**PRESENTATION ON COMMUNITY COURT OF JUSTICE, ECOWAS**

The main objective of ECOWAS is to promote cooperation and integration in the sub- region leading to the establishment of an economic union in West Africa

In line with that aim, ECOWAS adopted its fundamental principles wherein it guarantees its peoples under Article 4(g) of the Revised Treaty *“The recognition, promotion and protection of human and people’s rights in accordance with the provisions of the African Charter on Human and Peoples Rights.”*

Chapter 10 of that Treaty contains general provisions relating to various aspects of human rights, including immigration, regional peace and security, legal and judicial matters , women and development , health and labour rights ,information , radio , television and the press..

Additionally other protocols touching on human rights have been adopted by the community and include protocol on free movement of persons and residence, protocol on democracy and good governance and the protocolon Mechanism of conflict prevention.

The Community Court of Justice established under Article 15 of the Revised Treaty of ECOWAS, is the sole judicial organ of the community *with the role of ensuring* the observance of law and justice in the interpretation and application of the Treaty and protocols of ECOWAS. The first protocol of the court was adopted in 1991 but the court came into operation in 2001 with the appointment and swearing in of the first set of judges.

By virtue of Article 76 of the Revised Treaty and Article 19 of the 1991 protocol the court has original and final jurisdiction as its decisions are not subject to appeal.

The court has a membership of seven judges drawn from the judiciary ,academia and practicing lawyers.

The 1991 protocol of the court limited the jurisdiction of the court to the interpretation and application of the treaty provisions. That protocol was amended in 2005 by the supplementary protocol A/SP.1/01/05.

The supplementary protocol expanded the mandate of the court and vested it with jurisdiction to hear and determine various types of actions under Article 9.

These include the interpretation and application of the Treatyof ECOWAS; The legality of regulations, directives, decisions, and other subsidiary legal instruments adopted by ECOWAS. The failure by Member States to honour their obligations under the Treaty, Conventions, and Protocols, regulations, directives or decisions of ECOWAS. The Community and its officials; and The action for damages against a Community Institution or official of the Community for any action or omission in the exercise of official functions, The jurisdiction to determine cases of violation of human rights that occur in any Member State

Article 10 of that protocol deals with access to the court and gave individuals direct access on human rights abuse cases withot the precondition for exhaustion of local remedies.

The court is unique in that the requirements for state parties assent and the exhaustion of local remedies as conditions precedent for individuals direct access to it is dispensed with.

To ensure that there is no jurisdictional conflict between the court and any other international court, Article 10 of the Supplementary Protocol prohibits the hearing of a matter pending before another international court.

ECOWAS has no Human Rights Bill but has adopted so to say the African charter on human and peoples rights under Article 4g of the Revised Treaty.

Article 19 (1) of Protocol A/P1/7/91 provides for the Court to also apply, as necessary, the body of laws as contained in Article 38 of the statutes of the international Court of Justice. The court is thus not limited in its adjudication to the provisions of the African charter.

Though the seat of the Court is in Abuja Nigeria, the court may however hold one or more sessions outside its seat when the circumstance demands.

The procedure of the court is governed by the Protocol and the Rules of Procedure of the Court. Proceedings before the Court consists of two parts; written and oral. Written proceedings consist of the application entered in the Court, notification of the application, the defence, the reply or counter-statement, the rejoinder and any other briefs or documents in support. The Oral Proceedings consist of the hearing of parties, agents, witnesses, experts, advocates or counsel

It is a requirement under the Rules of the Court that Notice of the Registration of an Application initiating proceedings be given in the Official Journal of the Community so that interested persons who may wish to intervene in the proceedings, can do so.

Application to intervene must be made within six weeks of the publication of the Notice of registration.

The court has delivered quite a few decisions on various aspects of human rights. As at date the court has delivered 191 judgments and rulings on cases of human rights violations.

The court published its first law report in 2011 covering all its decisions from inception up till 2010. As at date three volumes of law reports have been published and the fourth is in process.

We need to network and collaborate with other regional and international human right courts to share experiences and exchange ideas and for that reason our participation in this forum is very important as it affords us the opportunity to exchange ideas and update our knowledge base on the current global situation on human rights.