

**ADMINISTRATIVE TRIBUNAL  
OF THE AFRICAN DEVELOPMENT BANK**

QUORUM :	Professor Yadh BEN ACHOUR	Vice President
	Justice Salihu Modibbo Alfa BELGORE	Member
	Justice Anne L. MACTAVISH	Member
	Justice Benjamin J. ODOKI	Member

**APPLICATION No. 2008/03**

Mr. H. N. M., Applicant  
African Development Bank, Respondent

Judgment No 70 of the Tribunal rendered on 13 November 2009

**I. THE FACTS**

1. The Applicant, Mr. H. N. M., of Ghanaian nationality, joined the Bank on 25 June 1983 as Transport Economist. At the time of the evaluation challenged, he was Chief Transport Economist (Grade PL 3) in the Transport Division, Department of Infrastructure, North, South and East Region (ONIN. 3). On 1 June 2007, he left the Bank as part of the voluntary departure programme following twenty-four years of service.
2. Following a disagreement with his supervisor over the “D” (Acceptable) rating awarded him for his 2005 performance evaluation, Mr. N. M. first informed the Ombudsman on 27 February 2006 about the existence of a conflict between him and his supervisor. Subsequently, he challenged the evaluation rating before his Department’s Management Review Committee that met on 6 October 2006. He failed to prevail since the Review Committee did not find “enough reasons to change the evaluation” (Application, Annex 19, § 5.2). On 27 October 2006, the decision was confirmed by letter from Management of the Human Resource Management Department (CHRM).
3. On 23 April 2007, the Applicant sent a request for administrative review of the said performance evaluation decision to the Vice-President for Corporate Services (CSVP). In the absence of any response within the regulatory timeframe, the Applicant filed an appeal before the Staff Appeals Committee on 18 June 2007.
4. In its conclusions of 7 May 2007, the Staff Appeals Committee made a double recommendation not to nullify the 2005 performance evaluation and to dismiss the Applicant’s claims for compensation. He was informed of that decision by letter from the President of the Bank Group dated 13 June 2008.
5. By Application dated 10 November 2008, Mr. N. M. relief from the Tribunal, after exhausting all existing remedies within the Bank. In his application, the Applicant contests his 2005 performance evaluation and its confirmation by the Bank’s President.

## II. ARGUMENTS OF THE PARTIES

### **Applicant's Arguments**

6. The Applicant emphasizes his previous positive record that is in sharp and sudden contrast to the 2004 and 2005 performance evaluation exercises conducted under a new Division Manager, Mr. Juste RWAMABUGA. The Applicant blames the poor performance evaluations on subjective factors.

### **The Work Environment Rendered “Hostile” and “Offensive” by the Supervisor**

7. The Applicant highlights the difficult relationship between him and his supervisor, ONIN. 3 Division Manager, who employed “intimidation and harassment as reprisal measures”. The Applicant explains that his problems started when he took a stand over Mr. J. Rwamabuga’s lateral transfer on 1 September 2003 from OPSD. 2 Division (Infrastructure and Privatization, Private Sector Department) to another position where the Applicant was serving as acting manager (Division Manager, ONIN. 3) since 5 December 2002.
8. The Applicant had contested the appointment of Mr. Rwamabuga in a memorandum sent to the Director of the Department of Human Resources Management (CHRM) on 24 September 2003 wherein he complained about “the Bank’s non-compliance with the official procedure for filling vacant positions” through the competition of declared and selected candidates. In his response, the CHRM Director had invited the Applicant to compete for a Division Manager position in OCIN. 3 – one for which the Applicant felt ill-equipped to occupy.
9. The Applicant considered that he was a victim of “systematic professional and managerial harassment” manifested in different forms: queries on the Vanduzi-Changara Road Project in Mozambique (Annex 13 of the Application), the “poor rating” given during the 2004 performance evaluation (which was subsequently nullified following a request for administrative review), constant exclusion from key professional activities and lastly, denial of access to information on projects under the Applicant’s responsibility.
10. To the Applicant, his 2005 performance evaluation showed “a desire to retaliate” and “abuse of power” by his former supervisor. The evaluation rating assigned was nothing but “the extension of that harassment”.

### **Procedural and Substantive Defects in the 2005 Performance Evaluation**

11. The 2005 performance evaluation was not compliant with the requirements of the relevant regulatory texts, *Presidential Instruction No. 001/98* and the *Performance Management Guide*. Several irregularities vitiated the decision, marring it with errors of fact and of law.
12. The 2005 performance evaluation was conducted in the absence of any feedback and supervision. The Applicant pointed to the lack of communication with his supervisor. He claimed to have had no formal or informal feedback discussion, no division meeting on the programme between September 2003 (Mr. Rwamabuga’s arrival as head of ONIN. 3 Division) and the time of the contested evaluation. The Applicant denies that the review of his documents by and queries from his supervisor were actually forms of supervision and feedback.

13. The Applicant emphasizes that his mid-term evaluation was conducted late; that contrary to the texts, it only took place at the start of the fourth quarter of 2005 (end September). The form was backdated to give the impression that the evaluation was conducted in May/June 2005.
14. The Applicant maintains that his 2005 performance evaluation violated the provision under paragraph 6.1, Section B, of the *Performance Management Guide* insofar as the supervisor based his decision on previous and “erroneous” data that relied on the 2004 evaluation, subsequently nullified by Management (Annex 14 of the Application). To the Applicant, the Swaziland Project had no connection whatsoever with his 2005 performance objectives.
15. The assignment of new tasks to the Applicant also contributed to changing the “empirical base” of the performance objectives set at the beginning of the year. The Applicant maintains that “without any obvious reason”, he was reassigned to “a totally different programme (Annex 32 of the Application), together with new objectives” in November 2005 (Application, Annex 5, Section B/key objectives: 7).
16. To the Applicant, this change in assignment was not only additional proof of “professional harassment” that he suffered but was also evidence of his former supervisor’s contradictions and inconsistencies: while pointing to a “performance ... negatively affected by the poor quality of project procurement analysis” in the Applicant’s care, the supervisor offered as “possibility of improving” his subordinate’s performance the Applicant’s reassignment to so-called “major” projects (Application, Annex 19, § 4.4) in “big countries” (Egypt, South Africa, Libya) (Application, Annex 5, Section D).
17. The Applicant notes the omission from the evaluation of a number of tasks that he performed. The “D” (Acceptable) rating awarded him seems quite low to him, in light of the management responsibilities that he performed and despite the “hostile” work environment. Such responsibilities involved “specific tasks of division manager”, representation in several working groups and supervision of “most new staff” assuming duty in the Division.

#### **Erroneous Conclusions from Facts**

18. No evidence whatsoever was presented to demonstrate that the Applicant did not satisfactorily attain his objectives in 2005. To the Applicant, his former supervisor did not demonstrate the negative impact of his alleged professional weaknesses or lapses. The supervisor specifically criticized the Applicant for the gaps in his knowledge of French; however the causality chain between his insufficient knowledge of French and the attainment of objectives with regard to projects for which the Applicant was responsible in mostly non French-speaking countries (Mozambique, Swaziland, Egypt, South Africa, Libya) has not been established.
19. Using the difficulties of the Mozambique Project to justify the “D” (Acceptable) rating is another illustration of such “erroneous conclusions from facts”. The Applicant claims that neither the difficulties in implementing the Vanduzi-Changara Road Rehabilitation Project (EN 102) nor the Bank’s altered image in Mozambique was attributable to his incompetence. The suspension of work by the contractor was due to “default of payment by the Government of Mozambique” (Annex 33 of the Application). The Applicant points out that the difficulties that the project encountered pre-dated 2003 – the year of

Mr. Rwamabuga's arrival at the head of ONIN. 3 division. At the time, the Applicant's performance evaluation rated him as "fully satisfactory".

20. The situation is the same regarding the complaint over the retention of disbursement information concerning the Swaziland Project. That accusation was only levelled to "justify the evaluation *a posteriori*". The Applicant maintains that the disbursement problems were "apparently discovered only in April 2006", that is outside the relevant review period. He adds that he heard his supervisor mention the disbursement problems for the very first time during the 6 October 2006 Management Review Meeting. In other words, he did not have the possibility of preparing his answer and providing proof and information necessary for his defense (Application, p. 20).

### **Procedural Irregularities of the Review Committee and the Appeals Committee**

21. To the Applicant, the proper procedure was not followed during the treatment of his request for review by the Management Review Committee. This infringes the *Performance Management Guide*, especially Section 5.9 concerning the divergence of views on the evaluation between a staff member and his/her supervisor. The Applicant maintains that he did not have the opportunity to adequately defend himself since some issues requiring the justification of the performance rating were not discussed in his presence. Moreover, his former supervisor was even authorized to present other documents to the committee after the meeting and in the absence of the Applicant.
22. The Chair of the Management Review Committee was partial. From the very beginning, the Chair had compromised the balanced and fair conduct of the appeal by leading the review process in an erroneous path via his words according to which the "Acceptable" rating was not "a bad rating", but signified that the employee "had fulfilled most of the commitments related to his function" (Annex 19 of the Application). To the Applicant, that reasoning hurt the merits of his appeal, the purpose of which was to verify "the transparency" of the 2005 evaluation process and to resolve the conflict resulting from the divergence of views with his supervisor.
23. The Applicant contends that the Staff Appeals Committee did not also fulfil its mandate, having concluded without clear demonstration that "the claims raised [...] are not such as would invalidate his evaluation, which was generally conducted in line with the procedures governing performance evaluation." (Application, Annex 3, § 28). To the Applicant, the Staff Appeals Committee's mission – as was the mission of the Management Review Committee – was to determine whether his 2005 performance evaluation was "fair and balanced", and to find a solution to the conflict arising from the divergent opinion over his performance evaluation.
24. The Applicant contests the merits of the Staff Appeals Committee's recommendations to the Bank Group President. The recommendations derived from an analysis and treatment of the complaint marred by several deficiencies. Regarding the absence of supervision by the supervisor, the Staff Appeals Committee offered an interpretation which showed a "poor understanding" of the Bank's texts when it makes the feedback initiative a shared responsibility between the staff and his/her supervisor. Thus, the Committee minimized the responsibility of the supervisor who alone has the professional obligation "to follow his/her subordinate's performance, establish communication, feedback."
25. The Staff Appeals Committee produced a report containing striking similarities to the Respondent's version of facts and assumptions both in "style and content". Therefore, the Staff Appeals Committee deliberately overlooked the damage that the Respondent

suffered due to a late mid-year evaluation. Although aware of the “frequent delays in conducting the mid-term review” and while urging “the Respondent to respect” the demands of its own schedule, “the Appeals Committee is however of the view that, in this case, the delay is not of preponderant importance since the mid-year evaluation was conducted in the manner required and the change of objectives accepted by [the Applicant]” (Application, Annex 3, § 23).

26. The Staff Appeals Committee did not take the procedural irregularities committed by the Management Review Committee into account, especially the lack of transparency in conducting the review process and the impact of the “difficult relationship” between the Applicant and his supervisor. The Staff Appeals Committee sidestepped the Respondent’s inaction, even though it was incumbent on the latter to improve that relationship.

### **Charges Levied Against the Respondent**

27. The Applicant accuses the Respondent of “failing to meet its commitments” as an employer by not addressing his complaints of harassment and abuse of power; for not providing an appropriate solution to the conflicting relationship that existed between him and his former supervisor.
28. The Applicant contends that the award of a “poor rating” for his 2005 performance evaluation is nothing more than the result of “partiality and prejudice” to which the Respondent, through its two departments, CHRM and ONIN (Infrastructure Department), “failed to react adequately”. These shortcomings contributed to maintaining “a hostile working environment”.

### **Respondent’s Arguments**

29. In its Answer and Rejoinder, the Respondent maintains that no procedure was breached during Mr. N. M. 2005 performance evaluation. The Respondent denies the charge of breaching its own texts regarding the mid-year review. The *Performance Management Guide* sets the period for conducting the review at July to August (Respondent’s Answer, § 6.13). The Applicant was requested on 19 July 2005 to “fill and return the mid-year review forms”; he only complied on 29 July, well after his line manager had departed on annual leave. The conduct of the mid-year evaluation in September in no way invalidated the process, in the absence of proof over allegations of irregularities proffered by the Applicant.

### **Basis for the Applicant’s 2005 Evaluation**

30. Annex R9 (Respondent’s Answer) assembles a set of documents all dated in 2005 and relating to tasks that Mr. N. M. performed. The documents clearly show that the Applicant was indeed evaluated for activities occurring in that year. The mid-year review and final evaluation forms mention projects in the implementation phase and for which the Applicant was responsible. His various travel claims and Back-To-Office Reports incontestably confirm that the Applicant’s evaluation was not based on “work done in 2003”. These 2005 missions are in line with the objectives enumerated in the performance evaluation form.

### **Serious Professional Lapses**

31. The criticism by the supervisor was justified both in terms of general behaviour (“laxity”, “flagrant negligence”) and management of projects supervised by the

Applicant. In light of his seniority and long experience in the Bank, no mitigating circumstances could excuse his lack of professionalism in two cases involving the breach of loan agreement conditions.

32. The implementation of the “Mbabane Bypass Project” and Swaziland’s “Resettlement Plan” was associated with anomalies that the Applicant failed to point out in his mission reports. Consequently, his negligence led to the diversion of approximately UA 3.4 million of Bank loan resources; this could have been avoided had the Applicant recommended “appropriate corrective measures”. The diversion was only discovered after the Swaziland portfolio was taken away from the Applicant.
33. The supervisor’s annotations and comments on the two memoranda dated 6 July 2005 provide yet another illustration of the manner in which projects were managed in Mozambique (Respondent’s Answer, Annexes R17a and R17b). In the first memorandum, the Applicant forwarded for approval an addendum on reallocation of “savings likely to be made on the Mussacama-Calomue Road Project to finance additional works”. In the second memorandum, he recommended the approval of “requests by the executing agency in charge of the Vanduzi-Changara Road Project” for “technical assistance and training” after the expiration of the loan agreement and prior to its extension. Some expenditure chapters incorporated in the memorandum were “doubtful”.
34. The Respondent advances the existence of proof over the Applicant’s difficulty in accepting his supervisor’s authority and his acts of insubordination. Annex R 19 of the Respondent’s Answer offers an illustration involving an e-mail in which the Applicant is first requested (25 January 2006) then reminded (13 February and 13 March 2006) to forward his duly completed evaluation form. The Applicant’s reactions to several of his manager’s observations “indicates reticence to accept any criticism whatsoever and the conviction that he had nothing to learn from his supervisor.” (Respondent’s Answer, § 6.1.5.) Such a personality conflict in this context necessarily discouraged every supervisory effort by his manager.

#### **The Respondent’s Alleged Passiveness**

35. The Respondent notes that the Applicant’s complaints about professional harassment and a hostile working environment are concomitant with the challenge of the 2005 performance evaluation. Furthermore, the Respondent submitted that “the Applicant presented no proof whatsoever of filing a formal complaint against his supervisor in connection with the allegations levied” (Respondent’s Answer, § 6.3.2.). The Applicant thus cannot reasonably accuse the Respondent of inaction.
36. In contrast, the Respondent attaches to its Answer Annex R 21 which shows that it accepted the Respondent’s request for transfer (dated 25 July 2006) to ONRI Department (NEPAD, Regional Integration and Trade Department), which took effect on 1 September 2006.

#### **Applicant’s Complaints against the Procedures of the Management Review Committee and the Appeals Committee**

37. To the Respondent, the decision challenged before the Tribunal neither concerns the procedures of the Management Review Committee and the Staff Appeals Committee, nor the recommendations made by the latter. The Tribunal should not purport to act as an appeals body sitting to decide on those procedures. The purpose of the dispute remains the rating awarded for the 2005 performance evaluation.

38. The Respondent concludes that it is up to the Applicant to establish facts that would result in the legal invalidation of the decision taken by his former supervisor.

### **III. REQUESTS OF THE PARTIES**

#### **The Applicant**

39. The Applicant prays the Tribunal to:

- Rescind the Bank's decision to maintain "the overall D rating" awarded as his 2005 performance evaluation;
- Raise the said rating to a minimum of "C", equivalent to "Fully Satisfactory", combined with retroactive compensation to cover the gap between the two ratings "D" and "C";
- Award compensation for emotional distress resulting from this supervisor's harassment, the hostile working environment created by his supervisor, humiliation, mockery and loss of respect from his colleagues;
- Payment of the full legal fees, including counsel's fees and all expenses related to filing the matter with the Tribunal.

#### **The Respondent**

40. The Respondent seeks the dismissal of Mr. N. M.'s Application for lack of merit as well as failure to prove his allegations that seek to lay responsibility on the Respondent for the working environment and the harassment. Thus his claims for compensation are also baseless.

### **IV. THE LAW**

41. Before addressing the substantive issues, the Tribunal must first rule on a matter raised by the Respondent both in the written submission and during the oral proceedings. That question concerns the admissibility of the Application. The Respondent argues that the Applicant did not follow the procedures laid down in the Staff Regulations, to wit "by filing a complaint to the Director, CHRM on the basis of the Staff Rules and Section 4.3 of the Staff Code of Conduct" (Rejoinder, page 4, paragraph 5), then initiating an administrative review procedure, pursuant to Rule 103.04 of the Staff Rules. The Applicant should have appealed to the Vice-President for Corporate Services, thereafter the Staff Appeals Committee and, as a last resort, the Administrative Tribunal. Having failed to follow that procedure, the Application should be dismissed as inadmissible, pursuant to Article III (2) sub-paragraph 1 of the Statute of the Administrative Tribunal, as well as Rule 103.01 (b) of the Staff Rules.

42. On this issue, the Tribunal must stress that the purpose of this Application is to challenge the award of a performance evaluation rating by the supervisor. The admissibility of the Application must be seen in that light. The main reason for the Application is not to claim harassment, but to request the nullification of an administrative decision concerning the performance evaluation by the supervisor. The issue of harassment is only an argument invoked to support the Application and does not constitute its principal subject. Consequently, the Tribunal must note that, on this matter, the Applicant followed the procedure required by the Statute of the Tribunal and the Staff Rules governing the nullification of administrative decisions.

43. In sum, the Applicant requests as follows:
- Rescission of the Bank's 2005 performance evaluation decision;
  - Raising of the evaluation to a minimum of "C", equivalent to "Fully Satisfactory";
  - Payment of retroactive compensation to cover the gap between the two ratings;
  - Award of compensation for moral damages;
  - Payment of legal fees.
44. The Tribunal must however note that, according to Article III (1) of its Statute, its competence is limited to: "hear[ing] and pass[ing] judgement upon any application by a member of staff of the Bank contesting an administrative decision for non-observance of the contract of employment or the terms of appointment of such staff member". Similarly, the Tribunal also recalls Article XIII (i) of its Statute according to which "[i]f the Tribunal concludes that an application contesting an administrative decision is well-founded, it shall order the rescission of such a decision, and may order any other measures, whether involving the payment of money or otherwise, required to correct the effects of that decision". Therefore, it is clear in light of these provisions that the competence of the Tribunal is limited to nullifying irregular administrative decisions and, consequently, ordering compensation for damages suffered.
45. As recalled in several previous decisions, it is not for the Tribunal to substitute its opinion for that of the Bank or to decide as would a supervisor. In disciplinary or performance evaluation matters, the Tribunal must remain strictly within the limits of its competence as defined by its Statute. Therefore, the Tribunal cannot examine the Applicant's requests to change the evaluation rating from "D" (Acceptable) to "C" (Fully Satisfactory), nor order the payment of retroactive compensation for the gap between the two ratings.
46. Hence, the Tribunal shall limit its examination to the request concerning the rescission of the evaluation awarded to the Applicant for his 2005 performance, as well as the consequences that could eventually result from that action.
47. The Applicant's main argument is that the evaluation rating awarded to him was motivated by his supervisor's desire to retaliate, and by partiality and harassment, which fostered a hostile work environment. The hostile environment is attributable to personality clash between the Applicant and his supervisor. Furthermore, the Applicant maintains that his evaluation is based on error of facts and of law.
48. Both parties agree that the September 2003 appointment of Mr. Rwamabuga by lateral transfer to the position of Division Manager, ONIN. 3, temporarily occupied by the Applicant, was at the root of the problem. In November 2002, the position was published as Internal Vacancy Notice No. 1491. In light of that announcement, the Applicant applied for the position on 5 December 2002. CHRM registered his candidature. Following Mr. Rwamabuga's appointment in September 2003, the Applicant filed a complaint with CHRM on 24 September 2003. In its reply to the Applicant's complaint, CHRM stated that "pursuant to Rule 67.03 of the Staff Rules concerning staff transfer, 'the President may effect the transfer of any staff member whenever the President deems such action to be in the best interest of the Bank. Such decision shall take effect on the date determined by the President'."
49. The Tribunal accepts the Respondent's argument that the Bank's President holds discretionary power to effect such appointment as he deems fit in the best interest of the Bank. However, the Tribunal must make two comments in that regard.

50. Firstly, in filling a vacancy, if the Bank can choose one of several processes such as change through lateral or any other form of transfer, competition through tests and interviews, public announcement inviting applications to fill vacancies followed with normal selection of candidates, once it has opted for one procedure or the other and such procedure is brought to the attention of those interested, the Bank should no longer change the procedure chosen. Discretionary power is exercisable prior to the deployment of the procedure to fill a vacant position.
51. The second comment concerns the Applicant's own situation. His seniority in the Bank, his grade and qualifications gave him a legitimate hope of occupying the vacant position. This hope must be taken into account in a fair examination of this matter by the Tribunal.
52. These two comments lead the Tribunal to conclude that the Bank's attitude when filling the vacant position is connected to the subsequent difficulties that emerged between the Applicant and his supervisor.
53. The Tribunal must now examine the issue concerning the rating that the supervisor awarded the Applicant for the 2005 performance evaluation. Given the climate of tension that set in between the Applicant and his supervisor, a conflicting relationship between the two was to be expected. In such an atmosphere, it would be hard to expect adequate supervision by or feedback from the supervisor as required under Presidential Instruction 001/98 of 3 February 1998 and the Performance Management Guide, or a spirit of cooperation and goodwill from the Applicant. The documents produced by the two parties, especially those connected with the two projects in Mozambique and Swaziland/South Africa, cut both ways. Without going as far as characterizing the supervisor's attitude as harassment in the sense of Presidential Directive No. 04/2006 of 1 September 2006, the Tribunal is convinced that the contested performance evaluation rating reflected to some extent the tension existing between the two men. Without going into the detail of the abundant documentation submitted by the parties to buttress their claims, the Tribunal notes that the 2005 evaluation reflected the 2004 rating, which itself had been nullified following an administrative review.
54. Furthermore, the Tribunal notes that the Applicant's performance evaluation, positive and even excellent over several years of service in the Bank, deteriorated suddenly in 2004 and 2005, only to be awarded "Fully Satisfactory" in 2006 by a new supervisor. As stated by the United Nations Administrative Tribunal in its judgment No. 1272 of 23 November 2005, as well as the World Bank Administrative Tribunal in paragraph 31 of its Decision No. 338 (*Prasad*, of 4 November 2005), a change in evaluation from one year to another is not in itself an extraordinary issue but requires however an explanation. The specific circumstances surrounding this case are likely to cause a degree of perplexity over this evaluation.
55. Lastly, the Tribunal notes that following his supervisor's negative assessment of one of his projects on 2 November 2005 (the supervisor writes: "your management of this problem-project over the past eighteen months has been characterized by lack of in-depth and critical analysis of issues and, on some instances, retention of information"), the Applicant replies respectfully and convincingly, requesting advice and supervision from his supervisor. In his reply of 12 November 2005, the Applicant writes: "For the record and for professional purposes and my training, I would appreciate guidance from you as the Manager over the precise nature of the type of in-depth and or critical analysis so that in future your advice would be taken into account while doing similar assignments" (Application, Annex 13). This language reveals a spirit of cooperation on

the Applicant's part. Objectively, all these factors are likely to call the evaluation rating into question.

56. Faced with the climate of hostility and tension, it was up to the Bank to take the necessary measures to put an end to the situation. In that regard, the Bank had access to several different courses of action. Yet, the Bank during the period that followed Mr. Rwamabuga's appointment, maintained a passive attitude and took no action, thus allowing the bad working relations and spirit of animosity to prevail. The May 2006 nullification of the 2004 evaluation was not only unlikely to reduce tension but, in the Tribunal's view, contributed to further reducing the reliability of the 2005 evaluation rating.
57. Consequently, in light of the issues raised in previous paragraphs, the Tribunal is convinced that the contested evaluation rating lacked the necessary neutrality and distance to guarantee its objectivity. On this point, the Tribunal must accept the Applicant's claim.

## V. **THE DECISION**

Based on the foregoing, the Tribunal:

- (1) Nullifies the Applicant's 2005 evaluation;
- (2) Orders the Bank to pay the Applicant compensation of 6,000.00 US dollars for moral damages
- (3) Orders the payment of legal costs estimated at 4,000.00 US dollars
- (4) All other claims are dismissed

Professor Yadh BEN ACHOUR

Vice-President

Mrs. Albertine LIPOU MASSALA

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