



**COMMUNITY COURT OF JUSTICE, ECOWAS**

# INSTRUCTIONS TO THE CHIEF REGISTRAR AND PRACTICE DIRECTIONS

**ECONOMIC COMMUNITY OF WEST AFRICAN STATES**

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PRACTICE DIRECTIONS**

Abuja, 2012

*COMMUNITY COURT OF JUSTICE, ECOWAS  
ABUJA, NIGERIA*

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# INTRODUCTION

For the efficient conduct of proceedings in all actions before the Court, it is necessary that Practice Directions be issued to the Registry, Agents and Lawyers representing parties before the Court, relating to the procedure of the Court. It is also necessary to issue instructions to the Chief Registrar in accordance with the Rules for the proper organisation of the cases before the Court.

The present directions reflect, explain and supplement certain provisions in the Rules of Procedure and should enable not only the Registry but also Agents, Advisers and Counsel representing parties to take into account the constraints under which the Court operates, particularly as regards the electronic processing of documents, translation and interpretation requirements.

By virtue of the Rules of Procedure and the Instruction to the Chief Registrar, the latter is in charge of records and procedural documents and shall ensure their compliance with the provisions of the Rules of Procedure and assist the Court and chambers especially in the organization of hearings. In carrying out his duties, the Chief Registrar must ensure that the Agents and Lawyers comply with these practice directions, requiring them to make good any irregularities or requesting the Agents or Lawyers concerned to comply with them.

The Court considers it necessary to prescribe the official working hours of the Registry of the Court, period within which members of the public, litigants, Lawyers, Advisers and Agents can lodge, processes and transact official business.



# INSTRUCTIONS TO THE CHIEF REGISTRAR

## ARTICLE 12 OF THE RULES OF PROCEDURE

### SECTION ONE THE REGISTRY

#### Article 1

The Registry of the Court shall be open to the public from Monday through Friday between 9 am and 5 pm, except on ECOWAS holidays, and days declared as official holidays by the authority of the country where the Court has its seat.

#### Article 2

1. The Chief Registrar shall be responsible for the proper organization of cases.
2. The Chief Registrar shall promptly execute task assigned to him by the Judge Rapporteur.
3. Once the Written Procedure is closed and the date for hearing of the oral procedure is fixed, the Chief Registrar shall notify the parties within fifteen days.

#### Article 3

1. The Chief Registrar shall ensure that service, notifications and communications are carried out, pursuant to Article 74 of the Rules of Procedure of the Court. Post office shall include any registered courier service at the place where the Court has its seat.

2. If highly voluminous documents are lodged in a single copy at the Registry, the Chief Registrar, after consultation with the Judge Rapporteur, shall inform the parties through the most appropriate means, to access the documents at the Registry.

#### Article 4

1. For all pleadings lodged at the Registry, the Chief Registrar shall issue an acknowledgement of lodgment at the request of a party.
2. If either party does not lodge his pleadings within the time limit laid down in the Rules, the Chief Registrar shall draw up a certificate of non-lodgment of pleading and transmit it to the Judge Rapporteur.

#### Article 5

Before each public hearing of the Court, the Chief Registrar shall draw up and sign in the language of the case, a cause list. This cause list shall contain :

- The date, time and venue of the hearing;
- The nature of the cases to be called;
- The names of the parties;
- The names and status of the agents, advisors and lawyers of the parties.

The cause list shall be posted at the entrance of the Court room.

#### Article 6

The Chief Registrar shall, on the instructions of the President of the Court, draw up a list of experts.

SECTION TWO  
TRANSLATION OF DOCUMENTS BY THE LANGUAGE  
SERVICES DIVISION OF THE COURT

Article 7

As soon as applications and other documents that require translation are received, the Chief Registrar shall submit them to the Language Services Division of the Court for translation within one week.

Article 8

In order to ensure the accuracy of the translation of Court processes, the translating service of the Court may translate documents to be used in Court proceedings at a prescribed fee to be paid to the Court.

Article 9

When an institution fails to provide the translation of its pleadings as required by Article 32(2) of the Rules, the translation may be done by the translating service of the Court but at a fee to be paid by the institution concerned before the translation is done.

Article 10

1. Where one of the parties has a full or partial translation of its own pleadings or of those of the other party in the language of the case, this translation should as a matter of course be transmitted to the Registry of the Court. The same applies to the annexures.
2. These translations will be examined and certified by the translation service of the Court and will then be communicated to the other party. If it is not certified, it will be rejected and the Chief Registrar will notify the party and thereafter Article 8 or 9 will apply, as the case may be.

SECTION THREE  
FILING FEES AND LEGAL COST

Article 11

1. Only the fees mentioned in the Rules of Procedure, or in the present document shall be charged.
2. The payment of Registry fees shall be done in cash to the Court at the Court cash office or by payment into the special account of the Court, at the bank indicated on the payment notice.

Article 12

The cost for translation to be paid shall be stipulated hereunder or as may be reviewed by the Court from time to time:

- a. Translation of application instituting proceedings, and other documents.....N500 per page
- b. Translation of annexure.....N600 per page.

Article 13

The lodgment of all applications, pleadings, briefs of arguments and addresses in respect of any proceedings before the Court is free except for copying and certification which shall attract a uniform fee of N200 per page.

Article 14

1. In the event of having to recover amounts due in respect of execution of letters rogatory issued by the Court on its own motion, such amounts shall be claimed by registered mail or any other appropriate means, made and signed by the claimant and addressed to the Chief Registrar.

2. Where the letters rogatory are issued on the application of a party, such party shall be liable to pay fully for it and shall be required to pay a deposit to be determined by the Chief Registrar.

## SECTION FOUR PUBLICATIONS

### Article 15

1. The Chief Registrar, assisted by the Court Registrars, shall be in charge of the publications of the Court.
2. There shall be published in the Languages stipulated in paragraph 2, Article 87 of the Revised Treaty, a compendium of the case-law of the Court, comprising, except where otherwise stated, judgments of the Court, Rulings, Advisory Opinions and others.

### Article 16

The Chief Registrar shall see to the publication in the Official Journal of the Community of the notice of registration of an application initiating proceedings. The notice shall contain :

- a. The date of registration of the application,
- b. The names and address of the parties,
- c. The subject matter of the proceedings,
- d. The form of order sought by the applicant,
- e. A summary of pleas in law and the main supporting arguments.



# PRACTICE DIRECTIONS

## ARTICLE 100 OF THE RULES OF PROCEDURE

### SECTION ONE THE USE OF TECHNICAL MEANS OF COMMUNICATION

#### Article 1

1. A copy of the signed original of any Court process may be transmitted to the Registry in accordance with Article 32(6), 33(3) and 74(3) of the Rules of Procedure either by:

Telefax to Fax number:.....

Or

As an attachment to an electronic mail:*registry@courtecowas.org*

2. Where Transmission is by electronic mail, only a scanned copy of the signed original will be accepted. An ordinary file or one bearing an electronic signature or a computer generated fax signature will not fulfill the conditions of Article 32(6) and 33(3) of the Rules of Procedure.
3. The document should be scanned at a resolution of 300 DPI and whenever possible, in PDF format (image and text).

#### Article 2

1. A document lodged by telex or electronic mail will only be treated as in compliance with the relevant time limit if the signed original itself reaches the Registry within the time limit specified in Article 32(6) of the Rules of Procedure. The signed original

must be sent without delay, immediately after dispatch of the copy, without any corrections or amendments, even of a minor nature. In the event of any discrepancy between the signed original and the copy previously lodged, only the date of lodgment of the signed original will be taken into consideration.

2. Where, in accordance with Article 33(3) of the Rules of Procedure, a party agrees to be notified by telex or other technical means of communication, the statement to that effect must specify the telex number and/or the electronic mail address to which the Registry may send that party documents to be served.

## SECTION TWO PRESENTATION OF APPLICATION

### Article 3

1. Cases may be brought before the Court by an application addressed to the Court Registry. This application shall set out the subject matter of the dispute and the parties involved and shall contain a summary of the facts put forward as well as the pleas in law of the plaintiff.
2. An application of the kind referred to in Article 11 of the Protocol shall comply with the provisions of Article 33 of the Rules of Procedure.

### Article 4

In drawing up its written pleadings, each of the parties is to bear in mind the fact that these pleadings are intended not only to reply to the submissions and arguments of the other party, but also, and above all, clearly present his own submission and arguments.

## Article 5

1. Within a month after service on him of the application, the Defendant shall lodge a defence that complies with the provisions of Article 35 of the Rules of Procedure.
2. The time limit laid down in the previous paragraph of this Article may be modified based on a reasoned application by the Defendant.
3. The structure of the legal argument must, so far as is possible, reflect the pleas in law put forward in the application.
4. The factual background is to be recapitulated in the defence only in so far as presentation in the application is disputed or calls for further particulars. If any fact alleged by the other party is contested it must be clearly indicated and the basis on which it is challenged must be stated explicitly.

## Article 6

The reply and rejoinder must not recapitulate the factual and legal background except in so far as its presentation in the previous pleadings is disputed or exceptionally, calls for further particulars. Any fact alleged by the other party contested must be clearly indicated and the basis on which it is challenged must be stated explicitly.

## Article 7

1. The statement in intervention must not develop new arguments in relation to those put forward by the main parties. It may be confined to a mere reference to the other arguments.
2. The statement in intervention must not recapitulate the factual and legal background except in so far as its presentation in the

previous pleadings is disputed or calls for further particulars. If any fact alleged by the other party is contested it must be stated explicitly.

### Article 8

1. Legal argument submitted to the Court must appear in the legal argument and not in the annexes.
2. Only documents mentioned in the actual text of the application and necessary in order to prove or illustrate its contents may be submitted as annexes.
3. Annexes will be accepted only if they are accompanied by a schedule of annexes (Article 32(4) of the Rules of Procedure). That schedule must indicate for each document annexed:
  - a. The number of the annexes;
  - b. A short description of the document (e.g. 'letter', followed by its date, author and address and its number of pages);
  - c. A reference to the page and paragraph number at which the document is mentioned and from which the need to produce it is apparent.
4. Each reference to a document lodged must state the relevant annex number as given in the schedule of annexes in which it appears and indicate the pleading to which it is annexed

### Article 9

1. In the interest of rapidity in drafting proceedings, it is advisable that the following points must be taken into consideration :
  - a. The application is examined on the basis of the pleadings; in order to facilitate this examination; documents must be structured and concise and must avoid repetition;

- b. To facilitate translation, it is recommended to make use of short sentences and vocabulary should be simple and precise.
2. The application must not exceed 15 pages, A4 paper, font size 12 or higher except in exceptional circumstances related to the nature or the complexity of the case.
3. The parties should refrain from submitting new documents after the closure of the written procedure.
4. A party nevertheless desiring to introduce a new document after the closure of the written procedure shall explain why it considers it necessary to include the document and the reasons preventing the production of the document at the earlier stage.

In the absence of consent of the other party, the Court will authorize the production of the new document only in exceptional circumstances, if it considers it necessary and if the production of the document at this stage of the proceedings appears justified to the Court.

5. If a new plea in law has been introduced under Article 37 of the Rules of Court, the other party, when answering upon it, shall confine the introduction of any further pleas to what is strictly necessary and relevant to its answer on what is contained in this new plea.

## Article 10

A party applying by separate document under Article 59(2) of the Rules of Procedure for a case to be decided by the Court by expedited procedure must briefly state the reasons for the special urgency of the case. Such application, save in exceptional circumstances, must not exceed 5 pages, A4 paper, font size 12 or higher. As the expedited procedure is largely oral, the pleading of the party requesting it must be confined to a summary of the pleas relied upon.

## Article 11

Parties soliciting provisional measures under Article 21 of the Protocol of the Court must comply with Article 79 of the Rules of Procedure and must indicate the fact and/or circumstances for the urgency. The party must equally show that the measure solicited is appropriate to safeguard a part of the case beyond what is strictly necessary for that purpose.

## Article 12

1. At the hearing, oral argument is limited to 30 minutes maximum for each party. Speaking time may exceptionally be extended beyond these limits on oral application to the Presiding Judge.
2. The purpose of oral argument is not to present a party's point of view afresh but to clarify any matter which the agent or lawyer deems particularly important, especially those referred to in the application for hearing. Repetition of what has already been stated in the written pleading must be avoided if necessary reference to the pleadings during the course of the oral argument will suffice.
3. Very frequently the Judges and Judge Rapporteur will listen to oral argument via simultaneous interpretation. In order to facilitate the interpretation, agents and lawyers should speak at a natural and unforced pace and use short sentences of simple structure.
4. During the oral procedure, the Court may in respect of any issue for determination or question of law direct the parties to lodge and exchange written submissions or addresses and after adoptions by the parties the Court, with the consent of the parties, may decide not to hear oral arguments.

## SECTION THREE

### SERVICE

#### Article 13

1. Article 33(2) and 35(1) of the Rules of Procedure requires the parties to state an address for service in the place where the Court has its seat while Article 74 of the Rules of Procedure is in respect of service of Court Processes. For ease of service, any Court process for service on a Member State or Institution of a Member State may be effected by the bailiff of the Court through the diplomatic representative of that Member State where the Court has its seat, such service shall be deemed valid and proper service upon proof of delivery, or acknowledgement of receipt.
2. If there are difficulties in effecting service of Court processes, pursuant to the provisions of Article 74 of the Rules of Procedure of the Court, the Court may, at the request of the party, order substituted service of the process.

DONE AT ABUJA ON THE 4TH DAY OF JUNE, 2012

IN A SINGLE ORIGINAL IN ENGLISH, FRENCH AND PORTUGUESE LANGUAGES, ALL TEXTS BEING EQUALLY AUTHENTIC.

HON. JUSTICE AWA NANA DABOYA  
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