

Introduction

1. On 5 August 2019, the African Union filed an application requesting the decisions of the United Nations Organ on (a) a on * ss on n "e De+o&ra % , e#u)% of Congo (* ONU(CO- o: (a- no #a. "er sa&ar%es and en %\$e+en s s&n&e /u\$. 20101 (- \$a&2 of &oo#era %on on "e #ar of ad+%n% ra %on o reso\$3e "e %\$sue of "er sa&ar. and en %\$e+en s for +ore "an a .ear1 and (&- "e %+#\$ed de&%on). "e * ONU(CO Ad+%n% ra %on o "o\$d "er se#ara %on no %%%a %on for+ (P4.5-! "us #re3en %ng "er fro+ re&e%3ng "er d%a)%%.)enef%\$s.¹

2. On 0 November 2019, the , es#onden filed a re#\$. 6 "ere % % argued "a "e a##\$%a %on % no re&e%3a)\$e ratione materiae on "e)as% "a "e Organ%a %on oo2 s e#s o #a. "e A##\$%an 7s sa&ar.. T"e , es#onden a\$so su) +%s "a "e A##\$%an 7s &"a\$\$enge o "e de&%on o 6%""o\$d "er P4.5 for+ % +oo)e&ause "e Organ%a %on a\$read. re+% ed "e for+ o "e Un%ed Na %ons /o%n (aff Pens%on 4und (UN/(P4- on 28 August 2019.

3. B. Order No. 108 (NBI/2019- %sued on 15 November 2019! &ons%der%ng "e argu+en s ra%ed). "e , es#onden %n "% re#\$.! "e Tr%una\$d dre& ed "e A##\$%an o: (a- #ronoun&e % s"e &on es s "e fa& s as #resen ed). "e , es#onden and! % so! #re&%e\$. o 6"a e9 en 1 (- s a e 6"e "er s"e s %

