

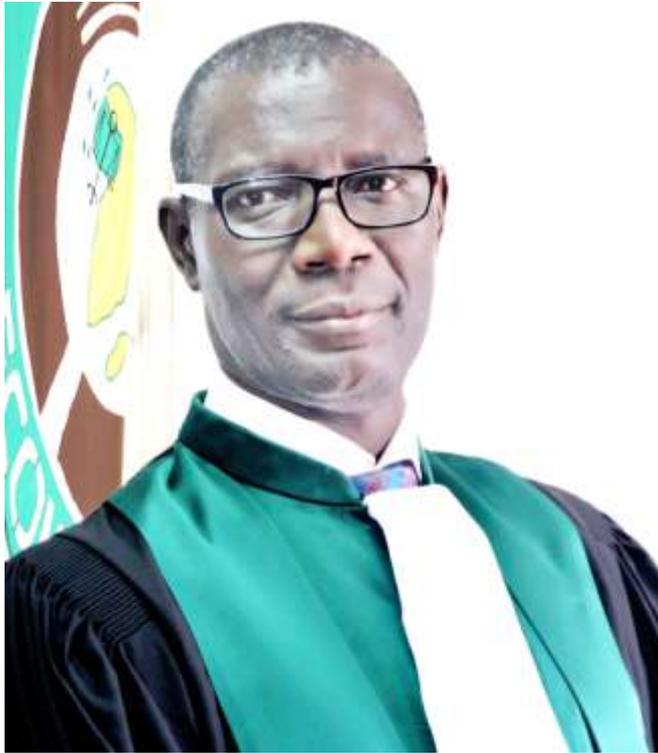


# ECOCOURT

**BULLETIN** OCTOBER, 2021

A PUBLICATION OF THE ECOWAS COURT OF JUSTICE

SPECIAL EXTERNAL COURT EDITION



## FROM THE PRESIDENT

Improving access to justice is one of the preoccupations of the Court and the rationale for some of its interventions. The resort to virtual sessions, even though part of the coping mechanism for the Covid-19 epidemic and the proposal for a funding mechanism for indigent citizens, provide the latest manifestation of this commitment. External court sessions are included in this mix as they essentially help the Court improve access, particularly for indigent citizens who could otherwise be constrained by the implicit cost and logistics of travelling to the Abuja seat of the Court.

Beyond its egalitarianism, such sessions afford the Court the opportunity to engage with the national courts of Member States who play an important role in strengthening Community law as well as expose critical stakeholders such as lawyers and citizens to the practice and procedure of a Regional International Human Rights Court.

Additionally, it enables the Court to engage with the high political authorities of Member States some of whom play an important role in designating the mechanism for the enforcement of the decisions of the Court while providing it with the opportunity to strengthen public awareness of the competence, mandate, practice and procedure of the Court.

It is anchored on the provision of Article 26 (2) of the 1991 Protocol on the Court which provides that “where circumstances or facts of the case so demand, the Court may decide to sit in the territory of another Member State”.

The Court has therefore relied on such sessions to respond to the request and yearnings of indigent Applicants, using the opportunity to include in the cause list for each session, cases from neighbouring Member States pending before it. Since the first external court session was held in Bamako, the Republic of Mali, the Court has held eight other sessions in Niamey, Ouagadougou, Porto Nov, Ibadan, Lome, Abidjan and Guinea Bissau.

As precursor to the session in Abidjan held between 17th and 30th October 2021, an order of the Court dated 30th June 2021 was convened President by the Honorable President, Justice Edward Amoako Asante. During the session, 38 pending cases were heard while judgment was delivered in eleven cases involving the following Member States; Republics of Cote d’Ivoire, Sierra Leone, Togo, Benin and Liberia.

Another feature of the Abidjan session was the livestreaming of the opening and closing ceremonies which necessitated the laying of fibre optic cables that enabled the transmission of the opening and closing ceremonies and which was bequeathed to the office of the Special Representative of ECOWAS IN Cote d’Ivoire for future activities of the Community in the office.

**Hon. Justice Edward Amoako Asante**  
*President*

COMMUNITY COURT OF JUSTICE,  
ECOWAS  
COURT DE JUSTICE DE LA COMMUNATE,  
CEDEAO  
TRIBUNAL DE JUSTICA DA COMUNIDADE,  
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**ORDER OF THE COURT**  
**(EXTERNAL COURT SESSIONS)**

**ORDER N<sup>o</sup>: ECW/CCJ/ORD/02/21**

**The Community Court of Justice, ECOWAS;**

**WHEREAS**, in the interest of effective administration of justice, and to enhance visibility of the Court in Member States,

**HAVING REGARD** to the pending cases before the Community Court of Justice, ECOWAS,

**CONSIDERING** the request from parties before the Court and the circumstances and facts of the cases so demanded,

**PURSUANT** to Articles 26 and 27 of Protocol A/P1/7/91 on the Community Court of Justice, ECOWAS and Article 7 of the Rules of Procedure of the Community Court of Justice, ECOWAS,

**ORDERS** that an External Court Sessions be held in Abidjan, Republic of Cote d'Ivoire from Monday 17<sup>th</sup> to Friday 30<sup>th</sup> October, 2021,

**ORDERS** that the Registry of the Court should draw up the Cause List for the External Court Session, in accordance with the Order of Court.

**DECIDES** that Members of the Court (Hon. Judges) and other relevant Staff of the Court will be part of the delegation from the seat of Court in Abuja to Abidjan, Republic of Cote d'Ivoire to attend the Court Sessions.

**ADJUDGES** that there shall be held, opening and closing ceremonies, to enable the ECOWAS Court of Justice to observe the customary solemn ceremonies associated with the judicial practices of the host Country.

**DONE AT ABUJA, THIS 30<sup>th</sup> DAY OF June 2021**

**BY ORDER OF THE COURT**

A handwritten signature in blue ink, appearing to read 'Edward Amoako Asante', is written over a circular stamp.

**HON. JUSTICE EDWARD AMOAKO ASANTE**  
**PRESIDENT**



## Concept Note

A key element of the annual work program is the external Court session held by the CCJ in the Member States. The essence of the program is to bring justice to the common man at the grassroots of the Community, especially the indigent Community citizens, who cannot afford the cost and logistics of travelling to the seat of the Court in Abuja to access justice.

**It also affords the Court the opportunity for judicial dialogue with the national courts of Member States and expose lawyers and Community Citizens of Member State to the practice and procedure of a Regional International Human Rights Court.**

It also gives the Court an opportunity to engage with the high political authorities, in order to deepen the relationship between the Member State and the Court.

It also serves as an outreach program by creating awareness about the competence, mandate, practice and procedure of the Court. The program is anchored on the provision of **Article 26 (2) of the 1991 Protocol** on the Court which provides as follows “where circumstances or facts of the case so demand, the Court may decide to sit in the territory of another Member State”.

**Over the years, the Court has utilized the provisions of this article to respond to the request and yearning of indigent Applicants, to hold an external Court session outside its seat in the territory of a Member State. The Court also seizes the opportunity to include in the cause list for the external Court session, pending cases before the Court, from the neighboring Member States.**

Since the first external Court session was held by the Court in Bamako, the Republic of Mali, the Court has held the following external Court sessions in the territory of Member States:

- Bamako, Republic of Mali in 2006

- Niamey, Republic of Niger in April 2008
- Ouagadougou, Burkina Faso in April 2010
- Porto-Novo, Benin Republic in October 2011
- Ibadan, Oyo State, Nigeria in December 2012
- Lome, Togo in 2013
- Guinea Bissau in March 2015
- Abidjan, Cote d’Ivoire in April 2016
- Bamako, Mali in April 2018

Despite the importance of the external Court session in the annual work program of the Court, the Court has not been able to hold an external Court session since 2018 due to the Covid-19 Pandemic. Although, the Court has resorted to a large extent, to remote hearings, the prevailing circumstances warrant the holding of external Court sessions, and requesting the oral hearing of indigent Applicant and witnesses who cannot come to Abuja from Cote d’Ivoire and Sierra-Leone.

**Where the circumstances and facts of the pending cases before the Court warrant the holding of an external Court session, the President convenes by an Order of the Court, the holding of an external Court session in the territory of a designated Member State.**

Accordingly, the Hon. President of the ECOWAS Court of Justice, Hon. Justice Edward Amoako Asante by Order dated 30th day of June, 2021 ordered the holding of an external Court session in Abidjan in the

*“...the circumstances and facts of the pending cases before the Court warrant the holding of an external Court session, the President convenes by an Order of the Court, the holding of an external Court session in the territory of a designated Member State.”*

*“...Registry of the Court is faced with the responsibility of preparing the cause list on the instructions of the Judge Rapporteur, serving hearing notices on the parties, witness summons on witnesses and collaborating with the host government for the necessary arrangements ”*

Republic of Cote d’Ivoire from Monday, 17th to Friday, 30th October, 2021.

During this period, the Court will hear forty-seven (47) pending cases and deliver fifteen (15) judgments in cases involving the following Member States; Republics of Cote d’Ivoire, Sierra-Leone, Togo, Benin and Liberia.

The Registry of the Court is faced with the responsibility of preparing the cause list on the instructions of the Judge Rapporteur, serving hearing notices on the parties, witness summons on witnesses and collaborating with the host government for the necessary arrangements.

In accordance with the usual tradition of the

Court an opening ceremony shall be held on Monday 18th October, 2021 and a closing ceremony on Friday 29th October, 2021. High government officials of the Republic of Cote d’Ivoire, including the Minister in charge of ECOWAS Affairs, the Minister of Justice, the President of the Supreme Court, President of the Constitutional Court, President of the National Assembly, President of the Bar Association, Lawyers, Civil Society Groups and Members of the Media shall be invited to the opening and closing ceremonies. His Excellency the President of the ECOWAS Commission H.E Jean Claude Kassi Brou shall be invited to the opening ceremony as a special Guest of honour.

The external Court session shall be attended by the Hon. President of the Court, the Vice President, the Hon. Judges of the Court, the Chief Registrar and other relevant Registry and support staff that are essential for the external Court session.

Dated this 6th day of July, 2021

**Tony Anene - Maidoh**  
*Chief Registrar,*



# OPENING ADDRESS OF THE PRESIDENT



*The President delivering his speech*

## Protocol

1. May I on behalf of the Honourable Judges and staff of the ECOWAS Court of Justice, express our profound appreciation to the Government and People of Cote D'Ivoire for the very warm reception that has been accorded to us, since our arrival in this very beautiful city of Abidjan. It is indeed a great honour, for the delegation of the Court to be so warmly received on the Ivorian soil and we are indeed delighted to be here.

Your Excellencies, it is also my privilege to express the sincere appreciation of the ECOWAS Court of Justice, to the political and judicial authorities of Cote D'Ivoire for availing us the opportunity to conduct our external Court session here in Abidjan and for the brotherly African hospitality.

2. Your Excellencies, we wish to recall that the delegation of the ECOWAS Court of Justice was equally warmly received by the Government and People of Cote d'Ivoire in April, 2016 when the Court held an External Court Session here in Abidjan. We are therefore delighted to be back in Abidjan for another External Court Session. It is indeed very significant, because this is the first External Court Session that the current set of judges is holding since our assumption of duty in August, 2018.

We wish to note, that the importance of the External Court Session in the work program of the Court cannot be overemphasized, because it avails us the opportunity to bring justice to the common man at the grassroots of the Community, engage in judicial dialogue with the judges of the national courts of the host Member State and to expose lawyers in the host Member State to the Practice and Procedure of the ECOWAS Court of Justice. We are also very delighted, by the array of very important dignitaries who have honoured our invitation to attend this opening ceremony.

3. Your Excellencies, permit me to single out for special mention, H.E, Minister of Foreign Affairs of the Republic of Cote d'Ivoire, the Minister of Justice and Human Rights and Keeper of the Seals, the President of the ECOWAS Commission, the President of the Court of Cassation, President of the Constitutional Court, President of the Council of State, Judges of Superior Courts, other high Government officials of the Republic of Cote d'Ivoire here present, Members of the Bar Association and the Chamber of Notaries and Bailiffs of the Republic of Côte d'Ivoire. My special thanks also goes to the Acting Special Representative of the President of the ECOWAS Commission to Cote d'Ivoire, for the excellent facilities that have been placed at our disposal for the accomplishment of our mission. May we also express our appreciation to the Members of the Press for the anticipated coverage of this External Court Session. I wish to thank you all for your presence and for the interest you have shown in the Court and its activities. My appreciation will not be complete, if I do not mention the parties who will be engaged in the cases to be heard, as well as their agents, lawyers or counsel.

4. Your Excellencies, we also wish to place on record, the appreciation of the Court for the enabling environment provided by the Government of Cote d'Ivoire that made it possible for us to be here today. By agreeing to host the Court twice in five years, it has clearly demonstrated its high regard for our regional judicial institution. May we therefore express our gratitude, to the political and judicial authorities of the Republic of Côte d'Ivoire, for the honour done to the delegation of the Court by hosting us once more. **The Community Court of Justice is one of the key Institutions of ECOWAS**

with a clear mandate in the integration process of our sub-region. The Revised Treaty of ECOWAS makes it clear that it is necessary to create the enabling legal environment for the attainment of Community objectives.

Therefore, we cannot over emphasize the importance of Community Law in the integration of our sub-region. We are all aware, that the Government and People of Cote d'Ivoire play a leading role in our integration efforts. Our presence here today, is in recognition of the importance of Cote d'Ivoire in our sub-regional Community and in furtherance of our desire to deepen collaboration between the Court and the National Courts of Cote d'Ivoire.

The External Court Session which we are privileged to hold today in Abidjan is one of the key programmes of the ECOWAS Court of Justice. Article 26 (1) of the Protocol on the Court, provides that where circumstances or facts of a case so demands, the Court may decide to sit in the territory of another Member State. By giving us the legal justification to leave our seat of Court at Abuja, Nigeria to hold a Court session in the territory of a Member State, it offers us an opportunity to bring justice to the grassroots of the Community and to avail the Community citizens an opportunity to observe the Court in session.

It is also, a very useful tool for creating awareness about the Court, its mandate, competence and judicial activities. Since ECOWAS has transited from ECOWAS of States to ECOWAS of Peoples, it is pertinent that the people, (community citizens) should know the ECOWAS Court of Justice and take ownership of it.

It also offers us an opportunity, to deepen the fraternal relationship between our Court and the National Courts of Member States. We are therefore proud to note, that the Court has successfully carried out External Court Sessions in Niamey (Niger), Ouagadougou (Burkina Faso), Porto-Novo (Benin Republic), Ibadan (Nigeria), Lomé (Togo), Bissau (Guinea Bissau), Abidjan (Cote d'Ivoire) and most recently, in Bamako (Mali) in 2018.

We are therefore hopeful, that this external Court session in Abidjan will equally be successful.

### ESTABLISHMENT

6. The Community Court of Justice, ECOWAS was established by Article 15 (1) of the Revised Treaty. Under the Protocol on the Court, **the essential role**

of the Community Court of Justice is to ensure the observance of law and justice in the interpretation and application of the Treaty and the Protocols and Conventions annexed thereto, and to be seized with the responsibility of settling such disputes as may be referred to it in accordance with the Treaty. **The 1991 Protocol on the Court, provides that the Court is the principal legal organ of the Community with the primary responsibility of interpreting and applying the ECOWAS Revised Treaty and other Community texts.**

This initial Protocol was amended by the 2005 Supplementary Protocol on the Court, which expanded the mandate of the Court and gave individuals direct access to the Court in respect of certain causes of action. It is significant to note, that it gave the Court jurisdiction to determine cases of violation of human rights that occur in any Member State.

### MANDATE

7. The mandate of the Court is clearly spelt out by the 1991 Protocol on the Court as amended. It is pertinent to mention, that the contentious competence of the Court, includes the interpretation and application of the Revised Treaty, Protocols, Conventions, Supplementary Acts, Regulations, Directives, Decisions and all other subsidiary legal instruments adopted within the ECOWAS framework. The Court also has the jurisdiction to review the legality of the instruments that I have just mentioned. The Court also serves as an administrative tribunal for ECOWAS public servants. It is also empowered to act as an Arbitration tribunal. Its non-contentious competence includes the giving of advisory opinion to Member States and ECOWAS Institutions.

8. Your Excellencies, the Court is aware of its key role in the integration process of the Community and as the guardian of the Community law and protector of human rights. It is significant to note, that the human rights mandate of the Court has become the dominant aspect of its judicial functions. We are proud to note, that due to its bold decisions on human rights complaints, the international Community has recognized the evolving ECOWAS human rights regime. The unique feature of this human rights regime, is that there is no requirement for the exhaustion of local remedies. Community citizens therefore have the option of lodging complaints for human rights violations before their National Courts or the ECOWAS Court of Justice,

without the need to exhaust local remedies. We therefore wish to acknowledge with pride, the interest that has been shown in the jurisprudence of the ECOWAS Court of Justice by scholars and researchers from all over the world. With all humility, the ECOWAS Court of Justice is a source of pride for our Community.

9. Your Excellencies, in view of the expansive mandate of the ECOWAS Court of Justice, we will continue to appeal to the Member States to provide the Court with the necessary resources it requires to execute its responsibilities. The reduction in 2018 of the number of judges of the Court from seven to five is having an adverse effect on the operations of the Court.

Despite the best efforts of the current set of judges, the number of cases pending before the Court continues to grow astronomically. In the light of the increasing caseload of the Court, it is obvious that a Court composed of only five Members cannot cope. It is therefore suggested that the Member States should consider restoring the composition of the Court back to seven Members as provided for in the initial Protocol on the Court as soon as possible.

### SCORE CARD

10. Your Excellencies, we are conscious of the fact that we have in our midst today, important stakeholders in our regional integration project. May I therefore seize the opportunity to present our score card since the inception of the Court. A total of 557 Initiating Applications have been lodged before the Court and it has delivered 130 Rulings and 290 Judgments. The Court has also registered 23 Applications for Revision of Judgments and has delivered 23 Revision decisions. It has also given four Advisory Opinions. The Court has held a total of 1191 Court sessions. Currently, there are 168 cases pending before the Court. The outbreak of the covid-19 pandemic halted judicial activities of the Court from March to June 2020. However, let me use this opportunity to appreciate the effort of my colleagues, the Hon. Judges, who have worked tirelessly to achieve this remarkable judicial record, even with the reduction of judges from seven to five.

### NEED FOR COLLABORATION

11. We are fully conscious of the role of the ECOWAS Court of Justice in the integration process of our sub-region. We are equally aware of the need for collaboration with the National Courts of Member

States. The Jurisprudence of the Court has made it abundantly clear that we are not an appellate Court over the National Courts of Member States.

We seek collaboration and not competition. In order to maintain uniformity in the interpretation of ECOWAS Community texts, the Protocol on the Court has given the Court exclusive competence in interpretation of the Revised Treaty and other Community texts. The Supplementary Protocol on the Court therefore provides that where in any action before a Court of a Member State, an issue arises as to the interpretation of a provision of the Treaty, or the other Protocols or Regulations of the Community, the national Court may on its own or at the request of any of the parties to the action refer the issue to our Court for interpretation. We regret to note that since this provision was adopted in 2005, we are yet to receive any referral from any Member State.

### ENFORCEMENT OF THE DECISIONS OF THE COURT.

12. It is also imperative for the Court to collaborate with the National Courts of Member States in respect of the enforcement of its decisions. The Revised Treaty provides that the judgements of the Court, are final and are binding on all Member States, Institutions of the Community, Individuals and Corporate bodies. The Protocol on Court further provides that "Member States and Institutions of the Community shall take immediately all necessary measures to ensure execution of the decisions of the Court". Specifically, Article 24 of the Protocol of the Court, as amended, provides that the decisions of the Court are to be executed by the Member States in accordance with their Rules of Civil Procedure and that "all Member States shall determine the competent national authority for the purpose of receipt and processing of execution and to notify the Court accordingly".

13. Your Excellencies, we note with regret that only a few Member States have complied with this provision. May I therefore seize this opportunity to appeal to the high political and judicial authorities of the Republic of Cote d'Ivoire to carry out its Treaty obligation by appointing the competent National Authority for the enforcement of the decisions of the Court as soon as possible. You may wish to know, that only six countries, namely; Guinea, Nigeria, Mali, Burkina Faso, Togo, and Ghana have complied with this Treaty obligation.

14. It is crystal clear, that in order to fully play the

role of the “Watch Dog” of the Community legal order and to maintain the image of a viral and independent regional Court, the Court must have the cooperation of Member States. The credibility of the Court will be adversely affected if its judgements are not implemented by Member States. We note with regret, that many of the decisions of the Court are yet to be implemented by the Member States concerned. It will be counter-productive to render the Court a toothless bull dog.

We will therefore continue to appeal to all Member States for their collaboration and support. I wish to acknowledge with gratitude, the respect that has been shown to the Court by the Republic of Cote d’Ivoire in regularly submitting to the jurisdiction of the Court, but we humbly appeal that this good gesture should be extended to the implementation of the decisions of the Court.

### **OUR WORK PROGRAMME**

15. Your Excellencies, during this external Court session holding in Abidjan, which will commence after this ceremony, the Court will hear twenty-eight (28) cases and deliver eleven (11) judgments. You may wish to note that most of these cases involve alleged violations of human rights. I hope that the hearing of these cases here on the Ivorian soil will assure all Ivorian citizens of the availability of regional protection of human rights. We also wish to congratulate the Government of the Republic of Cote d’Ivoire for demonstrating its willingness to respect human rights and for creating the enabling legal environment for democracy and rule of law to thrive.

16. The ECOWAS Court of Justice is grateful to the Authority of Heads of State and Government for the 2005 amendment of its initial Protocol which granted direct access to individuals in respect of certain causes of action. We are all aware that access to justice is a crucial element in the rule of law. In order to deepen access to the ECOWAS Court of Justice, we will soon launch our electronic case management system that will enable parties and their lawyers to file cases from the comfort of their offices and homes anywhere in West Africa. As part of that process, we will conduct training or lawyers in the sub region, on the new ECOWAS Court Electronic Case Management System in due course. We will therefore continue to appeal to all lawyers in the Member States for their support and collaboration in this regard.

### **DEMOCRACY AND GOOD GOVERNANCE**

17. ECOWAS is committed to the enthronement of democracy and good governance in our sub-region. At national and regional levels, the judiciary is a key pillar in the rule of law architecture. In any constitutional democracy, the Judiciary ought to be an independent pillar of the State constitutionally mandated to exercise the judicial authority of the State fearlessly and impartially. We are fortunate that ECOWAS has also adopted human rights as a fundamental value of the Community. It is not in doubt that in the promotion and protection of human rights and in the administration of justice generally, the Court plays a central role as an independent judiciary in matters concerning the rule of law. It is therefore imperative that the Courts must be allowed to exercise their judicial functions without interference. We are assured that at the Regional level, the ECOWAS Court of Justice is the principal legal organ that guarantees a conducive legal order for the attainment of Community objectives and for the protection of the human rights of Community citizens. It will therefore continue to play a vital role in the integration process of our sub-region and in the emerging ECOWAS human rights regime. We are glad to note, that the Court has lived up to expectation and has become a pace setter for other regional Courts in Africa. May I therefore seize this opportunity to congratulate my colleagues, the Honourable Members of the ECOWAS Court of Justice, for their diligence and contributions towards the attainment of the community legal order.

### **CONCLUSION**

18. Your Excellencies and all our distinguished guests, may I conclude by extending the hand of fellowship of the ECOWAS Court of Justice to the Government and People of the Republic of Cote d’Ivoire. As a Community Institution, we wish to assure you of our commitment to the ECOWAS integration objectives and the consolidation of constitutional order and rule of law in all Member States. We wish to express our sincere appreciation to all our invited guests for the honour done us by attending this opening ceremony. It is our hope that in the years ahead, we will continue to deepen the fraternal relations existing between the ECOWAS Court of Justice and the Government and People of Cote d’Ivoire.

I thank you for your attention. Je vous remercie.  
Muito Obrigado

**Hon. Justice Edward Amoako Asante**

## Invited guests at the opening ceremony



*Hon. Justice Eliam Potey (1st right), a former judge of the Court with two guests at the opening ceremony*



*Representatives of national courts*



*Other guests at the ceremony*

## Pictures from the Opening Ceremony



*Hon. Justice Eliam Potey (2nd left) with staff of the Court*



*Students from "Ecole de la Magistrature"*



*Some lawyers attended the ceremony*

## WELCOME ADDRESS BY THE ACTING RESIDENT REPRESENTATIVE OF ECOWAS IN COTE D'IVOIRE



*Mr Jérôme WANYOU, Chargé d'Affaires par Interim de la Représentation Residente de la CEDEAO giving the welcome speech on behalf of the President of the ECOWAS Commission*

The Honourable Ivorian Minister of Foreign Affairs, African Integration and the Diaspora, Honourable Minister of Justice and Human Rights, Your Lordship the President of the ECOWAS Court of Justice,

Your Lordship the President of the Cour de Cassation of Côte d'Ivoire,

The Honourable Representative of the Chairman of the Constitutional Council of Côte d'Ivoire,

Your Lordship the Chairman of the National Human Rights Council,

Honourable Invited Guests,

The Press and Other Media Personnel,

All protocols duly respected.

In taking my turn to address you this morning, on the occasion of the opening ceremony of the external court session of the ECOWAS Court of Justice, being held on Ivorian soil, I do so with joy. I do so with joy because of the importance of the event being held this morning.

Again, my joy comes from the opportunity you have

given me to extend a warm hand of welcome to the participants, on behalf of the President of the ECOWAS Commission, His Excellency Jean-Claude Kassi Brou, here at the "ECOWAS House", a venue offered to us by the President of the Republic of Côte d'Ivoire.

Honourable Minister of Foreign Affairs and African Integration, we sincerely entreat you to express once again on our behalf, and before the Head of State, His Excellency Alassane Ouattara, our endless gratitude for the generous act of the Republic of Côte d'Ivoire towards ECOWAS, in graciously making available to ECOWAS a truly functional seat of the Resident Representative of ECOWAS in the Republic of Côte d'Ivoire.

Excellencies, Ladies and Gentlemen, Honourable Invited Guests.

For a period of two weeks, in essence, the opportunity will be given to the ECOWAS Court of Justice to conduct a judicial dialogue or a dialogue among the courts of justice, and with the key actors of the domestic courts of the Member States, namely with the lawyers and the entire legal body.

This dialogue equally implies the Community citizens getting involved and acquainting themselves with the practice and procedure of the ECOWAS Court of Justice, within the context of a well-loaded programmed court hearings on matters of human rights, and within the context of a regional court of justice which, by and large, adjudicates on questions relating to human rights.

### **Excellencies, Ladies and Gentlemen.**

The objective of this external court hearing, which is being held for the second time in Abidjan, after that of 2016, is situated within the context of the continuity of the sustained sensitisation work programme of our Regional Court, which still faces some reluctance on the part of users of the national judicial systems, at both the personal, national and public levels.

The reluctance concerns both litigants who can easily afford to come before the ECOWAS Court



**“** *...objective of this external court hearing, which is being held for the second time in Abidjan, after that of 2016, is situated within the context of the continuity of the sustained sensitisation work programme of our Regional Court, which still faces some reluctance on the part of users of the national judicial systems...* **”**

with their grievances, and those who cannot, and thus need financial or legal assistance from the same Court.

One can therefore understand the profound and justified reasons for organising these external court sessions, laudable reasons in all respects.

**Excellencies, Ladies and Gentlemen.**

I would like to end by stating that speakers with greater authority over specific subject matters will

be emphasising how significant your role is, by way of inspiring and establishing solid hopes in hearts of your audience by the end of your deliberations.

The hopes I make reference to are equal to the significance of the objectives assigned the event about to take place. Again, these hopes stand in equal measure to your great reputation, in terms of expertise, experience and commitment, regarding the issues you plan to discuss.

On behalf of the President of the ECOWAS Commission, H. E. Jean-Claude Kassi Brou, permit me to wish, sincerely, that our expectations will be kept alive, and full of excitement, towards the realisation of the objectives of your programme, and towards establishing a common market and a prosperous region based on law.

Thank you.

**Jérôme Wanyou.**  
*Acting Resident Representative of ECOWAS in Côte d'Ivoire*

## Speech By The Honourable Minister For Foreign Affairs, African Integration And The Diaspora



*Mr Kabran Assoumou, Director of Cabinet at the Ministry of Foreign Affairs,  
African Integration and Diaspora, representing the Minister*

Honourable Minister of Justice and Human Rights,  
Your Lordship the President of the ECOWAS Court  
of Justice,  
Your Lordship the President of the Constitutional  
Court,  
Your Lordship the President of the Cour de  
Cassation,  
Your Lordship the Chairman of the Council of State,  
The Honourable Permanent Representative of  
ECOWAS in Côte d'Ivoire,  
Your Lordship the Chairman of the National  
Council of Human Rights,  
The President of the Bar Association of Côte  
d'Ivoire,  
Honourable Judges of the ECOWAS Court of  
Justice,  
Ladies and Gentlemen.

Your Lordship the President of the Court of Justice  
of the Economic Community of West African States  
(ECOWAS), I am greatly honoured by the invitation  
addressed to me, to deliver the opening speech of

the external court session of this august Court,  
which opens today in Abidjan.

I consider it essential to thank you for this, and to  
extend the same act of gratitude to the Honourable  
Judges of the Court.

Your Lordship the President,  
Excellencies, Ladies and Gentlemen.

Originally established to see to the application and  
interpretation of the Community legal instruments,  
the jurisdiction of the Court of Justice of ECOWAS  
was widened to include matters concerning human  
rights.

Generally, it is at its seat, located in Abuja, in the  
Federal Republic of Nigeria, that the Court holds its  
hearings. However, where circumstances or facts of  
the case so demand, the Court may decide to sit in  
the territory of another Member State, away from  
the location of its seat.

That is the reason for the Court's sitting which is about to take place now in Côte d'Ivoire.

The Community citizens are however not always very conversant with the practice and procedures of the ECOWAS Court, just like the legal professionals, at times.

That is the reason why I wish to note with satisfaction the important role played by the external court sessions of the ECOWAS Court of Justice, which, at any rate, constitute a significant component of the work programme of the Court. Why so? Because, in getting closer and closer to the citizens whose right it is to seek justice before the Court, the Court puts itself in a position to enable the peoples of the ECOWAS Member States to get acquainted with what the Court stands for.

Your Lordship the President,  
Excellencies, Ladies and Gentlemen.

The role of the ECOWAS Court of Justice, in the process of consolidating justice and the rule of law within the West African sub-region, is undeniable, as witnessed by the ever increasing applications brought before the Court by the Community citizens.

Indeed, the ECOWAS Court of Justice constitutes the guardian of human rights protection within the West African Community space.

This is the reason why I encourage the Judges of this Honourable Court to do all that is within their abilities and powers to live up to the great expectations of the peoples, who are constantly looking up to them.

In welcoming the Court to Abidjan this day for its external court hearings, Côte d'Ivoire reaffirms its

**“...in getting closer and closer to the citizens whose right it is to seek justice before the Court, the Court puts itself in a position to enable the peoples of the ECOWAS Member States to get acquainted with what the Court stands for...”**

commitment to uphold the status and position accorded the ECOWAS Court of Justice, and to contribute its quota as a Member State therefore, towards the realisation of the judicial integration of our sub-region.

Without doubt, the reforms undertaken by ECOWAS should enable the Court to improve upon its efficacy, by way of equipping the Court with the suitable human, material and financial resources, if the Court is determined to maintain the trust the peoples have today cultivated our the regional court, in terms of the huge number of applications external court hearings, such as this, are going to generate.

Your Lordship the President,  
Excellencies, Ladies and Gentlemen.

Before I end my speech, permit me to express to you once more, my gratitude and my words of encouragement, for your untiring efforts towards human rights protection within the ECOWAS space, and for the promotion of the rule of law and democracy within our Community space.

While wishing you fruitful deliberations, I would like to say thank you for your kind attention.

**Cour de la Justice de la Communauté, CEDEAO**  
[www.courtecowas.org](http://www.courtecowas.org)

**Audience Hors-Siège**  
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**40 affaires    11 décisions**

Représentation Permanente de la CEDEAO en Côte d'Ivoire  
19 - 29 octobre 2021    Abidjan / Cocody - Corniche

*Banner of the external Court session*

## SPEECH BY THE CHAIRMAN OF THE NATIONAL COUNCIL OF HUMAN RIGHTS, MADAM NAMIZATA SANGARE



*Mrs Namizata Sangare,  
President of the National Council of Human Rights*

Distinguished high personalities of the national and regional courts of justice,  
Director of Cabinet of the Honourable Minister,  
The Honourable Acting Head of CEDDP,  
Journalists here assembled,  
All protocols duly observed,  
Ladies and Gentlemen.

The ECOWAS Court of Justice, the principal legal organ of the Community, is a well-recognised strategic mechanism of the human rights protection system in the sub-region.

All the same, the Court is not very well known by the peoples in the West African zone, nor by the legal practitioners and human rights protection organisations.

Therefore, from 17 to 23 February 2020, the Court organised a sensitisation mission aimed at enabling the people, the target of that mission, to get to know and familiarise themselves with the Court.

That sensitisation mission was organised within the general context of the efforts by the Court to get closer and closer to the peoples in the Member States and sensitise them on the mandate and powers of the Court and on the practices and procedures followed before the Court.

The principal lines of focus of that sensitisation campaign consisted of: a special forum for lawyers, legal practitioners and law students; a judicial dialogue with judges; a public conference; a radio

and television programme, and a press conference.

The National Council of Human Rights (CNDH), like today, has always been collaborating with the Court in carrying out that initiative.

Again, we did recognise that the opportunity for collaboration with the Court could not have come at a better time. We therefore made manifest our resolve and commitment to work with the Court in a dynamic interactive relationship. Since then, the opportunities for cooperation have never lacked.

Thus, certain applications have been referenced by the CNDH, and they are to be heard by the Community Court Justice.

Ladies and Gentlemen.

Holding the external court session here does honour the Republic of Côte d'Ivoire, just as it legitimises the rightful aspirations of Ivorian litigants who may have found it burdensome to travel to Abuja to plead their case before the Court. Without doubt, holding the external court session far away from the physical location of the seat of the Court provides an excellent avenue for facilitating access of litigants to the Court.

The legal practitioners will equally have the opportunity to familiarise themselves with the procedures applicable before the Court, and much more specifically, to see how the oral phase unfolds in the proceedings before the ECOWAS Court of Justice, notably during the pleading of the matters pending before the Court.

Ladies and Gentlemen.

All this, indeed, stands in honour to the Court, which, by the mechanism of its external court session, identifies with the masses of the people, as a means of guaranteeing legitimacy and social acceptability.

What remains to be done, to move this dynamic a notch higher, is just to put in place at the Community level, a strategy for guaranteeing legal assistance to persons who are victims of human rights violations, but who lack the financial resources for putting up their defence before the Court.

Just like the necessity for sustained collaboration between justice at the Community level and justice at the domestic level, in the national courts, which, the organisation of this external court session by the Community Court perfectly symbolises.



**Gberi-bè OUATTARA**

Vice-président de la cour de justice de la CEDEAO

## THE VICE-PRESIDENT DURING A PRE-EVENT INTERVIEW ON NOUVELLE CHAÎNE IVOIRIENNE (NCI)

*New Channel (NCI): With us in the studios is the Vice-President of the Court of Justice of ECOWAS. Good evening, Honourable Justice Ouattara Gberi-bè, thank you for being with us. This is the second time that the Court has visited Abidjan, the first time it was in 2016.*

*Judge Gberi-bè Ouattara (GBO): The second time, maybe the third time. The first was in 2016, and then in 2019. In 2019, the ECOWAS Court of Justice came here for a one-week sensitisation mission. This time it's an external court session to hear cases, it's a little different. For the external court hearing, the Court moves its location of hearing away from its seat, it comes to the litigants. This is provided for in the rules. It is a Community court, a regional court, the seat is in Abuja. But it is expected that the Court can move its sitting to any of the 15 ECOWAS countries.*

*NCI: The hearings therefore begin this Monday, what are the cases you are going to deal with? Ivorian cases in particular?*

**GBO:** Before answering this question, I would like to make this point very clear: when we designing the programme, we did not know that Monday would be a holiday. We arrived here and we were told that Monday will be Maouloud. The opening ceremony, which was scheduled to take place on Monday, will be moved to Tuesday and will be followed by hearings. Finally, it will be from 19 to 29 October.

We have a big load of cases. For the Ivorian cases, there is one ready, the judgment will be delivered.

*NCI: Which one?*

**GBO:** Diawara Oumar v. Côte d'Ivoire. The decision will be made. But the other cases will be pre-trial proceedings. There are about 40 cases, and about a dozen judgments that will be delivered by the Court.

*NCI: Are you being approached today by Ivorian politicians or political parties for questions of violation of human rights?*

**GBO:** At this precise moment, there are no cases concerning political authorities or political parties. But, not too long before we took office at the Court, we had such cases, when there were the problems of ex-president Laurent Gbagbo. These cases were tried before we took over from our predecessors. We have seen the traces and we have read the judgments and decisions. But currently, there isn't. On the other hand, the Diawara Oumar case concerns human rights violations. It concerns an individual against the state.

**NCI:** *What makes you different from the African Court on Human and Peoples' Rights apart from the regional aspect?*

**GBO:** What differentiates us from the African Court on Human and Peoples' Rights, which is in Tanzania, in Arusha, is that we were an initially an inter-state court, responsible for the interpretation of the founding Treaty of ECOWAS and the various instruments that ECOWAS has produced for itself. We do not recognise the principle of exhaustion of remedies before bringing an application before the Court, whereas at the African Court on Human and Peoples' Rights, one must necessarily exhaust the remedies before being able to access the Court.

**NCI:** *Who can come before your Court?*

**GBO:** Initially it was the states. Then the 2005 Protocol which amended the 1991 Protocol came into existence. It provides that as well an individual a natural or legal person like you and me can apply to the Court, NGOs can apply to the Court, in addition States. ECOWAS institutions can also apply to the Court.

**NCI:** *Many Africans find it difficult to trust the courts of their countries, but also African courts like the CCJ because they feel that you work for the leaders or that you have difficulty in enforcing your judgments. How do you respond to these people?*

**GBO:** I would like to tell these people that they are wrong and that they seriously misunderstand the justice of their state first, and then international justice. Regarding the ECOWAS Court, when you look at how the judges are recruited, and what is required of them, i.e. the criteria applied before being recruited, you cannot even imagine that kind of talk. It is required that the judges must be persons of high moral value, and must have the

“  
*Initially it was the states. Then the 2005 Protocol which amended the 1991 Protocol came into existence. It provides that as well an individual a natural or legal person like you and me can apply to the Court, NGOs can apply to the Court, in addition States. ECOWAS institutions can also apply to the Court.*  
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necessary qualifications to occupy the highest judicial offices in their country.

**NCI:** *Your point is well understood. Thank you, Honourable Judge Gberi-bè Ouattara, I wish to remind you that you are the Vice-President of the ECOWAS Court of Justice. What are our expectations for the smooth running of this session in Abidjan?*

**GBO:** Let people come and watch how the Court works. The Court holds virtual and face-to-face hearings at the same time. So you will see that we will allow lawyers from other countries to connect and follow our hearings from home.

But I wanted to correct something very quickly. The Court was provided for in the founding Treaty of ECOWAS in 1975, but it was really created in 1991 by the Protocol of 1991, and it only became operational in 2001 when the first judges were appointed, and took office. So the Abidjan session is a session away from headquarters. The Court comes closer to litigants, meaning bringing together different systems of justice side by side and making decisions, and doing everything you have already said.

“  
*...is required that the judges must be persons of high moral value, and must have the necessary qualifications to occupy the highest judicial offices in their country.*  
”

## Interview by the Vice-President with The Daily Le Patriote (No 6535)

*Le Patriote: In 1993 the Court of Justice of the Economic Community of West African States (ECOWAS) was established. 28 years later, what assessment can we make of the existence of this legal body?*

*Gberi-bè Ouattara: I would first like to say that it is a mistake to say that the Court was established in 1993, as it is written everywhere. In fact, and this interview gives me the opportunity to make a major clarification, when ECOWAS was formed, in the first Treaty in May 1975, there was already provision for the creation of a Court of Justice. It was not until 1991 that the first protocol which created the Court and which gives its composition and its functioning was adopted. It was therefore in 1991 that a protocol was made to create the Court. To put it simply, the Court was created in 1991. The 1975 treaty was revised in 1993. This is called a revised treaty.*

*The Court is now 20 years old. It is a court in its adolescence stage, you might say, if it was a person. Despite its young age, the Court cannot be assessed in unfavourable light. It has been a daring Court, it took its responsibilities headlong. It is trying to establish Community law in the 15 ECOWAS States.*

*The Court succeeded in taking courageous decisions, in creating a case law which made its famous, because people everywhere are talking about the decisions made by the Court. You may dislike them, you may not apply them, you may not submit to them, but the acclaim of the Court's decisions is not in doubt, 20 years after its inception.*

*The results are positive for me. The 20 years will be celebrated in Togo in November, according to our forecasts. In passing, I would*



*like to point out that it was not until 2001 that the Court became operational. The first judges took office in 2001. The Court had a difficult gestation period.*

*“ The Court succeeded in taking courageous decisions, in creating a case law which made its famous, because people everywhere are talking about the decisions made by the Court. You may dislike them, you may not apply them, you may not submit to them, but the acclaim of the Court's decisions is not in doubt, 20 years after its inception. ”*

**LP: Who can apply to bring his case before this Court?**

**GBO:** Initially, the Court was conceived as an inter-state court. Its role was to interpret the treaty and manage conflicts that may arise between ECOWAS states. From 2005, the Court went one step further. It became accessible to individuals, and therefore to natural persons. Then, legal persons were taken into account. Today, therefore, we can be approached by States, by natural individuals, but also by legal persons.

In the 1975 treaty, ECOWAS made a commitment to promote, defend and protect human rights in accordance with the African Charter on Human and Peoples' Rights. This commitment required the Court to open up. In 2005, there was an additional protocol to that of 1991 which opened up access of the Court to natural persons. To enable legal persons defend their rights, access to the Court has been granted to them. Today, therefore, States can file cases before the Court, and natural and legal persons as well.

Again, the Court allows NGOs which are regularly incorporated according to the texts of their respective countries, to bring proceedings before the Court on behalf of certain groups of persons having rights of public interest. NGOs can assist natural persons in their action, by helping them to carry out their trial. In internal litigation, it allows ECOWAS staff, for example if someone is fired from their job, to appeal to the Court.

It acts as an inter-state court for administrative disputes between states, between states and ECOWAS institutions, between states and individuals, between individuals and the state or between individuals.

**LP: Your headquarters is in Abuja, Nigeria. You are currently in Abidjan in Ivory Coast. What brings you to the shores of the Ebrié lagoon?**

**GBO:** Indeed, our headquarters is in Abuja, the Federal Capital of Nigeria. We are a community court which brings together the 15 ECOWAS States (eight French-speaking States, five English-speaking States and two Portuguese-speaking States) and which has jurisdiction over this entire area. It is permitted for the Court to travel from time to time, to get closer to certain litigants. The Court is allowed, if it so wishes, to sit in one of the Member

States.

We agreed to come to Ivory Coast to do what is called external court hearings. We have already done this in several other countries. This year, we have decided to come to the Ivory Coast, especially since I am the Vice-President, I am from the Ivory Coast. I could not but come and honour my country.

**LP: How long will you stay in Ivory Coast?**

**GBO:** The Court will stay in Ivory Coast from October 17 to 31. We will have hearings in Abidjan every day. Before that date, the advance team was already here. The advance team was here to prepare the ground. We have several cases on the table. We will be holding hearing sessions. We will hear from the parties. We will schedule them for judgments. We have a lot of business from Tuesday October 18 to October 31.

We will have hearings in the main hall of the Office of the Special Representative ECOWAS in Ivory Coast, in Abidjan, Cocody. The room will be appropriately equipped. It will be transformed into a courtroom with interpretation booths. All of our deliberations are translated into all the three official languages.

**LP: You are a court. You make decisions. Are these decisions binding?**

**GBO:** The treaty first, then the protocols, assert that the decisions of the Court are binding, that they are binding and states are required to obey them. This is clear. It's written in the texts. In addition, these decisions cannot be appealed.

**LP: What happens if your decisions are not enforced?**

**GBO:** Indeed, the Court has no leverage against states that refuse to execute its decisions. It's a big loophole, a big loophole. Because asserting that states are bound to execute the decisions of the Court and that some do not execute the decisions without suffering sanction weakens the Court. It's the feeling that there is a taste of the unfinished business. What is the point of going to court, obtaining a decision, having incurred costs and not having the decision enforced?

I take advantage of your columns to launch an appeal to States. They need to understand that the ECOWAS Court of Justice is their own creation.

That mode of operation was determined by themselves. All the obligations that result from all of this were created by themselves. The least concerning an obligation is to perform it. There is a big gap that states must seek to fill.

*LP: The issue of the movement of goods and persons encounter serious problems in the sub-region. How do you resolve this concern shared by several inhabitants of your Community space?*

**GBO:** There, you have a question that is related to human rights. It is said that in the ECOWAS area, any citizen can move freely from one country to another, to settle in any country and to exercise there the activity which he wishes. It is the right to integration.

In the protocol, it says that the Court must have all the means to remove all obstacles to integration. The only weapon the Court has to make this happen is to read and interpret the law. It is about making decisions, even if they are not implemented.

The states, which are the only signatories of international instruments, treaties, protocols and covenants, must know that these endorsements entail obligations. These obligations must be performed in good faith. Not respecting them makes a mockery of the whole idea behind the setting up of the Court.

States have provided for sanctions against States that fail to comply with the decisions of the Court. It is therefore necessary to activate all these decisions which are recorded in the various agreements.

*LP: On this basis, one is tempted to ask: what is the purpose of the Court?*

**GBO:** Let's not be pessimistic because not all states fail to enforce our decisions. I take this opportunity to congratulate those who do, and I ask others to follow those good examples. Over time, things will turn out for the best. Justice is not to be taken for granted.

The hardest thing to have is justice. Not everyone executes decisions in good faith. Often, decisions are executed under duress. What is possible against a natural or legal person is not possible with a State. This is the whole difficulty. We need to learn from other experiences that exist in other climes.

When the Court was established in 1991, it was said that each state must indicate to the Court a national authority responsible for executing the decisions of the Court. From 1991 to today, only six of the fifteen states have complied with this ruling. There is no interlocutor in nine countries for the execution of the decisions rendered.

Here is another challenge. A defect which undermines the effectiveness of this mandate.

I seriously urge the States which seem to have forgotten that they have contracted an obligation, to remember the commitment they have made, according to which they have decided to set up an authority in charge of the execution of the decisions of the Court.

*LP: Do you have a message for the peoples of your Community space?*

**GBO:** I would like to say to the Heads of State of ECOWAS that they must do everything to make this Court live and to become robust. Because without a strong judicial institution within the community, cohesion within ECOWAS will not be possible. Men have problems on earth, usually for lack of justice. We can endure situations. But when one is deprived of justice, it often causes disorder, sometimes even chaos. Whoever thirsts for justice or is always deprived of justice, has no other recourse than violence.

Our States, as well as all citizens of the Community, must understand that we all have an interest in seeing to it that this Court becomes a robust institution, protecting human rights, a Court that operates for purposes of attaining cohesion and integration. A Court whose decisions must be respected.

We invite all economic operators, all jurists in the Community, particularly lawyers, the bar associations of all countries, to urge their States and also remind them that they have made commitments in the ECOWAS treaty that they must respect.

States must also remember that the decisions of the Court are binding.

This will strengthen the authority of the Court.

*By Thierry Latt*

# SPEECH OF THE HON. PRESIDENT AT THE CLOSING CEREMONY



*The judges of the Court and the Chief Registrar at the closing ceremony of the external court session*

Your Excellencies,

It is my pleasure on behalf of the Judges and staff of the ECOWAS Court of Justice to welcome you all to the closing ceremony of the external court session of the Court that held here in Abidjan, Cote d' Ivoire, from 19th – 29th October, 2021, the climax of nine (9) days of court hearings and judgments.

Once again, permit me to express our deep gratitude to the Government and People of the Republic of Cote d' Ivoire for providing the enabling environment for the successful holding of this event in Abidjan. May we also express our profound appreciation to the high Government Officials and judges of the national courts of Cote d' Ivoire that warmly welcomed us to the country and participated in the opening ceremony of this program on Tuesday, 19th October, 2021.

May we also acknowledge the presence of the key dignitaries at this closing ceremony:

After nine eventful days, we can proudly say that we have achieved the objective of this mission by bringing justice to litigants at the grassroots of the Community and exposing the practice and procedure of the Court to lawyers at the national level and other stakeholders.

During this external Court Session, the Court heard a total number 38 cases, out of which it delivered 11

judgments and adjourned a total number 27 cases for continuation of hearing or judgment at a later date at the seat of the Court in Abuja, Nigeria. It has therefore been a very productive session for which we are grateful to all our collaborators.

This external court session was equally unique because this is the first time in which the Court has held hybrid sessions, allowing lawyers to participate either physically or remotely from their various countries.

This was also the first time that the opening and closing ceremonies of an external court session of the Court was live streamed.

Your Excellencies,

The importance of the external court sessions cannot be over emphasized especially in the context of our judicial diplomacy, as it affords us the opportunity to deepen our collaboration with the national courts of Member States. The ECOWAS integration process cannot be fully achieved unless, the relationship between the national courts of Member States and the ECOWAS Court of Justice is clearly defined by law and they both work in harmony.

The Court has consistently ruled that it is not an appellate Court over the national courts of Member States. The Court also relies on the national court of Member States for the enforcement of its



*Guests at the closing ceremony*

judgments. Therefore, the national courts of Member States and the ECOWAS Court of Justice form the corner stone of the ECOWAS Community legal order. It is however regrettable that Article 10(f) of the Protocol on the Court which would have facilitated effective collaboration between the national courts of Member States and the ECOWAS Court of Justice by allowing national courts to make referrals to the ECOWAS Court of Justice for interpretation of the ECOWAS Revised Treaty and other ECOWAS Community texts, is yet to be implemented by any national court.

Your Excellencies,

The importance of a normative framework for regional integration and the relationship between the national courts and the regional court cannot be overemphasized as it provides the enabling legal environment for the attainment of Community objectives. In addition to its regional integration objectives, ECOWAS has adopted the protection of human rights as a cardinal and fundamental value of the Community. Without doubt, regional economic integration and regional protection of human rights both constrain sovereignty.

It is therefore necessary for Member States that established ECOWAS as a vehicle for regional economic integration, to recognize the supranationality of ECOWAS and the need for them to abide by their treaty obligations to ECOWAS. It is therefore important for Member States to domesticate the ECOWAS Revised Treaty and the annexed Protocols, including the Protocols on the Court in accordance with their treaty obligations under Article 5(2) of the ECOWAS

Revised Treaty in order to provide the enabling legal environment for the ECOWAS integration process.

Your Excellencies,

The ECOWAS Court of Justice is a Community Institution and since ECOWAS has transformed from ECOWAS of States to ECOWAS of People, Community citizens must be at the core of the integration process.

Therefore, impediments must not be erected to limit the access of Community citizens to the ECOWAS Court of Justice. It is also necessary for Member States to comply with the judgments of the ECOWAS Court of Justice as the Revised Treaty clearly provides that the judgments of the Court are binding on all Member States, Institutions of the Community, corporate bodies and individuals.

Member States are also required by the Protocol on the Court to immediately take all necessary measures to enforce the judgments of the Court. The current compliance rate with the judgments of the Court of about 30%, is definitely not satisfactory. It is also not satisfactory that only six Member States have appointed a competent national authority entrusted with the responsibility of enforcing the judgments of the Court in the Member States. These are Guinea, Nigeria, Mali, Burkina Faso, Togo and Ghana. May we therefore appeal to the other nine Member States and particularly, the Government of Cote d' Ivoire to appoint the competent national authority as soon as possible.



*Dignitaries at the closing ceremony*

Your Excellencies,

At this juncture, permit me to single out for special mention H.E President of the ECOWAS Commission for the facilities placed at our disposal at this external court session. However, our advanced team for this mission discovered that the IT infrastructure that was in existence at the office of the Permanent Rep did not meet our requirements for a hybrid court session and the live streaming of the event.

Therefore, we made significant investment in the IT infrastructure by providing a fibre optic internet connection to the office. This dedicated fibre link ensures very high bandwidth levels for faster internet speed, better reliability and security. The deployment of this dedicated fibre optic link is a permanent solution which considerably upgrades the IT network capability of the Permanent Rep's office, which is now equipped with IT infrastructure to support large online or hybrid meetings in compliance with the COVID -19 Pandemic protocols.

This will be of great benefit to all ECOWAS Institutions that may wish to use the IT facilities at the Permanent Rep's Office here in Abidjan. It is our hope that this IT infrastructure will be maintained by the Permanent Rep's Office by paying the subscriptions for the fibre optic connection.

Finally, I wish to thank the Hon. Vice President and Judges of the Court for their diligence and

*“...necessary for Member States that established ECOWAS as a vehicle for regional economic integration, to recognize the supranationality of ECOWAS and the need for them to abide by their treaty obligations to ECOWAS.”*

commitment towards the successful holding of this external court session in Abidjan. May I also thank the staff of the Court and all our collaborators who worked tirelessly to ensure the success of this program. Permit me to single out for special mention, the acting Permanent Representative of ECOWAS to Cote d' Ivoire and all his staff for their cooperation. I owe you all a debt of gratitude.

I now formally declare the external court session closed.

I thank you for your attention.  
Merci pour votre amiable attention  
Muito obrigado

**Hon. Justice Edward Amoako Asante**  
*President*



## Judges and the Chief Registrar of the Court at the session



*Honorable Justice Dupe Atoki, Member*



*Honorable Justice Keikura Bangura, Member*



*Honorable Justice Januária Tavares Silva Moreira Costa, Member*



*Tony Anene-Maidoh, Chief Registrar*



*The President (3rd left ) and the Chief Registrar with translators and interpreters*



*The President (left ) and Mr Sossoukpe Hugues, a journalist from Togo invited to cover the closing ceremony*



*The President (left ) and Mr Patinvoh, a journalist from Benin invited to cover the closing ceremony*



## THE VICE PRESIDENT DELIVERING VOTE OF THANKS AT THE CLOSING CEREMONY

Your Excellencies,

Let me begin by thanking God Almighty for the success of the 2021 external Court session of the ECOWAS Court of Justice held in this beautiful city of Abidjan, Cote d' Ivoire, from 19th - 29th October, 2021 and for bringing us to this closing ceremony. Furthermore, Your Excellencies, may I on behalf of the Honourable President, Honourable Judges and Staff of the ECOWAS Court of Justice express the profound gratitude of the Court to the Government and good people of the Republic of Cote d' Ivoire for the very warm reception and brotherly African hospitality that was accorded to the delegation of the Court, since our arrival in Abidjan on Sunday, the 17th day of October 2021.

We must also thank the Government of Cote d' Ivoire for providing the enabling environment for the successful implementation of this program, the 2021 external court session of the Court, in Abidjan, Cote d' Ivoire, from the 19th - 29th October, 2021. We are therefore grateful to the High Political Authorities of the Republic of Cote d' Ivoire for this conducive environment.

We are indeed very delighted, that this external Court session of the ECOWAS Court of Justice for the year 2021, has come to a successful conclusion. We are proud of the fact that for the first time in the history of the Court, we successfully held a hybrid external court session, which allowed lawyers and agents to participate either physically or remotely. This was geared towards complying with the COVID-19 Protocols.

We equally are very glad that this external court session was very productive. We handled all 38 cases on the cause-list for this external court session, the highest in the history of the Court for an external court session. We are happy to report that we handled 38 cases, and delivered 11 judgments, and adjourned 27 cases for continuation of hearing or judgment in Abuja, Nigeria.

It has therefore been a very productive session for which we are grateful to all our collaborators. Your Excellencies, it is therefore my duty to acknowledge the contributions of our various collaborators in the successful hosting of this program and to express the appreciation of the

ECOWAS Court of Justice to these our various collaborators.

It is also my pleasure, on behalf of the ECOWAS Court of Justice to express the gratitude of the Court to the High Political Authorities of the Republic of Cote d' Ivoire for the very conducive environment, peace and security in which we worked at this external Court session, and for facilitating the success of this mission. I however, wish to single out for special mention, the Honourable Minister of State and Minister of Foreign Affairs, Republic of Cote d' Ivoire and the Honorable Minister for Justice and Human Rights and the Keeper of the Seals, of the Republic of Cote d' Ivoire for their collaboration.

It is also my privilege, to express on behalf of the Court, our appreciation to Her Excellency, the President of the Court of Cassation and His Excellency, President of the Council of State of Cote d' Ivoire, for their collaboration and the Honourable Judges of the national Courts of Cote d' Ivoire for their goodwill May I also avail myself of this opportunity, to express our deep gratitude to the President of the Court of Cassation for the sumptuous lunch she hosted in honour of the Honorable Judges and key staff of the ECOWAS Court of Justice, yesterday.

Your Excellencies, permit me to also express our appreciation to Monsieur le Premier Président de la Cour d' Appel d' Abidjan, Monsieur le Procureur General près la Cour d' Appel d' Abidjan, Monsieur

le Président du Tribunal de Première Instance d' Abidjan, Monsieur le Procureur de la République près le Tribunal de Première Instance d' Abidjan, Madame la Présidente du Conseil National des Droits de l'Homme and Monsieur le Directeur General de la Police Nationale, Le Commandant de la Gendarmerie Nationale, for attending or sending representatives to the opening ceremony of this external Court session on the 19th day of October, 2021.

Your Excellencies, I also owe a debt of gratitude to the Hon. President and Judges of the Court for their collaboration and diligence and for their outstanding performance as always but particularly, during this external Court session in which they set a number of records in the annals of the Court. Not only did you deliver 11 judgments within two weeks but you delivered judgments of very high quality. Rest assured, that this outstanding performance will be a reference point for successive administrations of the Court.

Your Excellencies, I am obliged at this juncture, to express our deep appreciation to His Excellency, the President of ECOWAS Commission for his excellent interinstitutional collaboration and for making available to us the use of this facilities at the Office of Permanent Representative of ECOWAS to Cote d' Ivoire. We trust that he will have been here personally if not for other pressing official engagements outside Nigeria. We also want to thank the Acting Permanent Rep and his staff for their excellent collaboration which contributed in



*Staff of the Court listening to a presentation*

no small measure, to the success of this program.

Your Excellencies, also permit me to say a big thank you to all the lawyers and agents that participated in this external Court session either physically, with us here at Abidjan or remotely from their various offices in the Member States. As Officers in the temple of Justice, the importance of your contribution to the successful outcome of this external Court session cannot be overemphasized.

Your Excellencies, I wish at this juncture, to also thank the Director and students of the School of Magistrates of Cote d' Ivoire for effectively participating in this external Court session. We note with gratitude that the students turned out in large numbers at the opening ceremony on 19th October, 2021 and throughout the 9 days of the external Court session. We hope that your participation has been impactful and has enriched your knowledge of the Practice and Procedure of a Regional Human Rights Court.

Your Excellencies, permit me to also say thank you to the ladies and gentlemen of the Press for their excellent coverage of this event. We want to recognize the journalists that we invited from Nigeria, Ghana, Guinea Bissau, Togo and Benin to cover this event. We appreciate your work and will continue to rely on you for the dissemination of information about the activities of the Court to ECOWAS Community citizens at the grassroots of the Community.

May I also specially recognize, the interpreters that facilitated effective communication between the Hon. Judges and staff of the Court on the one hand, and the lawyers, agents and other stakeholders on the other hand. You are bridge builders and without you, it would have been difficult for us to effectively carryout this program. Our thanks also go to all security personnel, including the Police and Immigration officials, who facilitated our smooth entry into the Republic of Cote d' Ivoire and for our security throughout our stay in Abidjan.

May I also, express our appreciation to the staff of the ECOWAS Court of Justice, who are part of this delegation and who worked very diligently before our arrival in Cote d' Ivoire and throughout our stay in Cote d' Ivoire, to ensure the success of this mission. May I also mention specifically, the Registry team and Members of the advance team who put all necessary facilities in place, for the effective implementation of this program. I thank you all for your various contributions.

Finally, may I on behalf of the ECOWAS Court of Justice, express our deep appreciation, to all those who in one way or the other, contributed in no small measure, to the success of this mission. We are indeed very grateful for all your contributions.

Thank you and God bless you.

**Hon. Justice Gberi- Be Ouattara**  
*Vice President*



*Hon. Justice Gberi-be Ouattara (3rd rleft) with students from Ecole de Magistrature*