



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: 16 February 2021

ORDER

1. In her application of 21 December 2020, Applicant seeks orders against Respondent for failing to execute Judgment No. AUAT/2020/006 of 12 October 2020. In the Judgment, the Tribunal ordered Respondent to reinstate Applicant or pay her material damages in the amount of \$147,372.72 as well as \$18,421.59 in moral damages.
2. On 26 October 2020, Respondent requested review of judgment under art. 20 of the Statute. The request for review was refused on 20 November 2020, and the Tribunal further ordered Respondent to execute the Judgment without delay.
3. Applicant's instant request was transmitted to Respondent on 28 December 2020, with a requirement to file his response no later than 8 January 2021. That deadline expired without the Tribunal receiving any reply from Respondent. The Tribunal subsequently inquired with the Office of Legal Counsel on 21 January 2021. Again, no response was received.
4. In the absence of a responsive filing from Respondent, the Tribunal accepts that the Judgment remains unsatisfied as alleged by Applicant. In like circumstances, the Tribunal established rules by which unfortunate situations such as here would be addressed. In particular, the Tribunal observed that Respondent is responsible for execution of judgment within thirty days of judgment notification, failing which an order of contempt and/or additional awards could be entered against him.
5. Applicant's claims in the instant request are straightforward. The Tribunal notified Respondent of the Judgment on 12 October 2020, and the last day for implementation consistent with art. 17(v) would have been 12 November 2020. Respondent did not fulfil his obligations, forcing Applicant to return to the Tribunal for additional recourse.
6. The Tribunal regrets Respondent's failure to execute the Judgment and his Counsel's disregard of the Tribunal's instructions to provide explanation. Consistent with prior holdings in similar matters, the Tribunal finds these to be serious breaches of Respondent's obligations and contemptuous to the Tribunal, and for that reason, the Secretary is directed to file this Order with the Chairperson of the African Union Commission for appropriate accountability measures.¹

¹ *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.

7. As a redress for Respondent's breaches, the Tribunal finds it necessary to impose interest at 5%, which shall accrue as of the day following the expiry of the 30-day execution period, which in this case was 12 November 2020, until full payment.
8. In respect to Applicant's election of material damages in lieu of reinstatement, the Tribunal has considered Respondent's general attitude lacking any sign of goodwill to execute the Judgment as ordered. It is clear from the various correspondences that Respondent's officials did not exhibit cooperative attitude or professional care. The Tribunal has also considered Applicant's understandable reluctance to accept reinstatement given the managerial arbitrariness she previously experienced at APRM. In the circumstances, the Tribunal upholds Applicant's preference to be paid material damages in lieu of reinstatement.
9. Since Applicant partly succeeds in her prayers, she is entitled to costs of the application.

Orders

10. In the circumstances, the Tribunal:
 - a. FINDS Respondent in contempt of the Tribunal;
 - b. ORDERS Respondent to pay within 15 days of this Order the total Judgment sum with 5% interest as of 12 November 2020 and until full payment;
 - c. ORDERS Respondent to pay Applicant \$500 in costs;
 - d. DIRECTS the Secretary to serve this Order on the Chairperson of the African Union Commission.
 - e. DENIES the rest of Applicant's prayers.

Date: 19 February 2021

/signed/

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

Secretary: 