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DECISIONS OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT.

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TWENTY-FIFTH SESSION OF THE
AUTHORITY OF
HEADS OF STATE AND GOVERNMENT

DAKAR, 20-21 DECEMBER, 2001

**DECISION A/DEC.3/12/01 RELATING
TO THE GRANTING OF THE STATUS
OF STATUTORY APPOINTEES TO
THE JUDGES OF THE COMMUNITY
COURT OF JUSTICE**

**THE AUTHORITY OF HEADS OF
STATE AND GOVERNMENT,**

MINDFUL of Articles 7, 8 and 9 of the Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Articles 6 and 15 of the Treaty establishing the Community Court of Justice as an institution of the Community;

MINDFUL of Protocol A/P. 1/7/91 defining the status, composition, powers, procedure and other issues concerning the Community Court of Justice;

MINDFUL of Article 3 of the Protocol on the Community Court of Justice which provides for the appointment of the Judges by the Authority of Heads of State and Government;

CONSIDERING that the tenure of office of the Judges is for a limited period as defined under Article 4 of the Protocol on the Community Court of Justice;

MINDFUL also of Article 28 of the Protocol on the Community Court of Justice which provides that the remuneration, allowances and all other benefits of the

Judges shall be determined by the Authority;

DESIRING to grant to the Judges of the Community Court of Justice status commensurate to their positions as Superior Judicial Officers of an International Court and as officers of a separate and Independent Institution of the Community;

ON THE RECOMMENDATION of the forty-eight Session of the Council of Ministers, held in Dakar, 15th - 17th December, 2001.

DECIDES

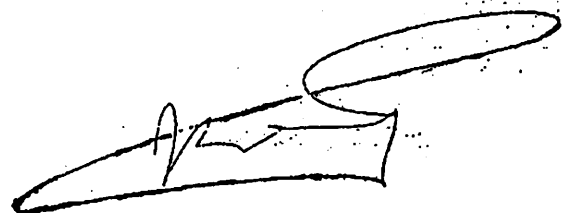
ARTICLE 1

The Judges of the Community Court of justice are hereby granted the status of Statutory Appointees.

ARTICLE 2

This Decision shall be published by the Executive Secretariat in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of the Authority. It shall also be published by each Member State in its National Gazette within the same time-frame.

**DONE AT DAKAR, THIS 21ST DAY OF
DECEMBER, 2001**



**ALPHA OUMAR KONARE
CHAIRMAN
FOR THE AUTHORITY**

**DECISION A/DEC. 20/12/01
RELATING TO THE ANNUAL
SALARIES OF THE JUDGES OF
THE COMMUNITY COURT OF
JUSTICE**

**THE AUTHORITY OF HEADS OF
STATE AND GOVERNMENT;**

MINDFUL of Articles 7, 8 and 9 of the Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Articles 6 and 15 of the Treaty establishing the Community Court of Justice as an Institution of the Community;

MINDFUL of the Protocol A/P.1/7/91 on the Community Court of Justice defining its status, composition, powers, procedures and other issues concerning its operations; in particular its Article 28 relating to the remuneration, allowances and other benefits of the President and other members of the Court;

MINDFUL of Decision A/DEC. 1/12/00 appointing the seven (7) Judges of the Court who took their oath of Office before the Chairman of the Authority in Bamako on 30th January, 2001;

RECOGNISING the functions of the Court which include judicial settlement of disputes within the Community and interpretation and application of the provisions of the Treaty;

RECOGNISING also the duty of the Community Court with regard to the dispensation of justice and protection of the rights and interests of Community Citizens and Institutions with a view to advancing the economic, political and social

integration of the peoples of West Africa;
CONSIDERING that the Judges of the Court are selected from nationals of Member States who are persons of high moral character and who possess the highest qualification required of judicial officers and are jury consultants of recognised competence in International Law;

MINDFUL of Regulations C/REG. 4/4/01 and C/REG. 5/4/01 relating to the annual salaries of the Statutory Appointees of the ECOWAS Bank for Investment and Development (EBID) and its subsidiaries and the salaries of Deputy Executive Secretaries respectively;

MINDFUL of Decision A/DEC. 3/12/01 granting the status of Statutory Appointees to the Judges of the Court;

DESIRING to pay the Judges of the Court salaries and allowances that are commensurate to their status;

ON THE RECOMMENDATION of the 48th Session of the Council of Ministers held in Dakar from 15th - 17th December, 2001;

DECIDES

Article 1

- 1 Pending the findings of the study of the grading and salary scale of the staff of the ECOWAS Institutions, the annual salaries and allowances of the Judges of the Community Court of justice is fixed as follows:
 - **President of the Court:** salary of the President of EBID.i.e. salary of 41,651.85 UA.
 - **Other Judges:** salary equivalent to those of the Managing Directors of EBID,i.e. salary of 39, 459.36 UA.

- 2 **The Vice President of the Court** shall be paid duty allowance in addition to his salary.

Article 2

This Regulation shall be published by the Executive Secretariat in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of the Authority of Heads of State and Government. It shall also be published by each Member State in its National Gazette within the same time frame.

**DONE AT DAKAR, THIS 21ST DAY OF
DECEMBER, 2001**



**H.E. ALPHA OUMAR KONARE
CHAIRMAN
FOR THE AUTHORITY**

**DECISION A/DEC.23/12/01
RELATING TO THE SEAT OF THE
COMMUNITY COURT OF JUSTICE**

**THE AUTHORITY OF THE HEADS
OF STATE AND GOVERNMENT,**

MINDFUL of Articles 7, 8 and 9 of the Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Articles 6 and 15 of the Treaty establishing the Community Court of Justice as an Institution of the Community;

MINDFUL of the Protocol A/P.1/7/91 on the Community Court of Justice defining its status, composition, powers, procedures and other issues concerning its operations;

MINDFUL of Decision A/DEC.1/12/00 appointing the seven (7) judges of the Community Court of Justice who took their oath of office before the Chairman of the Authority in Bamako on 30th January 2001;

RECOGNISING the functions of the Court which include judicial settlement of disputes within the Community and interpretation and application of the provisions of the Treaty;

RECOGNISING also the duty of the Community Court of Justice with regard to the dispensation of justice and protection of the rights and interests of Community Citizens and Institutions with a view to advancing the economic, political and social integration of the peoples of West Africa;

MINDFUL of Article 26 of the Protocol which provides that the seat of the Court shall be fixed by the Authority;

DESIRING to provide permanent residence for the seat of the Court to enable it function effectively;

DECIDES

ARTICLE 1

The seat of the Community Court of justice shall be located in Abuja, the Federal Capital Territory of the Federal Republic of Nigeria.

ARTICLE 2

The Government of the Federal Republic of Nigeria shall grant every facility to the Community Court, including, inter alia, the following:

- (a) Privileges and immunities granted by the ECOWAS General Convention on Privileges and Immunities and other relevant international instruments;
- (b) Free and furnished building for the Court, and offices for the Judges and Staff of the Court;
- (c) Free and furnished residential accommodation for the Judges commensurate to their status as Judges of an International Court;
- (d) security for the Court premises, residences of the Judges, and other International Staff of the Court;
- (e) Round the clock personal security for the Judges.

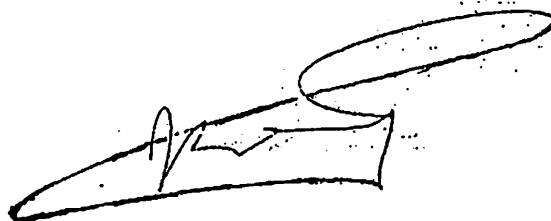
ARTICLE 3

The Executive Secretariat shall negotiate and sign a Headquarters agreement with the Federal Republic of Nigeria incorporating inter alia, the provisions of the ECOWAS General Convention on Privileges and Immunities dated 22nd April 1978, provisions of other relevant International Instruments, and provisions of Article 2 above;

ARTICLE 4

This Decision shall be published by the ECOWAS Executive Secretariat in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of Authority. It shall also be published by each Member State in its National Gazette within the same Time frame.

***DONE AT DAKAR, THIS 21ST DAY OF
DECEMBER, 2001***



***H.E. ALPHA OUMAR KONARE
CHAIRMAN***

FOR THE AUTHORITY