



IN THE MATTER OF:

M.I., Applicant

v.

Chairperson of the African Union Commission, Respondent

FOR APPLICANT: *Pro se*

FOR RESPONDENT: Namira Negm, Legal Counsel, African Union Commission

BEFORE: S. MAINGA, President, J. SEDQI, and P. COMOANE

HEARD ON: 30 March 2021

ORDER

1. This matter was last before the Tribunal on 16 February 2021, when the Tribunal found Respondent contemptuous and ordered Respondent to execute Judgment No. AUAT/2020/006 within fifteen (15) days.
2. Much to the dismay of the Tribunal, Counsel for Respondent returned to the Tribunal with the instant application requesting extension of the period in which to execute the Judgment by a period of 150 days.
3. Neither the Statute nor the Rules of Procedure of the Tribunal permit such application and Counsel for Respondent should have known better not to file such request after the Tribunal had already issued a contempt order against Respondent, precisely because Counsel for Respondent disregarded a Tribunal notice requiring Respondent to show cause.
4. The Tribunal wishes to remind Counsel for Respondent that when a judgment is issued Respondent is obligated to execute judgment within the prescribed period of time. Respondent is responsible for payment of any compensation awarded by the Tribunal and it must do so within thirty days of being notified of a judgment.¹ Failure to execute a judgment in full within the prescribed time period amounts to contempt.²
5. The Tribunal records its displeasure at Counsel for Respondent's disrespect for Tribunal orders and directions. While Counsel for Respondent has been too eager to file several ill-considered and dilatory motions, it does not appear to the Tribunal that Counsel caused any meaningful effort towards execution of the judgment after being notified of the judgment on 12 October 2020. For this reason, the Tribunal has serious misgivings about the request made by Counsel for Respondent in the instant application.

¹ AUAT Statute art. 9, 17(vi).

² *T.T. v. Chairperson*, Order No. 2018/001; *A.L. v. Chairperson*, Order No. 2018/002; *M.N. v. Chairperson*, Order No. 2018/003; *D.K.A. v. Chairperson*, Order No. 2018/006.

6. This kind of conduct is discouraged and should cease forthwith. It is undemocratic, disrespectful to the principle of separation of powers and not in the best interest of the Organization to be ordered to pay interest on delayed satisfaction of judgments. It is a waste of public funds and should be avoided at all costs. The Organization is implored to review its staff accountability procedures and find the cause of delays including why administrative arrangements have not been put in place to ensure sufficient funds are set aside for the purposes of timely satisfying Tribunal awards.³

Orders

7. Respondent's extension request is refused as being improperly filed. The Order of 19 February 2021 is AFFIRMED and Respondent shall FORTHWITH COMPLY with all orders contained therein.
8. The Secretary is directed to serve this Order on the Chairperson and the Deputy Chairperson of the African Union Commission for appropriate accountability measures.

Date: 1 April 2021

/signed/

SYLVESTER MAINGA, PRESIDENT
JAMILA B. SEDQI
PAULO D. COMOANE

Secretary: _____



³ *T.T. v. Chairperson*, Order No. 2018/001, para. 15.