COMMON MARKET FOR EASTERN
AND SOUTHERN AFRICA

MARCHE COMMUN DE
L'AFRIQUE ORIENTALE
ETAUSTRALE

COUR DE JUSTICE

السوق المشتركة للشرق والجنوب
الأفريقي

COMESA

محكمة العدل

COURT OF JUSTICE

COMESA COURT OF JUSTICE
Sign:
REGISTRAR

IN THE COURT OF JUSTICE OF THE COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA - APPELLATE DIVISION

REVISION APPLICATION No.1 of 2023

AGILISS LTD..... APPLICANT

VERSUS

THE REPUBLIC OF MAURITIUS..... RESPONDENT

In the Presence of:

THE MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT OF THE REPUBLIC OF MAURITIUS..... CO-RESPONDENT NO.1

THE MINISTER OF COMMERCE AND CONSUMER PROTECTION OF THE REPUBLIC OF MAURITIUS.....CO-RESPONDENT NO.2

THE STATE TRADING CORPORATION .....CO-RESPONDENT NO.3

Arising from

APPEAL NO.1 OF 2022

AGILISS LTD ..... APPELLANT

VERSUS

THE REPUBLIC OF MAURITIUS ..... RESPONDENT

In the Presence of:

COMMON MARKET FOR
EASTERN AND SOUTHERN AFRICA..... CO-RESPONDENT NO.1

THE SECRETARY- GENERAL OF COMMON MARKET FOR
EASTERN AND SOUTHERN AFRICA ..... CO-RESPONDENT NO.2

THE MINISTER OF FOREIGN AFFAIRS, REGIONAL INTEGRATION AND
INTERNATIONAL TRADE OFTHE REPUBLIC OF
MAURITIUS..... CO-RESPONDENT NO.3

THE MINISTER OF FINANCE AND
ECONOMIC DEVELOPMENT OF
THE REPUBLIC OF MAURITIUS.....CO-RESPONDENT NO.4

AND

APPEAL NO.2 OF 2022

AGILISS LTD..... APPELLANT

VERSUS

THE REPUBLIC OF MAURITIUS..... RESPONDENT

In the Presence of:

THE MINISTER OF FINANCE AND ECONOMIC
DEVELOPMENT OF THE REPUBLIC OF MAURITIUS.....CO-RESPONDENT NO.1

THE MINISTER OF COMMERCE AND CONSUMER
PROTECTION OF THE REPUBLIC OF MAURITIUS.....CO-RESPONDENT NO.2

THE STATE TRADING CORPORATION ..... CO-RESPONDENT NO.3

CORAM:

Hon. Lady Justice Lombe Chibesakunda – Judge President

Hon. Dr. Justice Michael Mtambo

Hon. Mr. Justice David Chan Kan Cheong

Hon. Dr. Justice Wael Rady

Hon. Lady Justice Salohy Randrianarisoa Rakotondrajery

REGISTRY

Hon. Nyambura Mbatia – Registrar

Hon. Ruboneza Philippe- Deputy Registrar

Hon. Asiimwe Anthony - Assistant Registrar

COUNSEL

Mr. Rashad Daureeawo- SC – Applicant

Mr. Yves Jean- Louis- Respondent and Co- Respondents No.1, 2 & 3

COURT REPORTERS

Mr. Mutale Mpemba

Mr. Kambole Ng'andu

RULING

A. INTRODUCTION

1. This is an application for revision of the judgment delivered on 14 August 2023 by the Appellate Division ("the AD") of the COMESA Court of Justice ("the CCJ") made under Article 31(3) of the Treaty Establishing the Common Market for Eastern and Southern Africa ("the Treaty") and rule 72 of the Rules of Court of the Court of Justice of the Common Market for Eastern and Southern Africa ("the Rules").

2. The judgment of 14 August 2023 was rendered pursuant to two appeals against judgments of the First Instance Division ("the FID"), Appeal No. 1 of 2022 on the question of exhaustion of domestic remedies in a Reference challenging the proposed introduction of a safeguard measure ("the Safeguard Reference") and Appeal No.2 of 2022 also on the question of exhaustion of domestic remedies in a Reference challenging the grant of a subsidy ("the Subsidy Reference").

3. In Reference No, 1 of 2019, the Applicant invoked Article 26 of the Treaty to seek a determination by the FID that the proposed decision of the Respondent to impose customs duty as a safeguard measure under Article 61 of the Treaty on vegetable oil imported by the Applicant from Egypt to manufacture cooking oil in Mauritius was unlawful.

4. Similarly, in Reference No.2 of 2022, the Applicant sought a determination by the FID that a decision by the Respondent, reflected in an announcement on 7 June 2022 in the budgetary speech of the financial year 2022 to 2023, to earmark a subsidy of Rs 500 million to the State Trading Corporation, co-Respondent No. 3 in that Reference, on, amongst other things, oil imported from the Common Market ("COMESA") was also unlawful.

5. The Applicant averred that the subsidy contravened Articles 52, 55, 56, and 57 of the Treaty relating to the prohibition of subsidies by Member States and prohibition of practices preventing, restricting, and distorting competition within COMESA. The applicant also sought the FID's determination that the impugned subsidy violated the most favoured nation treatment and national treatment principles in the Treaty.

6. In a judgment dated 31 August 2022, the FID declined jurisdiction in the Safeguard Reference upholding a preliminary objection that the Applicant had not exhausted local remedies in Mauritius. On the same ground, the FID declined jurisdiction in Reference No.2 of 2022, that is, the Subsidy Reference.

7. From the cause list, the appeals were scheduled to be heard on 14 and 15 June 2023 by the following five Judges, namely: Hon. Lady Justice Lombe Chibesakunda, Hon. Dr. Justice Michael Mtambo, Hon. Mr. Justice David Chan Kan Cheong, Hon. Dr. Justice Wael Rady and Hon. Lady Justice Salohy Randrianarisoa.

8. The appeals were, however, initially heard by the following three Judges: Hon. Dr. Justice Michael Mtambo, Hon. Mr. Justice David Chan Kan Cheong and Hon. Lady Justice Salohy Randrianarisoa.

9. Almost at the end of the proceedings of 15 June 2023, Senior Counsel for the Applicant moved that the matter be heard before a reconstituted bench of five Judges as initially set out in the cause list given the complexity of the issues that had been raised in the appeals and during the course of the hearing. The AD acceded to the Applicant's motion.

10. The appeals were reheard *de novo* on 1 and 2 August 2023 by the following five Judges, namely: Hon. Lady Justice Lombe Chibesakunda, Hon. Dr. Justice Michael Mtambo, Hon. Mr. Justice David Chan Kan Cheong, Hon. Dr. Justice Wael Rady and Hon. Lady Justice Salohy Randrianarisoa.

11. After hearing the appeals, the AD rendered its judgment and held in Appeal No.1 of 2022 that the Applicant had established that exceptional circumstances existed in Mauritius which exempted it from complying with the exhaustion of local remedies rule under Article 26 of the Treaty in that although judicial review and injunction were remedies available to the Applicant, the Respondent had not proved that they were effective remedies. It found that the FID had erred in concluding that the Applicant had not exhausted available, effective, and sufficient domestic remedies in the national courts before bringing the case to the CCJ under Article 26 of the Treaty and therefore allowed Appeal No 1 of 2022, set aside the FID judgment dated 31

August 2022, and remitted Reference No 1 of 2019 back to the FID to be heard on the merits.

12. The AD relied on the case of **Ahmadou Sadio Diallo (Republic of Guinea v Democratic Republic of Congo) ICJ Reports 2007** and the case of **Article 19 v The State of Eritrea (Communication No. 299/05 (2006)** to the effect that the burden of proof as to whether domestic remedies were exhausted or not is on the one who asserts and where there is an allegation of failure to exhaust domestic remedies in a preliminary objection, the burden of proof is on the state to demonstrate the existence and sufficiency of such remedies. In the matter at hand, the Respondent failed to discharge that burden.

13. With respect to Appeal No. 2 of 2022, the AD held that the FID was right to uphold the preliminary objection of the Respondent and the Co-Respondents and to decline jurisdiction by concluding that the Appellant, now Applicant, had not exhausted remedies in Mauritius as required by Article 26 of the Treaty. The AD found that there were available local remedies and went further to hold that Reference No. 2 of 2022 of the Interim Application No. 1 of 2022, *ex facie*, did not disclose any Treaty related issue.

14. The AD thus dismissed Appeal No. 2 of 2022 and set aside an interim order it had issued on 2 March 2023, which suspended the Mauritian Government's decision to grant a subsidy to Co-Respondent No. 3 pending the outcome of the appeal.

B. GROUNDS OF THE APPLICATION

15. The Application for review initially put into issue the point that, in accepting Appeal No. 1 of 2022 and overturning the judgment of the FID of 31 August 2022, the AD judgment of 14 August 2023 did not specify which panel of the FID Judges would sit. The Applicant has issues with the Bench that rendered the decision appealed against. It alleges bias against it by that Bench. The Applicant thus prayed that the AD should revise its judgment in Appeal No.1 of 2022 to order that the case be heard by another Bench, such as Justice Ali Mohammed sitting alone as he did not participate in an earlier ruling of joinder of parties where the Applicant had raised the issue of appearance of bias by one Judge.

16. However, during oral submissions, the Applicant withdrew the prayer for revision of the judgment in Appeal No. 1 of 2022 set out in paragraph C of the application, more specifically that relating to the question of the need to specify the composition of the FID called upon to rule on the merits of Reference No. 1 of 2019.

17. Thus, in the present proceedings, we are called upon to determine the Revision Application with respect to Appeal No. 2 of 2022 only.

18. In support of its application for revision, the Applicant contended that although the AD expressly stated that the appeals would be heard *de novo* on 1 August 2023 before five Judges, it nevertheless relied on the issues raised at the first hearing of 14 and 15 June 2023 before a panel of three Judges, without giving it the opportunity to address those issues at the *de novo* hearing on 1 and 2 August 2023, in breach of the Applicant's inherent right to a fair trial and in flagrant violation of the principles of natural justice.

19. The Applicant contends that on the face of it, the AD judgment is tainted by apparent mistake and error, resulting in a serious miscarriage of justice.

C. SUBMISSIONS

20. In limine litis, the Respondent, through its counsel, raised 3 preliminary objections.

21. The Application is outside the statutory time limit. Under rule 72(2) of the Rules, an application for revision shall be made within ninety days from the date of delivery of Judgment. The judgment in respect of which revision is purportedly being sought was delivered on 14 August 2023. The ninety-day period provided for under rule 72(2) expired on 4 November 2023. The purported application is dated 11 November 2023 and was uploaded on the COMESA Court Digital Evidence Management System ("CCDEMS") on 15 December 2023. Even if given the benefit of the earlier date, the application is still outside delay.

22. The purported application fails to put all the relevant parties into cause, the heading of the present response reproduces verbatim that of the purported application. It is directed against – (a) the Republic of Mauritius, as Respondent; and (b) the following persons as Co-Respondents: (i) the Minister of Finance and Economic Development of the Republic of Mauritius; (ii) the Minister of Commerce and Consumer Protection of the Republic of Mauritius; (iii) the State Trading Corporation. All of them were the Respondent and Co-Respondents in Appeal No. 2 of 2022. The purported application thus blissfully omits the following parties who were, for all intents and purposes, Co-Respondents to Appeal No. 1 of 2022 – (a) the COMESA; (b) the Secretary-General of COMESA; and (c) the Minister of Foreign Affairs, Regional Integration, and International Trade of the Republic of Mauritius. Such material omission on the part of the Applicant renders the application unreceivable ab initio.

23. The purported application is grounded on a non-existing legal instrument. It is said to be made under "Rule 72 of the COMESA Court Rules of Procedure". The "COMESA Court Rules of Procedure" is a non-existing legal instrument. If reference is being made to the COMESA Court of Justice Rules of Procedure, 2016, the correct citation under rule 1(1) ought to have been the "Rules of Court of the Court of Justice of the Common Market for Eastern and Southern Africa". Grounding the purported application on a non-existing legal instrument renders it unreceivable.

24. Counsel for the Respondent submits that, on the merits, there is simply no merit in the application having regard to Article 31 of the Treaty and Rule 72(1) of the Rules.

25. Counsel for the Respondent further submits that Article 31(3) clearly limits an application for revision of a judgment to 3 instances – (a) the ex post facto discovery of some fact which by its nature might have had a decisive influence on the judgment if it had been known to the Court at the time the judgment was given; (b) mistake; or (c) error on the face of the record. These are reproduced in rule 72(1) of the Rules.

26. It is also the submission of Counsel for the Respondent that at paragraph 38 of the application for revision of the judgment under Reference No. 2 of 2022, mistake and error on the face of the record are invoked. However, in the paragraph immediately preceding paragraph 38, one sees the following averment –

> *"The Applicant had valid and meritorious arguments and facts to prove the contrary regarding the points raised in the judgment (as per paragraph 36 above) on which the reasoning was based, and the Judgment was arrived at."*

The impugned passages of the judgment at paragraph 36 of the purported application (i.e. paragraphs 100, 103 and 105 to 116 of the judgment) are pure legal analysis and the Applicant has failed to point to the mistake or the error on the face of the record in relation to these passages.

27. It is the further observation of Counsel for the Respondent that on the face of it, the Applicant has merely averred that the matters set out at paragraphs 100, 103 and 105 to 116 of the Judgment were raised at the sittings of 14 and 15 June 2023 before the panel of 3 Judges and that the Applicant ought to have been afforded the opportunity to address these matters at the *de novo* hearing of 1 and 2 August 2023. That in itself cannot be assimilated to a mistake or an error on the face of the record.

28. Counsel for the Respondent submits that having asked for a postponement when proceedings were almost complete on 15 June 2023 and having had full notice of issues that cropped up during the sittings of 14 and 15 June 2023, the Applicant should have had the foresight of coming up with valid legal arguments, if any, to counter the legal position expressed at paragraphs 100, 103 and 105 to 116 of the judgment. The statement of the Court reproduced at paragraph 35 of the purported application shows that all Counsel were given full latitude to submit so that there is no room to argue mistake or error on the face of the record.

29. According to Counsel for the Respondent, it is very telling that, at paragraph 37 of the purported application, the applicant asserts having had valid and meritorious arguments and facts to prove the contrary regarding the points raised in the judgment, without saying what these alleged valid and meritorious arguments were and how they would have influenced paragraphs 100, 103 and 105 to 116 of the Judgment.

30. At the hearing of the application, Senior Counsel for the Applicant submitted orally as follows:

i. Revision is reserved for the rarest of rare cases such as the Applicant's case which involved procedural unfairness of not being allowed to present one's case.

ii. Although the AD expressly stated that the Appeal would be heard *de novo* on 1 August 2023, it relied and made its own issues in relation to the Trade (Anti – Dumping and Countervailing Measures) Act 2010 and the Competition Act of Mauritius being available remedies in Mauritius and held that the Reference disclosed no Treaty related issues. These issues were raised at the first hearing presided over by three Judges but not the *de novo* hearing presided over by five Judges.

iii. The AD thus committed a mistake and error apparent on the face of the record and procedural mistakes of law and fact as well as procedural and substantive error on the face of the record. This resulted in a miscarriage of justice.

31. In reply, counsel for the Respondent emphasised the arguments the Respondent filed in response to the application.

D. PRELIMINARY ISSUES

32. There were four preliminary issues raised, three before the oral hearing and one at the oral hearing.

33. Prior to the oral hearing and at the oral hearing, the Respondent canvassed the issues of delay, not putting in the cause all the parties concerned and basing the application on a non-existent instrument.

34. Upon explanation from the Deputy Registrar as to how the application was received and proceeded with, the Court was satisfied that the application was on time.

The application was received by the Court within the 90-day period but loaded by the Court on the CCDEMS outside delay. This was no fault of the Applicant.

35. The omission of some parties in the cause was explained by Senior Counsel for the Applicant to the satisfaction of the Court. That it was due to the withdrawal of the Revision application with respect to Appeal No. 1 of 2022 in which those omitted were parties.

36. True it is that the Applicant made a wrong citation of the Rules in the Heading of the present application. We are, however, of the view that we should not be unduly legalistic and rely on a technicality. The Respondent and Court are aware of the Rules of Court under which the application was brought. The Respondent was not misled or prejudiced by the wrong citation which is curable. The Respondent understood the nature of the case it had to answer and duly did so. It would, therefore, be in the interest of justice to allow the Applicant to proceed.

37. During the course of the hearing, Counsel for the Applicant asked the Court for a ruling on admissibility before he could continue on substantive arguments.

38. The Court ruled that this would be addressed in the final ruling and the Applicant was allowed to proceed with the substantive arguments.

39. We now address the issue of admissibility.

40. Admissibility is provided for under Rule 73 which reads:

> ***"Rule 73***
>
> ***Powers of Court on Revision***
>
> *1. Without prejudice to the decision on the substance, the Court shall, having regard to the written submissions of the parties, give its decision on the admissibility of the application.*
>
> *2. If the Court finds the application admissible, it shall proceed to consider the substance of the application and shall give its decision in accordance with these*

Rules.

..."

41. From a reading of Rule 73, it is clear that what is envisaged is the Court proceeding to make a ruling on admissibility on the basis of written submissions only. If the Court after receiving an application for revision sets down the matter for hearing, this is indicative that the application has passed the admissibility hurdle.

E. ISSUE FOR DETERMINATION

42. The issue is whether the application meets the threshold requirement of mistake or error apparent on the face of the record.

F. APPLICABLE LAW

43. This application has been entered under Article 31(3) of the Treaty as read with Rules 72 and 73 of the Rules. The relevant provisions read as follows:

"ARTICLE 31

Judgment of the Court

3. An application for revision of a judgment may be made to the Court only if it is based upon the discovery of some fact which by its nature might have had a decisive influence on the judgment if it had been known to the Court at the time the judgment was given, but which fact, at that time, was unknown to both the Court and the party making the application, and which could not, with reasonable diligence, have been discovered by that party before the judgment was made, or on account of some mistake or error on the face of the record.

Rule 72

Revision of Judgment

1. Pursuant to Article 31 (3) of the Treaty, a party may apply for revision of a judgment only if it is based upon-

(a) the discovery of some fact which by its nature might have had a decisive influence on the judgment if it had been known to the Court when the judgment was given, but which fact, at that time, was unknown to both the Court and the party making the application, and which could not, with reasonable diligence, have been discovered by that party before the judgment was made;

(b) some mistake; or

(c) an error apparent on the face of the record.

2. The application for revision shall be made within ninety (90) days from the date of delivery of judgment.

3. (a) Rules 24 and 31 shall apply to an application for revision;

(b) in addition, such an application shall-

(i) specify the judgment contested;

(ii) indicate the points on which the judgment is contested;

(iii) set out the facts on which the application is based; and

(iv) indicate the nature of the evidence to show that there are facts justifying revision of the judgment, and that the time-limit laid down in sub rule (2) has been complied with.

4. The application shall be made against all parties to the case in which the contested judgment was given.

***Rule 73** (Supra)"*

G. ANALYSIS

44. In light of the above, it is clear that an application for revision of a judgment may be made to the CCJ only if it is based upon some newly discovered fact, with decisive influence in the matter, unknown to the Court and the applicant at the time the judgment was given or on account of some mistake or error on the face of the record.

45. The present application is not premised on newly discovered facts but on alleged mistakes or errors on the face of the record.

46. It is well settled that revision is not an appeal procedure but an exceptional procedure that departs from the general rule, which is reflected in the principle of *res judicata*, i.e., that decisions of courts are final. In light of the exceptional nature of the revision procedure, the legal requirements governing the granting of an application for revision of a judgment must be interpreted strictly.

47. In respect of the ground of mistake or error on the face of the record, the starting position is the coining of a definition. In the Kenyan case of **Gikonyo v National Assembly of Kenya (High Court Kenya, Constitutional and Human Rights Division, Petition Number 453 of 2015)**, the Court quoted the following extract:

> *"...an error apparent on the face of the record cannot be defined precisely or exhaustively, there being an element of indefiniteness inherent in its very nature, and it must be left to be determined judicially on the facts of each case. There is a real distinction between a mere erroneous decision and an error apparent on the face of the record. Where an error on a substantial point of law stares one in the face, and there could reasonably be no two opinions, a clear case of an error apparent on the face of the record would be made out. An error which has to be established by a long drawn process of reasoning or on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record."*

48. The Indian Supreme Court stated in **Satyanarayan Laxminarayan Hedge V Mallikaryun Bhavanappa Tirrumale (1960) 1 SCR 890**:

> *"An error which has to be established by a long drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record"*

49. In the premises, we find that the expression "*mistake or error apparent on the face of the record*" should be strictly interpreted and limited to a self-evident apparent error, and not one that has to be detected by a long-drawn process of reasoning. It must be a patent, manifest and self-evident error which does not require elaborate discussion of evidence or arguments to establish.

50. Reverting to the case at hand, we note yet again that the Applicant is relying on alleged procedural and substantive mistakes of law and fact and errors on the face of the record. Counsel contends that at the outset of the proceedings of 1 and 2 August 2023, the AD stated that:

> *"we will proceed as de novo hearing but you are entitled to either summarise or just make highlights of whatever you want to say before the Court, but we will regard it is de novo hearing".*

51. It is the Applicant's further contention that the AD made its own issues from the first hearing and based its decision on those issues without giving the Applicant a right to be heard when it had good arguments to respond to those issues.

52. However, up to now, the Applicant has not filed those good arguments as there are no written submissions on record, the Applicant only addressing the matter after being taken to task in oral submissions.

53. In any event, such explanation which the Applicant attempted at the hearing of the application would amount to reopening the appeal and adducing evidence by the backdoor.

54. Interestingly, in oral submissions in this application, Senior Counsel for the Applicant asserted that the Court in the first appeal hearing advised him not to panic as he would have a chance to respond to any issues raised in the first hearing in writing before the *de novo* hearing. His explanation for not taking up the offer was that he was expecting the Court in the *de novo* hearing to ask him questions and did not feel he should volunteer any information. His further explanation was that his co-counsel, not him, was the one handling the subsidy case and that it is her who omitted to file the response.

55. However, the record of proceedings at the hearing of the *de novo* appeal proceedings shows that:

56. On page 6 (folio F211) of the record, Senior Counsel for the Applicant states as follows:

> *"Then the next point I will deal with is, there was concern from the previous Bench, which we respect, and they were fully entitled to raise questions. We would like to address certain issues which were raised and would show light on the matter".*

57. Senior Counsel never dealt with the matter despite his own assertion.

58. On pages 6 and 7 (folios F211 - F212) of the record, the Judge President offered Senior Counsel to apply for more time to address the Court on top of the two hours allocated to him, but he did not take up the offer.

59. On pages 34 to 36 (folios F239 – F241) of the record, senior Counsel refers to the Competition Act of Mauritius and to the Competition Commission.

60. On pages 67 to 68 (folios F272 – F273) of the record, Counsel assisting Senior Counsel asserted that there is no domestic law in Mauritius providing a remedy to Applicant's grievance.

61. On pages 131 to 132 (folios F333 – F337), Counsel assisting Senior Counsel asserts that there is no law in Mauritius having the same or similar effect as Treaty law on the subject under contention.

62. On page 136 (folio F341), Counsel assisting Senior Counsel argues that there is no law in Mauritius having the same or similar effect as the Treaty.

63. It is therefore clear that Senior Counsel is being disingenuous when he now claims that the Applicant was not given an opportunity to present its side of the story in the *de novo* proceedings. He was well aware of the issues carried forward from the first hearing into the *de novo* hearing. He himself referred to them.

64. Public interest requires that there is finality and certainty of judicial decisions. The review power of Courts must be exercised with great caution. It is clear that in the application and its supporting evidence, the applicant has failed to demonstrate exceptional circumstances warranting our intervention, failing which it would suffer irremediable and manifest injustice. We are not here dealing with "*the rarest of rare cases*".

H. CONCLUSION

65. For the above reasons, we find that the application and supporting evidence has not made out a case for revision of the Judgment dated 14 August 2023.

66. Consequently, the application for revision is dismissed.

67. We make no order as to costs.

DATED this 29 day of MARCH 2024 at LUSAKA, ZAMBIA.

COMESA COURT OF JUSTICE REGISTRAR

HON. LADY JUSTICE LOMBE CHIBESAKUNDA - JUDGE PRESIDENT

HON. DR. JUSTICE MICHAEL MTAMBO - JUDGE

HON. MR. JUSTICE DAVID CHAN KAN CHEONG - JUDGE

HON. DR. JUSTICE WAEL RADY - JUDGE

HON. LADY JUSTICE SALOHY RANDRIANARISOA RAKOTONDRAJERY - JUDGE