base of the library and the subscription of specialised law journals. It is equally important to acquire books on the domestic law of all the Member States of the Community through purchasing. It is necessary to recruit a lawyer or legal professional at the library to assist the librarians in their functions, particularly in the preparation of lists of books to be ordered and in the indexing and classification of books. This is to help keep track of the nature and specific needs of the Court. It is also important to install internet service at the library, with some computers, to make it possible for one to conduct online research and to consult the data base of the library. At any rate, plans to put in place a virtual library are still at the project stage.

Computerisation of the Registry Department: This is one of the challenges the Court must overcome in the years to come to optimize and accelerate the processing of cases. If the computerisation is done, it will limit the use of large volumes of paperwork, and make documentation transactions more reliable. It will also ensure the safety of case-files since the movement and reproduction of such files will be limited. The computerisation will also help produce quick and reliable statistics from the Registry. Besides, it is important for the staff strength of the Registry to be increased. This is because currently, apart from the Chief Registrar, the Registry has only two professionals and the post of Deputy Chief Registrar is not occupied. Moreover, for the Registry to function efficiently, the organogramme of the Department must be revised.

Harmonisation of texts relating to the Court: Another challenge for the Court to surmount is that, in the short run, is the harmonisation of the 3 June 2002 Rules of Procedure with the two Protocols on the Court, namely the original 6 July 1991 Protocol and the two Supplementary Protocols of 2005 and 2006. The harmonisation of these texts must equally be done in the three

languages, so that the rules of procedure may be understood in the same manner by all its users. Today, the standard situation being experienced by the Court is one of incongruity of texts, which does not only make a dent on the credibility of the Court, but offers certain ill-intentioned users of the texts (i.e. lawyers) a golden opportunity to juggle with the procedure.

Creation of a Community legal aid fund for destitute litigants: The long distances separating the seat of the Court from other national capitals in the sub-region pose a problem of access of Community citizens to the Court.

As a result of the fact that the Court is located far away from Community citizens, most of them being financially poor, the Court envisages the possibility of creating a Community legal aid fund for destitute litigants. This kind of legal aid exists in certain international and domestic courts. States must play an important role in the establishment of such aid.

Creation of sub-registries in Member States: To help improve and facilitate access, the Court seriously envisages creating sub-registries in each Member State for the transmission of citizens' applications to the Court. The authority responsible for such an assignment may be stationed at the National Liaison Office of each Member State.

Publication of applications lodged at the Court in the Official Journal of ECOWAS: The effect of the irregular publication of applications in the Official Journal of ECOWAS is that applications lodged but not published do pose a procedural problem, since it is a requirement in the Rules of Procedure of the Court that they must be published in the Official Journal of ECOWAS. The Court should also put in place effective communication machinery for publishing its judgments.

Enforcement of judgments: The issue of enforcement of the Court's judgments, and more specifically, the obligation upon States to designate the authority responsible for receiving and implementing its decisions, is a very genuine challenge for the Court. Unfortunately, till today, only the Republic of Guinea and Niger have fulfilled this obligation. Indeed, it is incumbent upon the States to see to it that judgments delivered by the Court are effectively enforced.



CONCLUSION

The period covered by this report offered the Court numerous prospects defined in terms of objectives to be realised. It has also been a period of progress, as evidenced by the statistics presented in this report. The activities featured on the work programmes for the three years were implemented at a 4/5 success ratio. This success is owed to the dynamism and willingness of Management to raise the Court to the rank of the internationally renowned judicial institutions, and the determination of all members of the Court to perform their duties.

Sensitive therefore to the expectations of the Community and its peoples, the Court is progressively equipping itself so as to improve upon the services it provides, its own image, and the mandate it exercises on behalf of the citizens.

The conclusions drawn from the series of reflections on the theme for the 10th anniversary celebration of the Court, and the planned programme for strengthening the effective discharge of its mandate as adopted at the International Conference of Accra, are calls on the Court and all its partners to advance further.

In that light, the Court intends to leave no stone unturned to translate the recommendations made from the various programmes and activities into reality, just as it plans to pursue further the operational capacity building programme of the staff and ensure that the greatest number of the staff members are well suited to their posts at work. By so doing, the Court will contribute towards strengthening the skills and competence of its members and thereby improve upon their performance output.

The satisfactory results so far achieved by the Court are the fruits of effective institutional interaction, constant support from the partners of the Court and assistance from the Member States of ECOWAS.

To the latter, the Court would like to express its gratitude for the ease of conditions it benefitted from during its sensitisation missions, and the Court hopes to benefit from their help in the enforcement of its judgments. Indeed, the effectiveness of a justice system is not only measured in terms of the capacity to deliver judgments but the enforcement of same.

On behalf of the entire Court, the President expresses her gratitude to the Vice-President of the ECOWAS Commission, the Speaker of the ECOWAS Parliament, the heads of the sister



institutions of ECOWAS and all the partners, for their moral and material support. It is the wish of the Court wishes that the co-operation will continue still further so that the gains so far made will be consolidated upon.

Since we will already be stepping into a new year by the time we will be putting this report in its final shape, the Court would like to extend its best wishes of prosperity and success to the entire Community and to all its partners, for, it is by their support that the Court will be able to play its assigned role to the maximum, and as the principal legal organ ECOWAS responsible for ensuring the observance of the Community law and human rights.

Done at Abuja, on the 31st day of January 2012

Hon. Justice Awa Nana Daboya, President
Community Court of Justice, ECOWAS



