

**ADMINISTRATIVE TRIBUNAL
OF THE AFRICAN DEVELOPMENT BANK**

QUORUM:	Professor Maurice GLELE AHANHANZO	President
	Professor Christian TOMUSCHAT	Member
	Professor Yadh BEN ACHOUR	Member

APPLICATION N° 2004/04

Mrs. Kathy Dehlu MHANGO, Applicant
African Development Bank, Respondent

Decision of the Tribunal delivered on 11 May 2006

Considering that some relevant facts remain controversial,

Considering the need to clarify these facts,

Considering that the Applicant received payment of death benefits to which she was entitled, pursuant to Article 5.6 (1) of the Staff Retirement Plan,

Moreover, *considering* that the Respondent is ready to pay to the Applicant, pursuant to the Staff Retirement Plan, the child benefits for her son Mbuluniji Mhango, and that the Applicant would therefore not endure any major inconvenience over the postponement of the decision on the substantive issues,

Rules that:

- 1) The case shall continue before the Tribunal and the proceedings pursued.
- 2) Pursuant to Rule XX (3) of the Rules of Procedure, the Bank shall put at the disposal of the Tribunal the original dossiers containing all the documents related to this case.
- 3) The Bank, in cooperation with the Malawian authorities, shall conduct an inquiry to determine whether, at the time of Mr. Kapizgapizga Mhango's death:
 - a) A valid divorce had dissolved the marriage between the deceased and his first spouse who, at the time of her first marriage, bore the name Susan Mtawali.

- b) The first wife had remarried and bore the family name K(h)ondowe. The outcome of that investigation should be forwarded to the Tribunal within three months of this decision.

Professor Maurice GLELE AHANHANZO

President

Albertine LIPOU-MASSALA

Executive Secretary

THE APPLICANT

Mrs. Kathy MHANGO

THE RESPONDENT'S LEGAL COUNSEL

Mr. Dotse TSIKATA