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

In the case

Professor DIALLO ABDOULAYE V ECOWAS COMMISSION

Suit No: ECW/CCJ/APP/33/25 Judgment No. ECW/CCJ/JUD/35/26

JUDGMENT

ABUJA

On the 25th JUNE, 2026

SUIT No: ECW/CCJ/APP/33/25

SUIT No. ECW/CCJ/JUD/35/26

Professor DIALLO ABDOULAYE **REQUIRED**

V.

THE ECOWAS COMMISSION **DEFENDANT**

BEFORE THEIR LORDSHIPS:

Hon. Justice Ricardo Claudio Monteiro **GONÇALVES** **President**

Hon. Judge Sengu Mohamed **KOROMA** **Member**

Hon. Justice Gberi-bè **OUATTARA** **Judge Rapporteur/Member**

ASSISTED BY: Dr. Yaouza **OURO-SAMA** **Chief Registrar**

I. *REPRESENTATION OF THE PARTIES:*

1 the SCP TOUREH et associee, a law firm based at the ACI 2000 building

2 Mr Moussa Maiga, a member of the Bar of Mali

Counsels for the applicant

The SCPA KANGA-OLAYE et associes, lawyers at the Bar of Abidjan

. **Counsel for the Defendant**

II. *JUDGEMENT OF THE COURT*

This judgment is the one delivered by the Court in a virtual public hearing in accordance with Article 8(1) of the 2020 Practice Direction to the Chief Registrar on the Electronic Case Management and Virtual Hearings

III. *DESIGNATION OF THE PARTIES*

1. The applicant is Professor DIALLO ABDOULAYE, a retired former Head of the Human Resources and Development Department (D-DHRD) at WAHO, a former medical professional in the Human Resources Department, a citizen of Mali residing in Bamako (hereinafter referred to as 'the applicant').

2. The defendant is the Commission of the Community of West African States (ECOWAS), with its headquarters in Abuja, Nigeria 101 Yakubu Gowon Crescent, Asokoro District (hereinafter referred to as "the defendant").

IV. *INTRODUCTION*

3. The purpose of these proceedings is to examine the applicant's claim, in which he seeks a declaration that the ECOWAS Commission has infringed his statutory and contractual rights, and requests the Court to order the defendant to pay him the sums due. It requires the payment of accumulated and unpaid daily allowances (PER DIEM) and interim allowances due pursuant to the ECOWAS Staff Regulations.

The defendant requests, in *limine litis*, that the Court declare the application inadmissible on the grounds that the action is statute-barred and that the counsel to applicant lacks the standing to represent him before the Court.

In the alternative, the defendant requests that the Court declare the applicant's action to be unfounded and dismiss it.

V. *PROCEDURE BEFORE THE COURT*

4. On 16 July 2025, Diallo Abdoulaye filed a claim with the ECOWAS Court of Justice seeking payment of outstanding allowances from the ECOWAS Commission.

The motion was served on the defendant the following day, 17 July 2025.

5. On 18 November 2025, the defendant filed his defence brief with the Registry, which was served on the applicant on 19 November 2025.

6. On 28 November 2025, the applicant filed a reply to the Registry which was served on the defendant on the same day.

7. At the hearing on 19 February 2026, both parties were represented by their counsel. The Court noted that the statement of defence was filed after the deadline. Counsel for the defendant stated that the delay was due to the need to obtain authorisation from the ECOWAS Commission (defendant).

8 The counsel for the applicant objected to the filing of the defendant's statement of defence on the grounds that no express request for an extension of time was made and that the time limit was unreasonable. After hearing both parties, the Court regularised the filing of the defence (Document 2) and reserved judgement on the case.

VI. *ARGUMENTS OF THE APPLICANT*

(a) *Statement of Facts*

9. By application received at the Registry of the Court on 16 July 2025, Professor DIALLO Abdoulaye states that following correspondence dated 12 September 2003, he received from the Director-General of the West African Health Organisation (WAHO), in the person of Kabba T. JOINER, a proposal for appointment as a Medical Professional Officer in the Human Resources Development Department of the said structure, in accordance with the Staff Regulations and all other WAHO regulations in force with an annual salary of 20.860, 26 UC (scale 4 of 1) and as a place of assignment Bobo Dioulasso (cf. Copy of the letter of 12 September 2003).

EXHIBIT No1

10. He states that he accepted the terms set out in this appointment proposal and that this acceptance led to his recruitment on 5 October 2003 as a medical training officer within the West African Health Organisation, a post he held until 2010, when the vacancy for the post of Director of DDRH was advertised, with a closing date for applications of 20 July 2010.

11. He submits that following this vacancy, two (**2**) applications were registered at the structure level and that following the recount, his was retained.

12. He states that, pursuant to a letter dated 5 January 2011, signed by the Director-General of WAHO, he was appointed Acting Director of the said post (see copy of the letter dated 5 January 2011). EXHIBIT NO. 2

13. The applicant recalls that this appointment was made in accordance with the provisions of Article 36 of the Staff Regulation for Acting Allowance in the sense that if the acting person exercises without discontinuing and uninterrupted for a period of at least 60 days, the duties and responsibilities of senior staff members, he is entitled to an acting allowance.

14. He stated that in the present case he was entitled to this acting allowance as the former Director of Human Resources Development in Health of the WAHO Department, who was called upon to exercise his retirement rights on 31 December 2010, for a period of six (6) months as shown by correspondence dated 30 March 2011, the date on which it was requested to extend the interim period by six (6) months until the new Director was recruited (cf. Copy of correspondence dated 30 March 2011).

EXHIBIT NO. 3

15. He claims that, despite the good and faithful service he rendered, he did not receive his fees, in breach of the financial regulations, as evidenced by the correspondence dated 30 March 2011.

16. He explains that all his attempts to reach an amicable resolution to his financial and administrative situation have proved fruitless, as evidenced by the memoranda sent to the Institution requesting the regularisation of his administrative status, hence the validity of these proceedings.

b) ***Pleas in law***

17. The pleas in law relied on by the applicants are as follows:

- Protocol (A/P2/7/87) of 9 July 1987 ;
- The Rules of the Court (Articles 33 and 69);
- ECOWAS Staff Regulations ;

c) ***Conclusions***

18. The Applicant request as it may please the Court:

As to formal presentation

- Declare itself competent to hear the case;
- Declares the Application admissible ;

As to merit:

Order the defendant to pay him the following amounts

Three hundred and forty-one million, sixty-six thousand and four hundred (341.066.400) FCFA in respect of its rights;

Two hundred million (200.000.000) of FCFA for damages.

Order the defendant to pay the costs.

VII. *ARGUMENTS OF THE APPLICANT*

(A) *Statement of Facts*

19. The defendant requests that the Court dismiss the applicant's claim as unfounded, since, with regard to his claim for the sum of fifteen thousand eight hundred and eight (15,808) US dollars, he asserts that the principle of per diems within ECOWAS and its institutions is governed by a scale adopted by the Council of Ministers, which applies to all institutions and agencies of the Community.

20. It notes that the applicant's claim in respect of the sum of fifteen thousand eight hundred and eight (15 808) US dollars in arrears of per diem is not attested by any supporting document and is not based on any legal grounds.

21. The defendant therefore requests that the Court declare this claim to be unfounded and dismiss it.

22. With regard to the applicant's claim for the sum of one hundred and fifty-seven million, seven hundred and one thousand, six hundred (157,701,600) CFA francs claimed by the applicant as compensation, the defendant explains that positions in ECOWAS are filled through competitive examinations in accordance with the provisions of the Revised Treaty and the ECOWAS Staff Regulations;

23. It articulates that, pursuant to Article 9 § 2-c of the Staff Regulation, "*the position shall be filled through a competitive recruitment process in which all shortlisted candidates shall appear before the relevant Committee* ";

24. The defendant points out that the applicant is claiming all the rights and benefits accruing to the Director of the WAHO without having submitted to the case file proof of notification of his letter of appointment or of his recruitment as Director of the WAHO. It concluded that he is not fully entitled to the benefits associated with the position he had temporarily acted.

25. The defendant points out that the claim by the applicant for the sum of one hundred and fifty-seven million, seven hundred and one thousand, six hundred (157,701,600) CFA francs is incorrect because, if we follow the calculation as set out in his application, namely:

Twelve million five hundred sixteen thousand (12 516 000) CFA francs taken as base salary (US$(20 860 thus, 12 516 000 X 15% X 7 is rather equal to thirteen million hundred forty and one thousand eight hundred (13 141 800) CFA francs instead of one hundred and fifty-seven million, seven hundred and one thousand, six hundred (157 701 600) CFA francs.

It considers that this inaccuracy reflects the whimsical character of the claim by the applicant, which in its view is not based on any right.

26. The defendant further argues that the applicant, who was a human resources manager, did not provide evidence that he was appointed to the position

of Director of Human Resources at WAHO following a competitive selection process, and that his belated claims to rights are therefore unfounded.

The defendant therefore requests that the Court declare this claim to be unfounded and dismiss it.

(b) *Pleas in law*

27. The ECOWAS Commission bases its argument on the following texts:

- The revised Treaty of 24 July 1993 (Article) ;
- Protocol A/P1/7/91 on the Court (Article) ;
- ECOWAS Staff Regulations (Article 9 § 2-c)

c) *Conclusion*

28. The Defendant solicits that as it may please the Court:

Declare the applicant is ill-founded in his action;

Accordingly, reject all of his claims;

Order the Applicant to pay the entire costs of the proceedings.

VIII. *JURISDICTION*

Argument of the Applicant

29. The applicant did not argue on the jurisdiction of the Court.

Argument of the Defendant

30. The defendant, for its part, did not dwell on the jurisdiction of the Court.

Analysis of the Court

31. The Court notes that its jurisdiction in administrative disputes is governed by the provisions of Article 9-1(f) of Supplementary Protocol A/SP.1/01/05 of 19 January 2005 amending Protocol A/P.1/7/91 on the Court of Justice, which provides that: "*The Court has competence to adjudicate on any dispute relating to the following...to examine disputes between the Community and its officials*".

32. The Court notes that, in the present case, the applicant was officially appointed as a Medical Professional Officer in the Human Resources Development Department of WAHO on 5 October 2003, with a salary of 20. 860, UA 60 per year and has therefore acquired the status of ECOWAS official under Article 15. 1.c of the ECOWAS Staff Regulation.

33. The Court concludes that the applicant is an official of the West African Health Organisation (WAHO) but that he has brought proceedings against the Commission in its capacity as the legal representative of the other institutions.

34. The Court points out that, in several similar cases, it has held that it has jurisdiction to hear the dispute between the parties. Thus, in the cases of KOMLA Raymond KOUDO against the ECOWAS Parliament judgement No. ECW/CCJ.JDU/39/21 of 27 October 2021 (§31-32, P.12) and MOMODU KHALIFA CHAM against the ECOWAS Commission and the Chairman of the ECOWAS Commission judgement **No.** ECW/CCJ/JUD/27/24 of 10 July 2024 (§42, P.11), it declared itself competent to hear the labour relations dispute which opposed Community officials to their institution.

35. In the light of Article 9(f) of the Protocol (A/P1/7/91) of 6 July 1991, as amended by the Supplementary Protocol (A/SP.1/01/05) of 19 January 2005, the status of the parties to the proceedings, the nature of the dispute and its case law, the Court must declare itself competent to hear the present proceedings.

IX. ADMISSIBILITY

ARGUMENTS OF THE APPLICANT

36. The defendant raises, *in limine litis*, a plea of inadmissibility against the application on the grounds that the applicant's counsel lack the authority to represent him and that, furthermore, the applicant's claim is statute-barred under the three-year limitation period.

As regards the lack of standing of the counsel for the applicant to represent him before the Court, the defendant contends that the application was indeed lodged on 16 July 2025 by the applicant, represented by the law firm SCP TOUREH et Associés and the law firm of Mr Moussa MAIGA, all of whom are lawyers registered with the Bar of Mali. However, by Note verbale of 29 January 2024, Mali decided to withdraw from ECOWAS, and that this withdrawal became effective since 29 January 2025.

37. It states that according to Protocol A/P1/7/91 on the Community Court of Justice in Article 12 thereof, "*each party to a dispute shall be represented before the Court by one or more agents which it designates for that purpose. These officials may, where necessary, require the assistance of one or more lawyers or counsel to which the laws and regulations of the Member States recognise the right to plead before their courts.*"

38. It argues that, since Mali is no longer a member state of ECOWAS, lawyers from that country, even those duly registered with its Bar, no longer have standing to act on behalf of and represent Professor Abdoulaye Diallo before the ECOWAS Court of Justice. It requests the Court to rule that the proceedings initiated by the applicant and his counsel are irregular, in breach of the provisions of Article 12 of Protocol A/PI/7/91 relating to the ECOWAS Court of Justice, and to declare Professor Abdoulaye Diallo's action inadmissible.

39. As regards the inadmissibility of the application based on the limitation of the action in court, the defendant stated that Article 3§3 of 21- that the Supplementary Protocol A/SP1. /01/05 of 19 January 2005 on the Court, "*Any action by or against a Community Institution or any Member of the Community shall be statute barred after three (3) years from the date when the right of action arose*";

40. The defendant argues that the applicant filed his application on 16 July 2025, that is to say eight (8) years after his retirement in December 2017.

It states that the rights claimed by the applicant arose on 5 January 2011.

41. The defendant points out that, whilst the applicant claims to have submitted a letter asserting his rights in 2018, he has taken no further action since then; it therefore requests the Court to rule that the applicant's claim is statute-barred.

It therefore requests the Court to declare the claim by the applicant claim inadmissible on the grounds that that it is statute barred.

Argument of the Applicant

42. With regard to the inadmissibility of his application on the grounds that his counsel lack the standing to represent him, the applicant argues that the defendant relies on the provisions of Article 12 of Protocol A/P1/7/91 relating to the Community Court of Justice to raise the inadmissibility of the application on the grounds that, as Mali is no longer a member state of ECOWAS, lawyers registered with the Bar of that country no longer have standing to appear before the Court.

43. The applicant points out that, after Mali withdrew from ECOWAS, the ECOWAS Court of Justice ordered the removal from the register of all pending cases concerning that country.

He points out that, in its order of 14 March 2025, the Court stated that, as a result of this withdrawal, it no longer has jurisdiction to adjudicate on disputes involving the Republic of Mali.

44. The applicant points out that nowhere in this order did the Court state that lawyers registered with the Bar of Mali, by virtue of their country's withdrawal, are no longer entitled to appear before this court, even in cases not involving that State.

45. He therefore argues that a lawyer registered with the Bar of Mali may appear before the ECOWAS Court of Justice provided that he has been appointed as counsel in proceedings in accordance with the rules of Protocol A/SP.1/01/05 and that he can prove he is recognised as a lawyer under the laws of an ECOWAS Member State, as required by that Protocol.

46. The applicant argues that, according to Protocol A/SP.1/01/05, current or former staff members of ECOWAS institutions may bring labour disputes concerning their contracts before the Court.

47. He therefore considers that, as a former employee of ECOWAS, his application is admissible since it concerns a claim for his unpaid entitlements and compensation.

48. The applicant points out that this Court has consistently accepted that the parties may be represented by a lawyer authorised to practise before a court of an ECOWAS Member State.

49. He therefore considers that not only can he bring a case before this court to claim his rights, but he can also be represented by a lawyer registered with the Bar of Mali, as has just been demonstrated above.

50. The applicant further submits that, under the provisions of Article 7 of Regulation No 05/2014/CM/UEMOA on the harmonisation of rules governing the profession of lawyers in UEMOA, lawyers registered in the Bar of a member state of UEMOA may practise their profession in the other member states of UEMOA or settle there permanently as their principal or establish a secondary cabinet there, in accordance with the provisions of the Union within the UEMOA area.

51. He points out that, since Mali is a member of UEMOA and the member states of UEMOA are members of ECOWAS, a lawyer registered with the Mali Bar is

recognised as a lawyer under the laws of most ECOWAS member states and may therefore appear before the ECOWAS Court of Justice.

52. As regards the inadmissibility of the action in court on grounds of limitation, the applicant explained that the defendant relied on the provisions of Article **3 3** of Supplementary Protocol A/ SP.1/01/05 OF 2005 on the Community Court of Justice to raise it.

53. The applicant recalls that, under the provisions of Article 9 of Protocol A/SP.1/01/05, the Court must be seised within three years of the day on which the applicant was aware of the alleged violation and that in its constant case law, the Court has always stated that the time limit begins on the day the contested decision is notified or the time when the applicant has become aware of the violation.

He states that he brought the matter before the Court when he realised that his former employer had seriously infringed his social rights.

54. The applicant alleges that he could not rush to bring the matter before the Court because of the provisions of Article **73** of the Staff Regulation and the belief in good faith of his employer to allow him to receive his social rights without having to resort to the courts.

55. It articulates that direct referral to the Court without first resorting to the internal settlement mechanisms of the dispute would be declared inadmissible because under the provisions of article **73** of the ECOWAS Staff Regulation : *"Disputes between the staff member and his/her supervisor must be resolved without delay with the utmost simplicity and respect. If the staff member and his/her supervisor fail to resolve a dispute after good faith efforts, they refer to the direct supervisor and all levels of the hierarchy up to the head of the institution...*

If these informal methods are not satisfactory, formal mechanisms are implemented. In any case, the Community Court of Justice is the final Court of Appeal".

56. It notes that the analysis of this provision shows that there are two phases in resolution of dispute:

- Referral of staff supervisors and the setting up of the ad hoc committee ;

- Referral of the ECOWAS Court as a final appeal court.

56. The applicant claims that, in a number of memoranda, copies of which he has submitted to the file, he has raised the matter with his immediate supervisor in order to regularise his administrative status and assert his rights.

57. He maintains that, in the meantime, pursuant to the circular dated 8 October 2018 concerning the handling of disputes involving staff members of Community institutions, an ad hoc committee was set up with the power to decide on complaints and claims made by staff members, as well as disputes relating to the administrative management of staff, in order to uphold the principle of equal treatment of staff members of Community institutions before the law, namely the Staff Regulations and other Community texts, with a view to providing appropriate responses to their claims of a financial and/or administrative nature.

58. He states that, in accordance with this circular, he referred the matter to the said committee, as set out in a memorandum dated 16 November 2018, with a view to addressing the financial and administrative regularisation relating to:

- Perdiem arrears for the period 2011 to 2014, amounting to US$15,808;
- An administrative appointment as Deputy Director of Human Resources at the WAHO, a position he held on an interim basis for seven years, from January 2011 to December 2017, when he claimed his pension rights, together with the relevant supporting documents (see copy of the memorandum dated 16 November 2018, referred to in Exhibit No. 6 of the application) ;

59. The applicant notes that, under the terms of this circular of 16 November 2018, the date of commencement of the filing of applications is set at 1 November 2018 and the closing date at the end of February 2019.

60. He is of the opinion that, as a result, the applications could not be considered until after the end of February 2019. He points out, however, that no date was given for the outcome of the consideration of these applications.

61. The applicant states that, by an application dated 16 November 2018 and received on 23 November 2018, he referred the matter to the ad hoc committee responsible for dealing with complaints and claims from staff members; however, to date, he received no response to his application.

62. He states that, given his employer's continued silence several months after the matter was referred to the Committee, he came to the conclusion that he is the victim of a serious breach of his employment rights. He therefore decided to refer the matter to the Court, in the absence of a regulation provided for by the internal mechanisms.

63. The applicant explains that, at the time he was attempting to bring the matter before the Community Court of Justice, the COVID-19 pandemic made it impossible to file the application.

64. He maintains that throughout 2024, he attempted in vain to file his application with the Registry of the Court due to the withdrawal of the Republic of Mali from ECOWAS and the Court's suspension of proceedings concerning that country.

65. He notes that, in fact, the Court refused to accept the application he had sent via a series of express post deliveries on the grounds that it can no longer accept applications from Mali, without taking into account that, in reality, this application is not directed against the State of Mali but against the ECOWAS Commission.

66. The applicant states that it was not until July 2025 that the Court registered his application. He believes that even at this stage, he is still within the time limit for

filing an application, since his employer has not yet rejected his internal appeal and has consistently assured him that his entitlements would be settled.

67. He states that it was only after the Committee remained silent that he became convinced he had been the victim of a violation of his rights, and that it was also only at that point that he was able to bring the matter before this Court.

68. The applicant contends that the referral to the Ad Hoc Committee pursuant to the circular letter dated 8 October 2018 and the failure to notify him of any decision by that Committee constitute grounds for the suspension of the limitation period and that, consequently, the limitation period cannot be invoked against this application.

ANALYSIS OF THE COURT

69. The Court notes that the admissibility of applications brought before it in civil service disputes is governed by the provisions of Article 12 of Protocol A/P.1/7/91 of 6 July 1991 relating to the Court.

The Court will therefore consider the plea of inadmissibility raised by the defendant before determining whether the application meets the other conditions for admissibility.

- ***On the plea of inadmissibility based on the lack of standing of the applicant's legal representatives to represent him***

70. The Court notes that Article 12 of Protocol A/SP.1/7/91 of 6 July 1991 provides that: *"Each party to a dispute shall be represented before the Court by one or more agents nominated by the party concerned for this purpose. The agents may, where necessary, request the assistance of one or more Advocates or Counsels who are recognised by the laws and regulations of the Member States as being empowered to appear in Court in their area of jurisdiction".*

71. In light of this provision, the Court notes that the parties may be represented before it by lawyers who are authorised to plead before the courts of UEMOA Member States that are members of ECOWAS.

72. The Court notes that, in the present case, the applicant is represented by the law firm SCP TOUREH et Associés and the law firm of Mr Moussa MAIGA, all of whom are lawyers registered with the Bar of Mali. However, by a Note Verbale dated 29 January 2024, Mali decided to withdraw from ECOWAS, and this withdrawal took effect on 29 January 2025. Lawyers registered with the Bar of that State should therefore, in principle, no longer be entitled to appear before the ECOWAS Court of Justice, which is the principal legal body of a community to which they no longer belong.

73. The Court points out, however, that a lawyer who is authorised to practise before the courts of an ECOWAS Member State may also appear before it. Even if they are a national of a non-ECOWAS member state, it is sufficient for a lawyer to be authorised to practise before the courts of any ECOWAS member state for them to be authorised to practise before the Court.

74. In these circumstances, the Court considers that the mere fact that the lawyer is a national of a non-ECOWAS Member State is not sufficient in itself to deny him the right to practise before it, provided that such a right is recognised by one of the ECOWAS Member States.

75. The Court notes that Article 7 of Regulation No. 05 of the West African Economic and Monetary Union (UEMOA) provides that: "*Lawyers registered in the Bar of a UEMOA member state may practise their profession in the other member states of UEMOA or settle there definitively as their principal, or create a secondary cabinet in accordance with the provisions of the Regulation on free movement and the establishment of lawyers who are nationals of the union within the UEMOA area...*"

76. The Court emphasises that it follows from this provision that a lawyer who is a national of a UEMOA Member State and is registered with the Bar of that State may practise his or her profession in the other UEMOA Member States in accordance with the provisions of the Regulation on the free movement and establishment of lawyers within that area.

77. The Court notes that the counsel for the applicant are citizens of Mali and members of the Mali Bar, Mali being a member state of the UEMOA. In this regard, the counsel for the applicant may practise their profession in the ECOWAS Member States which are also UEMOA Member States.

78. The Court concludes that, in so far as the counsel for the applicant are members of the Bar of a UEMOA Member State, they are consequently entitled to appear before it.

79. The Court therefore notes that the formality prescribed in Article 12 of the 1991 Protocol has been fully complied with and that, in view of the foregoing, the plea of inadmissibility raised by the defendant on the grounds that counsel for the applicant lacked the requisite standing to represent him must be dismissed, since neither the identity nor the nationality of the counsel can justify the inadmissibility of an action before the Court, having regard to Article 12 of Protocol A/P1/7/91.

- ***On the plea of inadmissibility based on the limitation period for bringing legal proceedings***

80. The Court notes that Article 10(e) of Supplementary Protocol A/SP.1/01/05 of 19 January 2005 amending Protocol A/SP.1/7/91 of 6 July 1991 provides that: *"Access to the Court:*

(E) *Staff of any Community institution, after the Staff Member has exhausted all appeal processes available to the officer under the ECOWAS Staff Rules and Regulations";*

81. In application of this provision, the Court stresses that its referral by any staff member is conditional on the unsuccessful exhaustion of the remedies provided for in the Staff Regulations and Rules of the Community, within the framework of the litigation of the Community civil service.

82. The Court notes that, pursuant to Article 69 2 of the Staff Rules of the Community approved on 29 December 2021, and concerning the procedure for the resolution of conflicts, *"any member of staff who wishes to appeal a decision taken against him/her shall have the right to proceed as follows:*

a. *Application for review: The staff member shall refer his immediate supervisor within one (1) month an application requesting the withdrawal of the contested decision. The supervisor shall have one (1) month from the date of referral by the staff member to act on the request. If the application is rejected, the staff member shall refer the matter to the Head of the Institution.*
b. *Hierarchical recourse: The staff member shall send a letter to the Head of the institution within one (1) month requesting a review and the withdrawal of the contested decision. The Head of the Institution shall have one (1) month from the date of the referral to act on the request. If the Head of Institution confirms the decision, then the staff member shall refer the matter before the Committee for Conciliation of staff and Dispute Resolution.*
c. *In any event, neither the application for review nor hierarchical recourse shall suspend the execution of the decision taken.*
d. *The absence of a response in both instances shall constitute a rejection to the application*

4. Committee for Conciliation of Staff and Dispute Resolution

a. *Establishment and Powers*

i. A Committee for the Conciliation of Staff claims and Dispute Resolution is hereby established in each institution. It is responsible for knowing or

examine issues relating staff Members' conditions of service. It has no jurisdiction to hear disciplinary matters;

ii. The Committee shall be responsible for examining the staff Members' claim and making recommendations to the Head of the Institution;

……

In case of non-satisfaction, the Staff Member may refer the matter to the Joint Advisory Board for consideration.

83. The Court notes that, in the present case, the applicant brought the matter before the Ad Hoc Committee for the Settlement of Disputes involving Staff of the Community Institutions on 16 November 2018.

The Court notes that no action has been taken in reply to the applicant's administrative requests.

84. The Court recalls that the purpose of an administrative appeal is to achieve an amicable resolution of a dispute before the matter is referred to the competent court, and that where the Administration fails to act on requests to resolve a dispute through administrative channels and remains silent in response to the staff member's representations, such silence constitutes a rejection of the request.

85. The Court therefore considers that the applicant has exhausted the remedies provided for in the Staff Regulations and the Staff Rules of the Community.

86. The Court notes that in Judgment No. ECW/CCJ/JUD/26/25 of 13 May 2025 in the case of Ms Mariam TOURE KONE v. the ECOWAS Commission, it stated in paragraph 68 of its judgment that: *"The Court considers that, in addressing an appeal to the President of the Commission, the applicant has exhausted the internal remedies available to it under the Regulation"*.

87. The Court notes that pursuant to Article 9§3 of Supplementary Protocol A/SP1./01/05 of 19 January 2005 concerning the Court, "*Any action by or against a*

Community Institution or any Member of the Community shall be statute barred after three (3) years from the date when the right of action arose";

88. The Court notes in this case that the applicant lodged his application on 16 July 2025, that is to say eight (8) years after his retirement in December 2017, since it is apparent from the documents in the file that the rights he is claiming arose on 31 December 2017, the date of his retirement.

Admittedly, the Court acknowledges that, due to the COVID-19 pandemic that broke out in 2020, it was clearly impossible for litigants to exercise the legal remedies available to them, with the result that all time limits were suspended.

89. The Court notes, however, that from the end of the pandemic in 2021, the applicant had a further period of three (3) years in which to bring the matter before it.

Having failed to do so within that time limit, which expired on 31 December 2024, despite the alleged attempts in 2024 which reportedly proved unsuccessful, for which, moreover, he provides no evidence, but merely asserts that the Court refused to accept his application even though the action was not directed against the Republic of Mali, the Court has no choice but to declare his action inadmissible on the grounds that the limitation period has expired.

90. The Court considers that, as the action is barred by the three-year limitation period, the applicant's claim is statute-barred and there is no need to examine the other conditions for admissibility.

X. COSTS

91. According to Article 66, paragraph 2, of the Rules of Procedure of the Court, any party which succumbs is ordered to pay costs if concluded in this regard; The Court notes that in the present case the applicant and the defendant concluded in this regard. Consequently, as the applicant has been unsuccessful, the Court orders him to pay the entire costs.

XI. OPERATIVE PART OF THE JUDGMENT

For these reasons, the Court sitting in a virtual public hearing in matters of civil service litigation and having heard both parties:

On Jurisdiction:

Declares that it has jurisdiction to hear the case;

On admissibility

Dismisses the plea of inadmissibility of the application on the grounds that the applicant's counsel lacked the necessary standing to represent him;

However, declares that the applicant's claim is barred by the three-year limitation period;

Accordingly declares the applicant inadmissible in his application;

COSTS:

Orders the Applicant to bear the entire costs.

Thus adjudged and pronounced publicly on the day, month and year above.

And the following have appended their signatures:

Hon. Justice Ricardo Claudio Monteiro **GONÇALVES** - **President**

Hon. Judge Sengu Mohamed **KOROMA** - **Member**

Hon. Justice Gberi-bè **OUATTARA** - **Judge Rapporteur/Member**

ASSISTED BY: Dr. Yaouza **OURO-SAMA** - **Chief Registrar**