



COMMUNITY COURT OF JUSTICE, ECOWAS
COUR DE JUSTICE DE LA COMMUNAUTE, CEDEAO
TRIBUNAL DE JUSTICA DA COMUNIDADE, CEDEAO



THE COMMUNITY COURT OF JUSTICE OF THE
ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)

In the Matter of

**PROF. NAZIFI ABDULLAHI DARMA V PRESIDENT OF ECOWAS
COMMISSION**

Application No: ECW/CCJ/APP/54/25 Ruling NO. ECW/CCJ/RUL/05/25

RULING

DATE: 10th December 2025.

ABUJA

RULING NO. ECW/CCJ/RUL/05 /25

PRO. NAZIFI ABDULLAHI DARMA

- APPLICANT

V.

PRESIDENT OF ECOWAS COMMISSION

-RESPONDENT

COMPOSITION OF THE COURT:

Hon. Justice Claudio Monteiro GONCALVES

-Presiding

Hon. Justice Sengu Mohamed KOROMA

-Judge Rapporteur

Hon. Justice Gberi-Be OUATTARA

- Member

ASSISTED BY:

Dr. Yaouza OURO-SAMA

- Chief Registrar

REPRESENTATION OF PARTIES:

Prof. Amos ENABULELE ESQ.

- Counsel for the APPLICANT

Micheal C. AGBO ESQ.

SCPA KANGA-OLAYE & ASSOCIATES

-Counsel for the RESPONDENT

I. RULING:

1. This is the decision of the Community Court of Justice ECOWAS (hereinafter referred to as 'the Court') delivered virtually and in open Court under Article 8(1) of the Practice Direction on Electronic Case Management and Virtual Court Session, 2020.

II. DESCRIPTION OF THE PARTIES:

2. The Applicant is Prof. Nazifi Abdullahi Darma an official of the Economic Community of West African States (ECOWAS), and a Nigerian citizen resident in Abuja, Federal Republic of Nigeria.
3. The Respondent is the President of the ECOWAS Commission, an Institution of the Economic Community of West African States.

III. INTRODUCTION

4. This Application challenges the legality of administrative actions taken by the Respondent which, according to the Applicant, amounts to an abuse of office, a violation of established Community procedures, and a breach of the Applicant's fundamental rights guaranteed under ECOWAS law.
5. The Application therefore raises both institutional legality questions pertaining to the governance architecture of the ECOWAS Commission and human-rights claims relating to due process and administrative justice. The Court is thus called upon to exercise its dual mandate as an administrative review forum for Community institutions and as a human-rights court under Article 9(4) of its Supplementary Protocol.

PROCEDURE BEFORE THE COURT

6. The Applicant filed his Initiating Application on 3rd November 2024, in the Registry of the Court, together with an Application for Expedited Hearing and a Motion for Provisional Measures.

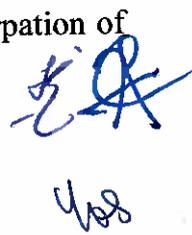


7. He proceeded to file a Further Affidavit in Support of the Application for Interim Measures on 4th November 2025, in the Registry of the Court.
8. On 18th November 2025, the Respondent filed its Statement of Defense and subsequently filed a Preliminary Objection to the Initiating Application on the 20th November 2025 in the Registry of the Court.
9. The Applicant filed his Reply to the Statement of Defence and Response to the Respondent's Preliminary Objection on 24th November 2025.
10. The Respondent in turn filed a Duplicate Statement to its Preliminary objection and a Plea of Inadmissibility on the 28th November 2025.
11. On 1st December 2025, the Court convened a virtual session during which both parties were duly represented by Counsel. The parties were afforded equal opportunity to present oral arguments on the pending applications, namely: the Application for Expedited Hearing, the Application for Interim Measures, and the Respondent's Preliminary Objection. Upon hearing submissions from both sides on each of the applications, the Court withdrew the matter and reserved its Ruling to be delivered on a later date.

IV. APPLICANT'S CASE

a. Summary of facts

12. This Application challenges a series of unlawful administrative actions taken by the President of the ECOWAS Commission which, according to him, constitute violations of the ECOWAS Revised Treaty, the Supplementary Protocols governing the structure and distribution of powers within the Commission, and the human-rights obligations binding on all ECOWAS institutions.
13. The Applicant's claims stem from the President's unilateral assignment of statutory functions reserved exclusively for Commissioners to his personal appointee from The Gambia, contrary to the governance architecture established by the Revised Treaty and the requirement of equitable geographical distribution of statutory posts. This he claims to have, in fulfilment of his oath of office, objected to as the act was a usurpation of



4/28

powers and drew the attention of the relevant authorities to illegality. This act of fidelity to the law triggered a pattern of retaliation by the President.

14. The Applicant alleges that matters escalated when, on 30th October 2025, the President issued Memo ECW/Memo/30.10.25/ak, purporting to revoke all the Applicant's statutory powers and reassign the functions of the Commissioner for Internal Services to himself. The Memo accused the Applicant of insubordination, incompetence, abuse of authority, and hostility towards staff and senior officials, allegations which were neither communicated to the Applicant beforehand nor investigated through any legitimate process.
15. This memo, the Applicant claims, was circulated by the President widely, copying senior ECOWAS officials, Member-State authorities, and heads of institutions, thereby amplifying the reputational, professional, and personal injury to the Applicant. No opportunity had accorded him to be heard, no query was issued, and no inquiry was conducted. To date, none of the allegations have been substantiated or referred to by the Council of Ministers as required under ECOWAS law.
16. The Applicant contends that the President's actions were taken *ultra vires*, in bad faith, and for the sole purpose of legitimizing his unlawful imposition of a non-statutory appointee into a statutory Commissionership position. He further contends that the actions of the President amount to abuse of office, arbitrary administrative action, breach of due process, violation of the right to fair hearing, violation of the right to dignity, and unlawful interference with his reputation and professional standing, all protected under the African Charter on Human and Peoples' Rights and enforceable before this Honorable Court.
17. Accordingly, the issues before the Court concern both institutional legalities, i.e. whether the President's actions conform to the Revised Treaty, Supplementary Protocols, and governing ECOWAS Rules; and human-rights violations arising from defamatory publication, denial of due process, and retaliatory abuse of administrative authority.

18. The Applicant is therefore praying the Court to exercise its dual mandate to determine the legality of the impugned administrative acts and determine the violation of his rights occasioned by the impugned act.

b. Pleas in law

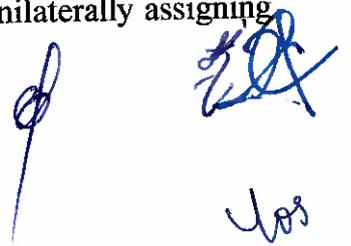
19. The Applicant relies on the following pleas in law in support of this Application:

1. The ECOWAS Revised Treaty (1993, as amended)
2. The ECOWAS Supplementary Protocol A/SP.1/06/06
3. The ECOWAS Court Protocol (2005 Supplementary Protocol)
4. The Rules of Procedure of the Commission
5. The African Charter on Human and People's Rights
6. The ECOWAS Supplementary Act A/SA.1/01/10 (Personal Data Protection)
7. The ECOWAS Staff Regulations (By Analogy)

c. Reliefs sought

20. The Applicant is therefore praying to the Court for the following relief:

- i. A declaration that the document, ECW/Memo/30.10.25/ak is inconsistent with the Revised Treaty (as amended), the Rules of Procedure of the Commission, the ECOWAS Staff Regulations, by analogy, and the established jurisprudence of this Court, and thereby null and void and of no effect whatsoever.
- ii. A declaration that the document, ECW/Memo/30.10.25/ak is unlawful, illegal and therefore null and void and of no effect whatsoever for violating the Applicant's right to fair hearing.
- iii. A declaration that the document, ECW/Memo/30.10.25/ak is unlawful, illegal and therefore null and void and of no effect whatsoever for violating the Applicant's right to privacy and dignity of his person.
- iv. A declaration that the President of the Commission lacks the legal right to elevate his appointee to the status of a commissioner by unilaterally assigning



- the functions of the Commission to such an officer.
- v. A declaration that the applicant seeks a declaration that the document, ECW/Memo/15.09.25/ak is inconsistent with the Revised Treaty (as amended), the Rules of Procedure of the Commission
 - vi. An order nullifying Memo ECW/Memo/30.10.25/ak.
 - vii. An order nullifying all and every step taken by the President of the Commission to give effect to the illegality in ECW/Memo/30.10.25/ak.
 - viii. An order nullifying ECW/Memo/15.09.25/ak and all unilateral devolution of the functions of the Commissioner to the President's Chief of Staff and of all and every step taken by the President of the Commission to give effect to the illegality.
 - ix. An order of Mandatory Injunction restraining the Respondent and or his agents from taking any further steps towards interfering in the statutory duties of the Applicant as the Commissioner for Internal Services.
 - x. An order directing the Respondent to pay Applicant all his emoluments, allowances or any other financial loss that is consequential upon the Memo of 30 October 2025
 - xi. An order directing the Respondent to pay the sum of Twenty Million Dollars as special and general damages for the pain and suffering the Applicant has endured from the denigration of his person, violation of his right to fair hearing and his confidentiality and privacy.
 - xii. An order awarding the costs of this application to the Applicant. Costs to be assessed by the Registrar of the Court.
 - xiii. Such further orders the Honorable Court may deem fit to make in the circumstances of this suit.

V. RESPONDENT'S CASE

- a. Summary of facts



21. The Respondent acknowledges the Applicant, Mr. Nazifi Abdullahi Darma, has filed an action before the Court seeking annulment of Memorandum ECW/Memo/30.10.25/ak issued on 30th October 2025 by the President of the ECOWAS Commission.
22. The Respondent, in his narration of facts affirms that the Applicant is a statutory appointee and pursuant to Article 3(37) of the ECOWAS Staff Regulations, falls within the definition and classification of “staff” of ECOWAS. For which the said Staff Rules (Articles 3, 69, and 70), tendered as Exhibit 1, apply to him.
23. The Respondent submits that Chapter XIV of the Staff Rules establishes an internal dispute-resolution procedure, which ordinarily governs disputes arising between ECOWAS staff and the Institution. Accordingly, the Staff Regulations, including internal dispute-resolution procedures, apply to him.
24. The Respondent relies heavily on Chapter XIV of the ECOWAS Staff Rules, which outlines the internal mechanisms available to any staff member contesting an administrative decision. He emphasizes that Article 69(2) expressly grants staff members the right to make internal appeals, and that the Applicant did not do so.
25. The Respondent further invokes Article 70, arguing that the Applicant ought to have referred the dispute to the Inter-Institutional Appeals Committee first, because:
- The Staff Rules stipulate that the final decision of the President of the Commission may be appealed at the Community Court of Justice,
 - Only after the Inter-Institutional Appeals Committee has issued its final determination.
26. It is submitted by the Respondent claims that the Applicant filed the case directly before the Court on 3rd November 2025, just days after receiving the Memorandum dated 30th October 2025, without initiating or exhausting any of the required internal mechanisms.
27. He argues that the Applicant, even though a Commissioner, is not exempt from the procedural rigor of the Staff Regulations, because:
- The Staff Regulations are binding “acts of general application” adopted by the Council of Ministers,

- They apply to all staff, including statutory appointees.

28. The Respondent asserts that Council Regulation C/REG. recently updated the Staff Regulations 29/12/21 of 10 December 2021, reaffirming their mandatory applicability to all categories of ECOWAS staff.

29. Based on the above, the Respondent prays that the Court should declare the application inadmissible as the Applicant failed to exhaust internal remedies.

b. Pleas in law

30. The Respondent cites the following legal provisions in support of his case:

- Articles 69 and 70 of the ECOWAS Staff Regulations.
- Article 10 of the Protocol A/P1/7/91
- Articles 18 and 19 of the ECOWAS Revised Treaty.
- Rules of Procedure of the ECOWAS Commission.
- Article 15 of the ECOWAS Financial Regulations.

c. Reliefs sought

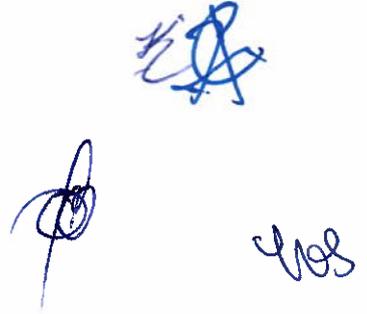
31. The Respondent is seeking the following reliefs from the Court:

IN LIMINE LITIS

- Declare inadmissible the action of Mr. NAZIFI A. DARMA for non-compliance with the Dispute Resolution procedure provided for by the ECOWAS Staff Regulations and for the lack of capacity of the Claimant to request an Advisory Opinion from this Court relating to the ECOWAS Treaty.

IN THE ALTERNATIVE, ON THE MERITS

- Declare Mr. NAZIFI A. DARMA ill-founded in his action.
- Declare that the memo ECW/Memo/30.10.25/ak of 30 October 2025 on "*revocation of the delegation of authority*" is legal and falls within the prerogatives of the President of the Commission.



- iv. Declare that the memo ECW/Memo/30.10.25/ak is not a disciplinary measure taken against him.
- v. Declare that the memo ECW/Memo/30.10.25/ak of 30 October 2025 does not constitute an attack on the reputation of the Applicant, nor a breach of his personal data.
- vi. Declare that the memo ECW/Memo/15.10.25/ak of 15 September 2025 supervising the Department of Infrastructure, Energy and Digitalization is legal.
- vii. Declare that the memo ECW/Memo/15.10.25/ak of 15 September 2025 does not violate the principle of geographical balance in the distribution of positions within the Community and does not allocate an additional Commissioner position to The Gambia:
- viii. To find that the alleged violations have not been proven.
- ix. Consequently, dismiss all of Mr. NAZIFI A. DARMA's claims.
- x. And consequently, order him to pay all the costs of the proceedings.

VI. PROCEEDINGS BEFORE THE COURT

Application for Interim Measures and Expedited Procedure

32. The Applicant seeks an order from this Honorable Court, pursuant to Article 59 of the Rules of the Community Court of Justice (2002), directing that the present case be determined under an expedited procedure in view of its exceptional urgency.
33. He grounds his request for urgency on the fact that the subject-matter of the case requires the Court to deliver its ruling with the minimum of delay, because:
 - a. Imminent and unlawful removal: The Respondent, the President of the ECOWAS Commission, is allegedly taking steps to unilaterally strip the Applicant of his statutory functions as Commissioner for Internal Services without affording him the procedural protections guaranteed under the ECOWAS Revised Treaty, including referral to and hearing before the

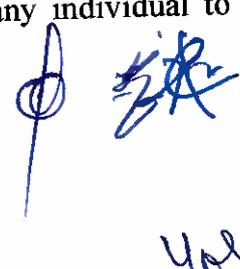


Handwritten signatures and initials in blue ink, including a large signature and the number '408' written below it.

Council of Ministers or the Authority of Heads of State and Government. This, the Applicant argues, constitutes a serious procedural irregularity and threatens the institutional balance established under ECOWAS law.

- b. Ongoing abuse of power: The Applicant contends that unless the matter is heard speedily, the Respondent will continue to act *ultra vires*, arrogating to himself powers not granted under the governing treaties, thereby causing continuing prejudice to the Applicant and undermining the rule of law within the Community.
- c. Protection of rights and preservation of order: The Applicant submits that an early determination is necessary to create a stable environment within the Commission and to prevent continued violations of his human rights as an ECOWAS citizen, rights which this Court is duty-bound to uphold. Delayed determination would render the relief sought nugatory and allow the alleged harmful situation to crystallise.
- d. Procedural compliance: The Applicant affirms that the present application fully complies with the requirements of Article 59, which permits derogation from the normal procedural timelines where the urgency of the matter so demands.

34. The Applicant also files a Motion for Interim Measures pursuant to Article 20 of Protocol A/P1/7/91 and Articles 79, 80, and 81 of the Rules of Court, seeking urgent interim protection pending the final determination of the substantive suit. He prays that the Court intervenes to prevent ongoing and imminent violations of his treaty-protected rights and to preserve the integrity of the ECOWAS institutional structure. Given the continuing nature of these acts and the real risk of irreversible prejudice, the Applicant seeks interim restraining orders to halt any further unlawful removal, reassignment, interference, or implementation of Memo ECW/Memo/30.10.25/ak and Memo ECW/Memo/15.09.25/ak, pending the hearing and determination of the main suit. He also prays the Court to restrain the Respondent from permitting any individual to



exercise functions reserved exclusively for ECOWAS Commissioners and from further disseminating harmful communications targeting his person.

35. The Motion is grounded in the need to preserve the *status quo*, to prevent irreparable harm, uphold due process, and maintain institutional stability and legality within the ECOWAS Commission until the substantive questions before the Court are resolved.
36. Accordingly, the Applicant prays the Court to grant expedited treatment to ensure that justice is delivered promptly and effectively.

Analysis of the Court

37. At the hearing, Counsel for the Applicant drew the Court's attention to the imminent and continuing risk posed by what he described as an unlawful usurpation of powers by the President of the Commission and urged the Court to intervene urgently to prevent irreversible institutional and personal harm.
38. The Respondent, however, did not proffer a response on the application as moved by the Applicant.
39. The Court notes that the Interim Orders sought by the Applicant fall within the category of Provisional Measures contemplated under Article 21 of the Court's 1991 Protocol, as amended by the Supplementary Protocol of 2005. The said Article empowers the Court, "...whenever a case is brought before it," to "order any provisional measures or issue any provisional instructions which it may consider necessary or desirable." This provision affirms the Court's inherent authority to preserve the subject matter of the proceedings and to protect the efficacy of its final judgment.
40. Additionally, Article 79 of the Rules of Procedure prescribes the procedural framework for seeking provisional measures. It provides that an application for such measures must be made by a separate document clearly indicating: (i) the subject-matter of the proceedings; (ii) the circumstances giving rise to urgency; and (iii) the pleas of fact and law establishing a *prima facie* case. This framework underscores the exceptional nature of provisional measures, which are not granted as of course but only upon satisfying strict threshold requirements.

41. A combined reading of Article 21 of the Protocol and Article 79 of the Rules establishes three cumulative criteria upon which the Court's discretion to grant provisional measures is conditioned:

(a) the existence of a situation of urgency.

(b) the likelihood of irreparable harm if the measures are not granted; and

(c) the establishment of a *prima facie* case showing that the main action is not manifestly ill-founded.

42. These criteria have been consistently affirmed in the Court's jurisprudence, including GERTRUDE ARABA ESAABA SACKKEY TORKORNOO V. REPUBLIC OF GHANA, RULING NO: ECW/CCJ/RUL/04/25, at paragraph 96. As a result, the Applicant bears the burden of demonstrating that each of these elements is present. Thus, the Court will therefore examine the request for provisional measures against the backdrop of these cumulative conditions.

Establishment of a "prima facie" case

43. The Court will deal with the criterion for the grant of provisional starting with whether the Applicant has demonstrated the existence of a *prima facie* case, meaning that the claims brought before the Court are not manifestly ill-founded. This threshold is not equivalent to proving the merits of the case but requires the Applicant to show that the Application discloses arguable grounds capable of establishing a violation of rights if substantiated.

44. The Court reaffirmed this principle in GERTRUDE ARABA ESAABA SACKKEY TORKORNOO V. REPUBLIC OF GHANA, ECW/CCJ/RUL/04/25, (Unreported) at paragraph 96, noting that a *prima facie* case is made out where the asserted rights are recognisable, fall within the Court's jurisdiction, and are supported by coherent factual and legal allegations.

45. In its jurisprudence, the Court has consistently held that a claim is manifestly ill-founded where it is (i) plainly devoid of legal basis, (ii) unsupported by any coherent factual allegations, or (iii) clearly outside the Court's material jurisdiction. (See



HADIJATOU MANI KORAOU V. REPUBLIC OF NIGER (2008) CCJELR; BAKARE SARATU V. REPUBLIC OF GHANA (2016)). The *prima facie* analysis thus serves as a gatekeeping threshold, ensuring that provisional measures are reserved for cases where the Court's final judgment may recognise a violation.

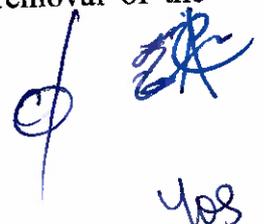
46. In the present case, the Applicant alleges violations of his due process guarantees, his statutory independence as a commissioner, and the exclusive competence of the Council of Ministers over matters relating to his removal. These claims are grounded in the Revised ECOWAS Treaty and relevant institutional instruments, and on their face raise issues cognisable under the Court's human-rights and administrative-law jurisdiction. The Court therefore does not consider the Application to be manifestly ill-founded.

Existence of Urgency

47. The Court is mindful to note that urgency constitutes the cornerstone of its power to grant provisional measures. Thus, it must reiterate that urgency exists where the circumstances disclose a real and imminent risk that irreparable prejudice will occur before it renders its final judgment, unless protective measures are ordered. The Court's decision in KHALIFA ABABACAR SALL AND OTHERS V. REPUBLIC OF SENEGAL, JUDGMENT NO: ECW/CCJ/ORD/02/18, emphasizes that the purpose of provisional measures is to avert imminent harm and to maintain the integrity of the proceedings.

48. Further, in ALEX NAIN SAAB MORÁN V. REPUBLIC OF CAPE VERDE, JUDGMENT NO: ECW/CCJ/RUL/07/20, at page 23, paragraph 93, the Court clarified that urgency demands a demonstration of an "*extremely serious situation*" requiring immediate intervention to prevent consequences that may compromise the execution of a future judgment. The Court must therefore assess not merely the existence of a dispute but whether the alleged harm is sufficiently imminent and grave.

49. In the instant case, the Court observes that the Respondent, through the President of the Commission, has taken concrete and progressive steps toward the removal of the



Handwritten signature and initials, possibly 'ZK' and '408'.

Applicant from office. These steps include: (a) the suspension of the Applicant; (b) the initiation of a removal process; and (c) a formal request to the Applicant's home State to withdraw and replace him as Commissioner of Internal Services. Taken together, these actions create a heightened and immediate risk that the Applicant may be divested of his mandate at any moment, thereby altering the *status quo* in a manner that could significantly affect the subject-matter of the proceedings.

50. The Court therefore finds that the facts disclose a situation of urgency within the meaning of Articles 21 and 79, and that this condition required for the grant of provisional measures has been satisfactorily established.

Threat of Irreparable Damage

51. This condition requires the Applicant to demonstrate that, the absence of provisional measures, will result in irreparable harm. The Court is mindful that irreparable harm refers to injury that cannot be adequately remedied by monetary compensation or by subsequent measures ordered in the Court's final judgment. This was established in *DIWARA OUMAR V. REPUBLIC OF CÔTE D'IVOIRE*, JUDGMENT NO: ECW/CCJ/JUD/34/21 (Unreported) at page 15, paragraph 45, provisional measures are intended to prevent prejudice that could render the eventual judgment ineffective or illusory.

52. Similarly, in *SERAP V. FEDERAL REPUBLIC OF NIGERIA*, JUDGMENT NO: ECW/CCJ/RUL/03/21 (Unreported) at page 21, paragraph 44, the Court emphasised that provisional measures are not appropriate where the alleged harm is reparable or quantifiable, or where adequate redress may be afforded at the conclusion of the case.

53. Against this backdrop, the Court considers whether the potential removal of the Applicant from office constitutes harm that is irreparable. The Court notes that removal from office, although significant, is not inherently irreparable. If the Applicant succeeds on the merits, the Court retains wide remedial discretion to restore the Applicant's rights, including by declaring the removal unlawful, ordering reinstatement, or directing the payment of compensation for loss of earnings or moral damages.

Handwritten signatures and initials in blue ink, including a large signature and the initials 'YBS' at the bottom right of the page.

54. Indeed, the Court adopted such an approach IN COUNSELLOR MUHAMMAD KABINE JA'NEH V. REPUBLIC OF LIBERIA, JUDGMENT NO: ECW/CCJ/JUD/28/20 (Unreported) where reinstatement and compensation were considered appropriate reliefs. A similar remedial trajectory was followed in MOHAMED TAYYIB BAH V. REPUBLIC OF SIERRA LEONE, (2015) CCJELR. These cases demonstrate that harm resulting from removal from public office is not beyond redress.

55. In the present matter, although the Applicant claims to face an imminent risk of removal, the Court is satisfied that any such injury would be remediable through appropriate orders in the final judgment. Accordingly, the requirement of irreparable harm has not been met.

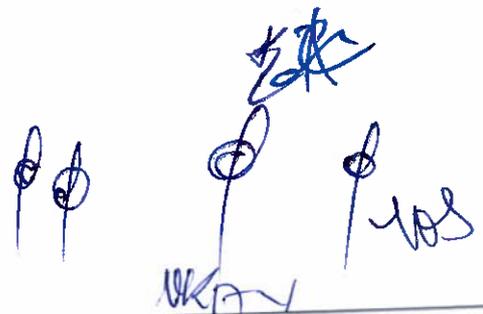
56. Given that the conditions for provisional measures are cumulative, the failure to establish irreparable harm is decisive.

57. In view of the foregoing, the Court finds that the Applicant has failed to satisfy the cumulative requirements for the grant of provisional measures. The Application for provisional measures is accordingly dismissed.

Expedited Procedure

58. The Court recalls that the grant of an expedited procedure under Article 59 of the Rules of Court is an exceptional measure, warranted only where the Applicant demonstrates that the circumstances of the case demand a departure from the ordinary procedural timelines in order to avert imminent prejudice or to preserve the effectiveness of the Court's eventual judgment.

59. As established in the foregoing analysis of the request for provisional measures, the Court has found that although the matter presents elements of procedural urgency, the Applicant has not demonstrated that he faces irreparable harm, a decisive criterion not only for interim protection, but equally relevant in assessing whether the accelerated treatment of the case is judicially necessary.



60. The Court reiterates that the harm alleged, namely the potential removal of the Applicant from office, is neither irreparable nor incapable of redress through the remedial powers available to the Court at the conclusion of the proceedings. The lack of irreparable prejudice therefore undermines the asserted necessity for extraordinary procedural acceleration.
61. Furthermore, the Court is mindful that expedited procedure constitutes a significant derogation from the ordinary conduct of proceedings and must be reserved for cases where delay would render judgement ineffective or deprive a party of meaningful relief. Having found that the Applicant retains the possibility of adequate redress at the merits stage, even in the event of removal, the Court is satisfied that the conditions justifying such extraordinary treatment have not been met.
62. Consequently, the Court holds that the interests of justice, fairness to both parties, and the proper administration of its docket do not warrant the invocation of the expedited procedure in this case. The Application for expedited hearing is accordingly dismissed.

VII. JURISDICTION

63. The Court recalls that jurisdiction is a fundamental prerequisite which must be established *proprio motu* before any consideration of admissibility or the merits. This obligation derives from Article 9 of Protocol A/P1/7/91 on the Court, as amended by Supplementary Protocol A/SP.1/01/05, which vests the Court with defined subject-matter, personal, and remedial competence. The Court therefore proceeds to examine whether the present Application falls within its jurisdictional mandate.
64. Article 9(1) of the amended Protocol enumerates specific heads of jurisdiction. Of relevance to this case are paragraphs (e), (f), and (g), which empower the Court to determine:
- (e) disputes relating to the provisions of the Treaty, Protocols, Regulations, Directives or Decisions of ECOWAS.
 - (f) disputes between the Community and its officials.



(g) actions for damages against Community institutions or officials arising from acts or omissions committed in the exercise of official functions.

65. Additionally, Article 9(2) grants the Court authority to determine the *non-contractual liability* of the Community for acts or omissions attributable to its institutions and officials.

66. The Court notes that the Applicant invokes these provisions in challenging administrative acts issued by the President of the Commission which, he alleges, violate rights conferred on him by the Revised Treaty, Supplementary Protocols, Staff Regulations, and the Rules of Procedure of the Commission.

67. The Court, therefore, will analyse each relevant head of jurisdiction to determine whether the Application properly falls within its remit.

Jurisdiction under Article 9(1)(e) of the Supplementary Protocol

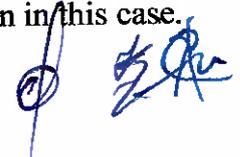
68. The Court recalls Article 9(1)(e) which empowers it to interpret and apply the Treaty, Protocols, Regulations, Directives, and Decisions of ECOWAS.

69. However, Article 10 of the same Protocol clearly defines who may seize the Court under each head of jurisdiction. Individuals may access the Court under Article 10(c), (d), and (e) relating to human rights, employment rights, and exhaustion-based staff disputes yet, they are not permitted to directly invoke Article 9(1)(e).

70. The Court has consistently held that individuals cannot seize the Court solely for the purpose of obtaining an abstract interpretation of Community law. (See OCEAN KING NIGERIA LTD v. SENEGAL, CCJELR (2008); MRAPKOR v. AUTHORITY OF HEADS OF STATE, (2011) CCJELR).

71. Thus, although the Application raises questions concerning the legality of actions undertaken under the Revised Treaty and Rules of Procedure, the Court cannot rely solely on Article 9(1)(e) to ground jurisdiction at the instance of an individual litigant.

72. The Court therefore holds that Article 9(1)(e) does not confer jurisdiction in this case.



Disputes Between the Community and Its Officials

73. In determining whether Article 9(1)(f) provides jurisdiction over “*the Community and its officials*,” the Court considers this a category that is inclusive of Statutory Appointees such as Commissioners. Articles 14 and 15 of the ECOWAS Staff Regulations expressly classify Commissioners as “*Statutory Appointees*” and therefore as staff members of the Community. They are thus “Community Officials” for the purposes of the Protocol.
74. The present dispute arises directly from the Applicant’s employment relationship with the Community, specifically: the deprivation and reassignment of his statutory functions; the issuance and circulation of administrative memoranda allegedly contravening the Revised Treaty; and measures affecting his independence, dignity, tenure, and official status. These allegations fall squarely within the legal relations between ECOWAS and its staff and have consistently been held to be justiciable under Article 9(1)(f). (See *HAMADOU V. ECOWAS COMMISSION*, ECW/CCJ/JUD/06/11; *MARIAME KONE-TOURE V. ECOWAS COMMISSION*, ECW/CCJ/JUD/26/25).
75. The Court therefore finds that Article 9(1)(f) firmly grounds its jurisdiction in this case.

Jurisdiction under Article 9(1)(g)

76. Article 9(1)(g) extends the Court’s jurisdiction to: “*actions for damages against a Community institution or official for any act or omission in the exercise of official functions*.” Thus, the Court is mindful where the Applicant seeks substantial damages for alleged harm flowing from: Memo ECW/Memo/30.10.25/ak, Memo ECW/Memo/15.09.25/ak, and their dissemination and implementation. These memoranda were issued by the President of the Commission acting in the course of official duties.
77. The Court has repeatedly affirmed that where an official act causes a staff member reputational, administrative, or financial injury, the affected individual may seek damages under Article 9(1)(g). (See *SANUSI V. ECOWAS COMMISSION*,





ECW/CCJ/JUD/04/09; KABORE HENRI V. ECOWAS COMMISSION, ECW/CCJ/JUD/25/23). Having ascertained that the claim is premised on an act by an official that allegedly has resulted in damages, the Court pursuant to Article 9 (1) (g) of the Supplementary Protocol, has the requisite competence to determine the claim. Consequently, the Court holds that it has jurisdiction under Article 9(1)(g).

Jurisdiction under Article 9(2) of the Supplementary Protocol

78. Article 9(2) empowers the Court to determine the non-contractual liability of the Community for harm arising from its institutions or officials. Non-contractual liability arises where a claimant has no contractual bond with the Community and seeks redress for harm caused by official acts or omissions.

79. In the present case, the Applicant is a Statutory Appointee bound by a contract of employment with the Community. The liability asserted arises entirely within the employer-staff framework and therefore falls within the contractual domain, not the non-contractual liability envisaged in Article 9(2).

80. Consistent with its precedent SOW V. ECOWAS COMMISSION, JUDGMENT NO: ECW/CCJ/JUD/07/19, (Unreported), the Court holds that contractual employment disputes do not fall under Article 9(2) and holds that Article 9(2) does not apply.

Overall Determination on Jurisdiction

81. Based on the foregoing analysis, the Court finds that: Article 9(1)(e) does not apply, as individuals cannot invoke it directly. Article 9(2) does not apply, as the dispute concerns contractual employment rights. Article 9(1)(f) applies, as the case involves a dispute between a Community official and the Community. Article 9(1)(g) applies, as the Application includes a claim for damages arising from official acts.

82. Accordingly, the Court holds that it possesses full jurisdiction to entertain and determine the Application under Articles 9(1)(f) and 9(1)(g) of the Protocol as amended.

408

83. Furthermore, the Court notes that the Applicant has also brought claims under Article 9 (4) of the Supplementary Protocol claiming violation of his rights under the African Charter on Human and People's. He particularly claims, the right to fair hearing, the right to dignity and reputation, the right to work within a legally regulated institutional environment, and the right to administrative justice. These allegations activate the Court's human-rights jurisdiction, which is autonomous and self-executing. The Court has repeatedly held that once a party alleges a human-rights violation, *prima facie* jurisdiction is established without requiring exhaustion of domestic remedies. Accordingly, the Court finds and declares that it has full jurisdiction to entertain and determine this Application.

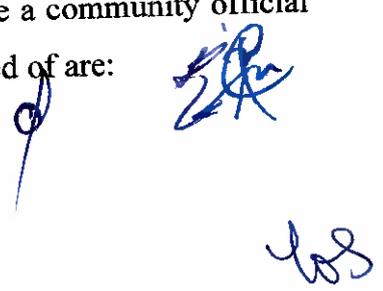
VIII. ADMISSIBILITY

84. The Court recalls that admissibility is a threshold inquiry distinct from jurisdiction. Whereas jurisdiction speaks to the Court's competence to entertain the subject-matter before it, admissibility concerns whether the Applicant has fulfilled the procedural conditions precedent to invoke that jurisdiction. It is therefore necessary for the Court, once seised of an application, to ascertain compliance with the requirements of Article 10 of the Supplementary Protocol on the Court, which governs access by individuals, corporate bodies, and Community officials.

85. Article 10 of the 2005 Supplementary Protocol provides, in relevant part, as follows:

- Article 10(c): *Access to the Court is open to individuals and corporate bodies in proceedings for the determination of an act or inaction of a Community official which violates the rights of the individual or corporate body.*
- Article 10(e): *Access is open to staff of any Community institution, after the staff member has exhausted all internal appeal processes available under the ECOWAS Staff Rules and Regulations.*

86. In the present case, the Applicant is a Commissioner of Internal Services, a statutory appointee under Article 18 of the Revised Treaty, and therefore a community official within the meaning of Article 10(c) and (e). The acts complained of are:



- The issuance of Memo ECW/Memo/15.09.25/ak;
- The issuance and wide circulation of Memo ECW/Memo/30.10.25/ak.
- The unilateral reassignment and deprivation of statutory functions.
- The consequent alleged violations of the Applicant's rights to tenure, independence, fair hearing, dignity, confidentiality, and institutional equality.

87. The Respondent raises a Preliminary Objection that the application is inadmissible on the ground that the Applicant did not exhaust the internal remedies allegedly available under Articles 69 and 70 of the ECOWAS Staff Regulations.

88. The Court observes, however, that the exhaustion requirement under Article 10(e) must be interpreted teleologically, considering the nature of the office held, the character of the impugned act, and the availability (or lack thereof) of a meaningful review mechanism. The jurisprudence of this Court, including *ODAFE OSERADA V ECOWAS COUNCIL OF MINISTERS* (2008) CCJELR; *ADEWALE V COUNCIL OF MINISTERS*, (2012) CCJELR; and *MRAKPOR V AUTHORITY OF HEADS OF STATE AND GOVERNMENT* (2011)CCJELR, affirms that an individual has standing where he is the direct bearer of a right allegedly violated by a community act, and where no effective internal remedy exists.

89. The Court notes that the acts challenged herein emanate directly from the President of the Commission, who exercises no hierarchical superiority to whom the Applicant could seek administrative review. The Court further notes that:

- The interlocutory deprivation of a Commissioner's statutory mandate is not among the matters contemplated by the Conciliation Committee or the Inter-Institutional Appeals Committee;
- The Applicant is not a staff member of the ECOWAS Commission within the administrative hierarchy to which Articles 69 and 70 normally apply;
- No internal mechanism exists for reviewing the acts of the President when he is acting *qua* President, particularly in matters affecting Commissioners,




whose discipline lies exclusively with the Council of Ministers under Article 18(3)(d) of the Revised Treaty.

- A requirement to exhaust unavailable or ineffective remedies would be contrary to the principle of practical effect (*effet utile*).

90. In essence, the Court finds that the internal mechanisms envisaged under Article 10(e) of the Supplementary Protocol and Articles 69–70 of the Staff Regulations are structurally unavailable to a statutory Commissioner in circumstances where the impugned act is issued by the President of the Commission and where the Staff Regulations explicitly vest disciplinary competence over Commissioners in the Council of Ministers, not the President.

91. The Court also notes the Applicant's evidence that he sought redress by formally challenging the impugned acts and was afforded no avenue for internal review. In line with the Court's reasoning in *MARIAME KONE-TOURÉ V ECOWAS COMMISSION*, JUDGMENT NO: ECW/CCJ/JUD/26/25 (2025), the Court reiterates that internal remedies must be both available and effective, and that where the President is the author of the contested act, and no hierarchical superior exists, the exhaustion requirement is deemed satisfied.

92. Accordingly, the Court finds that the Applicant, as a statutory appointee and Community official, has standing under Article 10(c). Furthermore, that the exhaustion requirement under Article 10(e) is either satisfied or inapplicable due to the unavailability of any internal review mechanism competent to examine the disputed acts.

93. Consequently, the objection to admissibility raised by the Respondent is unfounded and the Court declares the application admissible.

94. However, the Court declares the claims brought pursuant to the African Charter on Human and Peoples' Rights inadmissible, as the Respondent is not a proper party in respect of such claims. The Court has consistently held that only Member States of ECOWAS may be sued for alleged violations of the African Charter, because States alone are signatories to and bear direct obligations under the Charter.

95. In *FEMI FALANA V. AFRICAN UNION* (2012), the Court affirmed that an international organisation or ECOWAS Institution cannot be held liable for violations of the African Charter, emphasising that “*only entities that have signed and ratified the Charter can bear responsibility for its breach.*” Similarly, in *KHALIFA ABOUBAKAR V. ECOWAS COMMISSION*, JUDGMENT NO: (ECW/CCJ/JUD/25/18) (Unreported), the Court reiterated that the ECOWAS Commission is not a proper respondent for African Charter-based claims, as it is not a contracting party to the treaty.

96. Accordingly, the Respondent in this application, being an ECOWAS Institution and not a signatory to the African Charter, cannot be held liable under a treaty to which it is not a contracting party. As a result, all claims founded on alleged violations of the African Charter are hereby declared inadmissible.

IX. OPERATIVE CLAUSE

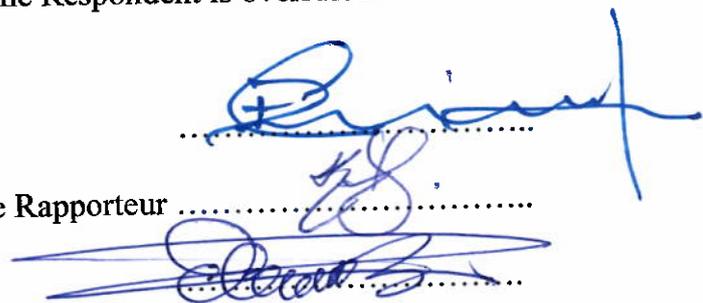
97. For the reasons stated above, the Court sitting in public after hearing both parties finds:

- i. The Applicant’s application for Provisional Measures is dismissed for failure to establish irreparable harm.
- ii. The Applicant’s application for Expedited Procedure is dismissed as the process of determining the matter is already on course.
- iii. It has jurisdiction to hear and determine the claims.
- iv. The Application is declared ADMISSIBLE, save for the claims brought under the African Charter on Human and Peoples’ Rights, which are hereby declared INADMISSIBLE for want of proper party.
- v. The Preliminary Objection of the Respondent is overruled.

Hon. Justice Claudio Monteiro GONCALVES

Hon. Justice Sengu Mohamed KOROMA/Judge Rapporteur

Hon. Justice Gberi-Be OUATTARA



Dr. Yaouza OURO-SAMA - Chief Registrar

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right. The signature is positioned above a dotted line.

Done in Abuja, this 10th day of December 2025 in English and translated into French and Portuguese.

