

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA

AT NAIROBI

CAUSE NUMBER 933 OF 2016

JOSEPH GOGO OJANGO.....CLAIMANT

VERSUS

THE AFRICAN UNION COMMISSION.....RESPONDENT

RULING

1. The respondent raised as preliminary, the objection that the respondent being an international organization of which the government of Kenya is a member was immune from legal process by virtue of Privileges and Immunities Act.
2. It is not disputed that by Legal Notice Number 1 dated 10th December, 2014 the respondent was conferred with immunity as per section 9 of the Privileges and Immunities Act. The claimant herein contends that the cause of action herein accrued before the conferment of immunity on the respondent that is in 2010.
3. It settled law that an organization enjoying immunity under the Privileges and Immunities Act cannot be subject to the legal process. This suit was filed on 19th May 2016 after the conferment of immunity on the respondent hence cannot be sustained.
4. Legal process includes, litigation, judgement and execution. It may well be that the cause of action herein accrued before the conferment of immunity on the respondent but of what use would be a judgement in favour of the claimant if the court so finds, against a body which has subsequently been conferred with immunity under Section 9 of the Act?
5. The court finds the preliminary objection merited and hereby strikes out the suit herein with costs.
6. It is so ordered.

Dated at Nairobi this 2nd day of March 2018

Abuodha J. N.

Judge

Delivered at Nairobi this 2nd day of March 2018

Abuodha J. N.

Judge

In the presence of:-

..... for the claimant

..... for the Respondent