COMMUNITY COURT OF JUSTICE, ECOWAS

INSTRUCTIONS TO THE CHIEF REGISTRAR AND PRACTICE DIRECTIONS

(2025)

ECONOMIC COMMUNITY OF WEST AFRICAN STATES

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Abuja, 2025

COMMUNITY COURT OF JUSTICE, ECOWAS
ABUJA, NIGERIA

1164 Joseph Gomwalk Street,
Gudu District,
Abuja, NIGERIA

website: www.courtecowas.org
email: *registry@courtecowas.org*

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PREAMBLE

Whereas in accordance with Article 12 of its Rules, the Court issues instructions to the Chief Registrar to assist the Court in the management of cases and the appropriate conduct of the Parties, their Agents, Advisers and Counsel for the proper conduct of proceedings before the Court;

Whereas Article 100 of the Rules also empowers the Court to issue practice directions relating to the preparation and conduct of hearings before it, and for the lodgment of pleadings or written observations;

Recalling its Instructions to the Chief Registrar and Practice Directions of 2012 and its Practice Directions of 2020 on Electronic Case Management and Virtual Court Sessions;

Noting that Practice Directions and Instructions to the Chief Registrar are necessary to make case management more efficient, to deal with procedural issues that are insufficiently covered by the Court's Rules, and to consolidate the Court's practices;

Having regard to the recommendations made and the resolutions taken at the Judicial Retreat held from 12 to 15 November 2023 and the Judges' Retreat held from 15 to 19 November 2023;

Considering the urgent need to supplement the Instructions to the Chief Registrar and Practice Directions of 2012 and the Practice Directions on Electronic Case Management and Virtual Court Sessions of 2020;

Now therefore, the Court issues the following Instructions to the Chief Registrar and Practice Directions to ensure a more efficient and effective management of cases and the conduct of proceedings before the Court.

INSTRUCTIONS TO THE CHIEF REGISTRAR

SECTION I:
APPLICATIONS AND OTHER DOCUMENTS

Article 1

Notwithstanding the provisions of Articles 9(2) and 10 of the Instructions to the Chief Registrar and Practice Directions of 2012, applications to the Court shall comply with the following page limits to ensure expeditious case management:

(a) The Initiating Application and the Statement of Defence shall not exceed 15 pages;

(b) The Reply and the Rejoinder shall not exceed 10 pages;

(c) All other applications shall not exceed 5 pages.

Article 2

An application or other process lodged with the Court must be legible and comply with the following technical requirements:

(a) Paper or Page Size: **A4**;

(b) Font Type: **Times New Roman**;

(c) Font Size: **12 or higher**.

Article 3

An application or other process that is not in conformity with the provisions of Articles 1 and 2 shall not be registered.

Article 4

The Chief Registrar shall ensure that the requirements of both the written and oral procedures are complied with. No new documents shall be lodged after the written procedure has been closed, except with express authorization of the Court.

Article 5

1. A party applying for extension of time under the Rules of Court shall specify:

   (a) the provision of the Rules under which the application is brought;

   (b) the reasons or circumstances warranting the extension.

2. Where an application referred to in Article 5 (1) is lodged before expiration of the prescribed timeline, it shall specify the timeline requested for. No accompanying pleading is required.

3. However, where an application referred to in Article 5 (1) is lodged after expiration of the prescribed timeline, such application shall be accompanied by the pleading to be lodged.

SECTION II:
NON-COMPLIANCE WITH PRESCRIBED TIME LIMITS

Article 6

The Chief Registrar shall monitor compliance with statutory filing deadlines and ensure timely notification to Parties.

Article 7

Where the Respondent fails to lodge a response after the prescribed time limit, the Chief Registrar shall issue and transmit a Certificate of Non-lodgement to the Members of the Panel.

Article 8

To decongest the Registry of dormant cases, the Chief Registrar shall submit to the President for delisting any case in which:

(a) the Respondent has not filed a response, and

(b) the Applicant has not lodged an application for a default judgment at least six months after the filing of the Initiating Application.

SECTION III:
EXPEDITED PROCEDURE AND INTERIM MEASURES

Article 9

1. Upon the receipt of an application for expedited procedure or interim measures, the Chief Registrar shall immediately submit the application to the President of the Court.

2. The Chief Registrar shall prioritize the translation of pleadings in cases where an application for expedited procedure or interim measures has been filed.

SECTION IV:
INTERPRETATION IN LANGUAGES OTHER THAN THE WORKING LANGUAGES OF THE COURT

Article 10

1. Parties who require interpretation into languages other than the official working languages of the Court shall make a formal request through the Chief Registrar as soon as possible.

2. For the purposes of paragraph (1), the Chief Registrar shall identify freelance interpreters as the need arises, in consultation with the Language Services Division of the Court.

3. The Chief Registrar shall ensure that freelance interpreters take and subscribe to the prescribed oath or affirmation before providing their service to the Court.

4. A freelance interpreter contracted by the Court is entitled to be paid the ECOWAS- approved interpretation fees plus reimbursement for their travel and subsistence expenses, if any.

PRACTICE DIRECTIONS OF THE COURT

SECTION I:
LISTING OF CASES ON THE CAUSE-LIST

Article 1

The President may in consultation with the Judge Rapporteur, order the listing of cases on the cause list, provided that the file contains any of the following:

(a) An Initiating Application and Statement of Defence, Reply and a Rejoinder translated into the working languages of the Members of the Panel, where applicable.

(b) An Initiating Application, Statement of Defence, and Reply, translated into the working languages of the Members of the Panel, where applicable, upon the expiration of the deadline for submission of a Rejoinder

(c) An Initiating Application and a Statement of Defence, translated into the working languages of the Members of the Panel, where the timeline for filing a Reply has elapsed or where the Applicant has waived his right to file a Reply.

(d) An Initiating Application and an Application for Default Judgment, translated into the working languages of Members of the Panel, where applicable.

SECTION II:
THE CURRENCY IN WHICH COMPENSATION IS AWARDED

Article 2

An order of compensation or damages shall be made and paid in the currency of the Respondent State, unless otherwise determined by the Court.

Article 3

In cases where compensation or damages are awarded in a currency other than the currency of the Respondent State, the Court may, having regard to the circumstances of the case, or the submission of the parties, order that the amount be converted and paid in the currency of the Respondent State using the prevailing exchange rates published by the ECOWAS Bank for Investment and Development (EBID). The applicable exchange rates shall be those in effect on the date of the judgment or as otherwise specified by the Court.

Article 4

Any payable interests shall be for a period and at a rate to be determined by the Court taking into account the circumstances of the case and the prevailing ECOWAS Bank for Investment and Development (EBID) interest rate.

SECTION III:
PRELIMINARY OBJECTIONS

Article 5

1. A Preliminary Objection shall be raised at the earliest opportunity once the grounds for the objection are known, and shall be lodged in a separate document.

2. A separate document, in accordance with Article 87 of the Rules of Court, is a written submission distinct from the Statement of Defence and shall, once filed, be given its own serial number.

Article 6

1. Upon receipt of a reply to the Preliminary Objection, the Court shall rule on the Preliminary Objection or reserve its decision for the judgment.

2. Where the Preliminary Objection is overruled or the Court reserves its decision for the judgment, the proceedings shall continue following time limits set by the Court.

SECTION IV:
CONSOLIDATION OF CASES

Article 7

1. The Court may, on its own motion or upon request, and after hearing the Parties, order two or more cases to be consolidated. The order shall specify the title and suit number for the consolidated case, and provide such other directions as the Court may deem necessary or appropriate.

2. Upon consolidation of cases, the Court may rely on the pleadings of the Parties already lodged, except otherwise ordered by the Court.

SECTION V:
PROCEDURE FOR INTERVENTION OR AN *AMICUS CURIAE*

Article 8

1. A Member State, Community citizen or institution, or other person may apply for leave to intervene or make an *amicus* submission in a case before the Court. The application shall outline the reasons for the intervention or *amicus* submission and shall comply with relevant requirements in the Rules of Court.

2. The application to intervene or make an *amicus* submission shall be notified to all Parties to the case, indicating the timelines set by the Court for them to respond.

3. If the application to intervene or make an *amicus* submission is granted, the intervener shall file their pleadings, and the *amicus curiae* their submission. The Registrar shall serve the pleadings or submission filed, as the case may be, on all Parties.

4. If an application to intervene is granted, the intervener shall participate in the proceedings as a Party to the case in accordance with Article 89 of the Rules of Court.

5. An *amicus curiae* who has filed a written submission may, subject to the Court's direction, be heard during the oral procedure, but shall not be a Party to the case.

SECTION VI:
CASES WHERE ISSUES HAVE NOT BEEN JOINED/ DEFAULT JUDGMENT APPLICATION

Article 9

1. Where a Respondent fails to respond to an Initiating Application, the Applicant shall diligently take necessary steps to proceed with the case, in line with Article 90 of the Rules of Court.

2. The Court may consider a case notwithstanding the Respondent's failure to file a defence, if the Applicant makes an application pursuant to Article 90 of the Rules.

DONE AT ABUJA ON THE 17TH DAY OF JANUARY 2025

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



HON. JUSTICE
RICARDO CLÁUDIO MONTEIRO GONÇALVES
President
Community Court of Justice, ECOWAS
Abuja - Nigeria.

THONIMARTINS. Tel: 234 803 3982 433