



ECOWAS COURT

NEWS LETTER

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TWO NEW JUDGES SWORN IN FOR THE COURT

Two new Judges have been sworn-in for the Court to replace those who have retired from the service of the Community. They were sworn at a solemn ceremony in Bissau by the Chairman of the Authority of Heads of State and Government of the Community, President Umaro Sissoco Embaló on Thursday,...

Justices Sengu Mohamed Koroma from Sierra Leone and Ricardo Cláudio Monteiro Gonçalves from Cape Verde will fill the vacancies created by the departures of Justices Keikura Bangura and Januária Tavares Silva Moreira Costa from Sierra Leone and Cape Verde, who recently completed their tenure at the Court.



Justice Asante (Middle) flanked by Justice Koroma (left) and Gonçalves (right)

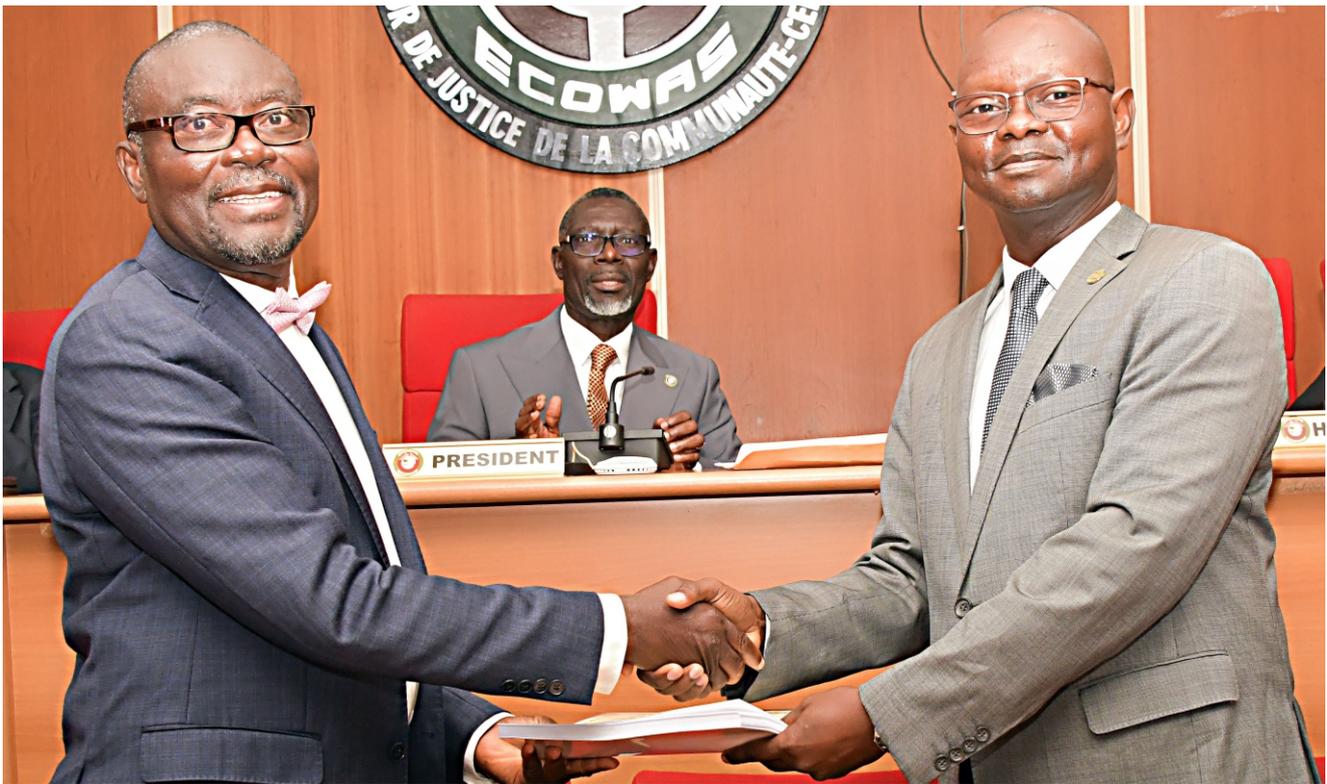
The new judges will join the President of the Court, Justice Edward Amoako Asante from Ghana, the Vice President, Justice Gbéri-Bè Ouattara from Côte d'Ivoire and Justice Dupe Atoki from Nigeria, whose terms were renewed by the Heads of State and Government of the Community.

Following their swearing-in, the President of the Court, Justice Asante welcomed them to the team and expressed the hope that they will

contribute to strengthening the Court's rich jurisprudence during their four-year tenure.

The President, who was among the dignitaries at the ceremony, added: 'We are excited at their appointment by the leaders of ECOWAS and look forward to their resumption of duty so that they can contribute their quota to reducing the Court's bulging case docket.'

NEW CHIEF REGISTRAR OF THE COURT TAKES OVER



The new Chief Registrar, Dr. Ouro-Sama (right) receiving basic texts on the Court from the outgoing, Mr. Anene-Maidoh

Dr Yaouza Ouro-Sama was on Wednesday, 12th October, 2022 sworn-in as the new Chief Registrar of the Court at a ceremony that was attended by Judges, Staff and a delegation from the ECOWAS Commission.

The new Chief Registrar took over from Mr. Tony Anene-Maidoh, who spent close to 20 years in the position. The simple ceremony included the administration of the oath of office on the new Chief Registrar by the President of the Court, Justice Edward Amoako Asante.

“It is my conviction that the good work that the out-going Chief Registrar started will be continued and improved and we are confident that with a younger and vibrant Chief Registrar with diverse experience in law ably supported by his new assistants, the Court will achieve more,” the President said at the ceremony.

In his valedictory speech, the former Chief Registrar, Mr. Anene-Maidoh paid glowing tribute to the Judges, including the founding staff for their contributions to the substantial progress recorded during the period which helped elevate the Court to a global brand.

Among the epochal events of the period were the introduction of the Electronic Case Management System (ECMS). The system enables the virtual electronic filing of cases and conduct of court sessions, both of which have contributed to improving access to the Court.

He also included the setting up of an efficient Archive Unit in the list of achievements and suggested the early deployment of the external module/interface of the ECMS to enable lawyers and external stakeholders not only to access the court but to also file their processes and follow the procedures online.

He recalled the Court's transformation from one without a 'courtroom at inception and any case and which by 2003 did not have a single judgment to its name' to one which had 132 Rulings and 342 Judgments as I am bowing out.'

He urged the management to consider the promotion of qualified and deserving staff and boost the capacity of the language services unit for improved judicial services.



Judges of the Court with the outgoing and incoming Chief Registrars (2nd right and 1st left respectively) alongside newly recruited staff after the oath taking ceremony

The former Chief Registrar used the opportunity to present a copy of the latest law report of the Court, the 2016 edition to the President of the Court and stressed the need to expedite the clearing of the backlog of the reports in order to bring them up to date.

Mr. Anene-Maidoh entreated the new Chief Registrar to advance the activities and programmes of the Court, reminding him that “as Chief Registrar, you are the institutional memory and will need to work very hard to make sure that memory is full and useful to the honourable judges and the staff.”

The oath-taking was also extended to new staff who recently joined the service of the Community. They include Mr Nketiah Apraku, Head, Legal Services and Research; Mr Aboubacar Diakite, Registrar, Judicial Process and Case Management; Mrs Marie Saine, Registrar, Judicial Records, Archives and Publication; Mr. Gaye Sowe, Registrar, Appeals,

Arbitration and Enforcement; and Mr Ghislain Agbozo, Senior Research and Legal Affairs Officer.

During the ceremony, Justice Asante announced that two new judges of the Court, will resume duty on 14th October 2022, following their swearing-in by the Chairman of the Authority of Heads of State and Government of the Community, President Umaro Sissoco Embaló of Guinea Bissau.

“
As Chief Registrar, you are the institutional memory and will need to work very hard to make sure that memory is full and useful to the honourable judges and the staff,
”

Earlier, Dr. William Deiyah Towah, Director of Administration and Finance, described the ceremony as historic being the first handover ceremony of a Chief Registrar of the Court to a successor.

The incoming Chief Registrar used the opportunity of his speech to Dr. Ouro-Sama, to thank the management and staff of the Court for the warm reception accorded him since his assumption. He assured the management of his readiness to work assiduously for the advancement of the institution and appealed to staff to collaborate with him in advancing the achievements of the Court.

“I am joining with the passion to contribute to the development and evolution of the Court (and) let us be united because together we can achieve a lot,” he said.

While delivering the vote of thanks, the Vice President, Justice Gbéri-Bè Ouattara, characterised the oath-taking aspect of the ceremony as a symbol of initiation into the family of the Court. He urged the new Chief Registrar to carry out his duties with respect

and humility while maintaining his dignity.

He noted that the former Chief Registrar will remain an important resource for the Court because of his institutional memory and experience garnered during his service to the Community.

In attendance at the ceremony were Honorable Justice Dupe Atoki (Member) and the Honorable Justices Keikura Bangura and Januária Tavares Silva Moreira Costa, both of which recently completed their four-year tenure in the Court.

Also present were the Deputy Chief Registrar, Director of Research and Documentation, Director of Administration and Finance, and Heads of Divisions and Units and staff.

A delegation from the ECOWAS Commission comprising officials from the office of the Vice President, Audit, Human Resources and Communication Departments also witnessed the ceremony.



The new Chief Registrar (5th right) with former colleagues from the ECOWAS Commission

PICTURES FROM THE CEREMONY





COURT PRESIDENT, VICE PRESIDENT RE-ELECTED FOR TWO YEARS



Justice Asante (middle), Ouattara (1st left), Atoki (2nd left), Koroma (2nd right) and Gonçalves

The two year tenure of the President of the Court, Justice Edward Amoako Asante was on Thursday, 13th October 2022 renewed by his peers following an election conducted by the Court's five-member college of judges.

Also re-elected during the election, which followed the assumption of duty of the two new judges of the Court, Justices Sengu Mohamed Koroma from Sierra Leone and Ricardo Cláudio Monteiro from Cape Verde, was the Vice President, Justice Gbéri-Bè Ouattara.

Justices Koroma and Gonçalves became members of the Court following their Thursday 6th October 2022, swearing -in by the Chairman of the Authority of Heads of State and Government of the Community, President Umaro Sissoco Embaló of Guinea Bissau.

Justice Asante, who was among three judges of the Court whose tenure were extended by the Heads of State and Government of the Community, said his re-election showed the confidence his colleagues reposed in him.

He added that the re-election will afford him the opportunity to improve on the performance of the previous college of judges in order to strengthen the court's role in the delivery of justice. This will

also help deepen its enviable jurisprudence which has made it a global brand, particularly in the areas of human rights that has become its signature mandate.

He welcomed the two new judges to the Court's family and expressed the confidence that with their pedigree, they would contribute immensely to furthering the work of the Court while assuring them of the Court's determination to equip them to ensure that they functioned optimally.

Justice Asante also praised the outgoing judges of the Court- Justices Keikura Bangura from Sierra Leone and Januária Tavares Silva Moreira Costa from Cape Verde and assured them that they will continue to be a valuable resource for the Court.

The new judges, who were appointed for a four -year term, were later briefed on some administrative issues related to their tenure as statutory appointees of the Community.

They were also introduced to the staff during a meeting attended by the new college of judges and their outgoing colleagues.

Justices Gbéri-Bè Ouattara from Côte d'Ivoire and Dupe Atoki from Nigeria are the other two judges whose tenures were extended along with that of the President.

DEPARTING JUDGES, STAFF HONOURED AT FAREWELL CEREMONY



Justice Costa (centre) at the send off party organised by the Court with Justice Asante (left) and her Executive Assistant, Emiliana Branco Mendes

Two judges of the Court who recently completed their four year tenure were on Friday, 14th October 2022 honoured during an elaborate farewell ceremony attended by the Judges and staff.

Justices Keikura Bangura from Sierra Leone and Januária Tavares Silva Moreira Costa from Cape Verde were presented with gifts at the ceremony.

Seven other departing staff who have put in a combined 119 years in the service of the Community as well as the Executive Assistants to the outgoing Judges, were also presented with a plaque and certificate in appreciation of their service to the Community.

Among the departing staff honoured at the event were Mr. Gnamou Siratoulahi, Head of Administration and Human Resources Division, Mr. Sunday Ugoh, Head of Information and Communication Division, Mr Mendes Correia Vicente, Head of Library and Documentation Division and Mr. Olivier Ahogny of the Language Services.

Also honoured were Dr. Eke Felix, of the Language Services, as well as Mr. Onyinanya Uchenna Andrew, Document Control Officer and Mr. Akpeyienokah Kayode Abile, of the Transport Services.

In remarks at the event, the President of the Court, Justice Edward Amoako Asante praised the judges for their invaluable contribution to enriching the Court's enviable jurisprudence, reminding them that they remain a valued resource of the Court.

He also commended the departing staff, some of them pioneer staff, for their contributions to the progress recorded by the Court during the 20 years of its existence. He urged them to see the presentations at the ceremony as a token of the Court's appreciation for their role in the strides recorded by the Court during their period of service.

He also described the tokens as an acknowledgment of their years of dedicated service, devotion and commitment to the Court while in its service.

A staff representative, Mrs. Martine Kpoke Ayissou paid tribute to the departing staff for the "great professionalism" they demonstrated during their years of 'passionate and meritorious service to the Community' which contributed immensely to the successes recorded by the Court and expressed the hope that their commitment will inspire other staff.

COURT PRESIDENT HONOURED BY AFRICAN BAR ASSOCIATION FOR OUSTANDING LEADERSHIP



Justice Asante receiving his Award at the ceremony in Lilongwe

The President of the Court, Justice Edward Amoako Asante was on Monday, 8th August 2022 decorated by the African Bar Association (ABA) with a Medal of Merit in Leadership. The award was presented during the opening ceremony of the 2022 annual conference of the ABA held in Lilongwe, Republic of Malawi.

Several other eminent persons were decorated during the ceremony including the President of the Cairo-based AFREXIM Bank, Professor Benedict Oramah, former Presidents John Kufuor of Ghana and Pedro Pires of Cape Verde. Also honored were Liberia's Vice President, Dr Jewel Howard Taylor, who was the keynote speaker at the conference as well as Dr. Christopher Edordu, the pioneer President of AFREXIM Bank and Nigeria's former Minister of Women Affairs.

In a message ahead of the award, the Court characterized the award as a recognition of the exemplary leadership provided by President Asante that has strengthened the image of the court as an exemplar among Africa's regional courts.

“ Coming a few months after the Court received the Global Freedom of Expression award of the

Colombia University in the United States, this award strengthens the image the Court under the President's able leadership as an international court that inspires public confidence and trust," the statement added.

In another message, the Director General of the Nigerian Institute of Advanced Legal Studies, Professor Muhammed Tawfiq Ladan said the award was evidently deserved and described the President as 'an epitome of justice in its present form and a champion of human rights in the administration of justice.'

A judge of the Appeals Court of the Republic of Ghana, Justice Asante was elected in 2018 by his peers as President following their swearing-in by the then Chairman of the Authority of Heads of State and Government of ECOWAS in 2018, His Excellency President Muhammadu Buhari. He was re-elected in 2020.

Justice Asante and two of his colleagues had their tenures extended after the expiry of their initial four-year tenure in July 2022 following a decision of the Authority of Heads of State and Government of the Community.

Justice Asante is a member of the Ghana Bar Association, the Association of Magistrates and Judges of Ghana, the Commonwealth

Magistrates and Judges Association and the World Jurists Association.

He has attended, facilitated and served as Resource Person at many international conferences, workshops, judicial dialogues and seminars organized by UNESCO, the World Jurists Association, the International Law Institute, the Internet Governance Forum, the African Court, the International Court of Justice and the International Criminal Court mainly in the areas of Freedom of Expression on the Safety of Journalists, Rule of Law, Humanitarian Law and Human Rights, Arbitration, Artificial Intelligence.

Under his leadership, the ECOWAS Court successfully organized three international conferences on various aspects of the Court's jurisprudence drawing from the expertise of leading jurists, lawyers, professional and scholars within the region to enrich the work of the Court.

In order to avert the devastating effects of the Covid-19 pandemic on the Court, the President drafted and implemented the 2020 Practice Direction on Electronic Case Management which enabled the Court to undertake virtual hearings. Since then, the Court has heard and delivered judgements relying on virtual technology without parties and lawyers having to travel to the seat of the Court with the attendant savings in costs.

The Court has also delivered many landmark decisions which has earned it international accolades.

Under his able leadership, the Court was in March 2022 awarded the 'Global Freedom of Expression' prize by Columbia University in the United States. This was for the Court's decision in a case instituted by Amnesty International and six others against the Republic of Togo.



To discharge and promote its judicial function of interpreting and applying Community texts as well as to ensure respect of human rights in an efficient, timely and cost effective manner with the support of a well-trained and motivated staff.



To remain an independent, reliable, efficient and accessible legal and judicial institution of the Community, playing a strategic role in establishing and sustaining an enabling legal environment for the achievement of Community aims and objectives.



- Independence
- Impartiality
- Integrity
- Accessibility

PRESIDENT AWARDED PRIZE FOR EXCELLENCE IN LEADERSHIP, PEACE AND COMMUNITY DEVELOPMENT



Justice Asante receiving the Award for Excellence in Leadership, Peace and Community Development

The President of the ECOWAS Court of Justice, Justice Edward Amoako Asante was on Saturday, 15th of October 2022 in Abuja, decorated with an award for excellence in leadership, peace and community development by the Peace Ambassador's Agency Worldwide. The award, which is in the distinguished personality category, was for his “ground-breaking commitment to human capital development and support for projects in empowering young leaders in Africa.”

The President was among the 30 awardees at the 11th edition of the annual ceremony organized by the Executive Council of the Agency and its partnering institution, the US based American Management University. The 2022 award, an annual event of the Agency, was organised on the theme “The Role of the Nigerian Youth, Community Leaders, the Media and Security in Nigeria's 2023 Elections.”

The event provides a platform for the Agency to recognize individuals and organizations in

Nigeria and Africa that have shown a strong commitment to serving their community while maintaining a global mindset.

The award coincides with a period when Justice Asante, began his third term as President of the Court following his 2018 swearing in by the then Chairman of the Authority of Heads of State and Government of ECOWAS. A Judge of the Ghana's appellate Court, he was voted thrice by his peers as President in 2018, 2020 and 2022.

Justice Asante is a member of the Ghana Bar Association, the Association of Magistrates and Judges of Ghana, the Commonwealth Magistrates and Judges Association and the World Jurists Association

He has facilitated and served as a resource person at many international conferences, workshops, judicial dialogues and seminars organized by UNESCO, the World Jurists Association, the International Law Institute, the Internet Governance Forum, the African Court,

the International Court of Justice, and the International Criminal Court, in the areas of freedom of expression and the safety of journalists, rule of law, humanitarian laws and human rights generally, arbitration, artificial intelligence etc.

Under his leadership, the ECOWAS Court has successfully organized three international conferences on various aspects of the court's jurisprudence drawing on the experiences of leading jurists, lawyers, professionals and scholars within the region, to enrich the work of the court.

In order to avert the devastating effects of the covid-19 pandemic on the administration of justice, he ensured that the Court adopted the 2020 Practice Direction on Electronic Case Management and Virtual Court Sessions, which

enabled the Court to commence electronic filing and virtual court sessions. Since then, cases are being heard and judgments consequently delivered without parties and lawyers having to travel to the Abuja seat of the court, thus saving indigent parties and their lawyers the travelling and hotel costs.

In March 2022, under his able leadership, the Court was selected by the Columbia University in New York and awarded the “Best Recognized Judicial Decision category” in the Global Freedom of Expression Award for the year 2020. This award was based on the Court's decision in a case titled, Amnesty International & 6 others vs. Republic of Togo. During his tenure, the Court has delivered many landmark decisions of international standards that has earned it international accolades.





COURT SEEKS THE COLLABORATION OF REGIONAL PARLIAMENTARIANS IN THE DEFENSE OF DEMOCRACY IN WEST AFRICA



President Muhammadu Buhari (4th right), Dr. Omar Aliou Touray (3rd right) Justice Asante (5th left), with other dignitaries after the opening ceremony

The President of the Court, Edward Amoako Asante has challenged ECOWAS Parliamentarians to join forces with the Court in order to protect the region's fragile democracy and ensure the protection of the human rights of Community citizens.

"It is incumbent on our parliament, as representatives of the citizens, to join forces with the Court and constitute the vanguard for the defence of our democracy as this is the only way that the region can prevail in the face of the human rights abuses against Community citizens," the President said in a goodwill message at the opening ceremony of the 2022 second Ordinary Session of the ECOWAS Parliament in Abuja on the 28th November 2022.

He reminded the parliamentarians that "It is only through our collective efforts, along with those of forces in favour of democratic governance that the Court, which has become

the toast of the citizens and the international Community, can continue to faithfully discharge the mandate vested on it under the ECOWAS integration project."

Justice Asante used the opportunity to enumerate the challenges confronting the 21-year old regional institution, mainly the 'reduction in the number of its judges from seven to five and the tenure of the judges from five years renewable to a fixed four year non-renewable term."

He also identified the perennial problem of the low enforcement of its decisions, which stands at 30 per cent as among the factors militating against the Court's ability to faithfully "discharge its functions in the integration process that will enable it fulfil the aspirations of the Community citizens."

He used the opportunity to announce the impending relocation of the Court to its new headquarters in the Gudu district of the

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Nigerian capital and commended the government of the Federal Republic of Nigeria for the provision of the building, which would provide a more 'congenial atmosphere for the functioning of the Court."

He also announced the assumption of duty of the two new judges of the Court from Cape Verde and Sierra Leone who replaced their compatriots whose tenure ended in August 2022. They will join the three Judges from Côte d'Ivoire, Ghana and Nigeria whose tenure were extended by the Authority of Heads of State and Government of the Community.

Earlier, the Speaker of ECOWAS Parliament, Dr. Sidie Mohamed Tunis said that the current budget session of the parliament was dedicated, among others, to the consideration

of the consolidated Community Budget for the year 2023.

"In discharging this all important assignment, let us bear in mind the challenges we face from urgent and looming crises in our Community," adding "We must summon the will, courage and commitment to act in ways that will impact positively on our region."

The ceremony was attended by the Chairman of the Authority of Heads of State and Government of the Community, President Umaro Sissoco Embaló, of Guinea Bissau, President Muhammadu Buhari of the Federal Republic of Nigeria and the President of the ECOWAS Commission, Dr. Omar Alieu Touray, all of which delivered speeches at the opening ceremony.

There were also goodwill messages from Honorable Chief Fortune Charumbira, the president of the Pan-African Parliament, Honorable Mrs. Nabeela Tunis, the Sierra Leonean Minister of Foreign Affairs and International Cooperation, Mr. Ennaam Mayara, President of the Moroccan House of Councilors and Members of the Diplomatic Corps.



Venue of the Programme

COURT WORKING ON PROGRAMME TO IMPROVE ON ENFORCEMENT OF ITS DECISIONS BY MEMBER STATES



Dr. Yaouza Ouro-Sama (4th right) of with the delegation of the ECOWAS Gender Development Centre and staff of the Court

The Court says it is working on a programme to engage Member States to improve on the level of ratification of the three regional instruments on the Court that will impact positively the enforcement of its decisions by the States, the Chief Registrar of the Court, Dr. Yaouza Ouro-Sama has said.

During a meeting with a delegation from the Dakar-based ECOWAS Gender Development Centre in Abuja on Friday, 11th November 2022 the Chief Registrar expressed concern at the 'appalling' level of ratification of these instruments, the only exception being the 1991 founding Protocol which has been ratified by all the Member States except Cape Verde and Guinea Bissau.

He said that this intervention has become imperative as some States have been relying on their non-ratification of these Protocols as a basis for their non-enforcement of the decisions of the Court.

He explained that the programme is intended to enable the Court engage intensively with the

relevant Member States to ensure that at least three of such States ratify the Protocols each year. He also expressed concern at the "poor" level of awareness of the Community's Supplementary Act on gender equality among its agencies.

He announced the appointment of Mrs. Frances Ibanga of the Registry as the Court's focal point for a forthcoming UNDP funded project on gender equality being managed by the Centre and pledged the commitment of the Court to work with the Centre in developing an inventory of its decisions that will contribute to the realization of the project.

"We encourage you to avail yourself of the resources of the court and its jurisprudence particularly in the areas of women's rights and human rights protection..."

"We encourage you to avail yourself of the resources of the Court and its jurisprudence particularly in the areas **Cont'd on page 18**

PRETORIA UNIVERSITY ORGANISED COLLOQUIUM ON APPLICATION OF MAPUTO PROTOCOL FOR COURT AND AFRICAN COMMISSION HELD IN ABUJA



Justice Asante (3rd right) and Commissioner Sallah-Njie (4th right) with members from the ECOWAS Court and African Commission delegation

The President of the Court, Justice Edward Amoako Asante has hailed as 'very useful for the exercise of the jurisprudence of the Court', a two-day Judicial colloquium organised by the Center for Human Rights of the University of Pretoria on the Maputo Protocol.

“The discussions we had on the interpretation of the Maputo Protocol in the award of damages for the violation of the rights of women not only reflect the intendment of the Protocol but will be gender sensitive and strengthen the Court's jurisprudence,” the President said in remarks at the end of the colloquium on Wednesday, 30th November 2022.

He praised the University for hosting the « fruitful and educative » colloquium, the first of such discussion platform organised by the institution. It was designed to ensure that the pronouncements of the Court and the Commission on the Protocol are in line with the spirit, purpose and objectives of the African Charter on Human and Peoples' Rights.

In her closing remarks, the Special Rapporteur on the Rights of Women in Africa of the African Commission, Commissioner Janet Sallah-Njie, commended the Center for Human Rights of the University, the organisers of the forum for guiding the colloquium towards the attainment of the intended objective.

She described the forum as important for the protection and defense of human rights, particularly the rights of women in Africa and urged the beneficiary institutions to deploy the benefits of the colloquium in the implementation of the Protocol for the benefit of their target.

The colloquium was attended by judges and staff of the Court and staff of the African Commission on Human and Peoples' Rights (African Commission), the two regional mechanisms tasked with the interpretation and implementation of the Maputo Protocol.

Article 2 (2) of the Maputo Protocol supplements the equality clause in the African Charter which under

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Pretoria University organised Colloquium on application of Maputo Protocol for Court and African Commission held in Abuja

Article 2 guarantees gender equality by recognising an entitlement to the employment of the rights and freedoms guaranteed in the Charter.

The colloquium was presented in two panel discussions and involved five Commissioners of the African Commission on Human and Peoples' Rights, the five judges of the Court and four other staff. It was held on the four sub-themes of The Maputo Protocol as an instrument of change for African women: Introduction and substantive provisions; Substance of the right to equality in the Maputo Protocol: formal and substantive equality; Adjudicating cases claiming entitlement to equality: Perspectives from comparative jurisprudence and Intersectionality and litigating equality claims before regional bodies.

The colloquium was designed to sensitise judicial and quasi-judicial officers of the substantive equality principles required for a

“Article 2 (2) of the Maputo Protocol supplements the equality clause in the African Charter which under Article 2 guarantees gender equality by recognising an entitlement to the employment of the rights and freedoms guaranteed in the Charter.”

gender-sensitive approach to the application of the Maputo Protocol; facilitate cross-learning between the African Commission on Human and Peoples' Rights and the ECOWAS Community Court of Justice as regional and sub-regional judicial and quasi-judicial bodies in Africa; facilitate cross-learning between judicial officers involved in adjudicating equality in domestic and international jurisdictions and provide recent research material to influence a gender-sensitive application of the Maputo Protocol.

Cont'd from page 16 Court Working on Programme to improve on Enforcement of its decisions by Member States

of women's rights and human rights protection,” he said, urging the Centre to revive a suspended but beneficial gender training programme for judges and staff of the Court that was last held in 2008.

The spokesperson for the Centre's delegation, Mr Awudu Ahmed Gumah said the visit was to secure the cooperation of the Court in the project designed to advance gender equality and women empowerment within the ECOWAS Commission as well as institutions and agencies of the Community.

While acknowledging the progress made by the Community in addressing gender inequality, Mr. Gumah, who is the Head of Planning, Research, Monitoring and Evaluation of the

Centre, said the project has seven components related to the various identified thematic issues and designed to ensure the promotion of gender equality.

The Court's delegation included the Director of Research and Documentation, Dr. Ousmane Diallo, the Head of Communication, Mr. Sunday Ugoh, the Registrar in charge of Judicial Records, Archives and Publications, Madam Marie Saine and a Research Officer, Mr. Ghislain Agbozo, as well as Mrs. Ibang of the Registry.

Also on the delegation of the Centre were Madam Salimata Thiam, a Principal Programme Officer and Mr. Peter Mokwe, the UNDP Regional Gender Support Specialist.

WEEK LONG JUDICIAL RETREAT HELD NEAR ABUJA



Honourable Judges of the Court taking notes during a presentation

A weeklong retreat for judges and staff of the Court to evaluate its Electronic Case Management System (ECMS) has been held at Global village near Abuja. The ECMS was introduced in 2020 following the outbreak of the Covid-19 to enable the e-filing of cases and the virtual hearing of cases.

At the opening ceremony, the President of the Court, Justice Edward Amoako Asante stressed the necessity of a forum to interrogate the implementation of the ECMS in order to identify the weak links that could be addressed and improve the effectiveness of the system.

“It is our collective duty to deploy our best efforts to make sure we take a post review decision that will make the system more effective and impactful,” the President said in remarks that was delivered by the Court's Chief Registrar, Mr. Tony Anene-Maidoh.

The President characterized the retreat as the 'flagship judicial activity of the Court' that enables the judges, staff of the Registry as well as those of Research and Documentation, among others, to discuss various issues germane to the Court and make proposals for

improving on its judicial functions.

During the retreat, the participants also discussed the lodgement, processing, service of applications and representations before the Court under the ECMS, written and oral procedures under the ECMS, as well as the special procedures before the Court in addition to the practice and procedure under the ECMS.

“...President characterized the retreat as the 'flagship judicial activity of the Court' that enables the judges, staff of the Registry as well as those of Research and Documentation, among others, to discuss various issues germane to the Court and make proposals for improving on its judicial functions.”

There were also presentations and discussions on the recording and transcription of proceedings, judgements and judgement applications, publications, image of the court and visibility of judicial activities including the activities of the Archives unit of the Court.

PICTURES OF THE 2022 JUDICIAL RETREAT



COURT ORDERS NIGERIA TO AVOID A REPEAT OF THE UNLAWFUL BAN ON TWITTER

The Court on Thursday, 14th July 2022 ruled as 'unlawful and inconsistent with the country's international obligations', the decision by the Federal Republic of Nigeria on 5th June 2021 to suspend the use of the microblogging application Twitter in the country.

Delivering judgment in four consolidated suits, the Court held that the suspension violated the Applicants' rights to the enjoyment of freedom of expression, access to information and the media contrary to the provisions of Article 9 of the African Charter established by the African Commission on Human and Peoples' Rights (ACHPR) and Article 19 of the International Covenant on Civil and Political Rights (ICCPR).

It therefore ordered Nigeria to ensure the unlawful suspension did not reoccur and to take necessary steps to amend its laws to be in conformity with the rights and freedoms enshrined in the ACHPR and ICCPR.

The Court also ordered the Respondent to bear the costs of the proceedings and directed the Deputy Chief Registrar to assess the costs accordingly.

The Court delivered the judgment on 14th July 2022 after hearing the submissions of the Applicants in the four suits, which were consolidated by the Court on 5th July 2021, following an application by the Respondent, the Federal Republic of Nigeria.

The Applicants, the Registered Trustees of Socio-Economic Rights and Accountability Project (SERAP); Patrick Eholor, President of One Love Foundation; Chief Malcolm Omirhobo; Media Rights and Eight others sued the Nigerian government, challenging its decision to suspend access to Twitter in Nigeria on the 4th June, 2021. They alleged that the decision constituted a violation of their fundamental rights including their rights to freedom of expression and press freedom.

Three groups - Access Now, Electronic Frontier Foundation (EFF) and Open Net Association filed a joint application alongside SERAP seeking to intervene as amicus curiae to provide useful

findings which may assist the Court in adjudicating the matter while the Robert F. Kennedy Center for Justice and Human Rights also filed an application to serve in the same capacity.

The Applicants argued that the suspension of Twitter was not based on any law or Order of a competent court nor did it state the law that was breached by Twitter.

They alleged that the decision was made by the Respondent on the argument that: "Twitter [was] undermining Nigeria's corporate existence" after Twitter flagged a Tweet by President Muhammadu Buhari, for violating its rules.

The Applicants also claimed that the Respondent breached the right to freedom of expression, access to information, and media freedom contained in the Nigerian Broadcasting Act 1992 and the Nigerian Broadcasting Code.

The Applicants concluded that the objective of the Respondent was to intimidate Nigerians who expose corruption in government, describing the action as acts of impunity intended to intimidate other microblogging sites into self-censorship.

In its response, the Federal Republic of Nigeria denied the allegations, arguing that asking Twitter to comply with the laws of Nigeria was not a violation of the right to freedom of expression and press.

The Respondent also claimed that it took measures to preserve its corporate existence because its sovereignty was at stake.

The Respondent denied all other allegations, arguing that Nigerians could continue to express their views on other social media, print and audio/visual platforms and urged the Court to dismiss the application in its entirety.

The case was heard by a three-member panel of Judges including Justices Gbéri-Bè Ouattara (presiding), Keikura Bangura (judge rapporteur) and Januária Tavares Silva Moreira Costa.

FORMER PRESIDENT OF BENIN WITHDRAWS SUIT AGAINST THE STATE ALLEGING THE VIOLATION OF HIS HUMAN RIGHTS

The Court has struck out a suit filed by former President Yayi Boni of Benin in which he accused agents of the Republic of Benin of torturing and depriving him of his freedom while under house arrest.

When the case came up for judgment on Wednesday, 13th July 2022, the Judge Rapporteur announced that the Applicant had filed a written application to withdraw the case, which was originally filed on 20th May 2019.

Justice Gbéri-bè Ouattara said the Court was ready to deliver the judgment but that the case had to be struck out at the request of the Applicant. The Court directed the Applicant to bear the costs.

In suit No ECW/CCJ/APP/23/19, the Applicant had alleged that the country's police and army surrounded his house with the aim of arresting him but that their plan was thwarted by the citizens who gathered and resisted his arrest.

Dr Boni contended that following various incidents that led to the death of citizens, security forces erected barricades in his neighbourhood, refusing access to his parents, political friends and even to his lawyer.

The Applicant alleged that the house arrest violated the conventions and international agreements ratified by Benin, mainly Articles 5 and 6 of the African Charter on Human and Peoples' Rights (ACHPR); Article and 1 of the United Nations Convention against Torture; - Article 9 of the International Covenant on Civil and Political Rights and Articles 9 and 10 of the Universal Declaration of Human Rights (UDHR);

He had asked the Court to order the government to pay him the sum of one (1) billion (1,000,000,000) CFA francs as damages in compensation for the harm allegedly suffered.

In its defence, the Republic of Benin argued that it had not violated any of the Applicant's rights and asked the Court to dismiss all the claims.

The Respondent State explained that the pre-election period of the legislative election of April 2019 in Benin was characterized by threats and calls for violence from the opposition leaders, including the Applicant.

The Respondent added that during the electoral campaign, the Applicant and members of some opposition parties called for a revolt, declaring that there would be no elections without the opposition and calling for "resistance" against the government.

The Republic of Benin asserted that in a 30 April 2019, interview with the continental magazine, "Jeune Afrique," the Applicant threatened that the opposition will "make the country ungovernable."

The Respondent alleged that it was in this context that on 1st May 2019, under the pretext that the police was preparing to question the applicant, some individuals took over the streets armed with all kinds of weapons during which public and private property were attacked.

The Respondent said that the Police intervened to contain the thugs in accordance with its republican mission to restore public order and that roadblocks were erected around the Applicant's domicile as part of the effort to contain the violence and were removed as soon as the situation improved.

The Respondent therefore urged the Court to consider the application pointless and inappropriate and dismiss it.

Also on the three-member panel for the case were Justices Edward Amoako Asante, presiding judge and Keikura Bangura.

SIERRA LEONE GOVERNMENT HELD LIABLE FOR VIOLATION OF THE RIGHTS OF CITIZEN RAPED BY PARAMOUNT RULER

The ECOWAS Court has ordered the government of Sierra Leone to pay 10,000 dollars in compensation to its citizen for failure to investigate and prosecute the perpetrator in a complaint of rape filed by the citizen against a paramount ruler.

Delivering judgment in the suit filed by Ms. Adama Vandí, the Judge Rapporteur in the suit, Justice Januária Costa said that the compensation was for damages arising from the violation of her rights by the government, mainly her rights to remedy and access to justice; right to human dignity and freedom from cruel, inhuman and degrading treatment.

However, the Court, which delivered the judgment on 13th July 2022, dismissed all other reliefs sought by Ms Vandí and ordered both parties to bear their costs.

Suit no. ECW/CCJ/APP/52/21 was filed before the Court on 2nd September, 2020 by lawyers to the applicant, Mr Gaye Sowe, Edmund Foley and Oludayo Fagbemi from the Institute for Human Rights and Development in Africa (IHRDA) who submitted that her fundamental rights were violated by the government.

Relying on various Articles of the African Charter on human and Peoples' Rights, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), the Convention on the Elimination of all forms of Discrimination Against Women and the International Convention on Civil and Political Rights, Vandí's lawyers alleged the government of Sierra Leone violated her rights to remedy and access to justice, right to freedom from gender-based discrimination, right to human dignity and freedom from cruel, inhuman and degrading treatment.

The lawyers told the Court that the incident

occurred during a raid by the secret society group led by the paramount ruler and that subsequent attempts to get justice were frustrated because of the political connection of the alleged perpetrator.

They urged the Court to hold the government liable for its failure to conduct an effective investigation and prosecute the perpetrator. Among the declarations sought from the Court were a declaration that her rights were violated by the government; an order for the payment by the government of the sum of 100,000 USD as compensation and an order compelling the government to put in place measures to ensure the protection, punishment and eradication of all forms of sexual violence against women.

On 3rd December 2021, the lawyers filed another application before the Court asking for default judgment after the failure of the government to file its response within the legal time frame and respond to the notices/applications served.

While holding the government liable for its failure to conduct an investigation and punish the perpetrator, the Court however held that the allegation of the violation her right to freedom from gender-based discrimination was unfounded since it was not proven that she was denied access to justice because she was a female or treated differently in comparison to others.

The Court awarded 10,000 USD as compensation for damages and also ordered the State to submit to the Court within three months measures taken to implement the judgment of the Court.

On the panel for the case were Justices Edward Amoako Asante (presiding), Gbéri-Bè Ouattara (member) and Januária Costa (judge rapporteur).

CREATION

The Community Court of Justice was created pursuant to the provisions of Articles 6 and 15 of the Revised Treaty of the Economic Community of West African States (ECOWAS).

Protocol A/P1/7/91, as amended by the 19 January 2005 Protocol (i.e. A/SP1/01/05), sets out the organizational framework, functioning mechanism and the procedure followed before the Court.

COMPOSITION

The Court is composed of five (5) independent Judges who are persons of high moral character, appointed by the Authority of Heads of State and Government, from nationals of Member States, for a four-year (4) non-renewable tenure.

MANDATE

The Mandate of the Court is to ensure the observance of law and of the principles of equity and Human Rights within the ECOWAS Community; ensure the interpretation and application of the Texts of the Community: the Treaty, Conventions, Protocols, Regulations, Directives, Decisions and all other subsidiary legal instruments adopted by the Community.