

COMMUNITY COURT OF JUSTICE, ECOWAS

ANNUAL REPORT 2008



HON. JUSTICE AMINATA MALLE-SANOGO
President, Community Court of Justice, ECOWAS

ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)

TABLE OF CONTENTS

FOREWORD	4
INTRODUCTION	5
CHAPTER I: JUDICIAL ACTIVITY OF THE COURT	8
CHAPTER II: ADMINISTRATIVE AND FINANCIAL ACTIVITIES OF THE COURT	16
CHAPTER III: ACTIVITIES ON PROMOTION OF THE COURT	18
CHAPTER IV: VISITS AND CO-OPERATION	31
CHAPTER V: CAPACITY BUILDING	36
CHAPTER VI: OTHER ACTIVITIES OF THE COURT	39
CHAPTER VII: PROSPECTS	41
CONCLUSION	42



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2008 ANNUAL REPORT OF THE COMMUNITY COURT OF JUSTICE, ECOWAS

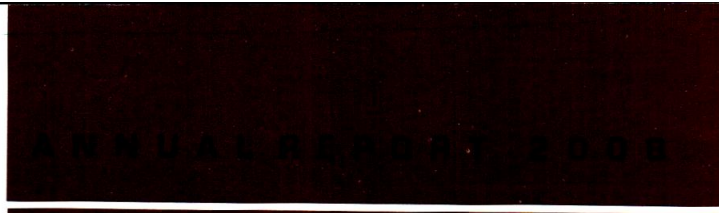
FOREWORD

1. It is a great pleasure for me to present the 7th Annual Report of the Community Court of Justice, ECOWAS.
2. The rapid development experienced by the Court in the last two years was made possible by the active involvement of the Honourable Judges and Staff, who all understood that the place of the Court as a reference court in the sub-regional Community can only be guaranteed through efforts at making the Institution an efficient, credible and easily accessible court.
3. It was in this direction that I settled down to perform the duty assigned me, and I have no doubt that the task will be pursued and consolidated much further during the coming years.
4. The present report revolves around: judicial and administrative activities, activities centred on promotion of the Court, co-operation with institutions and international organisations, staff capacity building, and prospects.

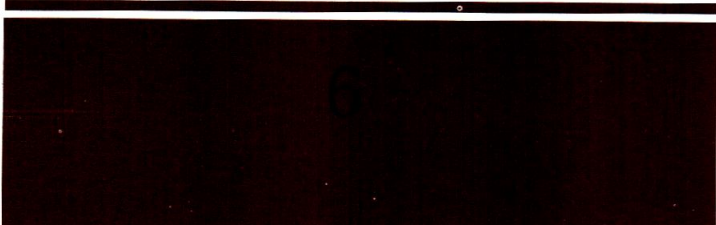
Honourable Justice Aminata Mallé-Sanogo
President
Community Court of Justice, ECOWAS
Abuja, Nigeria

INTRODUCTION

1. The year 2008 has been particularly rich in activities at the Court of Justice of ECOWAS, signifying the gathering of a new momentum by the Legal Organ of the Community in the last two years.
2. Indeed, in the course of the past year, the Court has consolidated its action programmes, essentially drawn along (4) priority lines: delivering judgments within the best time frames, making the Court much more known, staff capacity building, and strengthening inter-institutional co-operation.
3. Delivering judgments within reasonable time limits is an urgent matter for the Court because it translates not only the willingness to prioritise first and foremost its judicial activity, which justifies the creation of the Court, but equally addresses the need of the Community citizen who is entitled to see his case settled within a reasonable time period.
4. If it is true that the complexity of certain cases does not always permit one to take rapid decisions, the Court has made a remarkable effort to ensure that cases are decided upon as fast as possible.
5. Besides, the Court has intensified its activities on promotion, whose objective is to make the Court more known through sensitisation campaigns on one hand, and the organisation of international conferences, on the other hand.
6. Sensitisation campaigns have been intensified considerably, having as target audience, the administrative authorities, the professional orders, and persons directly involved in matters of human rights protection.
7. These sensitisation missions have equally provided the opportunity of handling subjects which touch the daily lives of citizens, notably free movement of persons and goods.
8. Conferences come in to complement the Court's effort, not only at becoming much more known in Member States, but in providing a

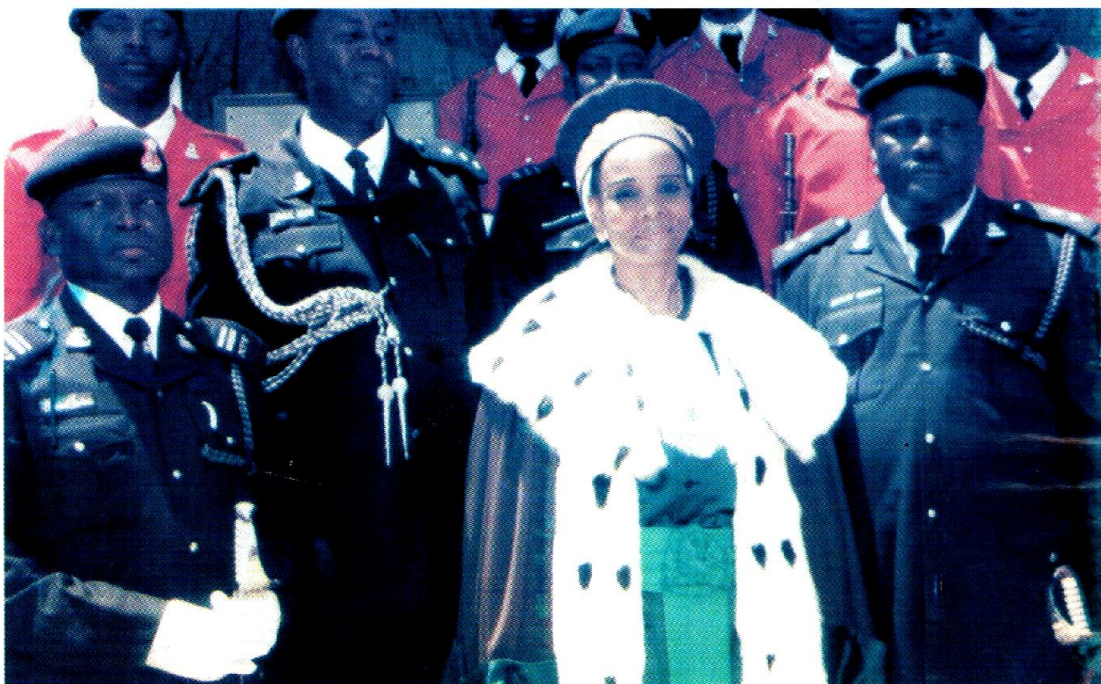


medium for reflection, engagement of discussion, and the proposal of solutions to the various problems encountered by our Community.

9. The two conferences organised at Cotonou and Lome fulfilled all the hopes and aspirations the Court had nursed towards them. The outcome of these two conferences does encourage the Court to pursue such a line of action.
 10. The necessity for the Court to become efficient led to the development of a strategy for staff capacity building.
 11. In a constantly changing world, and in the domain of Community law and human rights, ceaselessly undergoing transformations, the Honourable Judges and Staff of the Court must always be kept abreast with the latest developments in legal and judicial knowledge.
 12. It was against this background that the Court proceeded to conduct its staff recruitment exercise and considerably improved upon the working conditions of the staff.
 13. The last line of operation adopted as a priority by the Court centred on inter-institutional co-operation as well as co-operation with other regional and institutional bodies.
 14. The mutual exchange of viewpoints and experiences enabled the Court to engage in joint activities with such institutions or bodies, either participating in their activities or inviting them to take part in programmes organised by the Court.
 15. This synergy of activity amply bore fruit in the form of financial gains and shared experiences.
 16. Finally, the entry into force of the 19 January 2005 Supplementary Protocol highlighted the significance of the mandate of the Court of Justice in the Community. The innovations introduced by the said Protocol, such as direct access of individuals and corporate bodies to the Court, resulted in an increase in the volume of the Court's activities.
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Group photograph of Honourable Judges and invited guests during the opening ceremony of the 2008/2009 legal year of the Court.



Photographs of the Honourable President with Senior Police Officers during opening ceremony of 2008/2009 legal year.

CHAPTER I

JUDICIAL ACTIVITIES OF THE COURT

17. During the year 2008, the Registry registered twelve (12) Applications. The Court delivered six (6) Judgments and held twenty five (25) sittings.

APPLICATIONS REGISTERED AT THE REGISTRY IN 2008

◆ Case No. ECW/CCJ/APP/01/08:

Starcrest Investment Ltd. v. The President of ECOWAS Commission and the Federal Republic of Nigeria

The Applicant, a corporate body, brought a case before the Court on grounds of having suffered harm resulting from the 1st Defendant's failure to honour his obligations arising from the Revised Treaty of ECOWAS. The Applicant maintained that the Defendants were bound by that Treaty to be transparent and award its oil field blocks to the bidders in an atmosphere devoid of fraud and corruption, and to safeguard his rights thereof.

◆ Case No. ECW/CCJ/APP/02/08:

Mr. Adedeji Benjamen Adeleke v. Executive Director of Rectas and Three Others

The Applicant, a Nigerian citizen, was dismissed without notice from the employment of Rectas where he was employed as Assistant Chief Clerical Officer without regard to the disciplinary procedure, in accordance with the staff rules and regulations of Rectas. The Applicant alleged that his fundamental rights to fair trial had been violated and asked the Court to order the Defendants to pay him his salaries and emoluments and also that, he be reinstated to his position with all the related salaries and benefits.

◆ Case No. ECW/CCJ/APP/03/08:

Mr. Remy Okeke v. Republic of Benin

The Applicant, a Community citizen, brought a case before the Court for violation of his rights to freedom, the dignity of his person, his right to free movement, and to be heard by a judge of the Defendant. The Applicant alleged that he was arbitrarily detained by the Defendant without being heard by a competent judge.

◆ Case No. ECW/CCJ/APP/04/08:

Chief F. O. Offia v. ECOWAS Parliament and Speaker of ECOWAS Parliament

The Applicant, a private legal practitioner based and practising law in Abuja, Nigeria, alleged having been engaged by the 1st Defendant as Counsel for defence in a case before the Court of Justice of ECOWAS, but, allegedly, the Defendants refused to pay him his honorariums. This refusal of payment being a cause for breach of the contract existing between them, he asked the Court to order the Defendants to pay him his honorariums.

◆ Case No. ECW/APP/05/08:

Ocean King Nigeria Ltd. v. Republic of Senegal

The Applicant, a Community citizen, is owner of a self-propelled trawler named *MV Ocean King1*. He alleged that the seizure of his vessel on the high seas, the detention and sale of his vessel by the Defendant, are arbitrary and constitute a violation of the provisions of ECOWAS Treaty.

◆ Case No. ECW/CCJ/APP/06/06:

Hon. Tony Anyanwu v. Federal Republic of Nigeria

The Applicant and his colleagues, Nigerian citizens, were arrested and detained on 18 April 2008 by the Nigerian police while they were

peacefully demonstrating in the streets of Abuja against the Darfur crisis. They alleged that their human rights had thus been violated as well as their right to assemble freely and their right to express and disseminate their opinion.

- ◆ Advisory Opinion No. ECW/CCJ/ADV.OPN/01/08 addressed to Court by the President of ECOWAS Commission:

An advisory opinion sought by the President of ECOWAS Commission concerning the renewal or not of the term of office of the Director of GIABA and his Deputy. GIABA being an agency of the Community, the President of the Commission requested the said Advisory Opinion to enable him enlighten the Authority of Heads of State and Government against the background of divergent opinions on the matter.

- ◆ Case No. ECW/CCJ/APP/07/08:

Mr. Hussein Habré v. Republic of Senegal

The Applicant, former President of the Republic of Chad, obtained asylum in Senegal after being overthrown by a military coup d'état mounted by Idris Deby Itno. But contrary to all expectations and judicial decisions which had become final, the Defendant changed its legislation in order to have the Applicant tried in one of its courts, for acts committed while he was Head of State in Chad. The Applicant therefore considers that the Defendant does not guarantee him any condition whatsoever of a fair and just trial.

- ◆ Case No. ECW/CCJ/APP/09/08:

Petrostar Nigeria Ltd. v. Blackberry Nigeria Ltd. and Two Others

The Applicant, a legally incorporated company, delivered on credit, 5 Million litres of Automotive Gas Oil (AGO) to SHELL, on the order of the 1st Defendant, upon a total consideration of the sum of 485 Million Naira. The Applicant came before the Court to ask that the Defendants be charged for breach of the terms of contract sale, and for attempting to bribe and influence Counsel to the Plaintiff not to pursue the recovery of the remaining amount of 255 Million Naira.

◆ Case No. ECW/CCJ/APP/09/08:

Dauda Garba v. Republic of Benin

The Applicant, a Community citizen working as a Programme Officer at the Centre for Democracy and Development based in Abuja, was allegedly unlawfully arrested and beaten by officers of the Immigration Service of Benin. He files his case before the Court for violation of his fundamental rights and his right to free movement, guaranteed by Articles 1, 5, and 12 of the African Charter on Human and Peoples' Rights.

◆ Case No. ECW/CCJ/APP/10/08:

Nuhu Ribadu v. Federal Republic of Nigeria

Mr. Nuhu Ribadu, citizen and senior officer of the Nigerian Police, having occupied important posts, was promoted to Assistant Inspector General of Police, and subsequently demoted. He considers such demotion as a violation against his human dignity, and asks the Court to charge the Defendant for violation of his human rights resulting from such treatment meted out to him by the Inspector General of Police.

◆ Case No. ECW/CCJ/APP/11/08

Dr. Mahamat Abazene Seid v. Republic of Mali, African Union and Afro-Arab Cultural Institute

Mr. Mahamat Seid Abazene brings his case before the Court, for violation of his fundamental rights by the Defendants who unlawfully dismissed him after arresting, attacking and kidnapping him. He asks the Court to charge them jointly for violation of the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights, and the ECOWAS Treaty.

18. The table below is a summary presentation of all the cases registered in 2008:

ANNUAL REPORT 2008

No.	DATE	CASE	REFERENCE	JUDGE RAPPORTEUR
1	06/02/08	<i>Starcrest Investment Ltd. v. The President of ECOWAS Commission and the Federal Republic of Nigeria</i>	ECW/CCJ/APP/01/08	Hon. Justice Tall
2	04/03/08	<i>Mr. Adedeji Benjamen Adeleke v. Executive Director of Recas and Three Others</i>	ECW/CCJ/APP/02/08	Hon. Justice Donli
3	14/03/08	<i>Mr. Remy Okeke v. Republic of Benin</i>	ECW/CCJ/APP/03/08	Hon. Justice Sidibé
4	30/04/08	<i>Chief F. O. Offia v. ECOWAS Parliament and Speaker of ECOWAS Parliament</i>	ECW/CCJ/APP/04/08	Hon. Justice Benin
5	14/07/08	<i>Ocean King Nigeria Ltd. v. Republic of Senegal</i>	ECW/APP/05/08	Hon. Justice Donli
6	14/07/08	<i>Hon. Tony Anyanwu v. Federal Republic of Nigeria</i>	ECW/CCJ/APP/06/06	Hon. Justice Nana
7	30/05/08	<i>Advisory Opinion Requested by ECOWAS Commission</i>	ECW/CCJ/APP/08/08	
8	06/10/08	<i>Mr. Hussein Habré v. Republic of Senegal</i>	ECW/CCJ/APP/07/08	Hon. Justice Sidibé
9	16/10/08	<i>Petrostar Nigeria Ltd. v. Blackberry Nigeria Ltd. and Two Others</i>	ECW/CCJ/APP/09/08	Hon. Justice Sidibé
10	02/12/08	<i>Dauda Garba v. Republic of Benin</i>	ECW/CCJ/APP/09/08	Hon. Justice Nana
11	03/12/08	<i>Nuhu Ribadu v. Federal Republic of Nigeria</i>	ECW/CCJ/APP/110/08	Hon. Justice Donli
12	04/12/08	<i>Dr. Mahamat Abazene Seid v. Republic of Mali, African Union and Afro-Arab Cultural Institute</i>	ECW/CCJ/APP/11/08	Hon. Justice Nana

19. JUDGMENTS DELIVERED BY THE COURT IN 2008

No.	DATE	CASE	REFERENCE	OBSERVATIONS
01	16/05/08	<i>Odafe Oserada v. ECOWAS Council of Ministers</i>	ECW/CCJ/JUD/01/08	
02	04/06/08	<i>Tokumbo Lijadu Oyemade v. Council of Ministers and Others</i>	ECW/CCJ/JUD/02/08	
03	05/06/08	<i>Chief Ebrimah Manneh v. Republic of Gambia</i>	ECW/CCJ/JUD/03/08	
04	16/06/08	<i>Advisory Opinion Requested by the President of ECOWAS Commission</i>	ECW/CCJ/ADV.OPN/01/08	Advisory Opinion
05	16/10/08	<i>Dr. Akpo v. 977 South Care Program</i>	ECW/CCJ/ADD/04/08	Preliminary Ruling
06	27/10/08	<i>Hadijatou Mani Koraou v. Republic of Niger</i>	ECW/CCJ/JUD/06/08	Delivered in an external court session held at Niamey
07	28/11/08	<i>Qudus G. Folami and Others v. ECOWAS Parliament and Others</i>	ECW/CCJ/JUD/07/08	

- ♦ **Judgment No. ECW/CCJ/JUD/01/08:** The Court found that the Application filed was inadmissible on the grounds that the Applicant had no interest at stake, in regard to the allocation of the post of Secretary-General of ECOWAS Parliament to the Republic of Guinea by the Authority of Heads of State and Government, upon the proposal of the Council of Ministers.
- ♦ **Judgment No. ECW/CCJ/JUD/02/08:** The Court declared in this case that the sanction imposed on Madam Oyemade for indiscipline was valid, as well as the decision by the Council of Ministers to terminate her employment at the ECOWAS Commission.

- ◆ **Judgment No. ECW/CCJ/JUD/03/08:** In this case, the Court acknowledged that the requests of the Applicant were admissible and ordered the Republic of Gambia to acquit and discharge him without delay, ensure that all his fundamental human rights are restored (notably his freedom of movement), and to pay 100,000 US Dollars to him as damages.
- ◆ **Advisory Opinion ECW/CCJ/ADV.OPN/01/08:** In reply to a request from the President of the Commission, the Court found that the provisions of Article 18 of the Supplementary Protocol A/SP1/06/06 of 14 June 2006, are applicable to the Director-General of GIABA and his Deputy who cannot thus lay claim to the old provisions of the Revised Treaty. Indeed, the Supplementary Protocol entered into force with immediate effect without any transitional provisions envisaging the application of the old Article 18 of the Revised Treaty.
- ◆ **Judgment No. ECW/CCJ/JUD/04/08:** In its Preliminary Ruling, the Court indicated in this case that, upon the basis of the Preliminary Objection raised by the Defendants, the Court lacks jurisdiction to appreciate employment relations between individuals, particularly cases of breach of contract which normally fall within the jurisdiction of domestic courts.
- ◆ **Judgment No. ECW/CCJ/JUD/06/08:** In this reference Judgment, the Court dismissed the Preliminary Objection raised by the Defendant relating to the exhaustion of local remedies. The Court adjudged and declared that the Applicant had been a victim of human rights violation, particularly in respect of slavery. The Court declared that the Defendant was guilty of violation, by the inaction of its administrative and judicial authorities, and ordered the Defendant to pay to the Applicant the sum of Ten Million CFA Francs (CFA F 10,000,000) for reparation of the harm caused.

NB. It is worthy to note that in the course of the year 2008, the Court made two Orders for two cases to be struck off the cause list, notably in the cases concerning:

- *Starcrest Investment Ltd. v. President of ECOWAS Commission;*

- *Mohammed Kamel Wansa v. Republic of Sierra Leone and Alhaji Dr. Ahmed Tejan Kabbah (President of Republic of Sierra Leone)*

After the *Starcrest* case was struck off, *Starcrest Investment Ltd* has filed a new case at the Court.

20. COURT HEARINGS HELD IN 2008

MONTH	NUMBER OF COURT SESSIONS	OBSERVATIONS
January	6	
February	2	
March	2	
April	6	Including 5 held at Niamey
May	1	
June	3	
July		Legal vacation period
August		Legal vacation period
September		Legal vacation period
October	4	Including 1 held at Niamey
November		
December		

21. COMPARATIVE STATISTICAL ANALYSIS OF REGISTRY FIGURES SINCE 2003

Year	New Cases	Judgments Delivered	Court Hearings Held	Observations
2003	1		0	
2004	1	1	5	
2005	5	4	26	
2006	21	4	31	
2007	12	5	44	
2008	9	6	25	Several Cases could not be put on the General List because they were yet to be translated

CHAPTER II

ADMINISTRATIVE AND FINANCIAL ACTIVITIES OF THE COURT

22. The budget of the Community Court of Justice, as approved for the 2008 financial year, was in the sum of UA8,949,015
The execution of this budget as at 31/10/2008 was UA 6,229,168.25, representing 69.60% of the total budgetary allocation.
23. During the year 2008, the offices of the Annex were equipped and have become functional. As a result, Administration, Research, Translation and Library units have already been moved to the Annex.
24. The Court ordered for three (3) new vehicles, to augment its fleet of automobiles and two (2) have already been supplied.
25. To ensure uninterrupted electricity supply to the offices of the Annex, a 350 KVA electric generator of was purchased.
26. The Court also subscribed life insurance policies for its staff and vehicle insurance policies against road accidents.
27. As regards computerisation, the second phase, covering the processing of salaries, was approved and the Solomon software is being installed.
28. Concerning monetisation, the appointments of the domestic staff of Honourable Judges were terminated and all their entitlements have been paid to them.
29. During the year 2008, Head of Administration and Human Resources Division assumed duty.
30. Besides, the Court conducted interviews for candidates short-listed for the following vacant positions: Research Officer (P4), Reviser (French to English) P5, Interpreter (French to English) P5. The successful candidates will assume duty in the year 2009.



Sensitisation mission in Liberia



Sensitisation mission in Guinea

CHAPTER III

ACTIVITIES ON PROMOTION OF THE COURT

A. SENSITISATION CAMPAIGN ON ACTIVITIES OF THE COURT

31. To make its organisation much more known to the external world, and to provide wide information on its functioning mechanism and mandate as the principal legal organ of the Community, the Court of Justice of ECOWAS did not only undertake sensitisation missions to Member States of the Community, but equally organised or co-organised conferences.
32. This year, the Court directed its attention towards sensitisation missions in Member States. In this regard, missions were undertaken in the Republic of Guinea and in Liberia. These missions are a continuation of those already undertaken in several other ECOWAS Member States.
33. The objective of these missions was not only to make the Court known to the political and administrative authorities of the Member States, domestic courts, the civil society, and the masses of the people, as regards its powers, organisational structure and functioning mechanism, but equally, to assess the high expectations of the citizens for Community justice.
34. Besides, the Court initiated and carried out a scheme for bringing the Court closer to the doorsteps of the inhabitants in the Community zone, by popularising and promoting what the Court does.
35. In line with this, the Court organised radio and television programmes at Cotonou and Accra for discussing issues relating to its powers and rules of procedure, so as to enable individuals and corporate bodies come before the Court to insist on their rights whenever such rights are infringed upon. These radio and television programmes will be pursued further in the other Member States of the sub-region.

B. CONFERENCES AND SEMINARS**CONFERENCES AND SEMINARS ORGANISED BY THE COURT AT JOS**

36. The Court of Justice jointly organised with the ECOWAS Gender Development Centre a training seminar at Jos on "Equity and Gender" meant for the judges and staff of the Court.
37. The seminar was aimed at strengthening the capacities of the judges and staff of the Court.
38. The participants developed the themes, focused on the concepts of gender, gender mainstreaming, and gender and human rights. The opening ceremony commenced with a speech by Mr. Awudu Gumah, representing Mrs. Aminata Dibba, Acting Head of the said Centre.
39. After welcoming the participants, he pointed out that the workshop was being organised within the framework of the programme of activities of the ECOWAS Gender Development Centre, and the building of human and institutional capacities for the promotion of gender equality in the ECOWAS sub-region, after which he spelt out the objectives as revolving around the following points:
 - ♦ Capacity building of staff of the Court in the mastery of the concept of gender, gender analysis, gender mainstreaming, and the concept of gender and human rights;
 - ♦ Getting participants acquainted with the tools and techniques of gender;
 - ♦ Strengthening the capacities of the staff so as to enable them act favourably towards gender equality within the ECOWAS sub-region.
40. Subsequently, the President of the Court delivered a speech in which she recalled the successive stages of the development of the idea of gender equality between men and women at the international level.



International conference on free movement of persons, goods, services, capital and the right of residence and establishment.

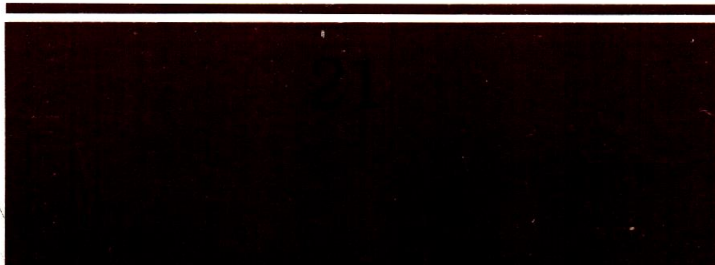




41. At the regional level, she emphasised the importance of the role of the Gender Development Centre in the fulfilment of the commitments of ECOWAS Member States, as enshrined in the Protocol on Democracy and Good Governance in its Article 40.
42. Nevertheless, she indicated that implementation of women's rights still remains largely compromised; they are socially, professionally, and even culturally marginalised and victims of acts of physical or moral violence.
43. She recalled that gender equality is a factor of social progress and sustainable development.
44. In this connection, she advocated for the adoption of "bold" measures at individual and institutional levels, for fighting against "gender-based inequalities and discriminations."

AT COTONOU

45. A conference on the theme "Free Movement of Persons, Goods, Services, Capital and the Right of Residence and Establishment" was organised by the Community Court of Justice in the Republic of Benin.
46. This conference was held from 18 to 20 November 2008 and was chaired by the *Garde des Sceaux* (Keeper of the Seals), Minister of Justice, Legislation and Human Rights, representing the President of the Republic of Benin.
47. The opening ceremony of this conference was marked by four speeches: the welcome speech by the Director of Cabinet of the Minister of Finance and Economy of the Republic of Benin, standing in for the Minister; the introductory speech by the President of the Court of Justice of ECOWAS; the speech by the President of ECOWAS Commission; and the opening speech by the *Garde des Sceaux* (Keeper of the Seals), Minister of Justice, Legislation and Human Rights.





Joint seminar on the fight against money laundering and the financing of terrorism



48. This conference provided an opportune moment for the participants, from diverse backgrounds, to discuss various legal aspects of the theme, like: the sources of the law of free movement, the extent of implementation of Community texts relating to free movement, mechanisms for resolving conflicts arising from free movement of persons, the limits to the job market of migrant workers in the ECOWAS sub-region, achievements and prospects of the Trade Liberalisation Scheme, and the common market as a goal of integration.
49. At the end of the fruitful discussions on the various aspects, participants adopted a string of recommendations aimed at improving upon ECOWAS laws, with a view to enhancing free movement of persons, goods, services, capital and the right of residence and establishment in the Community.

AT LOME

50. A seminar on "Money Laundering and the Financing of Terrorism" was organised by Inter-Governmental Action Group against Money Laundering in West Africa (GIABA) in collaboration with the Community Court of Justice, ECOWAS.
51. This seminar, which was held from 2 to 4 December 2008, brought together about 30 judges who are nationals of French-speaking and Portuguese-speaking West African countries, legal professionals, and certain civil society organisations. The objective of the seminar was to:
 - ◆ Disseminate and bring to people's knowledge the norms and laws relating to the fight against money laundering and the financing of terrorism (LBA/CFT);
 - ◆ Sensitise actors in the judicial world on the powers, mandate, strategies and activities of GIABA and of the Community Court of Justice, ECOWAS;
 - ◆ Strengthen the capacities of judges in the fight against money laundering and financing of terrorism;

- ◆ Establish links of collaboration and action between actors of the judicial world and GIABA;
 - ◆ Promote national, regional and international co-operation in matters of the fight against money laundering and financing of terrorism.
52. The opening ceremony was marked by the speech of the President of the Community Court of Justice, ECOWAS, Hon. Justice Aminata Mallé Sanogo.
 53. She seized the opportunity to emphasise in her speech that an integrated legal system is a medium for enhancing both national and international investments, and that it equally constitutes a real opportunity of economic expansion for the ECOWAS Member States.
 54. She added that the huge challenges constituted by the fight against money laundering and the financing of terrorism, compels the Community to conceive of, develop and implement a regional or even international strategy for eradicating these scourges.
 55. For the Deputy Director General of GIABA, Dr. Ndèye Elisabeth Diaw, money laundering and financing of terrorism are offences or criminal activities which may have serious consequences economically, politically, and socially, with particularly destructive consequences for developing countries.
 56. Turning to the judges, she indicated that they constitute in one way or the other, "the armed hand" in the fight being waged, in as much as judicial power is capable of waging an effective battle against the money launderers and terrorists. Without their contribution and involvement, she added, the fight against these two scourges would be doomed to failure.
 57. At the close of the proceedings of the seminar, the participants emphasised in their recommendations, among others, the urgent need to step up national, regional and international co-operation in the judicial field, so as to render more efficient, the fight against money

laundering and financing of terrorism. They also requested that the Community Court of Justice, ECOWAS and GIABA should hold similar seminars periodically.

PARTICIPATION OF THE COURT IN CONFERENCES ORGANISED BY OTHER AGENCIES

AT BAMAKO

58. The Honourable President of the Court and her Personal Assistant, Me Bane, participated, in February 2008, in a seminar jointly organised by the Centre for Strategic Studies in Africa (CESA) and the ECOWAS Commission. At the end of the seminar, the participants were received in audience by His Excellency Amadou Toumani Touré, President of the Republic of Mali.

AT NEW YORK (USA)

59. The Honourable President and her Personal Assistant took part in the 92nd Session of the United Nations Committee on Human Rights, from 21 March to 2 April 2008. Participation in this forum brought home to them the United Nations experience in matters of human rights protection.

IN UGANDA

60. The Honourable President of the Court travelled to Uganda, from 24 to 28 June 2008, to take part in a conference on the theme "Towards an Independent and Efficient Judicial Body in Africa" held at Imperial Beach Hotel, Entebbe, Uganda.
61. This conference brought together presidents of supreme courts, associations of jurists, university lecturers, and representatives of the bar, the civil society, parliaments, anti-corruption agencies, and the media.

62. It afforded participants the opportunity of sharing their experiences concerning the successes and challenges of promoting the independence of the judicial body in Sub-Saharan Africa, with a view to collating the best practices in the different judicial systems.
63. At the end of the conference, the following recommendations were made, to promote the independence of the judiciary in Sub-Saharan Africa:
- ◆ Equipping the judiciary with appropriate material means and resources to enable judges do their work in ideal conditions;
 - ◆ Strengthening the independence of the judiciary, which largely depends on the judge's state of mind, behaviour and personality;
 - ◆ Granting the judge appropriate remuneration to insulate him from being in need;
 - ◆ Ensuring continuing training for the judges;
 - ◆ Encouraging judges to stay in touch with the executive and legislative powers so that decisions made may be better understood by the general public.

AT DUBLIN

64. The Court was invited to participate in the 22nd International Conference on the Codification of Criminal Law, organised by the International Society for the Reform of the Penal Code. This conference, which was held from 11 to 15 July 2008, was aimed, among others, at the codification of criminal law and the close collaboration between international courts and the domestic courts in the application international law.
65. It enabled participants to take a closer look at laws and treaties, for the purposes of harmonisation, to avoid divergent interpretations, and to ensure that justice is better delivered to the benefit of parties in court proceedings.

AT HELSINKI

66. The seminar on “International Law and International Environmental Law”, organised from 18 to 29 August by Erik Castreen Institute of International Law and Human Rights, in which the Court participated, brought together jurists who discussed the various branches of international law and climatic change. Besides, emphasis was placed on international environmental law which is a corollary to sustainable development.

COTONOU

67. Upon the invitation of the Court of Justice of UEMOA, the Court of Justice of ECOWAS took part in the inter-court forum of the Court of Justice of UEMOA, the Court of Justice of ECOWAS, the Court of Justice of OHADA, and the Court of Justice CEMAC, which was held at Cotonou from 19 to 23 May 2008.
68. The participants had to “communicate and exchange views on the mandate and attributions of their respective institutions, so as to establish the bases for co-operation among them, with a view to overcoming possible unrealistic difficulties and conflicts of co-existence.”
69. Following presentations made in sample groups and by general discussion, participants adopted recommendations specific to the courts cited above.
70. Thus, for the Court of Justice of ECOWAS, they emphasised the urgent need to enhance the holding of external court sessions and to introduce the functions of a “Counsel for the Prosecution” into the system of the Court, and to determine the scope of his powers and relationship with the other courts as regards human rights violation.
71. Moreover, the Institute of Community Law, Abidjan, also invited the Community Court of Justice to conduct a seminar, which it organised at Cotonou from 22 to 24 July 2008.

72. This seminar brought together about twenty participants of various nationalities who had specialised in public and private law. It had the following objectives:

- ◆ Inculcating in participants the concepts of Community law;
- ◆ Getting participants to familiarise themselves with this branch of public international law;
- ◆ Examining, by way of the chosen themes whether such features are present in Africa, how Community courts located in the same geographical zone function, the conflicts of power which may arise among them and the legal means for resolving them.

AT BANJUL

73. Upon an invitation of the West African Journalists Association (WAJA), the Court participated in a seminar on the role of journalists in conflict prevention, maintenance of peace, promotion of human rights, and the role of the Court thereof.
74. This seminar, which was held from 14 to 16 October 2008, was aimed at informing journalists of the role of Community justice and the role of the media in conflict prevention.
75. After the proceedings, it was decided to have a partnership between the Court and WAJA to consolidate the human rights protection of citizens within the ECOWAS sub-region.

HONG KONG

76. From 7 to 17 December 2008, the Honourable President and Honourable Vice-President of the Court participated in a conference whose theme was related to "Good Governance and Rule of Law".

77. This conference, which brought together presidents of supreme courts, lawyers, jurists from several countries, university professors from Africa and Europe, enabled participants to share their experiences in the promotion and protection of citizens' human rights, and the adoption of a strategy for consolidating the independence of the judges vis-à-vis the executive and legislative powers.

ATABUJA

78. The President of the Court took part in an annual co-ordination meeting of ECOWAS/Development Partners (6th edition), which was held from 24 to 25 November 2008, at the seat of the ECOWAS Commission. During this meeting, the development partners unanimously lauded the role played by ECOWAS for the past 33 years towards the process of co-operation and regional integration.
79. In a speech delivered on behalf of the presidency of the European Union on the occasion of the opening ceremony of the meeting cited above, His Excellency Jean Michel Dumond, Ambassador of France to Nigeria, commended the crucial role played by the Community Court of Justice in consolidating citizens' rights in regard to the universal values advocated by the partners.



Visit of police chiefs and heads of gendarmerie of ECOWAS Member States



Visit of the Cape Verde Minister for Foreign Affairs and Co-operation

CHAPTER IV

VISITS AND CO-OPERATION

80. One outstanding feature of the year 2008 was the Court's engagement in relations of co-operation and collaboration, not only with institutions of the Community but also with certain NGOs, centres of research and faculties of law.
81. In this regard, the Court received on 21 February 2008, Prof. Oumar Ndongo, Secretary-General of FOSCAO. During his visit, the Professor demonstrated the willingness of his organisation to establish relations of co-operation with the Court of Justice of ECOWAS.
82. After Mr. Ndongo, Prof. Aminata Sow Sidibé, Director of the Institute of Human Rights and Peace equally met the Honourable President of the Court to discuss areas likely to constitute points of co-operation between the Court of Justice of ECOWAS and his Institute.
83. On 10 July 2008, the Court received a delegation of police chiefs and heads of gendarmerie from ECOWAS Member States. The delegation was first received by the Chief Registrar for a briefing on the organisational framework and functioning mechanism of the Court, and subsequently, by the President, in the presence of the other members of the Bureau.
84. During the period referred to above, the Honourable President and the Judges of the Court received at the seat of the Court, a delegation from IGAD Inter-Governmental Authority on Development, an organisation devoted to regional development, made up of seven (7) countries from East Africa.
85. On that occasion, the members of the delegation were presented with an overview of the structure of the Community Court of Justice. At the end of this meeting, IGAD expressed the need to co-operate with the Court.

86. On 9 July 2008, Hon. Mohammed Daramy, Commissioner for Commerce, Customs, Free Movement and Tourism visited the Court and extolled the good working relations existing between his Department and the Court.
87. On the same day, Honourable Jose Brito, the Cape Verde Minister for Foreign Affairs, Co-operation and the Communities, paid a courtesy visit to the Honourable President to acquaint himself with the activities of the Court. He seized the opportunity to highlight the important role of the Court in the integration process of the Community.
88. Besides, on 15 July 2008, the Honourable President of the Court was received in audience by His Excellency Mr. Jean-Michel Dumont, Ambassador of France to Abuja. During this visit, the discussions centred on activities engaged in by the Court as well as its role in the integration process of West Africa. As for the Ambassador of France, he made it a point to express his support for the Court in its mandate regarding human rights protection. The audience took place in the presence of Mr. Francis Guenon, Counsellor for ECOWAS Affairs.
89. On 18 September 2008, Madam Minata Samate Cessouma, the Burkina Faso Minister of State for Regional Co-operation and also Chairperson of the ECOWAS Council of Ministers, came to thank the Honourable President of the Court for her kind invitation to the opening ceremony of the legal year. She congratulated the Institution for the work done within the context of Community justice.
90. On 11 November 2008, the Court received a four-member delegation from the Danish Institute of Human Rights, led by Mr. Fergus Kerrigan, Programme Officer for Access to Justice. In his discussion with the President of the Court, Mr. Kerrigan congratulated the Court for the role it is playing in the promotion and protection of human rights in West Africa.

91. The delegation seized the opportunity to visit the annex office building of the Court where it had a working session with staff of the Research Division. The delegation expressed its desire to strengthen the operational capacities of the Research and Documentation Division which plays an essential role in the functioning of the Community Court of Justice.
92. On 13 November 2008, Prof. Frans Viljoen, Director of the Human Rights Centre of the University of Pretoria, South Africa, also came to the Court to engage in discussions with Members of the Bureau. During the discussions, he showed keen interest in seeing his Centre establish and develop relations of co-operation with the Community Court of Justice.
93. The Bureau also received the same day, a three-member delegation from the International Federation of Human Rights Leagues (FIDH), led by Mr. Mabassa Fall, the representative of FIDH.
94. Mr. Fall seized the opportunity to laud the actions taken by the Court, and expressed his willingness to develop partnership relations with the Institution. Advertisement materials and documentation were offered to the Court by the delegation. Similarly, the Court gave its guests documentation and souvenirs.
95. Besides, the Court established contacts with certain institutions, notably the Faculties of Law of the University of Guinea Bissau, Ahmadu Bello University (Zaria), University of Lagos, and University of Ibadan, to draw up a framework of co-operation capable of enabling the university authorities and students to acquaint themselves better with Community law and Integration law.
96. Through these new contacts, the Court intends to extend its scope of co-operation to all the faculties of law in the Member States of the Community.

97. In the area of co-operation with its partners, the Court has already benefited from the support of Ford Foundation to improve upon its computer network systems as well as the computerisation of the Registry and the Library.
98. Thanks to the financial assistance of the said Foundation, the installation of the Court's virtual library and internet site is well underway.
99. The second phase of the computerisation of the accounting system, the processing of salaries, and the management of fixed assets and stocks has been done, as well as the connection of the annex office building to the internet.



Meeting between Members of the Bureau and a delegation from Danish Institute of Human Rights



Group photograph of participants at Bonn, in Germany, in a seminar on models of integration

CHAPTER V

CAPACITY BUILDING

100. In connection with its capacity building, the Court financed from its allocated funds, the training of its statutory appointees, as well as the professional and locally recruited staff. The Court has also improved upon the working conditions of its staff, some of whom have moved to the annex building of the Court.
101. During the year 2008, statutory appointees and professional staff alike undertook study tours or training programmes in Nigeria and abroad.
102. As regards the Judges of the Court, the training programmes were conducted in the following areas:
 - ♦ Arbitration, African and European Community law, Common law
 - ♦ Codifying the Criminal Law: Modern Initiatives, by the International Society for the Reform of Criminal Law, Dublin (July 2008).
103. Three officers from the Language Services Division, Research and Registry went respectively to Poland and Germany to attend training programmes in the fields of translation and comparative regional integration.
104. In Poland, the training seminar centred on Forensic Linguistics, Computational Language, Law and Society, in which a translator from the Court participated; the objective of the course was to bring together translators practising in courts, to enable them familiarise themselves with legal terminology.

105. In Germany, the training was aimed at enabling the officers from the Registry and Research acquire a global view of the models of regional integration in the world, such that one may determine the criteria for assessing whether the European model of integration is transferable to Africa, Asia and Latin America.
106. Certain officers in the General Service category attended training sessions which took place at Calabar, Lagos, and Kaduna in diverse domains like "Management Appreciation Course for Secretaries", "Administration and Record Management Skills", "Documentary Production and Reporting".
107. The objective of these training sessions was to build up their capacities in their respective areas of specialisation.
108. Besides, in line with the implementation of its recruitment plan, the Court proceeded to recruit professional staff, to strengthen its capacities much further.



Retreat of Honourable Judges
and Staff at Minna



CHAPTER VI

OTHER ACTIVITIES OF THE COURT

A. FESTIVITIES MARKING THE CELEBRATION OF THE 30TH ANNIVERSARY OF ECOWAS

109. On 28 May 2008, the Court celebrated the anniversary date of ECOWAS, by organising an Open Day forum at its seat.
110. This function enabled the Court to popularise its activities before the general public, and to explain its role in conflict resolution, and consequently, the importance of its mandate in strengthening the integration process of West Africa.
111. This avowed will of the Court to inform the Community citizens is at the root of the publication of its Court Bulletin and Compendium of Decisions (Law Report). It was during this same function that the launching of the two documents cited above were launched.

B. COURT RETREAT

112. Like the other institutions of the Community, and at a retreat organised from 6 to 10 July 2008 at Minna in the Niger State of Nigeria, which brought together all the judges and professional staff, the Court examined and decided upon its Draft Budget and Work Programme for the year 2009.

C. OPENING CEREMONY OF THE LEGAL YEAR

113. Finally, the traditional ceremony marking the opening of the 2008/2009 legal year of the Community Court of Justice, ECOWAS, was held on 18 September 2008 at the seat of the Court at Abuja.

114. This function saw the participation of a great number of personalities, among whom: the Burkina Faso Minister of State responsible to the Minister for Foreign Affairs and Regional Co-operation, who was also Chairperson of the ECOWAS Council of Ministers; Minister of State at the Ministry of Foreign Affairs of the Federal Republic of Nigeria; the Speaker of ECOWAS Parliament; the Commissioner for Human and Gender Development at the ECOWAS Commission, representing the President of ECOWAS Commission; the representative of the Financial Controller of ECOWAS; the Ambassadors of Burkina Faso, Guinea, Mali, Niger, and France accredited Nigeria; the President of the West African Bar Association and many other representatives of Bar Associations and of civil society from the sub-region.
115. The chosen theme for the ceremony, "**Community Justice and Good Governance**", was treated in several of the papers presented. In accordance with tradition, the Honourable President seized the opportunity to present an overall report on activities of the Court and made a projection on the action programmes and prospects for the year 2009.

CHAPTER VII

PROSPECTS

116. The year 2009 is no doubt going to present fresh opportunities to the Court for improving upon its functioning.
To facilitate access to the Court, the latter will take steps to publish its Practice Directions very soon, designed for lawyers and counsel to the parties in proceedings.
The Court intends to strengthen the Language Services Division by recruiting Revisers and Translators.
117. The Court is equally going to intensify its sensitisation and information campaigns. It envisages visits to Member States like Benin, Ghana and Cape Verde.
118. Tailor-measured sensitisation seminars will be organised for officers of Institutions of the Community, to make the Court much more known, and to popularise its mandate and rules of procedure in the area of disputes arising between officials of the Community.
119. The radio and television programmes undertaken in 2008 will be stepped up and extended to other Member States of the Community.
An information seminar will be organised for journalists, for the purposes of reflecting on and determining more efficient methods of communication for the sensitisation of the greater number of the masses.
120. Emphasis will be placed on the signing of agreements with the faculties of law of Member States in order to establish relations of co-operation with them, towards the introduction of Community law into the university curriculum.
121. The Court equally intends to establish close relations with regional courts of integration, with the aim of developing Community law.

CONCLUSION

122. The steps taken by the Court of Justice of ECOWAS enabled it to realise the most important aspects of the objectives it had set for itself, namely, delivering judgments within the most reasonable time frames, making the Court known, staff capacity building, and increased co-operation.
123. If most of the objectives have thus been attained, either as entirely or in part, a lot however remains to be done or to be consolidated.
124. It is imperative to stress that the difficulties encountered in translating pleadings into the working languages of the Court, constituted one of the factors impeding the judicial functions of the Court.
125. Besides, the delays incurred in the publication of Applications in the *Official Journal* of the Community, do prevent the Member States from making timely interventions in the cases pending before the Court.
126. Despite the publicly acknowledged will of the Court to resolve the issue together with the Commission, one cannot fail to notice that quite a considerable length of time elapses between the date Applications are deposited and the publication of same in the *Official Journal*.
127. Irrespective of these difficulties, the year 2008 has been a very fruitful one and is equally ending on a note of bright prospects.
128. These prospects do give expression to the willingness and readiness of the Court to occupy fully the place reserved for it as the principal legal organ of the Community, just as the same prospects constitute indicators of hope in the future of the Court, with the expectation that the Court's role may become even more significant in the Community.
129. To the Members of the Bureau of the Court, the Honourable Judges, the Staff, as well as our Partners, who have all had a hand in the achievement of these objectives in the year 2008, I extend my sincere gratitude.

130. I address the same note of gratitude to our sister ECOWAS Institutions for their total readiness, and to the Authorities of the Federal Republic of Nigeria, for their constant support and all the facilities and ease of conditions granted the Court.
131. Finally, I wish them all a happy and prosperous new year 2009, and a much more fruitful year for the Court of Justice of ECOWAS.

Done at Abuja on Wednesday, 31 December 2008



Seat of the Community Court of Justice, ECOWAS at Abuja, Nigeria.